

**Minutes of 1081st Meeting of the
Town Planning Board held on 20.3.2015**

Present

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

Chairman

Mr Stanley Y.F. Wong

Vice-Chairman

Mr Roger K.H. Luk

Professor S.C. Wong

Professor P.P. Ho

Professor Eddie C.M. Hui

Dr C.P. Lau

Mr Clarence W.C. Leung

Mr Laurence L.J. Li

Ms Anita W.T. Ma

Dr W.K. Yau

Professor K.C. Chau

Mr H.W. Cheung

Mr Sunny L.K. Ho

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Ms Christina M. Lee

Mr H.F. Leung

Mr Stephen H.B. Yau

Mr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Deputy Director of Environmental Protection
Mr C.W. Tse

Assistant Director (Regional 3) /Deputy Director of Lands (General), Lands Department
Mr John K.T. Lai (a.m.)/Mr Jeff Y.T. Lam (p.m.)

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

Chief Engineer (Works), Home Affairs Department
Mr Martin W.C. Kwan

Director of Planning
Mr K.K. Ling

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

Secretary

Absent with Apologies

Ms Julia M.K. Lau

Ms Bonnie J.Y. Chan

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Mr Frankie W.C. Yeung

In Attendance

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

Chief Town Planner/Town Planning Board
Mr Louis K.H. Kau (Agenda Items 1 to 3)
Ms Lily Y.M. Yam (Agenda Items 4 to 10)

Senior Town Planner/Town Planning Board
Mr J.J. Austin (Agenda Items 1 to 3)
Ms Johanna W.Y. Cheng (Agenda Items 4 to 10)

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1080th Meeting held on 6.3.2015

[The meeting was conducted in Cantonese.]

1. The minutes of the 1080th meeting held on 6.3.2015 were confirmed without amendments.

Agenda Item 2

[Open Meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

Approval of Draft Plans

2. The Secretary reported that on 24.2.2015, the Chief Executive in Council approved the following draft plans under section 9(1)(a) of the Town Planning Ordinance:

- (a) Tai Po Kau Development Permission Area (DPA) Plan (to be renumbered as DPA/NE-TPK/2);
- (b) Cheung Sheung DPA Plan (to be renumbered as DPA/NE-CS/2)
- (c) Ping Chau DPA Plan (to be renumbered as DPA/NE-PC/2); and
- (d) Tai Ho DPA Plan (to be renumbered as DPA/I-TH/2).

3. The approval of the above plans was notified in the Gazette on 20.3.2014.

Agenda Item 3

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in respect of the Draft Luk Wu and Keung Shan Outline Zoning Plan No. S/I-LWKS/1

(TPB Paper No. 9867)

[The hearing was conducted in Cantonese and in English.]

4. The following Member had declared interests on this item:

Mr Ivan C.S. Fu - having current business dealings with the consultant (Masterplan Ltd) for representer R2.

5. Members noted that Mr Ivan C.S. Fu had tendered his apologies for not attending the meeting.

[Ms Janice W.M. Lai, Mr Lincoln L.H. Huang and Mr Peter K.T. Yuen arrived to join the meeting at this point.]

Presentation and Question Sessions

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

7. The following Government representatives, the representers/commenter and their representatives were invited to the meeting at this point:

Mr Ivan M.K. Chung - District Planning Officer/Sai Kung & Islands (DPO/SKIs), Planning Department (PlanD)
Ms Donna Y.P. Tam - Senior Town Planner/Islands 2(STP/Is2), PlanD
Mr Cary P.H. Ho - Senior Nature Conservation Officer (South) (SNCO/S), Agriculture, Fisheries and Conservation Department (AFCD)

R2 (Luk Wu Dharma Management Culture Foundation Limited)

Venerable Hin King) Representer's representatives
Mr Benson Poon Fu Kit)

R3 (Gak Su Temple), R4 (Su Bong Zen Monastery) and R6 (Lin Fa Pung and Sim Pak Lam)

Master Sik Hyang Um) Representers' representatives

Mr Lau Kam)

R5 (Hae Su Soen Won Temple)

Master Sik Sin Chi) Representer's representative

Mr Lau Nam Kin)

R7 (釋衍好, 釋衍禪), R42 (周傑和) and R47 (Chan Kam Sim)

Master Sik Hin Ho)

Master Sik Hin Sim) Representers and representers' representative

Ms Chan Kam Sim)

Mr Lum Kwok Hung)

R15 (Vera Lau) (劉潔明)

Ms Vera Lau - Representer

R16 (李莉)

Ms Ho Pui Han - Representer's representative

R19 (黃翠儀)

Ms Wong Chui Yee - Representer

R20 (謝世傑)

Mr Tse Sai Kit - Representer

R21 (Paul Ip)(葉樹廣)

Mr Paul Ip - Representer

R22 (毛家炎), R66(黎漢德) and R90 (Leung Wai Yan)(梁慧欣)

Ms Leung Wai Yan - Representer and representers' representative

R24 (鍾美卿)

Ms Lau Wing Wa - Representers' representative

R26 (Lam Chun Por)

Ms Tsoi Pui Kan - Representers' representative

R27(鍾美卿)

Ms Chung Mei Hing - Representers

R32 (Tang Sheung Kwan)

Mrs Wong Chan Wai Hing - Representers' representative

R37 (Amy Ng Wai Chun)

Ms Ng Wai Chun - Representers

R38 (釋心元)

Master Sik Sum Yuen - Representers

R40 (釋本明)

Master Sik To Miu) Representers' representatives

Master Sik Tai Sing)

R41 (Chan Kai Yuen)(陳啓原)

Mr Chan Kai Yuen - Representers

R45 (Ip Man Yi)(葉敏儀)

Ms Ip Man Yi - Representers

R55 (Ng Siu Mui)

Ms Ng Siu Mui - Representers

R75 (Mak Sin Yee)(麥倩儀)

Ms Mak Sin Yee - Representers

R76 (Teresa C.H. Tao)

Ms Teresa C.H. Tao - Representer

R77 (Yu Chi Wai)

Mr Yu Chi Wai - Representer

R78 (Brian Tam)

Mr Andrezej Marek Stec - Representer's representative

R85 (譚寶蓮)

Ms Grace Tam Po Lin - Representer

R88 (Lam Chun Yue)(林津如)

Ms Lam Chun Yue - Representer

R94 (Gianna Bressan)

Mr Chong Dee Hwa - Representer's representative

R96 (Ji Haeng), R97(Jeffrey Kitzes) and R160 (Barbara Rhodes)

Mr Minh Ngan Tran - Representatives' representative

R102 (王文穎)

Ms Chow Kam Sheung - Representer's representative

R107 (張得泉)

Mr Cheung Tak Chuen - Representer

R110 (Lau Po Chung)(劉寶頌)

Ms Lau Po Chung - Representer

R111 (Kathy Tse)

Ms Kathy Tse - Representer

R114 (Fat Tor Yuen)(佛陀苑)

Master Sik Yan Zhi - Representer's representative

R156/C1 (Kadoorie Farm and Botanic Garden)

Mr Tony Nip) Representer's and Commenter's representatives

Dr Chiu Sein Tuck)

R158 (Designing Hong Kong Limited)

Ms Debby Chan Ka Lam - Representer's representative

R168 (Karry Lee)

Ms Karry Lee - Representer

8. The Chairman extended a welcome and explained the procedure of the hearing. As a large number of representers and commenter had indicated that they would attend the hearing, it was necessary to limit the time for making oral submissions. The Board agreed that each representer/commenter or their representatives should be allotted 10 minutes for their oral presentation. The representers and commenter had been informed about the arrangement before the meeting. There was a timer device to alert the representers/commenter and their representatives 2 minutes before the allotted 10-minute time was to expire and when the allotted 10-minute time limit was up. He reminded the attendees that the oral submission was to supplement rather than repeat the contents of the written submission. After the oral submission, there would be a question and answer session. If needed, there would be a short break in the morning session. The Board would deliberate on the representations after completion of the presentation and question and answer sessions. He then invited DPO/SKIs to brief Members on the background of the representations.

9. Ms Donna Y.P. Tam (STP/Is2) informed Members that a replacement page for page 17 of the Chinese version of the TPB Paper had been tabled for Members' reference. With the aid of a Powerpoint presentation, Ms Tam made the following main points as detailed in the Paper:

Background

- (a) on 22.8.2014, the draft Luk Wu and Keung Shan Outline Zoning Plan (OZP) No. S/I-LWKS/1 (the draft OZP) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 173 representations were received. On 28.11.2014, the representations were published for public comments and, in the first three weeks of the publication period, a total of 16 comments were received. One representation (R173) submitted by an individual was subsequently withdrawn;

The Representations

- (b) amongst the 172 representations, 146 (R1 to R146) were supportive representations, 8 were adverse representations (R147 to R154) and 18 representations (R155 to R172) mainly expressed their views without indicating support or objection to the draft OZP;
- (c) R1 to R146 supported the draft OZP and the planning intention of the relevant zones but raised concern on the measures to conserve the special religious and tranquil character of the Luk Wu and Keung Shan area (the Area). R147 to R154 raised concerns on the inclusion of commercial, recreational and other uses not related to religious uses under the “Government, Institution or Community (1)” (“G/IC(1)”) and “Green Belt” (“GB”) zones while R147 raised objection, in particular, to the extent of the “Village Type Development” (“V”) zone. R155 to R172 mainly expressed views related to the conservation of woodlands and streams and their riparian zones, the permitted uses under the “G/IC(1)”, “GB” and “Agriculture” (“AGR”) zones, and the cultural conservation measures for the Luk Wu area;

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

Grounds of Representations and Responses

- (d) the main grounds of the representations and the responses to these grounds were summarised as follows:

Strengthening of Conservation Measures

- (i) the religious and tranquil character of the Area should be conserved. The conservation measures should be strengthened by designating the whole area for conservation purpose and implementing specific conservation measures (R8 to R11, R14, R16 to R17, R19 to R22, R24 to R31, R33, R40, R42, R50, R68, R82, R85 to R105, R111 to R113, R152 to R154, R159 to R167 and R171);
- (ii) the cultural heritage, living meditation culture and religious character of the Area should be preserved (R103 to R105, R108 to R109 and R159 to R172);
- (iii) the land surrounding the temples should be rezoned to “GB(1)” to enhance conservation, and allow more effective and sustainable management (R3 to R6);
- (iv) uses that were not compatible with the planning intention to conserve the Area or not conforming with the religious character of the Area should be deleted from the Notes of the “GB” zone (R3 to R67, R69 to R84, R95, R103 to R110, R114 to R146, R161 to R162 and R166 to R169);
- (v) the Area was of high ecological concern and the natural environment and ecology of the Area were worth protection. Many fauna species of conservation value recorded in the Area were dependent on woodlands and streams which should be protected by the “Conservation Area” (“CA”) zone. Abandoned farmlands had become vegetated over time and were important habitats for butterflies, dragonflies, herptofauna and freshwater fish. The

“AGR” zoning was inadequate to protect the farmlands and the ecological features. The Convention on Biological Diversity (the Convention) and its related articles should be respected (R156);

Responses

- strict control had been imposed on any new development to conserve the special religious character and the natural landscape of the Area;
- designating appropriate conservation zonings for important habitats such as woodlands and natural streams in the Area were supported;
- the flora and fauna species of conservation importance recorded within the Area were associated with the woodland habitat. Noting the general presumption against development within “GB” zone, the Director of Agriculture, Fisheries and Conservation (DAFC) considered that zoning the woodlands of similar habitat qualities as “GB” would be appropriate. DAFC also commented that the natural streams and their adjoining riparian habitats were largely covered in non-development zonings, i.e. “AGR” and “GB” zones on the OZP;
- on the ecological value of fallow farmlands, DAFC advised that the fallow arable land with good potential for rehabilitation for cultivation and/or with active/occasional cultivation was worthy of preservation from the agricultural point of view. As there was no indication that the fallow farmlands were of high ecological value, it was more appropriate for those farmlands to be zoned as “AGR”;
- DAFC advised that Hong Kong’s existing nature conservation policy and measures were generally in line with the objectives of

the Convention and its related articles. Though Hong Kong was not a party to the Convention per se, the Agriculture, Fisheries and Conservation Department (AFCD) would work towards meeting the relevant requirements that fulfilled the international obligations under the Convention;

- (vi) development control in water gathering grounds (WGGs), maintenance of fallow/active agriculture land which would contribute to the sustainable development of the Luk Wu community, and the designation of existing religious uses under the “G/IC(1)” zoning were supported (R2);
- (vii) commercial uses should be deleted from the Notes of the “G/IC(1)” zone. Any large-scale development in the Area should not be allowed as they would require the provision of infrastructure which would unavoidably damage the tranquil environment and generate adverse impact on air quality (R34, R66, R77, R94, R99, R106, R110 to R111, R148 and R172);
- (viii) incompatible uses should be deleted. The “G/IC” zone should be clearly defined and the “GB” zone should be in line with the religious character and tranquil environment (R108 to R109, R158 and R163 to R165);

Responses

- as the Luk Wu and Upper Keung Shan area fell within WGGs, strict control had been imposed on any new development to minimize the potential water quality impact on the streams and the water catchment. Moreover, only existing villages and religious clusters were reflected under the “V” and “G/IC(1)” zones;
- for the “G/IC(1)” zoning, only selected Government, institution

or community (GIC) facilities were permitted and a limited number of small-scale commercial uses might be considered through the planning application system to support the religious activities. The potential adverse impacts of those commercial uses could be assessed through the planning application system in consultation with departments concerned. Significant environmental impacts were not expected to be generated;

- for the “G/IC(1)” zone, while 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 was always permitted, any new development for ‘Religious Institution’ use would require planning permission from the Board;
 - most of the remaining area were zoned “GB” where there was a general presumption against development;
- (ix) the inclusion of ‘Eating Place’, ‘Residential Institution’ and ‘Shop and Services’ uses in the “G/IC” zone, and ‘Barbecue Spot’, ‘Tent Camping Ground’, ‘Holiday Camp’, ‘Picnic Area’, ‘Place of Recreation, Sports or Culture’, ‘Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation’ and ‘Burial Ground’ uses in the “GB” zone were objected to as those uses would lead to the commercialization of the area (R148);

Responses

- the Notes of the “GB” zone generally followed the Master Schedule of Notes to Statutory Plans (MSN) which had included uses that might be considered by the Board under the planning application system. That was to allow flexibility for the provision of different facilities that might be compatible with the surrounding area for public use and/or enjoyment;

- (x) the current zoning did not give adequate protection to the river system. The “AGR” and “GB” zones could not provide sufficient protection against the impact of development on streams and country parks. The sewage disposal system of Small House developments only provided a minimum level of sewage treatment. A buffer zone on both sides of the streams/river courses was required to protect the water quality of streams and the integrity of the river ecosystem (R155 to R158);

Responses

- as the Area fell within WGGs, strict control had been imposed on any new development to minimise the potential water quality impact on the streams and the water catchment area. The “V” zone within the WGGs was restricted to the existing village cluster while areas with dense vegetation, difficult terrain and near the natural stream courses reserved for buffer area had been excluded from the “V” zone;
- DAFC commented that the natural streams and their adjoining riparian habitats were already largely covered in non-development zonings, i.e. “AGR” and “GB” zones on the OZP;

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

- (xi) architectural features of high cultural and historical value but not yet graded, including the Luk Wu Cultural Trail connecting Tai O, Keung Shan, Luk Wu and Ngong Ping, and 茶毘爐 and its surrounding areas, should be preserved (R148);

Responses

- the Antiquities and Monuments Office (AMO) of the Leisure and Cultural Services Department (LCSD) advised that the trail connecting Tai O, Keung Shan Luk Wu and Ngong Ping, and 茶毘爐 and its surrounding areas were not declared monuments, Sites of Archaeological Interest or graded historic buildings, nor were there new items pending grading assessment. No request of grading assessment of those items had been received;
- (xii) grading assessment should be carried out for all religious buildings in the Area so as to identify their historic and conservation value. Any demolition or alteration of those religious buildings, particularly the currently graded ones, should be subject to consultation with the AMO before the granting of planning permission by the Board (R155);

Responses

- there were eleven graded historic buildings in the Area. Prior consultation with AMO of LCSD should be made if any development, redevelopment or rezoning proposals might affect the graded historic buildings/structures or any new items pending grading assessment;
- (xiii) the Government should negotiate with Yin Hing Monastery (延慶寺) regarding the blockage of the main course of Luk Wu Stream so as to revitalise the ecology and improve water quality (R148);

Responses

- the Drainage Services Department (DSD) had not received any complaint regarding flooding or blockage of Luk Wu Stream in the past three years. According to their record, there was no natural stream running through the lot boundary of Yin Hing Monastery (延慶寺). Any necessary unblocking or desilting

works on natural stream course to relieve flooding risk would be followed up by relevant government departments;

Provision of Columbarium Uses and Burial Grounds in the area

- (xiv) commercial columbaria should not be allowed in the Area due to its remoteness, its location within WGGs, the limited infrastructure, and its religious and tranquil environment (R2, R16, R33, R77, R155 and R106);
- (xv) the operation of commercial columbaria in the name of religious institution was opposed to (R166);
- (xvi) Yin Hing Monastery (延慶寺) was away from other temples and the access road was developed and maintained by the operator. Activities in Yin Hing Monastery would not affect other temples and the public and would not cause adverse impacts on water quality in WGGs. While large-scale columbaria should not be allowed, the columbarium ancillary to Yin Hing Monastery which had been in operation for many years should be permitted (R1);

Responses

- ‘Columbarium’ use was not in line with the planning intention and incompatible with the religious character of the Area and the tranquil environment. DAFC advised that the development and operation of a columbarium in the “G/IC(1)” zone and its associated works would likely result in direct and indirect adverse ecological impacts on the surrounding woodlands and streams within the surrounding “GB” zone. Except for the “G/IC” zone where it was a Column 2 use, ‘Columbarium’ use was generally not permitted in all zones in the Area;
- (xvii) ‘Pu Tung Ta’ (普同塔), which was ancillary to and within the

temples, should be exempted from the requirement of obtaining licence for columbarium use (R83 to R84);

Responses

- under the Private Columbaria Bill (the Bill), columbarium meant any premises that were used or intended to be used for keeping ashes. As the operation of 'Pu Tung Ta' fell under this definition, it would be subject to the prospective licensing regime upon the enactment of the Bill;

(xviii) the permitted burial grounds would encroach upon and potentially destroy the existing natural landscape (R2);

Responses

- the permitted burial grounds for indigenous villagers had been in existence for many years and were considered as an 'existing use'. However, 'Burial Ground' use outside the permitted burial grounds would be a Column 2 use under the "GB" zone requiring planning permission from the Board;

Extent of the "V" zone and 'Agricultural Use' in "GB" and "AGR" zones

(xix) land reserved under the "V" zone was inadequate and did not reflect the need of the villagers (R147);

Responses

- the current "V" zone on the draft OZP had an area of about 0.85 ha which was about 7.8% of the total area of the three village 'environs' ('VEs') (about 10.9 ha) within the Area. Land available within the "V" zone for Small House development was about 0.55 ha (equivalent to 22 Small Houses) which could

satisfy 70% of the 10-year forecast of Small House demand for the villages in Upper and Lower Keung Shan;

- the boundaries of the “V” zones had been drawn up taking into account the site conditions of land within the ‘VE’, the existing village clusters, the local topography, WGGs, site characteristics and the Small House demand;
 - an incremental approach had been adopted in designating the “V” zone, guiding village expansion around the existing village settlements. That would minimize unnecessary adverse impacts on the natural environment;
- (xx) the prohibition of development in WGGs would deprive land owners of their development right. Private land should be excluded from the OZP area (R147);

Responses

- a substantial part of the area to the east of the Keung Shan Catchwater fell within the WGGs. As there was no existing or planned public sewer, new development within the Area should be strictly controlled so as to safeguard the quality of the water resource. The “V” zone within the WGGs therefore covered only the existing village cluster;
 - it was Government’s policy to put areas not covered by statutory plans under statutory planning control in the long term. The draft OZP would provide a statutory planning framework to guide the long-term development of the area;
- (xxi) the intention to retain fallow/active agricultural land zoned “AGR” was doubtful as water supply had been cut due to road works. While agricultural use was permitted in “GB” zone, use of

machinery for agricultural practice was not allowed (R147);

Responses

- according to the Notes of the “AGR” and “GB” zones, ‘Agricultural Use’ was always permitted and there was no restriction on the use of machinery for agricultural activities. The supply of water for agricultural activities should be dealt with separately;

Restrictions for Small House development

- (xxii) the area of “V” zone should be limited to existing built structures and approved applications for Small House developments, as the Small House policy had been abused and new demands were not verified nor justified. The provision of infrastructure to support the Small House development would have an impact on surrounding areas (R158);

Responses

- an incremental approach had been adopted in designating the “V” zone, guiding village expansion around the existing village settlements only;
- the Small House demand forecast was provided by the Indigenous Inhabitant Representatives (IIRs) to the Lands Department (LandsD) and could be subject to change over time. Though there was no mechanism to verify the demand at the planning stage, the respective District Lands Officer (DLO) would verify the status of the Small House applicant at the stage of Small House grant application;

- (xxiii) ‘House (New Territories Exempted House (NTEH) only)’ or

‘Small House’ should be excluded from the “AGR” or “GB” zones in order to safeguard good quality agricultural land (R155);

Responses

- Small House development within the “AGR” and “GB” zones would require planning permission from the Board and each case would be considered on its individual merits taking into account any potential adverse impacts on the surrounding area;

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

- (e) the representers’ proposals and the responses to the proposals were summarised as follows:

Amendments to the Notes, zoning boundary and building height restriction of the “G/IC(1)” zone

- (i) ‘Columbarium’ use should be incorporated in Column 2 of the “G/IC(1)” zone (R1);

Responses

- the “G/IC(1)” zone covered the existing religious buildings and clusters in the Area. ‘Columbarium’ use was considered incompatible with the religious character and tranquil environment of the Area, and would likely result in direct and indirect adverse ecological impacts on the surrounding woodlands and streams in the neighbouring “GB” zones. There was no strong justification to include ‘Columbarium’ use in Column 2 of the Notes of the “G/IC(1)” zone;
- (ii) ‘Eating Place’, ‘Residential Institution’, ‘Shop and Services’ and ‘House (NTEH only)’ uses should be deleted from Column 2 of the

“G/IC(1)” zone (R7 to R67, R69 to R75, R77 to R84, R114 to R146, R149, R152 to R154, R167 and R169);

Responses

- only selected GIC facilities were permitted in the “G/IC(1)” zone and it was considered appropriate to allow a limited amount of small-scale commercial uses supporting the religious activities to be permitted on application to the Board. Each case would be considered on its individual merits taking into account any potential impact on the surrounding area;
- (iii) the grass field and the two houses in front of Sim Pak Lam (簷葡林) where Buddhist rituals were often held should be included in the “G/IC(1)” zone (R6);
- (iv) a piece of flat land south of Tai Kok Tsz (大覺寺) where rituals were often held should be included into the “G/IC(1)” zone (R7);

Responses

- the boundaries of the “G/IC(1)” zone generally reflected the major existing religious buildings and the existing clusters. The garden and park areas surrounding or adjacent to the religious buildings and accesses to the religious buildings which were mostly government land had been excluded to minimise the potential water quality impact on the streams and the water catchment. Under the covering Notes of the draft OZP, temporary religious functions not exceeding a period of two months carried out on land surrounding the temples was always permitted;
- (v) the building height restriction (BHR) of an existing building in Fat Tor Yuen (佛陀苑) should be amended from one storey to two

storeys (R114 to R146);

Responses

- the BHRs of the area mainly reflected the general height of the existing buildings within the religious clusters to conserve the character of the Area. Taking into account the existing building cluster of Fat Tor Yuen (佛陀苑) which was mainly occupied by one-storey buildings, a BHR of one storey had been imposed on the “G/IC(1)” zone covering that religious cluster. The existing BHR would not affect the alteration or replacement of the existing religious building by a new building of the same religious use with the same building height as the existing one;

Amendments to the Notes, Explanatory Statement and zoning boundary of the “GB” and “AGR” zones

- (vi) ‘Barbecue Spot’, ‘Holiday Camp’, ‘Picnic Area’, ‘Place of Recreation, Sports or Culture’, ‘Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation’, ‘Tent Camping Ground’, ‘Burial Ground’, ‘Field Study/Education/Visitor Centre’ and ‘School’ uses should be deleted from Column 2 of the “GB” zone (R7 to R67, R69 to R84, R105, R114 to R146, R149, R152 to R154, R167 and R169);

Responses

- the Notes of the “GB” zone generally followed the MSN and had included uses which might be permitted upon application to the Board. That was to allow flexibility for the provision of different facilities that might be compatible with the surrounding area for public use or/and enjoyment;
- (vii) a remark stating that ‘Burial Ground development limited to the

existing area only' should be added to the Notes of the "GB" zone and 'Expansion of the burial grounds outside their existing areas is not permitted' should be added in paragraph 7.2.5 in the ES of the OZP (R2);

Responses

- the permitted burial grounds for indigenous villagers had been in existence for many years and were considered as an 'existing use' tolerated under the OZP. However, 'Burial Ground' use outside the permitted burial grounds would be a Column 2 use under the "GB" zone requiring planning permission from the Board;
- (viii) to rezone "GB" to "GB(1)" with deletion of 'Barbecue Spot', 'Burial Ground', 'Holiday Camp', 'Picnic Area', 'Place of Recreation, Sports or Culture', 'Tent Camping Ground', 'Residential Institution' and 'School' uses under Column 2 of the "GB" zone (R6);
- (ix) land surrounding the temples should be rezoned from "GB" to "GB(1)" with deletion of certain uses under Column 2 of the "GB" zone (R3 and R4);
- (x) the land and the forest surrounding the temples should be rezoned to "GB(1)" or "CA", and the forest and the two accesses to the Hae Su Soen Won Temple (慧修禪院) should be included in "GB(1)" zone (R5);
- (xi) the Area or the area outside the 10m or 15m boundary of the "G/IC(1)" zone should be rezoned from "GB" to "CA" (R7 to R14, R16 to R20, R22 to R31, R33, R82 and R167);
- (xii) the woodlands and natural streams (together with their riparian zones) (30m buffer) should be rezoned to "CA" or "GB(1)" (R155

to R158) and the area connected to the country park should be zoned as “CA” or “GB(1)” (R158);

(xiii) the “GB” area should be rezoned to “CA” (R32, R34, R76, R148, R152 to R154 and R168);

Responses

➤ AFCD considered the zoning of the woodlands of similar habitat qualities as “GB” appropriate from the nature conservation perspective. AFCD also commented that the natural streams and their adjoining riparian habitats were already largely included in non-development zonings, i.e. “AGR” and “GB” zones, on the draft OZP. Concerned departments including AFCD considered the current “GB” zoning to be appropriate;

(xiv) ‘House (NTEH only)’ or ‘Small House’ should be removed from Column 1 or Column 2 under “AGR” or “GB” zones (R155 and R158);

Responses

➤ the Notes of “GB” and “AGR” zones generally followed the MSN and had included uses which might be permitted upon application to the Board. That was to allow flexibility for the provision of different facilities that might be compatible with the surrounding area for public use or/and enjoyment. For NTEH/Small House developments, the design and construction of sewage facilities would need to comply with the relevant standards and regulations, such as the Environmental Protection Department (EPD)’s Practice Notes for Professional Persons No. 5/93 (ProPECC PN 5/93);

(xv) the area zoned “AGR” should be rezoned to “GB” (R156);

Responses

- fallow arable land with good potential for rehabilitation and/or with active/occasional cultivation was worthy of preservation from the agricultural point of view. Those farmlands were more appropriate to be designated as “AGR” rather than “GB”;

Amendments to the Notes of the “G/IC” zone

(xvi) ‘Eating Place’, ‘Research, Design and Development Centre’ and ‘Training Centre’ uses should be deleted from Column 1, and ‘Holiday Camp’, ‘Office’, ‘Private Club’, ‘Residential Institution’, ‘Shop and Services’, ‘Training Centre’ and ‘Utility Installation for Private Project’ uses should be deleted from Column 2 of the “G/IC” zone (R82);

(xvii) inappropriate uses such as ‘Zoo’ should be deleted from the “G/IC” zone (R158);

Responses

- the Notes of the “G/IC” zone largely followed the MSN which included uses to allow flexibility for the provision of different facilities that might be compatible with the surrounding area for public use or/and enjoyment. As the “G/IC” zone covered mainly existing specific GIC facilities serving the area, significant environmental impacts were not expected to be generated;

Amendments to the boundary of the “V” zone

(xviii) the “V” zone should be confined to existing building structures plus approved small houses (R158);

Responses

- the boundaries of the “V” zones for Luk Wu, Upper Keung Shan and Lower Keung Shan had been drawn up taking into account the site conditions of land within ‘VE’, existing village clusters, local topography, WGGs and site characteristics. An incremental approach had been adopted in designating the “V” zone;

Rezoning proposal of the Luk Wu area

- (xix) except for monasteries zoned “G/IC(1)” and a few residential developments, other areas in Luk Wu should be zoned “GB” (R108 to R109);

Responses

- the major part of the Luk Wu area was already zoned “GB” to conserve the natural landscape and ecology of the Area. Only a few sites in the Luk Wu area were zoned “G/IC” to reflect the existing GIC facilities;
- (xx) Luk Wu should be rezoned to Religious Meditation and Conservation Area (R171);

Responses

- the proposal to rezone Luk Wu as “Religious Meditation & Conservation Area” was considered too conceptual, with no supporting assessments. The “G/IC(1)” zoning not only conserved the tranquil character of the Area and the natural environment, but also allowed flexibility for the provision of different facilities that might be compatible with the religious character and rural setting of the surrounding area. It was

considered appropriate for the sustainability and the conservation of the Area;

Comments on Representations

- (f) C1 submitted by the Kadorie Farm and Botanic Garden (KFBG) raised objection to representation R1 regarding the incorporation of columbarium use under Column 2 of the “G/IC(1)” zone as columbarium use was not compatible with the tranquil ambiance and character of the area, and would cause potential ecological impacts on the environment. C1 supported representations R155, R157 and R158 regarding the conservation of woodlands, streams and their riparian zones and the planning control on Small House development in order to protect the natural environment;
- (g) the views of commenters C2 to C16, submitted by individuals, were summarized as follows:
 - (i) opposed representation R1 regarding the incorporation of columbarium use under Column 2 of the “G/IC(1)” zone;
 - (ii) C2 also commented on representation R2 that stupas not storing any relics of deceased monks/nuns were not burial grounds and could be placed in the “GB” fringing the temples; and
 - (iii) supported the proposals in representations R103 to R108, R110 to R113 and R156 regarding permitted uses under “GB”, “AGR” and “G/IC(1)” zones, the designation of “CA” or “GB(1)” zones, the provision of commercial, columbarium and recreational uses under the OZP and the imposition of specific cultural conservation measures;
- (h) as the grounds and proposals of the comments were similar to those of the representations, the responses to the representations were relevant;

PlanD's Views

- (i) PlanD noted the supportive views of representations R1 to R146; and
- (j) PlanD did not support the remaining part of representations R1 to R146 and representations R147 to R172.

10. The Chairman then invited the representers, commenter and their representatives to elaborate on their representations and comment.

Representation No. R2

11. In response to Mr Benson Poon's request for a speaking time of 20 minutes, the Chairman said that the oral submission was mainly for him to elaborate on his representation and not to present any new information to the Board. In acceding to the request, the Chairman reminded Mr Poon to be as succinct as possible.

12. With the aid of a Powerpoint presentation, Mr Benson Poon made the following main points:

- (a) Luk Wu was a unique, secluded and tranquil valley that had been inhabited by a religious community of monks and nuns for over a century. The religious community had co-existed in harmony with the natural environment;
- (b) the religious community raised objection in 2010 when a landowner in Luk Wu carried out construction works to expand its columbarium business, destroying some of the natural environment. The gazetting of the Luk Wu and Keung Shan Development Permission Area (DPA) Plan in 2012 to prevent further destruction of the natural environment was appreciated by Luk Wu residents and affiliates;
- (c) the Luk Wu Dharma Management Culture Foundation Limited (the Foundation) was established in 2013 to represent the nuns and monks who

lived and practised their religion in Luk Wu. Its objective was to protect and conserve the area for the benefit of the community and to improve its facilities for the safety, convenience and health of the local residents;

- (d) the Foundation's standpoints on the draft OZP were as follows:
- (i) strongly opposed any commercial, eco-tourism or columbarium development in Luk Wu as any tourist attraction or facility would only serve to commercialise religion and turn the area into another Ngong Ping where the original tranquil, religious environment had disappeared. In the highly stressful society of Hong Kong, there was a need to retain a place like Luk Wu where the harmony of man, religion and nature was exhibited;
 - (ii) the boundaries of some of the "G/IC(1)" zone should be slightly adjusted to reflect the existing uses. There was a need to more accurately reflect the building footprints of existing buildings and to incorporate the flat concrete surfaces around the buildings under the "G/IC(1)" zone as those areas had been under the management of the religious institutions concerned since their establishment;
 - (iii) amendments should be made to the Column 2 uses of the "G/IC(1)" zone in order to provide more control to protect the natural and tranquil environment in Luk Wu. Uses including 'Eating Place' and 'Shop and Services (Retail Shop only)' should be removed from Column 2 as those uses would disrupt the harmony and character of Luk Wu as a spiritual oasis and create the risk of pollution. The 'House (NTEH only)' use should also be removed as the conversion of religious buildings to 'House' was incompatible with the unique religious character of the Luk Wu area which should be protected. NTEH developments should be confined within the "V" zone and any change or redevelopment of the existing use should not be allowed unless it was in line with the planning intention to maintain the area's special religious and tranquil character; and

(iv) the Luk Wu area should be rezoned as “GB(1)” with more stringent controls to protect its natural and tranquil environment. The purpose of the “GB(1)” zone should be to maintain a noise-free and unpolluted environment for the local religious institutions that had existed in harmony with the surrounding natural environment. The planning intention of the “GB(1)” zone should be to preserve the existing unique religious and natural landscape, and passive recreational outlets normally allowed in the “GB” should be deleted. Moreover, uses including ‘Barbecue Spot’, ‘Holiday Camp’, ‘Picnic Area’, ‘Tent Camping Ground’ and ‘Place of Recreation, Sports or Culture’, which were incompatible with the religious lifestyles in Luk Wu, generated a greater risk of fire, water pollution, garbage and noise disturbance, and put pressure on the carrying capacity of public facilities, should be removed from Column 2 of the Notes. As the majority of existing religious buildings already provided lodgings for monks, nuns, visiting scholars and Buddhism students as well as space for seminars and the teaching of Buddhism, and there was no need to expand these facilities, ‘Residential Institution’ and ‘School’ uses should also be removed from Column 2 of the Notes. There was also no need for ‘Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation’ use under Column 2 of the Notes as there was no intention to upgrade the existing communication facilities which were already sufficient. Should there be a need for the provision of communication facilities to meet the needs of the wider district, necessary assessments should be conducted to avoid any visual and potential adverse impact on the natural environment and the religious institutions. ‘House (NTEH only)’ use should also be deleted from Column 2 of the Notes as any change or redevelopment of the existing religious use should not be allowed; and

(e) a presentation of photos was then made showing how the existing religious institutions were in harmony with the natural landscape, the special religious

and tranquil character of the Area, the existing flora and fauna, and the various activities held by the religious community in the Area.

13. The Venerable Hin King, Chairman of the Foundation, made the following main points:

- (a) as the community at Luk Wu was a Buddhist community, it was impossible for any person who had no understanding of Buddhism to draw up a plan that would suit the needs of the community;
- (b) the objective of Buddhism was to help all men to follow the footsteps of Buddha and reach enlightenment. The way of the Buddha was to see reality as it was, speak in a truthful and non-hurtful way, act in a non-harmful way, have a non-harmful livelihood and to be aware of the present reality within oneself;
- (c) with Luk Wu being a Buddhist community, the expectation of visitors was to see the integration of Buddhism and the natural environment. In that regard, the provision of such facilities as 'Barbecue Spot' was totally irrelevant and unsuitable;
- (d) Luk Wu was a very special Buddhist community as all three streams of Buddhism, i.e., Theravada Buddhism (southern Buddhism), Mahayana Buddhism (eastern Buddhism) and Tibetan Buddhism (northern Buddhism) could be found in the area practising Buddhism together. That was quite rare;
- (e) Luk Wu was a place for visitors to talk with the monks and to be enlightened by the teachings of Buddha by immersing oneself in a natural environment that was integrated with Buddhism. In order to be enlightened, people needed to feel that environment for themselves;
- (f) Buddhists from all around the world would come to Luk Wu as it was a well-known place for Buddhism;

- (g) instead of a columbarium, a Buddhist community would only provide a 'Pu Tung Ta' (普同塔) where the ashes of deceased monks would be placed. In that regard, the scale of the 'Pu Tong Ta' would be in proportion to the size of the monastery and the number of resident monks. As the 'Pu Tung Ta' was only an ancillary facility, it would never be placed inside the main temple;
- (h) Buddhist monks would only act in accordance with the teachings of Buddha and would not do anything that would have an adverse influence on others;
- (i) having a tranquil environment was one of the characteristics of a Buddhist community. In that regard, any commercial uses such as 'Eating Place' or tourist attractions would be incompatible with a genuine Buddhist community; and
- (j) in the same way that a proper venue was required for a meeting to be held, the followers of Buddhism required an appropriate, tranquil environment in order to follow the way of Buddha.

[Actual speaking time: 24 minutes]

Representation No. R5

14. Master Sik Sin Chi made the following main points:

- (a) she appreciated the efforts made by the Board and PlanD to preserve the existing character of Luk Wu;
- (b) taking the services available in a hospital as a metaphor, Luk Wu was similar to a Meditation Room offering spiritual relief to patients in large hospitals where a holistic caring service for patients was provided. The function of such a Meditation Room would be severely disrupted if uses such as 'Eating Place', 'Retail Shop', 'Barbecue Spot' and 'Tent Camping Ground' were placed inside the Meditation Room. It did not make sense to

put such uses inside the Meditation Room as the tranquility and harmony would be adversely affected;

- (c) Hae Su Soen Won Temple (慧修禪院) was established in 1934. In the early days when there was a lack of schools on Lantau Island, a school was operated by the temple to provide children with formal education. The school was closed several years later after public schools provided by the Government were available on the island. That showed that the temple had, in line with the teachings of Buddhism, always cared for the needs of society;
- (d) a video on the transfer ceremony of the ownership of the temple and the activities of the temple in the Luk Wu area was presented at this point;
- (e) continuing her presentation, she explained that the main objective of transferring the ownership of the temple to a charitable organisation under the name of the temple was to ensure that the ownership of the temple site and the use of the site as a temple would remain unchanged in future;
- (f) there was a need to differentiate between private property and the property of a temple. A temple should be a place owned by monks who had the responsibility to help the temple flourish and accomplish its mission which was to spread the Buddhist way to all men;
- (g) Luk Wu was a precious piece of land as the construction of a temple in the 1930s in such an isolated area was not an easy task. Yet, when the Hae Su Soen Won Temple was built, many other temples were already in existence in the area. In that regard, the tranquil character of Luk Wu was the result of the hard work of our ancestors and careful consideration should be given before any plans that would likely affect the character of the area were adopted;
- (h) while most of the religious sites and temples in Luk Wu had been zoned “G/IC(1)” on the draft OZP, the provision for several commercial uses

under Column 2 of the Notes of the “G/IC(1)” zone was inappropriate. As the temple was not a private property, there was no need to provide flexibility for these uses under the Notes of the “G/IC(1)” zone; and

- (i) Members were invited to visit Luk Wu to have a feel for the place and have a better understanding of the culture of the Buddhist community.

[Actual speaking time: 16 minutes]

[The meeting took a short break of 5 minutes at this point.]

Representations No. R7, R42 and R47

15. With the aid of a Powerpoint presentation, Mr Lam Kwok Hung made the following main points:

- (a) Tai Kok Tsz (大覺寺) had been a site for the practice of Buddhism since the late 1930s;
- (b) a presentation of slides was made showing the features of the temple and the activities that were conducted at the temple;
- (c) continuing the oral submission, he said that the planning intention to protect the natural landscape and the special religious and tranquil character of the Luk Wu area was supported;
- (d) the designation of the “G/IC(1)” zoning for the existing religious uses and the planning intention of the “GB” zone primarily for defining the limits of development areas by natural features and to preserve the existing natural landscape was supported;
- (e) uses that were not compatible with the planning intention of the “G/IC(1)” zone or with the religious character of the Luk Wu area including ‘Eating Place’, ‘Residential Institution’ and ‘Shop and Services’ uses should be deleted from Column 2 of the “G/IC(1)” zone. Any

commercially-operated or profit-oriented columbarium development should not be permitted;

- (f) uses that were not compatible with the planning intention of the “GB” zone or with the tranquil environment of the Luk Wu area including ‘Barbecue Spot’, ‘Picnic Area’, ‘Tent Camping Ground’, ‘Holiday Camp’, ‘Residential Institution’, ‘School’, ‘Burial Ground’ and ‘Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation’ uses should be deleted from Column 2 of the “GB” zone; and
- (g) the boundary of the “G/IC(1)” zoning covering only the existing building structures of Tai Kok Tsz did not reflect the actual size of the site that was currently used by the temple. The lotus pond and the platform surrounding the temple, which formed part of Tai Kok Tsz, should be rezoned from “GB” to “G/IC(1)” to reflect the actual use of the area for religious activities such as the holding of seminars, prayer sessions and Buddhist rituals. There was concern that the platform could no longer be used for religious activities once it was zoned “GB”.

16. Master Sik Hin Sim made the following main points:

- (a) the monks and nuns had been practising at Tai Kok Tsz since its establishment in the 1930s. It had been four generations now;
- (b) they wanted to continue the use of the existing site which included the building structures that were zoned “G/IC(1)” on the draft OZP as well as the platform surrounding the temple which they considered should be rezoned as “G/IC(1)” as well; and
- (c) there was concern that the use of the area outside the “G/IC(1)” zoning for religious activities would be illegal.

[Actual speaking time: 9 minutes]

Representations No. R3, R4 and R6

17. Mr Lau Kam, a director of Su Bong Zen Monastery (秀峰禪院) Limited, made the following main points:

- (a) Gak Su Temple (覺修寺), Su Bong Zen Monastery (秀峰禪院), Lin Fa Pung (蓮花蓬) and Sim Pak Lam (簷蔔林) were 4 temples that were operated independently, each possessing its own temple building, dormitory for monks and nuns, kitchen and other ancillary facilities;
- (b) it was the norm for each temple to have an open area in front of the main temple where rituals were performed and other activities took place. In that regard, the open area of each temple was an important part of the temple's compound;
- (c) the "G/IC(1)" zoning for Gak Su Temple only covered part of the temple compound with some existing buildings, toilets and planter areas being omitted. Moreover, a woodland area and a piece of grassland that was used by the temple as a place for meditation had also been excluded from the "G/IC(1)" zone;
- (d) Lin Fa Pung, Sim Pak Lam and Su Bong Zen Monastery faced the same problem as several existing ancillary buildings which formed part of the compound of these temples and the open area in front of the temples had been excluded from the "G/IC(1)" zone;
- (e) the compound of the 4 temples including all existing buildings and activity areas should be zoned as "G/IC(1)" in order to reflect the existing use of these sites. That would help resolve the discrepancy in the land allocation boundary of the temple sites and the actual location of existing temple buildings. As those sites were currently zoned "GB" on the draft OZP and were allocated to the temples under short term tenancies (STTs), there was concern that the existing ancillary facilities of the temples would be considered as unauthorised developments under the "GB" zone and the STTs would not be renewed;

- (f) even though such a scenario was quite unlikely, there was also concern that those sites might be taken back by the Government and granted to other parties for the development of such uses as barbecue sites, picnic areas and tent camping grounds which were Column 2 uses under the “GB” zone, hence adversely affecting the tranquil character of the surrounding temples; and

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

- (g) a video on the practice of Buddhism at the above temples and activities that took place at Luk Wu was then presented.

[Professor P.P. Ho and Dr W.K. Yau arrived to join the meeting at this point.]

18. Master Sik Hyang Um made the following main points:

- (a) the effort of the Board and PlanD in planning for the Luk Wu area was appreciated;
- (b) in the last 130 years, Luk Wu had been a treasure for Hong Kong, as many people had done a lot of work and much fruit had been borne from their efforts;
- (c) Luk Wu was a very fragile place which could be easily destroyed by any mistake in the planning of the area;
- (d) one of the characteristics of Luk Wu was the presence of a group of relatively young monks who were willing to inherit the Buddhist way of life, practising Buddhism and providing voluntary services to the community;
- (e) Hong Kong should be proud of Luk Wu as the British Broadcasting Corporation once made a documentary entitled the ‘Seven Wonders of the Buddhist World’ and Luk Wu was one of the seven wonders. Even though

there were no world renowned monuments or statues at Luk Wu, it was considered as a wonder due to the Buddhist tradition found and the way Buddhism was passed on by monks from generation to generation;

- (f) Luk Wu was not only a place for Buddhists but was for everyone as followers of other religions who visited the place could also find peace of mind from the overall atmosphere;
- (g) the Board should take careful consideration of the views presented by the Luk Wu Dharma Management Culture Foundation Limited (R2) as those were the consolidated views of the monks from all the temples in the area and friends who had benefitted from their stay at Luk Wu;
- (h) the life of Buddha was entwined with nature. He was born under a sal tree (薩爾樹), attained enlightenment under a pipal tree (菩提樹) and died under a mulberry tree (桑樹). One of the merits of Luk Wu was that it offered nature to its visitors, which was the essence of the Buddhist way. However, the introduction of uses under Column 2 of the Notes of the OZP mentioned by R2 would destroy the tranquil environment offered by nature;
- (i) a temple should be located in the midst of nature, in the woods or in a secluded area, where Buddhist practices and chants using muyu (木魚) could be conducted without affecting anyone and Luk Wu was an ideal place for that. We had once conducted a ritual with chants and prayers using muyu (木魚) that lasted for three days and nights without affecting any neighbour; and
- (j) with Hong Kong's crowded living conditions, people were in great need of a chance to come in touch with and feel the embrace of nature. Luk Wu was a place that could offer not only nature to Hong Kong people but also Buddhism and a culture that was not self-centred.

19. A Member said that the representers' point on the tranquil and religious character of Luk Wu were well understood and would be taken into account by the Board. The Member reminded the other representers not to repeat the same points that had been made by earlier representers in order to make more efficient use of the session and leave more time for the Question and Answer session.

Representation No. R15

20. With the aid of a Powerpoint presentation, Ms Vera Lau made the following main points:

- (a) Luk Wu was a place of tranquility not because it was devoid of people but because everybody who came to the place would feel its tranquility and become absorbed in it, slowing down their activities and lowering their voices;
- (b) however, in 2010, a temple in the area suddenly changed into a commercial operation and started a columbarium business, disrupting the tranquility of the area. It was only then that the importance of statutory plans, without which there would be no control on the use of land, was understood. In that regard, the introduction of the DPA Plan for the area in 2011 was much appreciated;
- (c) there was a saying that 'good fences make good neighbours', meaning that conflicts would not arise if people knew their rights clearly. That saying was very relevant for Luk Wu as the OZP should set out very clearly uses that were permitted and uses that were not permitted. However, if some uses were permissible on application to the Board, conflicts would arise as people would make use of the flexibility provided under the system and submit applications for uses that might adversely affect the existing temples and religious institutes. In order to make things perfectly clear, uses that were not compatible with the special religious and tranquil character of the Area should be removed from Column 2 of the Notes ;
- (d) out of 172 representations, although over 85% were in support of the

planning intention to protect the character of the Area, 90% of the representations requested for even more stringent planning control to protect the Area in order to prevent the possibility of temple sites being changed to other uses;

- (e) as the existing facilities provided at the temples were already adequate to cater for more than 100 visitors to the area attending the temples' activities, there was no need for the 'limited small-scale commercial uses in support of the religious activities' mentioned in paragraph 5.36 of the TPB Paper. In that regard, 'Eating Place', 'Shop and Services' and 'Residential Institution' uses currently under Column 2 of the Notes of the "G/IC(1)" zone should be deleted in order to avoid any possibility of abuse if an existing temple was changed into a commercial operation;
- (f) as the "G/IC(1)" zone on the OZP was surrounded by the "GB" zone, the planning intention of the "G/IC(1)" zone to protect the natural landscape and the special religious and tranquil character of the Area would be severely affected by such uses as 'Barbecue Spot', 'Tent Camping Ground', 'Picnic Area', 'Place of Recreation, Sports or Culture', 'Holiday Camp', 'Burial Ground' and 'Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation' which were Column 2 uses under the "GB" zone;
- (g) in particular, 'Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation' was not suitable for any place for meditation (禪修) as such facilities would adversely affect the person doing meditation; and
- (h) the height of the fence that should be built depended very much on the neighbours in the surroundings. If there was a tiger in the area, the fence that should be built would need to be much more robust.

[Actual speaking time: 10 minutes]

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

21. At that juncture, the Chairman reminded the representers again to be more succinct and not to repeat the points that had already been raised by other representers.

Representations No. R16 and R102

22. With the aid of a Powerpoint presentation, Ms Ho Pui Han, Chairman of the Tai O Environment and Development Concern Association, made the following main points:

- (a) the temples in Luk Wu were originally Taoist temples that were converted to Buddhist temples about 130 years ago;
- (b) the founder of those Buddhist temples decided to remain at Luk Wu mainly because of its beautiful natural environment. In fact, Buddhism and nature were strongly related to one another;
- (c) in the year 2000, the Tai O Environment and Development Concern Association submitted a concept plan for Lantau Island to the Government and one of the proposals was to provide a walking trail that would link up the 5 main Buddhist temples (禪林) in Lantau which included Luk Wu, Lower Keung Shan, Po Lin Monastery, Tei Tong Tsai and Ling Yan Monastery. Unfortunately, the proposal had not been taken up by the Government;
- (d) besides the conservation of the environment, the preservation of our cultural and historical heritage was equally important. She was currently working on a project to record the oral history of Luk Wu;
- (e) at times of turmoil, the 5 main Buddhist temples on Lantau Island provided the people of Hong Kong with a place of peace and quiet;
- (f) in the past, Luk Wu Ching Shea (鹿湖精舍) was a very important temple where many important monks from Malaysia and South-East Asia attained

their enlightenment. Luk Wu was also a place for holding large scale teaching sessions by famous monks which were attended by monks and Buddhist followers from all around the world;

- (g) Luk Wu also used to be a place where female Buddhist followers who decided to remain single would spend their lives together to practise Buddhism;
- (h) after about half a century of decline, the Buddhist temples at Luk Wu were experiencing a revival with the return of Buddhist monks from all around the world, the establishment of an international meditation centre and a new generation of practitioners coming to the place;
- (i) Luk Wu was recently faced with environmental damage including the unscrupulous felling of trees, the placing of several Guan Yin statues (觀音佛像) in the cleared areas, the blocking of streams with large cement blocks, and the widening of the ancient trail from Ngong Ping to Tai O with cement paving;
- (j) Ji Chik Lam (智積林) which used to be a Buddhist temple, was recently illegally occupied by some commercial operators who carried out major renovation that destroyed the original character of the temple. Due to the lack of legal documents on the inheritance and ownership of the existing temples, there was a serious problem that temples that had been left unattended would be illegally occupied and converted to profit-generating uses; and
- (k) in order to be sustainable, a holistic approach to planning should be adopted, taking into account Luk Wu's human elements, landscape and natural environment.

23. Ms Chow Kam Seung made the following main points:

- (a) she was adopted by one of the monks when she was very small and she was

brought up at Ji Chik Lam (智積林);

- (b) recently she found that some people had taken over the temple and burned all the belongings of the monks who used to live there;
- (c) as she did not have any legal documents to prove the ownership of the temple, there was nothing she could do to take back the temple;

24. Ms Ho Pui Han continued with her presentation and made the following main points:

- (a) as monks were not used to making wills and doing legal documents on the land ownership of temple sites, there was a risk that temples at Luk Wu could be taken over by outsiders;
- (b) the monks and nuns were people who did not have any desires and who lived very simple lives at the temples;
- (c) even though their temples were being illegally occupied and destroyed, the monks did not express any hatred against the intruders;
- (d) Luk Wu not only offered historical and cultural value but also spiritual value; and
- (e) planning should be comprehensive and sustainable, taking a wider area into account and incorporating the cultural and historical values into the plan.

[Actual speaking time: 20 minutes]

[Mr David Y.T. Lui left the meeting temporarily at this point.]

[Professor K.C. Chau and Mr Stephen H.B. Yau left the meeting at this point.]

25. Mr Tse Sai Kit who represented the Alliance for the Concern over Columbarium Policy made the following main points:

- (a) he appreciated the prompt action taken by the Board a few years ago to cover the Area with a DPA Plan so as to provide statutory planning control over the unauthorised development of columbaria in the Area;
- (b) the problem the Buddhist community faced today was not just on columbarium developments in the Area but also the overall planning and development of Lantau Island as proposals such as a road from Tung Chung to Tai O would significantly affect the Buddhist way of life at Luk Wu;
- (c) a comprehensive plan to preserve the existing unique religious character and tranquil environment at Luk Wu should be adopted;
- (d) the planning mechanism in Hong Kong was out-dated as the emphasis was on land use control. Planning control on the development of individual sites was inadequate as the objective should be to preserve the cultural environment. The Buddhist tradition was not restricted to individual temples but comprised a Buddhist cultural area and the general ambience within the area. Without a Buddhist cultural ambience, the existence of a Buddhist temple would not serve any function. In that regard, the designation of temples under the “G/IC” zone was inadequate as the zoning of the building structures would not facilitate the preservation of the Buddhist cultural ambience;
- (e) the Board should give serious consideration to the proposal to rezone the Luk Wu area into a ‘Religious Meditation and Conservation Area’. Contrary to PlanD’s claim that the proposal was conceptual and did not have any details, the Board should take into account the details mentioned by the monks and nuns in their oral presentation on the historical, cultural and spiritual values of Luk Wu;
- (f) since 2007, there was a change in the ownership of Yin Hing Monastery (延)

慶寺) and the use of the site was changed from a temple to an unauthorised columbarium. Even worse, the owner of the site had set out to change the general ambience of Luk Wu by putting Buddhist statues not only on his land but all over the place, turning Luk Wu into a theme park named as 觀自在林. The new owner used free vegetarian meals as a gimmick to attract tourists to the theme park and had proceeded to illegally occupy temples such as Ji Chik Lam (智積林) and other temples that were not attended by monks which might be used to provide ancillary facilities for the theme park;

- (g) the current provision to allow the submission of planning application for uses such as 'Eating Place' and 'Residential Institution' under the "G/IC(1)" zoning would only encourage the owner of Yin Hing Monastery to apply for planning permission for commercial uses at the illegally occupied temples and completely destroy the Buddhist cultural ambience at Luk Wu. The Column 2 uses under the "GB" zone such as 'Barbecue Spot' should also be removed;
- (h) the protection of agricultural land under the "AGR" zone was inadequate as any soil filling up to a level not exceeding 1.2 metres was always permitted. There was also no control on the placing of statues on agricultural land. In order to protect Luk Wu, the area should be zoned as a conservation area with a religious conservation element so that any development that was not compatible with religious meditation activities would not be permitted;
- (i) as the columbarium at Yin Hing Monastery was an unauthorised development, the Board should not grant planning permission for any application to regularise the columbarium use at the site and a licence should not be issued for the columbarium upon the enactment of the Private Columbarium Bill;
- (j) he had previously complained to PlanD about the development of a columbarium at Sai Loi Yee (西來意) in Keung Shan. However, enforcement action was not taken as there was no evidence of any

unauthorised development at the site. A few months ago, there was a poster in Tai O advertising the availability of columbarium niches at Sai Lo Yee. He was concerned that another unauthorised columbarium would be developed in Luk Wu submitting applications for the regularisation of an existing use; and

- (k) the protection of Luk Wu should not be confined to the natural environment and landscape but should include the protection of the Buddhist culture and tradition at the place.

[Actual speaking time: 13 minutes]

[Mr Philip S.L. Kan left the meeting at this point.]

Representation No. R26

26. Ms Tsoi Pui Kan made the following main points:

- (a) arriving in Hong Kong in 1993, she had to face all the challenges of starting a new life in a city she was not familiar with. When she was about to have a mental breakdown, she came into contact with the Su Bong Zen Monastery (秀峰禪院);
- (b) she went to Luk Wu participating in a 7-day meditation session and the first thing she had to do was to switch off her mobile phone. As there was no telecommunications network in the area, there was no way she could use her mobile even if she tried. After a few days of meditation, she began to realise the tranquillity of the environment and to appreciate the simplicity of life. Being immersed in nature helped her realise that the world was not perfect and she should not yearn for perfection;
- (c) although she received a lot of positive energy from Luk Wu, the chores of everyday life would take away the positive energy little by little so that every now and then, she needed to return to the tranquility of Luk Wu to find peace of mind and to recharge herself;

- (d) gradually, her life changed in a positive manner and her relationship with her husband and children also improved significantly; and
- (e) Luk Wu was a like a hospital for Hong Kong people and for the people in the Mainland. Many people were looking for a place like Luk Wu where they could go for a treatment and find peace of mind just as she did.

[Actual speaking time: 7 minutes]

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

27. At that juncture, the Chairman reminded the representers again to be more succinct and not to repeat the points that had already been raised by other representers.

Representation No. R32

28. Mrs Wong Chan Wai Hing made the following main points:

- (a) she had been a follower at Su Bong Zen Monastery (秀峰禪院) for 20 years. The most important thing she learned was to be grateful even at difficult times;
- (b) when people in Hong Kong were going through a period of conflict and turmoil, she and other followers tried to give a positive energy to society by doing meditation at the temple, praying for peace and stability in society and disseminating positive energy to their families and to society as a whole;
- (c) Luk Wu was like a power station providing positive energy to Hong Kong people, helping them to face the problems of society with a positive attitude;
- (d) Luk Wu was as precious as an oasis in the desert. It should be protected not only for their own benefit but also for the benefit of future generations. All unsuitable developments such as 'Barbecue Spot' and 'Picnic Area' should not be allowed in the Area; and

- (e) Luk Wu should be preserved in such a way that people could come and feel for themselves the grace offered by the place.

[Actual speaking time: 5 minutes]

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

Representation No. R40

29. With the aid of a Powerpoint presentation, Master Sik To Miu, a representative of Luk Wu Village and of the community of monks and nuns, made the following main points:

- (a) a video on the living environment of Lok Sang Lin Shea (樂生蓮社) and the ascetic life of nuns at the temple was presented;
- (b) Hong Kong was a blessed place. The rapid economic development since the 1960s and improvement in the living standards of Hong Kong people was something to be proud of. Hong Kong people were known to be hard-working and generous;
- (c) the development of Buddhism in Hong Kong was a similar story. About 130 years ago, Buddhism started in Lantau Island and numerous temples were established, nurturing many well-known Buddhist masters. Buddhism yearns for peace in the world and prosperity for the people;
- (d) a country would only prosper when religion was respected. The planning of Lantau Island should not be biased towards economic development but should also take into account the spiritual needs of its people;
- (e) it was natural for any person who had the opportunity to encounter a statue of Buddha phenomenon to have a feeling of respect and sympathy;
- (f) it was hoped that Luk Wu would remain untouched so that followers of

Buddha could continue to pray for Hong Kong's peace, stability and prosperity. It was also hoped that Luk Wu could be preserved as a tranquil environment for meditation and spiritual growth, not only for the monks and nuns living there at the moment but also for any person looking for a place to do meditation and spiritual exercises;

- (g) it would be a sad thing to see the proliferation of eating places, barbecue spots, holiday houses and columbaria in Luk Wu as these uses were incompatible with the religious character and tranquil environment of the Area; and
- (h) there was no need to allow for the development of small-scale commercial uses under Column 2 of the "G/IC(1)" zone as these uses could be provided in other zones.

[Actual speaking time: 11 minutes]

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

Representation No. R41

30. Mr Chan Kai Yuen made the following main points:

- (a) due to business failure in 2008, he owed people a lot of money and was unemployed. By chance, he participated in a religious activity at Luk Wu Kok Temple and found the positive energy to continue with his life. He subsequently found a job at a logistics company and a second job at a restaurant;
- (b) however, in 2009, he had to give up his job to take care of his wife at the hospital. When his wife died leaving behind three children, he did not want to face the difficulties ahead and wanted to commit suicide. Fortunately, at that moment, his classmates from Su Bong Zen Monastery (秀峰禪院) came to his help. They made the necessary arrangements for him to stay at Luk Wu while they took care of his children. Staying at the

temple for two weeks to do meditation, he found the energy to go ahead and continue with his life;

- (c) at Luk Wu, through meditation, living in the present moment and following the way of Buddha, he and many other classmates were able to find their way. Living in a tranquil environment that was so close to nature helped him and many others to find peace of mind and positive energy;
- (d) for 130 years, Luk Wu had been a place for meditation and performed the role of a hinterland, providing support and spiritual relief to Hong Kong people;
- (e) the preparation of statutory plans to control development and to preserve the existing religious and tranquil character of the Area was supported. That would benefit not only the people of Hong Kong but also people from all over the world as many people with different religious backgrounds and from different countries would come to Luk Wu to participate in meditation exercises;
- (f) the Government's proposals for the development of Lantau Island was a matter of concern as it meant the development of tourism, housing and theme parks on Lantau Island which would disrupt the tranquillity of Luk Wu. Tour groups were already taking people to visit the temples of Luk Wu, causing much nuisance;
- (g) the current provision of infrastructure on Lantau Island such as roads and hospitals and the provision of services such as police and fire services were inadequate. The proposals for the development of Lantau Island would require an increase in the provision of basic infrastructure and services which would cause significant damage to the island; and
- (h) the Government should freeze the development proposals for Lantau Island and preserve the existing religious and tranquil character of Luk Wu.

[Actual speaking time: 10 minutes]

Representation No. R45

31. With the aid of a Powerpoint presentation, Ms Ip Man Yi made the following main points:

- (a) she came into contact with Luk Wu when she was only a few years old. In 2011, she had the opportunity to go back to Luk Wu and she was struck by the natural beauty of the place;
- (b) a series of photos showing the flowers, animals and the scenery found at Luk Wu was then presented;
- (c) she continued her presentation and said that nature itself was the teacher. One of the followers of Buddha attained enlightenment by watching nature;
- (d) according to research done in the United States of America, Europe and Korea, nature was found to have healing powers. Any person who came into contact with nature would experience its soothing effects;
- (e) the tranquil environment and nature that was found at Luk Wu should be protected for our future generations;
- (f) the environment at Luk Wu was like a meditation garden that was provided by nature; and
- (g) in order to protect the religious and tranquil character of Luk Wu, all the passive recreational uses should be removed from Column 2 of the Notes.

[Actual speaking time: 6 minutes]

Representation No. R75 and R76

32. With the aid of a Powerpoint presentation, Dr Teresa C.H. Tao, a member of the Luk Wu Dharma Management Culture Foundation Limited, made the following main

points:

- (a) she came to Hong Kong in 2007 and came into contact with Su Bong Zen Monastery (秀峰禪院) and Luk Wu. Seven years ago, she started practising Buddhism; and
- (b) in 2010, she obtained funding from The Lord Wilson Heritage Trust and started the project to record the oral history of Lantau Island;

33. At that juncture, Professor P.P. Ho and Dr C.P. Lau declared an interest as they were Council Members of The Lord Wilson Heritage Trust. As they were not directly involved in the project mentioned by the presenter, Members agreed that their interests were indirect and they should be allowed to stay at the meeting.

34. Dr Teresa C.H. Tao continued with her presentation and made the following points:

- (a) in the history of the development of Buddhism in Hong Kong, Luk Wu had played an important role. Luk Wu Ching Shea (鹿湖精舍) was the first temple on Lantau Island that practised Buddhism;
- (b) since 2008, there was a gradual decline in the general atmosphere of Buddhism practice in the area caused by a commercially-operated columbarium at a previous temple site. It was for that reason that the project was started to record the particular Buddhist culture and tradition at Luk Wu;
- (c) there was very limited information on the historical development of Buddhism on Lantau Island. One of the publications with more detailed information was the History of Lantau Island which only recorded the situation of Buddhist temples up to 1958. Hence, more research was required to record the Buddhist culture and tradition after 1958;
- (d) for the purpose of the study, the physical elements of the Buddhist culture

and tradition of Luk Wu including the natural environment, the internal layout and external appearance of temples and meditation rooms, Buddhist statues and instruments used at rituals were recorded by photos and videos. As for the non-physical elements such as the history of the area, the livelihood of monks and nuns, and the harmony between man and nature, they were recorded through oral history;

- (e) the objectives of the project was to record how Buddhism was practised at Luk Wu in the past and at present, the way of life of the monks and nuns and the characteristics of the various temples; to draw up a conservation plan and request for the establishment of a religious and cultural heritage area for Luk Wu; and to disseminate the Buddhist culture and tradition to the general public, in particular the younger generation;
- (f) the organisations that participated in the project included the Tai O Environment and Development Concern Association, the Buddhist community at Luk Wu and the monks and nuns living in the Area. The sponsors of the project included the Hong Kong University Hui Oi-Chow Trust Fund and The Lord Wilson Heritage Trust;
- (g) the research methodology was by oral history, letting the participants relate their own story and experiences. Over 40 interviews were conducted with monks/nuns and their adopted children, local residents, voluntary doctors and followers practising Buddhism at the place. Other evidence was then collated from field surveys, historical records and photos. The project took 3 years to complete;
- (h) the methodology of oral history was adopted as it would produce a more lively historical record, enabling people involved with past events to recall, reflect and relate the event in their own way and enabling readers to see the events from the angle of the participants;
- (i) the study results were presented on the website in order to reach as many people as possible. The project had recorded all the main events that took

place at Luk Wu since its establishment in 1883, provided a video record of the 38 temples and religious institutions at Luk Wu and the Buddhist practices and culture of the place. Moreover, 20 video clips were provided at the website which included interviews with personalities, how to do meditation, explanation of Buddhist rituals, the cultural history of the area, snapshots of temples and scenery of the natural landscape;

- (j) a video of Professor Siu Kwok Kin explaining the importance of Luk Wu in the history of the development of Buddhism in Hong Kong was presented;

[Mr Clarence W.C. Leung and Mr H.W. Cheung left the meeting at this point.]

- (k) a video of Master Sin Hung explaining the details of doing meditation was then presented; and
- (l) she then concluded the presentation and requested that all the incompatible uses should be deleted from Column 2 of the “GB” zone.

[Actual speaking time: 24 minutes]

35. The meeting was adjourned for lunch break at this point.

36. The meeting was resumed at 2:20 p.m.

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

Mr Stanley Y.F. Wong Vice-chairman

Mr Roger K.H. Luk

Mr Sunny L.K. Ho

Mr Lincoln L.H. Huang

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Mr H.F. Leung

Mr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Dr Lawrence W.C. Poon

Deputy Director of Environmental Protection
Mr C.W. Tse

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

Director of Planning
Mr K.K. Ling

Agenda Item 3 (cont'd)

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in respect of the Draft Luk Wu and Keung Shan Outline Zoning Plan No. S/I-LWKS/1

(TPB Paper No. 9867)

[The hearing was conducted in Cantonese and in English.]

38. The Vice-chairman invited the representers/commenter and their representatives to continue with their presentations.

Representation No. R77

39. Mr Yu Chi Wai, a regular participant of the activities held at Luk Wu, made the following main points:

- (a) he supported the general planning intention for Luk Wu as set out in the draft OZP;
- (b) each place had its unique character which was derived from its environment and any change in the environment would affect the character of the area;
- (c) more stringent planning controls were required for the “GB” and “G/IC(1)” zonings as some uses were incompatible with the existing uses within the zones. For example, it would be inappropriate to locate a barbecue spot adjacent to an existing temple. If such an event did take place, the temple operator would be forced to relocate as the noise and other nuisance generated by the barbecue area would adversely affect the operation of the temple;
- (d) in order to protect the special religious character and tranquil environment of Luk Wu, a proper ‘fence’ would need to be built, particularly given the recent experience of a commercial operator taking over an existing temple and changing it into a commercially-operated columbarium;

- (e) more stringent controls should be put in place for the “GB” and “G/IC(1)” zones to ward off any similar commercial operators;
- (f) the impact caused by these commercial operators was already quite significant as some temples had been taken over illegally and some Buddhist practitioners had decided to leave Luk Wu due to the changes in the character of the Area in the last few years; and
- (g) although the proposed stringent controls would affect the flexibility of providing facilities that might be needed, such facilities could always be provided through the submission of a section 12A rezoning application to the Board for consideration.

[Actual speaking time: 7 minutes]

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

Representation No. R78

40. Mr Andrezej Marek Stec made the following main points:

- (a) while the draft OZP was supported, several Column 2 uses under the “GB” and “G/IC(1)” zones should be removed;
- (b) the place was unique and he had witnessed many positive changes to people who visited the place;
- (c) Buddhism was not only a belief system or a cultural heritage but also a science with valuable information that was being incorporated into the mainstream of western societies. People benefited a lot from learning Buddhism;
- (d) he had been invited to an international firm to teach meditation to the executives and staff who were expected to learn how to improve their

well-being, reduce stress and reach a higher level of creativity;

- (e) Luk Wu not only had a wonderful environment which was valuable but it was also an educational and research facility that trained people to spread the information to the wider society;
- (f) lessons should be learnt from a similar experience in the Republic of Korea. In Korea, many Buddhist temples were located in scenic areas and a compromise was reached with the Government who designated the areas as National Parks that were made open to the public. However, the National Parks brought commercial opportunities and many shops and restaurants were subsequently opened, some of which were very close to the temples. With the environment spoiled, many monasteries were forced to relocate higher up into the mountains which reduced the attractiveness of the National Park as the area became commercialised; and
- (g) in order to avoid the lose-lose situation of Korea, the incompatible uses should be removed from Column 2 of the Notes of the “G/IC(1)” and “GB” zones as these uses would create noise pollution and other problems such as garbage disposal.

[Actual speaking time: 7 minutes]

Representation No. R85

41. Ms Grace Tam Po Lin made the following main points:

- (a) Luk Wu was like the source of a fountain providing living water for families and individuals. She started practising Buddhism at Su Bong Zen Monastery (秀峰禪院) about 20 years ago and she and her family had both benefitted;
- (b) she also started bringing the benefits of Buddhism practice and meditations to the wider society. Last year, she was invited by a priest at her alma mater to teach Primary 5 and 6 students how to calm down by doing

meditations and breathing exercises;

- (c) students nowadays had many problems, some of which were autistic or hyperactive while others had difficulty controlling themselves and had inclinations to bully others;
- (d) after a few meditation and breathing exercises, the students showed very positive results. For example, one student who was about to lose his temper and start bullying others learned to control himself by doing breathing exercises;
- (e) meditation exercises would gradually be taught to the teachers and parents. In this regard, the practice of Buddhism and meditation was not confined to Luk Wu but was being spread to other areas; and
- (f) as Luk Wu was the source of a fountain, all measures should be taken to prevent the source of living water from being polluted by such activities as barbecue sites and picnic areas.

[Actual speaking time: 6 minutes]

Representation No. R88

42. Ms Lam Chun Yue made the following main points:

- (a) she had a 15-year meditation experience in Luk Wu. During that period, she had gone through very difficult experiences in her life. Her father fell sick and passed away, she did not have a stable job, and she failed to associate with her friends and family members;
- (b) she could only get through that difficult time by practising meditation, doing volunteer work and going for short retreats at a temple in Luk Wu. Luk Wu was an oasis and was a treasure to her. Through guidance from the Buddhist masters and close contact with nature, she gained a better understanding of herself and learned a new perspective of seeing things and

handling interpersonal relationships and stress in daily life;

- (c) she had regained her confidence now and had a new job that involved a lot of interpersonal communications which she was able to handle with ease. As there were a lot of people under different extent of mental stress/disorder, it was important to protect an area like Luk Wu for people to practise meditation. That was a good way to heal mental distress, and that should bring more harmony to the Hong Kong community; and
- (d) Members were invited to go for a site visit to experience the practice of meditation themselves.

[Actual speaking time: 8 minutes]

Representation No. R22, R66 and R90

43. Ms Leung Wai Yan said that she was a counsellor by profession and she was well aware that many people in Hong Kong were suffering from mental stress disorders. She would like to share her experience with Members.

44. At this point, a Member reminded the attendees that their oral submissions should be directly related to the OZP rather than being sharing sessions of personal experience, noting that the schedule of the meeting had been considerably delayed. In response, Ms Leung said that her sharing was to show the importance of Luk Wu.

45. With the aid of a Powerpoint presentation, Ms Leung made the following main points:

- (a) some representers had indicated that the environment in Luk Wu was very suitable for the practice of Buddhism and meditation. But meditation was not confined to Buddhism. Many studies had shown that meditation was effective in healing a lot of sickness and mental distress;
- (b) people visiting Luk Wu for meditation would bring their own food and drinks and they would take up household chores themselves as part of

meditation practice. Hence, there was no need for commercial elements, such as eating place, hotels or shops. As people practising meditation would switch off their mobile phones, there was no need for installations for providing telecommunication services; and

- (c) the tranquil environment in Luk Wu was very suitable for meditation and for those practising Buddhism, for trainers like herself as well as for the general public who wanted to regain mental well-being. After practising meditation in Luk Wu, they would be able to spread the positive energy to the community.

[Actual speaking time: 8 minutes]

Representation No. R94

46. With the aid of a Powerpoint presentation, Mr Chong Dee Hwa made the following main points:

- (a) he was the president of the Ichthyological Society of Hong Kong (香港魚類學會). Since the 1970's, he had visited Luk Wu and conducted fish surveys in the Area. He had recorded a good variety of fishes that were sensitive to pollution or salinity of water and could only survive in areas above the WGG;
- (b) Luk Wu was located in the south western edge of Hong Kong and very far from the urban area. Although there were quite a number of people residing in Luk Wu, there was very little pollution. The houses or temples and their surrounding environment were kept in a very natural state;
- (c) an upper course of the east branch of Tai O River flowed through Luk Wu, with three river branches and nine river sub-branches. He had visited all of them and the environment was very nice; and
- (d) he had recorded a very rich variety of terrestrial plants and animals in the Area. For example, he had recently recorded, within a 3-hour period, more

than 50 species of animals/insects, including earthworms, flies, beetles, crickets, spiders, shrimps, snails, fishes, tree frogs, toads and lizards. Some of those species could only survive in places with very clean water and soil.

[Actual speaking time: 10 minutes]

Representations No. R96, R97 and R160

47. Minh Ngan Tran said that he was from Los Angeles and had lived in Hong Kong for more than 4 years. He had visited Luk Wu many times for meditation retreats. The Board should try its best to protect Luk Wu, that was a natural wonder which had been featured by BBC as one of the seven wonders of the Buddhist world. Protecting Luk Wu untouched would benefit the people of Hong Kong as well as people from around the world.

48. He then showed video recordings of three American Zen teachers each of whom had more than 30 years of experience in practising and teaching meditation.

49. Ms Barbara Rhodes (R160) made the following points through the video recording:

- (a) she had practised meditation since 1971. She was the Head Zen Master of Kwan Um School of Zen for the past 10 years;
- (b) she had been to many places all over the world to practise and teach meditation but many places had become very commercialised and had lost their traditional essence;
- (c) she had visited Luk Wu many times and every time she felt enriched after practising meditation there. The long history of Buddhism, the temple establishments and the Buddhist monks/nuns there had made Luk Wu a very unique place with little comparable examples overseas, other than maybe in China and Korea; and

- (d) it was important to protect Luk Wu for the continuation of the Buddhist tradition, for encouraging it to continue to grow and for its beautiful environment. It should not become commercialised.

50. Mr Jeffrey Kitzes (R97) made the following points through the video recording:

- (a) he was a psychotherapist and a Zen teacher from California. He had visited Luk Wu twice. He was very impressed with the meditation practice in Luk Wu and it had benefited him a lot. He could then bring the real essence of meditation practice to his patients and Zen students in the United States;
- (b) there was no real Buddhism tradition in the United States and he had to learn it from places like China, Hong Kong, Korea and Japan. It was important for him to visit places like Luk Wu that encompassed essences of the root of Buddhism; and
- (c) it was very important to preserve places like Luk Wu, that could serve as a sanctuary for meditation. As people lived a very hectic life nowadays, it was important to have such a tranquil place preserved for them to do reflections and communicate with their inner self. Meditation was an important part of Buddhism and places suitable for meditation such as Luk Wu should be preserved. Any kind of development in Luk Wu would take away this precious resource.

51. Mr Thomas Pastor (R96) made the following points through the video recording:

- (a) although he lived outside Hong Kong, Luk Wu had created resonance in his heart. He loved the place and the people there;
- (b) he had seen how stress had impacted on people's life and that was why places like Luk Wu was important. Luk Wu was a good place for

meditation with very high quality meditation teachers. It was a cultural heritage that should be preserved; and

- (c) after he practised meditation in Luk Wu in such a natural environment, the energy he gained there could be sustained for a few months and he could pass it on through his teaching sessions.

[Actual speaking time: 15 minutes]

Representation No. R107

52. Mr Cheung Tak Chuen made the following main points:

- (a) he supported preserving Luk Wu as a place for meditation as it served an important function for the society. People were healed of their illness, including mental illness, from meditation;
- (b) a place for meditation like Luk Wu would help to maintain harmony in the society. For example, the volunteers in Luk Wu had been providing help to some underprivileged people in society;
- (c) Luk Wu was also a place that could provide effective support and healing for mental patients, as compared to rehabilitation centres or hospitals, but with much less public resources. The most important thing was that people at Luk Wu served with their heart, helping visitors with mental problems to rebuild themselves and learn ways to release stress. He had also recovered from mental illness by doing meditations and he was able to help others through meditation now;
- (d) the natural environment in Luk Wu was a catalyst for meditation and it was more effective to meditate there. If this place was destroyed, it might not be possible to find another place in Hong Kong to replace it; and
- (e) as there were more and more conflicts in society, it was very important to preserve Luk Wu as a place for meditation, so that it could provide help to

those underprivileged in society, reduce conflict and enhance harmony.

[Actual speaking time: 9 minutes]

Representation No. R110

53. Ms Lau Po Chung made the following main points:

- (a) she always practised meditation in Luk Wu as she found the tranquil environment there had enhanced the effects of meditation for her. There were not many places in Hong Kong that could provide a suitable environment for meditation;
- (b) she was a doctor working in hospital. While modern medicine could heal a lot of physical illnesses, mental illness might not be so easily treated by medicine. Instead, meditation provided an effective way to heal mental illness and those rehabilitated patients were also able to help others. Meditation could also provide energy for them to change their attitude to life and interpersonal behaviour;
- (c) Hong Kong had experienced times of accelerated conflicts in the past years. To restore harmony in society, it was necessary to first restore harmony in each person's heart and to instill changes in personal attitudes; and
- (d) should Luk Wu become a commercialised place with recreation areas, shops and barbecue sites, it would become very noisy and would no longer be suitable for meditation. Hong Kong would lose a place for nurturing personal well-being for the present and the future generations. She urged the Board to protect Luk Wu.

[Actual speaking time: 5 minutes]

Representation No. R114

54. Master Sik Yan Zhi made the following main points:

- (a) Fat Tor Yuen (佛陀苑) comprised 3 buildings with one building being 2 storeys in height and the other two buildings being 2 storey in height;
- (b) the building height restriction on the OZP should be revised to 2 storeys to reflect the existing building height of Fat Tor Yuen;
- (c) as the planning intention of the “G/IC(1)” zone was primarily for designating the existing religious uses, it would be inappropriate to allow ‘House’ use under Column 2 of the “G/IC(1)” zone which could result in applications for the change of use from a temple to a house development;
- (d) the cumulative effect of approving applications for house development at sites originally occupied by temples would undermine the planning intention of the “G/IC(1)” zone;
- (e) many well-known temples and monasteries in China had, over time, faced destruction and restoration. Even though temples and monasteries might be dilapidated and was left unattended, the moment would come when they would be restored and people would return. In this regard, ‘House’ use under Column 2 of the Notes of the “G/IC(1)” zone should be deleted as allowing planning applications for house development would only attract the large developers to come to Luk Wu to seek development opportunities;
- (f) once a temple or monastery was demolished, people would lose touch with Buddhist teachings and, without the nurture of Buddhist teachings, people would not be able to find peace of mind. Buddhist teachings could bring peace and harmony to individuals, families, the society and the world at large; and
- (g) the Board should uphold the planning intention of the “G/IC(1)” zone and preserve the area for religious uses.

[Actual speaking time: 7 minutes]

Representation No. R156/Comment No. C1

55. With the aid of a Powerpoint presentation, Mr Tony Nip made the following main points:

- (a) according to TPB Paper No. 9704, the principle adopted by PlanD was that fallow arable land with good potential for agricultural rehabilitation found in areas near the religious clusters and villages would be zoned as “AGR” while other agricultural land that had been abandoned for a long time and was now covered by natural vegetation would be zoned as “GB”. This, however, was not the case in the draft OZP;
- (b) in Upper Keung Shan, while a large area had been zoned as “AGR”, the amount of land that was actually under cultivation was very small and a large proportion of the “AGR” zone was covered by dense, natural vegetation as shown in the aerial photo. On the other hand, many pieces of active agricultural land surrounding the existing temples and monasteries were zoned as “GB”. The case at Lower Keung Shan was similar as most of the “AGR” zone was covered by dense, natural vegetation;
- (c) there was concern that the “AGR” zone was being used by PlanD as potential “V” zone to provide flexibility under the planning application system for the submission of planning applications for Small House developments within the “AGR” zone;
- (d) according to the statistics of planning applications from 2010 to 2014, 60% of applications for Small House development within the “AGR” zone had been granted permission by the Board and 69% of applications within the “AGR” and “V” zones were granted permission;
- (e) as there was a very close match between the boundaries of the “AGR” zone and that of the ‘VE’ at Upper Keung Shan and Lower Keung Shan, it gave the impression that the “AGR” zones were being designed as potential “V” zones;

- (f) there was insufficient information in the TPB Paper on the “AGR” zone as no photos were provided to show the areas under the zone that were densely vegetated. A similar problem existed for the “V” zone as no photos were provided to show that part of the “V” zone was densely vegetated;
- (g) regarding the ecology of Luk Wu and Keung Shan, it should be noted that the area was a dense secondary woodland with tall trees and a dense canopy. Several natural streams with clear water flowed through the area and wetlands were found. The area was also likely inhabited by wild animals;
- (h) the water catchment network at Keung Shan covered the whole area, bringing water downstream and was directly connected with the wetlands in Tai O. In this regard, any pollution to the waters in Keung Shan would have a direct impact on the wetland habitat in Tai O;
- (i) according to a case study at Ma Wan New Village, Lantau, there was a strong correlation between the increase in E-coli and Faecal coliforms in the water and the increase in Small House developments at the village. The amount of E-coli and Faecal coliforms found in the water meant that the water quality there was even worse than the water at Shing Mun River. There was concern that the possibility of substantial Small House developments in the “AGR” zone at Keung Shan would cause serious pollution to the water system;
- (j) a case study at Hoi Ha carried out by academics had demonstrated that the provision of septic tanks would not reduce the amount of E-coli and other pollutants in the water system in the vicinity. The Small House developments at Lower Keung Shan would likely use septic tanks and would likely cause pollution to the natural streams in the vicinity;
- (k) our ancestors had the wisdom and worked hard to conserve the natural environment and prevent it from being polluted; and
- (l) the existing temples and monasteries in the area had been developed and

operated in a way that was in harmony with nature, helping to conserve the natural environment as it was.

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

- (a) each country park ‘enclave’ was a space providing the opportunity for the interaction between man and landscape;
- (b) the space at Luk Wu and Keung Shan provided a landscape for a journey into a timeless space;
- (c) the symbol of Buddhism today was ‘卍’. However, during the Tang Dynasty, the symbol was in the form of a chromosome, i.e. the sequence of our DNA. Therefore, the meaning of the symbol was that all forms of life including man and nature were one;
- (d) timeless space meant the space between heaven and earth. In the past, when man occupied the space between heaven and earth, there would be harmony. However, at present, harmony could only be achieved by way of planning controls through the OZP; and
- (e) in short, the timeless space that was found at Luk Wu and Keung Shan had to rely on a robust OZP framework that would preserve the integrity of the cultural and natural landscape of the area. Only then would there be harmony.

57. Mr Tony Nip concluded his presentation and made the following main points :

- (a) “V” zones should be restricted to existing village settlements or areas which were not ecologically sensitive, i.e. not within woodlands or near streams;
- (b) “AGR” zones should be reduced in size and limited to areas with relatively

less vegetation;

- (c) 'Columbarium' use should not be permitted in the "G/IC(1)" zone; and
- (d) a robust OZP framework was required to maintain and protect the integrity of the unique traditions of the cultural and natural landscapes in the country park 'enclave'.

[Actual speaking time: 21 minutes]

Representation No. R158

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

- (a) in order to protect the special religious and tranquil character of Luk Wu, commercial columbarium should not be permitted in the Area;
- (b) the existing "V" zone on the OZP was excessive and should be limited to cover only existing built structures;
- (c) all areas zoned "GB" should be rezoned to "GB(1)" with more stringent controls imposed;
- (d) 'House (NTEH only)' use should be removed from the "AGR" and "GB" zones, 'Barbecue Spot' use should be removed from the "GB" zone, and 'Zoo' use should be removed from the "G/IC" zone;
- (e) Luk Wu was an important and holy place for the practice of Buddhism and was a place frequented by hikers because of the beautiful natural environment and the special religious and tranquil character of the area;
- (f) the existing temples and monasteries in the area were concentrated in two main religious clusters while the remaining area covered by the OZP were mainly natural landscapes that were of a high value;

- (g) by placing 'Columbarium' use under Column 2 of the Notes of the "GB" zone, existing columbarium developments that were unauthorised developments such as Yin Hing Monastery (延慶寺) had been attracted to submit planning applications to the Board to regularise the existing unauthorised use;
- (h) there was concern that the situation at Tao Fung Shan, Sha Tin would be repeated here, i.e. the existing unauthorised columbaria had continued their operations while applying for planning permission, resulting in large numbers of people visiting these unauthorised columbaria during Ching Ming Festival, causing traffic congestion and garbage problems;
- (i) given the remoteness of the Luk Wu area, any columbarium or barbecue site development would generate a serious garbage collection problem;
- (j) Small House development in the Luk Wu area would generate sewage disposal problems as the provision of septic tanks was not an appropriate solution to the problem. As the Luk Wu was not served by paved roads, the septic tanks could not be cleaned regularly causing sewage to spill over and polluting the general environment; and
- (k) it was uncertain whether the percolation tests that were required to be submitted to LandsD together with the Small House applications would be evaluated by the expert departments as there was a standing instruction from EPD indicating that there was no need to circulate Small House applications and information on sewage systems to EPD for consideration. In this regard, percolation tests should be conducted before an area was designated as suitable for Small House development and the Board should make sure that percolation tests were verified and approved by EPD.

[Actual speaking time: 9 minutes]

59. As the presentation from PlanD's representatives and the representers/

commenters and their representatives had been completed, the Vice-chairman invited questions from Members.

Number of Genuine Temples and Monasteries

60. A Member enquired about the number of temples and monasteries that were actually practising Buddhism in the Luk Wu area and the number of temples that were being held or in danger of being held by commercial operators which would not actually practise Buddhism. In response, Venerable Hin King (R2) said that they were worried that all temples in the area would be in danger of being turned into commercial operations. As Buddhist organisations should never be commercialised, the proposed provision of commercial uses in the Notes of the OZP covering the Luk Wu area was objected to as the existing Buddhist community had no need for these facilities. In fact, a true follower of Buddha should have no desires, hence his actions should not result in any commercial activities.

61. In response to the Vice-chairman's enquiry, Ms Vera Lau (R17) said that they had not gathered information from the 38 temples on their existing status. They only knew that Ji Chik Lam (智積林) and six other temples had been illegally taken over by the commercial operators. It was worrying as they did not know exactly how many had been changed into commercial operations, hence their request that more stringent planning controls should be imposed to prevent the proliferation of commercial uses in the area. Dr Teresa C.H. Tao (R76) supplemented that Ji Chik Lam was located in the central portion of Luk Wu and the other temples that were being taken over by commercial operators were quite spread out in the area. As the temple sites were in close proximity to each other, once commercial operations were introduced into these sites, the genuine temples in the Luk Wu area would be significantly affected.

'Pu Tung Ta' vs 'Columbarium' Use

62. In response to a Member's enquiry on how to differentiate a commercially-operated columbarium from a 'Pu Tung Ta' (普同塔), Mr Ivan M.K. Chung (DPO/SKIs) said that while a 'Pu Tung Ta' would be considered as an ancillary use to a temple or monastery, a columbarium was not permitted within the "G/IC(1)" zone

as ‘Columbarium’ use was neither in Column 1 nor Column 2 of the Notes of the “G/IC(1)” zone. Whether a ‘Pu Tung Ta’ could be considered as an ancillary use would need to be examined on a case-by-case basis taking into account the scale of the ‘Pu Tung Ta’ in relation to the size of the temple, which person’s ashes would be interned at the site, and whether permission had been obtained from LandsD for ‘Pu Tung Ta’ use at the site.

63. In response to the same Member’s further enquiry, Mr Chung said that LandsD would consult PlanD on whether an existing or proposed ‘Pu Tung Ta’ could be considered as an ancillary use and PlanD would examine the case based on the criteria mentioned above. In response to the same Member’s enquiry on how to determine whether the scale of the ‘Pu Tung Ta’ was excessive, Mr Chung said that the temple operator would need to provide the necessary information to PlanD to assist it in its consideration including the scale of the religious institution concerned, the size of the existing temple at Luk Wu and the layout including whether the ‘Pu Tung Ta’ was an integral part of the temple.

Adequacy of Supporting Facilities

64. Noting that Luk Wu was a place for meditation that attracted a lot of foreigners and visitors, a Member enquired whether the needs of the visitors such as overnight accommodations, kitchen facilities and sewage disposal facilities had been catered for. In response, Mr Chung said that the “G/IC(1)” zoning on the OZP was mainly to reflect the existing religious uses and buildings that formed religious communities and clusters in the Area. Any overnight accommodation should be provided within the existing buildings and any proposed extension of existing buildings to provide such facilities would need to obtain prior permission from the Board. For hotels and guesthouses, a licence would be required under the Hotel and Guesthouse Accommodation Ordinance (HAGAO) (Cap 349).

65. The same Member enquired whether there was a limit on the number of visitors staying overnight. In response, Mr Chung said that currently, there were no standards or limits on the number of visitors that could stay overnight in the area. However, should the temples decide to expand their overnight accommodations, planning permission would be required and a limit could be set out in the planning permission.

66. The Vice-chairman enquired whether any commercial element or payment was required for the existing overnight accommodations and the scale of these accommodations. In response, Master Sik Hyang Um (R3, R4 and R6) said that overnight visitors who were members would be charged \$120 per night which would cover the expense for accommodations, 3 meals and laundry services. Sponsors for retreats that required overnight stay were needed as the charge per night could not cover the costs. However, all visitors were required to start their day at 4 am in the morning with spiritual exercises and meditation sessions which included the 108 bowing and other activities. On the capacity of the overnight accommodations, the temples could accommodate about 100 to 120 persons per night. Venerable Hin King supplemented that for visitors who did not stay overnight, they would also be required to pay a fee to cover the transportation costs, lunch boxes and other expenses.

67. In response to a Member's enquiry on plans to improve the facilities to accommodate more participants at meditations and retreats so that more people could reap benefits from the religious atmosphere and tranquil environment, the Venerable Hin King said that the issue would need to be considered very carefully as Luk Wu was a very delicate place. The capacity of the prayer sessions and retreats conducted by the Foundation was limited to 200 persons as the voluntary workers and monks would add another 50 persons to the area. This was considered to be the maximum carrying capacity of the area. The environment of Luk Wu would likely be damaged if the capacity was exceeded. Where the activities organised were aimed at a larger audience, they would be held at convention centres and meeting halls in the urban area. Master Sik Hyang Um added that the Board should consider to rezone the entire Luk Wu area as "G/IC(1)" so as to give it maximum protection. Mr Benson Poon (R2) supplemented that the visitors to Luk Wu were aware of the need to maintain a tranquil environment and all participants to the prayer sessions and retreats could only attend on invitation.

68. In response to a Member's enquiry on whether the overnight accommodations provided by the temples and monasteries were regulated by the government, Mr Chung said that if the overnight accommodations provided were ancillary facilities to the temples and monasteries, they could be considered as an 'existing use' under the Ordinance. The advice of the Home Affairs Department would need to be sought on whether these

overnight accommodations should be considered as guesthouses where a licence would be required under the HAGAO.

Coverage of the “G/IC(1)” Zone

69. A Member enquired whether there was a discrepancy in the area that was zoned “G/IC(1)” and the area that was currently used by the temples and monasteries. In response, Mr Chung said that the “G/IC(1)” zone covered only the footprint of existing buildings because Luk Wu was located within the WGG where no new development was permitted. While the existing buildings would be reflected under the “G/IC(1)” zone, other paved areas, passages and open areas that were currently used by the temples had been excluded from the zoning. Nevertheless, as these areas were mainly government land and there was no need for an ‘existing use’ to comply with the OZP, there was no need to include them into the “G/IC(1)” zone.

[Mr David Y.T. Lui left the meeting at this point.]

The proposed “GB(1)” Zone

70. Noting the size of the “GB” zone and that large areas of the “GB” zone were located some distance away from the existing cluster of temples and religious institutions, a Member enquired whether it was fair to the general public not to allow facilities such as barbecue sites to be provided in the “GB” zone on application to the Board. In response, Venerable Hin King said that there were currently many hikers and riders of mountain bikes visiting the area and a private resort house with a barbecue site was located near the cluster of temples. There was no problem with the existing users and visitors as most of them respected the general religious atmosphere of the area. The concern was that once certain uses were specified in the Notes of the OZP as permissible on application to the Board, a leeway would be provided for certain people who might come in the future to disrupt the tranquil environment.

71. In response to the same Member’s further enquiry, Ms Vera Lau said that they had less concern on the “GB” sites that were located far away from the existing temple cluster. The representer’s proposal was to designate a “GB(1)” zone in areas close to the

existing cluster of temples and religious institutions where the commercial uses would be removed from Column 2 of the Notes.

72. Mr Tony Nip said that as the Luk Wu and Keung Shan area was a country park 'enclave', maximum protection should be given and the area should be rezoned to either "CA" or "GB(1)". If necessary, landowners who wanted to develop certain commercial uses on their site could always submit a s.12A rezoning application to the Board for consideration. As the application would need to be published for public comments, the Board could consider all public views on the application before making a decision on the application. In this regard, he considered that the entire area covered by the "GB" zone should be rezoned to "GB(1)" as some of the Column 1 and Column 2 uses under the "GB" zone were not particularly compatible with the special religious and tranquil character of Luk Wu.

73. Noting that the incompatible uses under concern were Column 2 uses where s.16 applications would be required, a Member queried the need for the proposed rezoning which would require s.12A applications. In response, Mr Benson Poon said that from the commercial angle, submitting a s.16 application was much easier as the time taken for the processing of a s.16 application was comparatively shorter than that of a s.12A application. Government departments would also give more scrutiny to s.12A applications than s.16 applications. The Vice-chairman commented that while the processing time required for s.16 and s.12A applications was different, there should not be any difference in the level of scrutiny applied to the applications.

74. Mr Tony Nip said that in order to protect the special religious and tranquil character of Luk Wu, the planning controls for the area should be more restrictive and uses that were not compatible should be removed from Column 2 of the Notes. The protection should be instituted by law in order to avoid the possibility of future Members of the Board adopting a more relaxed approach in assessing planning applications submitted for the area. It was also worthy to note that 60% of planning applications for NTEH developments within the village 'environs' that were zoned "AGR" had been approved and 30% of such applications in the "GB" zone had been approved. Dr Chiu Sein Tuck supplemented that the OZP should provide a robust system and a good legal framework to protect the special religious and tranquil character of the area.

Landownership and Use Rights

75. Noting a representer's claim that a temple had been illegally taken over, a Member enquired about the lease for the temple and the rights of the leasee. As the representer who spoke about the case of Ji Chik Lam (智積林) had already left, Ms Vera Lau said that Ji Chik Lam was a very old institution which had been left unattended due to the old age of the monks that were responsible for the place. It was understood that the temple site was owned by the monks who probably held an old lease or a building licence. The monks, however, did not know much about legal matters or the inheritance of their property and the lease for the site could not be found. The operator of Yin Hing Monastery (延慶寺) subsequently took over the site, placed statues everywhere and applied to the utility companies for the provision of water and electricity. It was understood that the operators of Yin Hing Monastery did not have the lease and could not provide proof that they owned the site.

76. As some representers requested that areas outside the lot boundary but currently used by the temples should be included into the "G/IC(1)" zone, the same Member asked whether the representers had the legal right to use those areas. In response, Master Sik Hyang Um said that the issue of ownership was a problem as many temples and monasteries in the area did not have a lease to prove ownership of the site or other legal documents to show the extent of the area that were taken up by the temples and monasteries. In fact, the monks were not concerned with landownership and their only desire was to continue to use the area currently occupied by the temples and monasteries.

77. Venerable Hin King supplemented that the lease documents held by the temples and monasteries were problematic as the location of the private lot shown on the lease plan and the actual location of the temples and monasteries on site might not match with one another. This was the reason why areas that were currently used by the temples and monasteries were claimed to be government land. Ms Vera Lau said that given the intention of the OZP to protect the special religious and tranquil character of Luk Wu, she pointed out that the religious character that made it a place suitable for meditation was not confined to the existing buildings but was related to the general area, the people and the

activities that were held. In this regard, the “G/IC(1)” zone should not be restricted to the existing building structures.

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

WGG and the “V” Zone

78. In response to a Member’s enquiry on the extent of the WGG, Mr Chung made use of a plan showing the boundaries of the WGG and said that most of the area in the eastern part of the draft OZP was located within the WGG where no new developments should be permitted.

79. In response to the Vice-chairman’s enquiry on the size of the “V” zone, Mr Chung said that as the existing Upper Keung Shan village was located within the WGG where new NTEH developments were not supported by EPD and the Water Supplies Department, the “V” zone for the recognised village of Upper Keung Shan only covered the existing village cluster with no allowance for new developments. In order to cater for the Small House demand of 31 Small Houses for the two recognised villages of Upper Keung Shan and Lower Keung Shan, an incremental approach had been adopted by providing a larger “V” zone for Lower Keung Shan Village which could accommodate an additional 22 Small Houses in future. It was confirmed with the relevant government departments that the proposed “V” zone would not cause any adverse impact on the ecology and overall environment.

80. Noting that a large part of the area was within the WGG, a Member enquired whether more stringent controls should be applied within the “GB” zone. In response, Mr Chung said that Luk Wu was also a recognised village where a “V” had not been provided on the OZP because, in accordance with the information provided by LandsD, there was no demand for Small House development at the moment. However, in order to cater for the possibility of Small House development for Luk Wu Village in future, ‘House (NTEH only)’ use was specified as a Column 2 use in the “GB” zone so that planning applications for Small House development to meet future demand could be submitted to the Board for consideration. When considering planning applications under the “GB” zone for developments such as Small House or barbecue sites within the WGG,

the relevant planning considerations including the location of the proposed development, its impact on the environment and on the WGG, and local views would be taken into account.

81. Mr Tony Nip had reservations on such an arrangement as the proposed “V” zone in Lower Keung Shan was located on a site that was covered with trees. Moreover, since 60% of all Small House applications that were located within the ‘VE’ and zoned “AGR” were permitted by the Board, there was concern that Small House development would be concentrated in future in the Lower Keung Shan area which could cause an adverse impact on the Luk Wu area as a whole.

82. As Members had no further questions and the representers/commenters and their representatives had nothing to add, the Vice-chairman said that the hearing procedure had been completed and the Board would deliberate on the representations in their absence and would inform them of the Board’s decision in due course. The Vice-chairman thanked the representers/commenters and their representatives and the government representatives for attending the hearing. They all left the meeting at this point.

[The meeting took a break of 5 minutes.]

Deliberation Session

83. The Vice-chairman said that as quite a number of Members who had heard the representations had left the meeting already and the attendees of the remaining items scheduled for the meeting had been waiting for a very long time, he suggested and Members agreed that the deliberation on the representations should be deferred to a later meeting.

Sai Kung and Islands District

Agenda Item 4

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments in respect of the Draft Tung A and Pak A Outline Zoning Plan No. S/SK-TA/1
(TPB Paper No. 9866)

[The meeting was conducted in Cantonese]

84. The Vice-chairman said that as sufficient notice had been given to the representers and commenters to invite them to attend the meeting, Members agreed to proceed with the hearing of the representations in the absence of the other representers and commenters who had indicated that they would not attend or had made no reply.

85. The following government representatives and the representers and their representatives were invited to the meeting at this point:

Mr Ivan M.K. Chung - District Planning Officer/Sai Kung and Islands, Planning Department (DPO/SKIs, PlanD)

Mr Cary P.H. Ho - Senior Nature Conservation Officer/South, Agriculture, Fisheries and Conservation Department (AFCD)

R1 - World Wide Fund for Nature Hong Kong

Mr Andrew Chan - Representer's Representative

R2 – Kadoorie Farm and Botanic Garden Corporation

Mr Tony Nip 1 Representer's Representatives

Dr Chiu Sein Tuck 1

R3 – Designing Hong Kong

Ms Debby Chan - Representer's Representative

R5 – H.F. Cheng

Ms H.F. Cheng - Representer

Mr K.C. Chiu - Representer's Representative

86. The Vice-chairman extended a welcome and explained the procedures of the hearing. Members noted that a document provided by Ms H.F. Cheng (R5) on the day had been circulated at the meeting. The Vice-chairman then invited the representatives of PlanD to give a presentation.

87. With the aid of a Powerpoint presentation, Mr Ivan M.K. Chung (DPO/SKIs) made the following main points as detailed in the Paper:

Background

- (a) the planning scheme area (the Area) of the draft OZP covered a total area of about 20.41 ha. It comprised three areas, namely Tung A, Pak A and Chau Tsai. Tung A and Pak A were completely encircled by the Sai Kung East Country Park (SKECP) with mountain ranges to its west, north and east. Chau Tsai was a small island which was linked up with Pak A by a sand bar during low tide;
- (b) Tung A and Pak A were the only two indigenous villages in the Area. The village 'environs' ('VE') had an area of 16.5ha, with 75% being government land and 25% being private land;
- (c) on 8.8.2014, the draft OZP was exhibited under section 5 of the Town Planning Ordinance (the Ordinance). During exhibition of the draft OZP and publication of the representations, 5 representations and 3 comments were received respectively;

- (d) on 13.2.2015, the Town Planning Board (the Board) decided to consider the representations and comments collectively in one group by the full Board;

Grounds of Representations and Responses

- (e) the major grounds of the representations were summarised in paragraphs 2.2 and 2.3 of the Paper and highlighted below:

Supporting Views (R1(part) and R2(part))

- (i) R1(part) and R2(part) welcomed the introduction of statutory planning control to the area of Tung A and Pak A as it would help to preserve the natural and landscape character of the enclaves and the surrounding SKECP. The conservation zonings for protecting the ecology, natural environment and species of conservation interest were supported;

Adverse Representation (R3)

The Area should be designated as Country Park

- (ii) Tung A, Pak A and Chau Tsai were enclaves surrounded by the SKECP and they should be designated as part of SKECP to improve management of these areas, enhance the conservation and landscape values, and increase the enjoyment and amenity value of the country park;

Land for Small House Development

- (iii) according to the 2011 Census, the population in Tung A and Pak A was less than 50. The Small House Policy was abused for

investment rather than for housing needs. The demand for new Small Houses was neither verified nor justified;

- (iv) the Area had no road connection and public sewerage facility. Increase in house development would be followed by demand for road and community facilities which would create adverse ecological and landscape impacts on the Area. The carrying capacity of the country park had not been considered;
- (v) slope stabilisation, site formation, sewage treatment, drainage and provision of footways, access and car park should be implemented as public works to minimise impact. Any development should be subject to the availability of sewage treatment system;

Small House Development within “GB” Zone

- (vi) while “Green Belt” (“GB”) zone was in general against development, Small House development might be permitted within “GB” zone. This provided a false hope to the villagers and put those areas along the stream, coastal area and country park at risk;

Representation offering views on the draft OZP

Land for Small House Development (R1, R2 and R4)

- (vii) there was grave concern on the size of the “V” zone, in particular that for Pak A. The proposed “V” zones at Pak A had encroached onto well vegetated areas which were dominated by native tree species in mature size. They were also ecologically linked with the SKECP, forming an ecological corridor between the enclave and the country park;

Environmental and Ecological Impacts (R1, R2 and R4)

- (viii) future village expansion would cause significant ecological impacts on the well vegetated areas because of tree removal and vegetation clearance for building Small Houses;
- (ix) there would be potential pollution to marine water and marine fish culture rafts due to discharge of wastewater and overloading of sewage treatment systems;
- (x) the designation of “V” zone covering existing secondary woodland and shrubland areas to accommodate a planned population of 255 persons would generate demand for supporting infrastructure, e.g. access road, and lead to vegetation loss in both the Area and SKECP;

Contravention of the Lease (R5)

- (xi) the designation of “V” zones on the OZP contravened the Block Government Lease (BGL). To endorse the designation of “V” zones on the OZP would defy the BGL and falsify the original Small House policy;

Representers’ Proposals

- (f) The proposals of the representers were:
 - (i) to confine the “V” zones to existing village houses, building lots or approved Small House sites (R1 to R3);
 - (ii) to remove ‘House’ and ‘Small House’ uses from the “GB” zone (R3);
 - (iii) to rezone the stream and its riparian zone, coastal area and area

connected to the country park as “Conservation Area” (“CA”) or “Coastal Protection Area” (“CPA”) (R3);

- (iv) to reduce the planned population of the OZP to the existing level of less than 100 persons (R4); and
- (v) all agricultural lots held under the Block Government Lease could not be zoned as “V” and should be excluded from the OZP (R5).

Comments on Representations

- (g) C1 objected to R3’s proposal to remove ‘House’ and ‘Small House’ from Column 1 and 2 of the Notes for the “GB” zone and C2 objected to R4’s proposal to reduce the planned population. Their grounds were that such proposal would jeopardise village development. C3 was submitted by the Chairman of the Sai Kung Rural Committee that raised objection to the inclusion of private land into “GB” and “CPA” zones without compensation, and raised concerns about the provision of land for Small House development;

Responses to Representations and Comments on Representations

- (h) concerned government bureaux/departments had been consulted on the representations and comments and their latest assessments were set out in the responses highlighted in paragraphs 5.18 and 5.19 of the Paper. They were summarised below:

The Area should be Designated as Country Park (R3)

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

Land for Small House Development (R1 to R4)

- (ii) there was a need to designate “V” zones at suitable locations to meet Small House demand of indigenous villagers in Tung A and Pak A which were recognised villages within the Area;
- (iii) the “V” zones on the draft OZP covered a total area of about 3.45 ha accounting for about 21% of the ‘VE’ (about 16.52 ha). The area reserved for Small House developments comprised mainly the existing fallow agricultural land in northern Pak A and the abandoned salt pan in western Tung A. Land available within “V” zone for new Small House development was about 1.98 ha (equivalent to 79 new Small House sites) which would meet about 35% of the total Small House demand (about 229);
- (iv) the boundaries of the “V” zone for the villages had been drawn up having regard to the ‘VE’, local topography, settlement pattern, Small House demand forecast, areas of ecological importance, as well as other site specific 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 environmentally/ecologically sensitive areas and steep topography had been excluded;
- (v) relevant works departments would keep in view the need for infrastructure in future subject to resources availability. Flexibility had also been provided in the Notes of the OZP for geotechnical works, local public works and environmental improvement works co-ordinated or implemented by the Government;

Small House Development within “GB” Zone, and proposal to remove

'House' and 'Small House' Uses from the "GB" zone (R3)

- (vi) there was a general presumption against development within "GB" zone. 'House' or 'Small House' use in "GB" zone required planning permission from the Board and also needed to comply with relevant Town Planning Board Guidelines. Each application would be considered on its individual merits. There was no strong justification for imposing more stringent control on Small House or 'House' use in the "GB" zone;

Environmental and Ecological Impacts (R1, R2 and R4)

- (vii) although there was no existing or planned public sewer for the Area, village house development could use on-site septic tank system. There were relevant regulatory mechanisms including Environmental, Transport and Works Bureau's Technical Circular (Works) No. 5/2005 and Environmental Protection Department (EPD)'s Practice Note for Professional Person (ProPECC) PN 5/93;
- (viii) when considering the Plan, the Board had already taken into account all relevant planning considerations, including the advice of the relevant Government departments and public views. Conservation zones, including "GB" and "CPA" under which there was a general presumption against development, had been designated to cover areas having ecological and landscape significance to protect the natural environment and ecological system of the Area;

Contravention of the Lease (R5)

- (ix) under the prevailing Small House policy, indigenous villagers could apply to LandsD for Small House development. The designation of "V" zones on the OZP was to meet the Small House demand of

the indigenous villagers in Tung A and Pak A. The “V” zones on the OZP fell entirely within the ‘VE’ of Tung A and Pak A villages. Land matters related to Small House development would be separately handled by LandsD during Small House grant application;

Rezone the stream and its riparian zone coastal area and area connected to Country Park to “CA” or “CPA” (R3)

- (x) the area within 20m from the two stream courses as well as most of the coastal area were zoned “GB” and “CPA” respectively on the OZP. There was a general presumption against development for areas falling within these two conservation zones. In the absence of significant flora and fauna in the Area, the “GB” zone was considered appropriate and AFCD had no adverse comment on the “GB” zoning;

Reduce the Planned Population to Existing Level of Less than 100 Persons (R4)

- (xi) the planned population of the Area was estimated based on the existing population and the capacity of the “V” zones to accommodate Small House development. The designation of the “V” zones in the Area was to meet the Small House demand of the indigenous villagers. It was estimated that the “V” zones could accommodate about 79 Small Houses which could satisfy about 35% of the total Small House demand (about 229) in the Area;

Responses to Comments

- (xii) although there was presumption against development, the permitted agricultural use under the lease would not be jeopardized because ‘agricultural use’ was always permitted within “GB” and “CPA”

zones. 'House' and 'Small House' use in "GB" zones required planning permission from the Board and each application would be considered on its individual merits;

(xiii) the issue of compensation should be dealt with according to the prevailing policy; and

(xiv) the above responses to grounds regarding 'Land for Small House Development', 'Small House Development within "GB" zone and proposal to remove 'House' and 'Small House' uses from "GB" zone' were also relevant; and

PlanD's view

- (i) based on the planning considerations and assessment in paragraph 5 of the Paper, PlanD noted the supporting views of R1 (Part) and R2(Part); and did not support the remaining parts of R1 and R2 as well as the representations of R3 to R5 and considered that the draft OZP should not be amended to meet the representations.

88. The Vice-chairman then invited the representers and their representatives to elaborate on their representations. The Vice-chairman said that their written submissions had been provided to all Members and the oral submissions were only for supplementing the written submissions and they should be concise. As R1 and R2 had no objection to R3's request to make the presentation first, the Vice-chairman invited R3 to make the presentation.

R3 – Designing Hong Kong Limited

89. Ms Debby Chan made the following main points:

- (a) the Area was a Country Park enclave that should be protected and there should not be more developments encroaching into or near the Country

Park. The “V” zones designated on the OZP were too extensive and should be confined to existing building lots. The area zoned “GB” should be rezoned as “GB(1)” under which Small House developments were not allowed;

- (b) according to the 2011 Census, the population in the Area was only 50 persons. The Small House demand figure adopted for designation of “V” zones was provided by the VRs and were not verified and could not justify the development of more Small Houses in the Area;
- (c) existing village houses would directly discharge sewage or would only use septic tanks, this had created major pollution and hygiene problems. Such problems were recognised by the Government;
- (d) in early 2015, *Noctiluca scintillans* (夜光藻) were spotted in Pak Lap and Tai Mei Tuk. *Noctiluca scintillans* were signs of pollution caused by excessive organic matters in the water that were harmful to the marine ecology. Such pollution was likely caused by discharge of domestic waste water, that might be associated with Small Houses that only used septic tanks or might be from restaurants which were permitted on the ground floor of village houses. There were also some restaurants in Tung A;
- (e) the problem with ProPECC No. PN 5/93 was that the applicants were only required to conduct percolation tests, however, the ways in which the tests were done or whether the results were correct were not vetted by any government departments;

[Mr Martin W.C. Kwan returned to join the meeting at this point.]

- (f) the “V” zones were designated in areas very close to the Country Park, with only a buffer area (zoned “GB”) of some 5m, 10m or 15m away. Given that Small Houses might be allowed within “GB” zones, there was

insufficient protection for the Country Park. The “GB” buffer areas also comprised areas with slopes;

- (g) slope stabilisation works for Small House developments was also a concern. The Board had previously approved a Small House development under planning application No. A/ST/673 and remarked that there should not be extensive clearance of vegetation. The applicant subsequently submitted another planning application for extension of the house site into vegetated areas in order to comply with the Building Authority’s requirement for slope remedial works (planning application No. A/ST/864). Under such circumstances, it was difficult for the Board not to grant permission from safety perspective; and
- (h) in summary, their proposals were (i) to confine “V” zones to the existing building lots; (ii) to rezone areas zoned “GB” to “GB(1)”; (iii) that percolation tests should be conducted before the Board designated “V” zones on statutory plans; and (iv) that percolation tests should be verified and approved by the EPD prior to considering granting permission for Small House applications.

R1 – World Wide Fund for Nature Hong Kong

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

- (a) supported statutory planning control over Tung A and Pak A to preserve their natural landscape and ecology;
- (b) there were well vegetated areas within the two “V” zones in Pak A. In the northern “V” zone, there were wooded areas surrounding some existing buildings. In the southern “V” zone, there were some existing village houses along the coast, but there were a lot of trees in the inland areas of the “V” zone;

- (c) the well vegetated areas within the two “V” zones were of similar density and were ecologically and visually contiguous with the adjoining “GB” zone and the Country Park. As such, areas within the “V” zones displayed the same characteristics as areas being zoned “GB” on the OZP. The well vegetated areas in the “V” zones were of high ecological value and should be excluded from the “V” zones; and
- (d) there would inevitably be vegetation clearance and tree felling when there was village expansion within the “V” zone. Well vegetated areas in the “V” zones should be rezoned to at least “GB”, and the “V” zones should only be confined to the existing houses and building lots.

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

R2 – Kadoorie Farm & Botanic Garden Corporation

91. With the aid of a Powerpoint presentation, Mr Tony Nip made the following main points:

- (a) there was a lot of vegetation in the “V” zones in Pak A. In the northern “V” zone, only a small area was occupied by some existing buildings, the other areas were overgrown with tall trees and woodland amongst some building debris. In the southern “V” zone, other than the village houses along the coast, there were contiguous woodland in the inland area of the “V” zone;
- (b) similar woodland in Hoi Ha and Pak Lap were zoned “GB(1)” or “CA” to provide better protection. Pak A was geographically very close to Pak Lap. From the aerial photos, it could be seen that the woodland in Pak Lap was smaller than that in Pak A but it was already protected by the “CA” zoning. Similar woodland in Pak A was only zoned “GB” and some of the woodland was even included within the “V” zones

where destruction of woodland was foreseeable. There was no apparent reason to justify zoning the woodland areas in Pak A as “GB” rather than “CA” as in Pak Lap;

- (c) the existing water quality in Tung A and Pak A was very good. Pak A had good water quality that sustained some 43.1% of coral reef coverage and was a coral reef check point of AFCD. In Tung A, there was a fish culture zone that was also sensitive to changes in water quality. The zonings on the OZP should aim to improve the overall water quality in the Area;

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

- (d) the existing water quality in the Area was very good despite there was sewage discharge from a few existing restaurants. However, if more Small Houses or restaurants (that were permitted on ground floor of Small Houses) were allowed to be developed in the Area, it would inevitably increase pollution level. As presented in previous meetings (for Ma Wan New Village and for Hoi Ha), an increase in Small Houses would lead to an increase in E-Coli and faecal coliform as well as other human-related discharges such as contraceptives. There was clear evidence that septic tank was ineffective for treating sewage discharges. However, any Small Houses in the Area would only use septic tanks to treat its sewage;
- (e) the OZP had made provision for 79 new Small Houses based on the Small House demand figure provided by the village representatives (VRs). However according to a news report, the VR had told the reporter that the Small House demand figure was meaningless and he would ask for more Small Houses than the actual need so that he could eventually bargain for more;
- (f) during his site visits, he observed that there were not many people in the

Area. According to the 2011 Census, the population in the Area was less than 50. However, the “V” zones in the OZP had made provision for a population of 255. Given that there was no vehicular access, no regular ferry services and no place for buying daily necessities, there was no means to support the planned increase in population; and

- (g) it was proposed that the two “V” zones in Pak A should be reduced in size with the wooded areas taken out and rezoned as “GB”.

92. The Vice-chairman reminded Ms H.F. Cheng (R5) that the oral submission was for supplementing her written submission that had already been provided to all Members. The document that she provided to the Board on the day had been circulated at the meeting. He said that Ms Cheng had made presentations in a number of hearings on matters relating to BGL, he reminded Ms Cheng to focus on matters directly related to the Tung A and Pak A OZP in the presentation.

R5 - H.F. Cheng

93. Mr K.C. Chiu made the following main points:

- (a) their presentation was about how Lands Department (LandsD) had breached its duty and it was about the rule of law in Hong Kong. The Board had been forced to decide on matters that they should not be asked to decide on;
- (b) the response to R5’s representation in the Paper was misleading. It made reference to the so-called current Small House Policy. However, the genuine Small House Policy should only be the Small House Order signed by the then Governor in the Executive Council on 14.11.1972. It was clearly stated then that the Government only had authority to allocate government land, not exceeding 1,000 sq.ft. for an indigenous villager to build a Small House;

- (c) in 1898, at the time when the British government leased land in Hong Kong for 99 years from China, 18% of land in Hong Kong was under BGL (i.e. private land) and 82% was government land;
- (d) in the pre-war period, land matters were under the then Land Officer and in the post-war period, land matters were taken up by the then District Commissioner (理民府). In 1982, land matter was taken up by the then Buildings and Lands Department;
- (e) the Small House Order of 1972 clearly stated that Small House policy was not applicable to private land that was separately governed by BGL. When BGL was signed in 1905, the Colonial Secretary Order (CSO) 4890/1905 already set out two restrictive covenants and the 'exclusive reservation' to control how private land under BGL could be converted from agricultural use to a building lot;
- (f) the CSO 4890/1905 as well as the BGL had clearly required that for conversion of land from agricultural use to building lots, the BGL lessee had to provide a certain portion of land for public purpose. The BGL stated that "all the easement and appurtenances were except and reserved unto His said majesty". His said Majesty, in the current context, meant the people of Hong Kong. The LandsD should have taken control of all easement and appurtenances on behalf of the people of Hong Kong;
- (g) the conversion rule in CSO 4890/1905 stated that BGL lessees were to be acquired (up to 45%) of part of their lot for roads, public buildings or public purposes. This meant that for conversion of a 10,000 sq.ft. lot, the lessee had to be acquired up to 4,500 sq.ft. of land for public purposes. This requirement served a good public purpose and he could not understand why LandsD had not upheld it;
- (h) before the 1972 Small House Policy, the LandsD would issue building licence for developments. Building licence was issued in accordance

with the restrictive covenant for 'first approval to erect or construct' buildings or structures of any description, and that were to be approved by 'surveyor to his said Majesty' (i.e. the then Public Works Office). The New Territories Public Works Office was then under the Secretary for New Territories. Building licence conformed to BGL as it did not involve conversion of the whole lot, and the surrounding 'un-built' areas would still be retained for agricultural purpose;

- (i) the 1972 Small House Policy was very clear that it was only applicable to government land. The reason why Small House Policy currently involved private land and the right to build Small Houses (丁權) was due to the so-called Small House instructions signed in 1978 which allowed Small Houses on private land. Specifically Small House Instructions No. 8, 9 and 10 were concerned with development of Small Houses on private land. As said, if buildings were to be erected on private land, then the lessees should provide a maximum of 45% of its lot for public purpose; and
- (j) the BGL had already set out the confines for development such that all easements and appurtenances were sustainable. Some Members might consider that the breach of duties by LandsD was unrelated to the town planning matter. However, it should be noted that since 1898, the then Colonial Government had controlled land in the New Territories by BGL and any subsequent orders should still comply with BGL. However, the 1978 Small House instructions were falsified policy as the genuine 1972 Small House policy only involved government land.

94. At this point, the Vice-chairman said that R5's presentation had already taken 10 minutes and he asked R5 how much longer their presentation would take. In response, Mr Chiu said that they had requested for a presentation time of one hour. The Vice-chairman said that the preceding presentation Mr Chiu made had covered similar points that Members had heard for several times and requested them to be more concise. Ms Cheng said that it was not fair to them as they would cover new points, such as

conversion of BGL land, village re-site and validity of BGL. Ms Cheng continued to say that if the document they provided to the Board on the day was all recorded in the minutes, they would leave immediately. The Vice-chairman said that Members were most ready to hear any new points that they would make and he would allow them to present for 20 more minutes, i.e. a total of 30 minutes. If Members considered that there were many new points made in their presentation, further extension of time could be considered. He again reminded them to be concise.

95. Ms Cheng continued to make the following main points:

- (a) they did not object to the genuine 1972 Small House Policy, they objected to the 1978 Small House instructions that were falsified. According to the meeting minutes regarding the Small House Policy Order of 1972 (reference CR/6/736/48, paragraphs 3(b) and 8), Small House Policy should only be applicable to government land. However, in 1978, the then Secretary for the New Territories falsified the Small House policy by allowing Small House developments on both private and government land and for indigenous villagers only. This had deprived the rights of people whom at that time held valid building licence/permit and should previously be allowed to build Small Houses. A lot of people had been suffering due to this falsified 1978 Small House Policy. This was also against section 3 of Cap 131 [Town Planning Ordinance] for promotion of health, safety, general welfare and sustainable development;
- (b) before 1978, Small House developments were not regarded as an inherent right of indigenous villagers. However, as a result of the falsified 1978 Small House Policy, indigenous villagers obtained the exclusive privilege to build Small Houses on both private and government land and it gave rise to illegal trading of rights to build small houses (套丁). According to the BGL, land should be acquired from the lessees for public purpose if private agricultural lots were to be developed for Small Houses. Previously, for places like Tsuen Wan and Shatin where private land was

also under BGL, the Government had resumed private land for development. Government should consider resumption of land in the Area too, if not, it was wasting public land resources;

- (c) the LandsD should inform Members of the Board about the requirements in the BGL. LandsD should also provide land ownership information to the Board, so that the Board would know whether the land was owned by indigenous villagers or were already sold to private developers;
- (d) land under BGL should not be zoned “V” as lessees should have to provide land for road and public purpose. However, this was not the current case. As such, the Board should not endorse the Plan;
- (e) the Paper misrepresented her views, which were not related to land leases. Her main subject of representation was objection to the falsified Small House Policy of 1978, that had allowed for Small House developments even on agricultural lots held under BGL and such developments were allowed without proper planning for road access;
- (f) according to Cap 121 [the Buildings Ordinance (Application to the New Territories) Ordinance], three certificates of exemptions for building works, site formation works and drainage works had to be obtained for any Small House developments. Certificate of exemptions for site formation works had to be issued by the Government after the setting out of the small house site taking into account no adverse impacts on other people’s houses/lots;
- (g) as prescribed in Cap 97 [New Territories Ordinance], the conveyancing of all BGL land must be ‘expressed to be granted’ by the Lands Authority. Due to the repeal of part of Cap 97 in 1984, the conveyancing of BGL land to new lessees after 1984 had not been properly registered. BGL, like basic law, was like a constitutional document that should be complied with. The Government had mixed

up the requirements in various legislations Cap 121, Cap 131, Cap 358 [Water Pollution Control Ordinance] and Cap 374 [Road Traffic Ordinance];

- (h) the Area was mainly reserved for green belt and conservation uses as there was natural environment, coastline and water gathering grounds. Small House developments with no septic tanks would cause adverse impacts in the Area. There was also no provision for emergency access in cases of fire incidents. The Board should not feel obliged to reserve land for Small House developments as villages could be re-sited elsewhere if the original village area was not suitable for village expansion;
- (i) the Government should follow CSO 4890/1905 and the provisions under BGL to require lessees to provide land for public purpose when developing Small Houses;
- (j) the North East New Territories (NENT) Development was illegal and had to be reviewed. In particular, the condition that only land owners holding at least 40,000 sq.ft. of land were allowed to apply for land exchange had deprived land owners with lesser land holdings of their rights under BGL. The farm land in NENT should be retained for farming purpose. The Government should also build houses to re-house affected people;
- (k) for the Fan Kam Road widening project, land had been resumed since 1960 but the widening works had not been carried out. Developers had been allowed to illegally build access roads that were less than 8 ft wide, that contravened requirements under Cap 123 [Buildings Ordinance];
- (l) the Government had not enforced the law. LandsD had only issued warning letters to lessees for contravention of lease conditions and the Government would not re-enter the premises. If the Government were

to re-enter premises that breached lease conditions, a lot of space would become available for government use;

- (m) Cap 97 clearly stated the requirement that conveyancing of BGL land required Form A, otherwise, it was illegal. However, after 1984 when part of Cap 97 was repealed, the Lands Authority had not properly registered the conveyancing of BGL land. Under Cap 473 [Land Survey Ordinance], there should be proper records of land boundaries. However, conveyancing of BGL land was currently dealt with by private solicitors and private land surveyors, and the government land surveyors had not performed their duties;
- (n) only the 1972 Small House Policy was the genuine policy, however, misrepresentation of the Small House Policy had been ignored by the Government for many years and this had caused much sufferings for members of the public. The Board should not allow village type development in OZPs without recognising the provisions in the BGL, Cap 121 and Cap 123. Buildings Department also had not enforced against unauthorised developments;
- (o) the Permanent Secretary for Development, being a government official, should have chaired this meeting. He would then have to confirm that the CR 6/736/48 [1972 Small House Order] was still valid. In fact, the Village Improvement and Lease Enforcement/Land Control Section of LandsD had informed her that CR6/736/48 was still valid but they had refused to confirm in writing;
- (p) all planning should be stopped and re-done. The land zoned for green belt and conservation should not be used for developments. Instead, there was a lot of abandoned farmland in the New Territories, such as in Yuen Long and Tai Po, that could be made available for development. The Government should conduct a survey of all abandoned farmland; and

- (q) the way in which the Board was conducting affairs was not conducive to finding more housing land to solve the housing problem. In the past, planning, transport and housing matters were all integrated and under the purview of the Public Works Department and not separated into different departments.

96. Mr K.C. Chiu made the following additional points:

- (a) in 2003, in the LandsD vs Yin Shuen case, the judge ruled that the BGL was still valid. For that case, as the land user under the subject site was held under BGL, a licence should have been obtained for the use on the site. Hence, LandsD had the authority to take enforcement actions;
- (b) since the Melhado judgment in 1983 i.e. some twenty years before the Yin Shuen case in 2003, the Lands Authority had ceased enforcement of any unauthorised building works nor re-enter premises that breached lease conditions. The Melhado case was about storage of building materials on agricultural lots. The judgment of the Melhado case pointed out the negligence of Lands Authority in not canvassing evidence on whether the storage of building materials on the site could be considered as a building purpose. The LandsD only relied on the point that the land was 'demised for agriculture use'. In fact, the Government already knew back in 1977 (in a visit of Heung Yee Kuk to London) that the case could not be won on the ground of 'demise' and the government counsel should have argued on the point that there was need for a licence for conversion of agricultural lot for building purpose. He did not understand why the government counsel had not put forward that argument in the Melhado case;
- (c) paving of land and allowing access by container vehicles was already in contravention of the BGL as 'a first approval to erect or construct of any structure of any description' should have been obtained; and

- (d) it was because of Lands Authority's failure to take enforcement actions that had led to proliferation of illegal container storage sites and other brownfield sites all over the New Territories.

97. The Vice-chairman said that the additional 20-minutes presentation time had been used up. He reassured R5 that all relevant matters relating to the OZP would be recorded in the minutes.

98. At the request of Ms Cheng, the Vice-chairman allowed her one additional minute for presentation. Ms Cheng said that the Vice-chairman was not an official and he should not be chairing the meeting. The meeting should have been chaired by the Permanent Secretary for Development. Furthermore, Mr Chiu said that the Board should carefully read the BGL as well as the 1972 Small House Policy Order and should not rely on the so-called Small House instructions signed in 1978 which was ultra vires. Ms Cheng said that all information in the document she provided to the Board on the day should be included in the minutes.

99. As the representers and representers' representatives had completed their presentations, the Vice-chairman invited questions from Members.

100. The Vice-chairman asked DPO to respond to R2's question about why different land use zonings were proposed for the woodlands in Tung A and Pak A as compared to that in Pak Lap. Mr Ivan M.K. Chung (DPO/SKIs) said that during the preparation of the OZP for Pak Lap, AFCD advised that there were quite a lot of tree species with high ecological value in the woodland that was worthy for protection by "CA" zoning. For the Tung A and Pak A OZP, AFCD advised that the tree species in the woodlands in Tung A and Pak A were generally less valuable although some protected species such as *Aquilaria sinensis* (土沉香) and *Pavetta hongkongensis* (香港大沙葉) were recorded in the Area. It was considered that a "GB" zoning, that already had a presumption against development, was appropriate.

101. Mr Cary P.H. Ho (AFCD) said that not all woodlands had to be zoned "CA", it depended on the structure of the woodland and tree species within the woodlands. For

example, whether the structure was mainly woodland or woodland mixed with shrubland. They would also assess the tree species, coverage and maturity of trees in the woodlands before deciding whether a “GB” or a “CA” zoning was more appropriate.

102. Mr Tony Nip (R2) said that there was no big difference in the ecological value of the woodlands in Pak Lap and those in Tung A and Pak A. They were all south-facing and within the SKECP. The most special protected tree species in the “CA” zone in Pak Lap was *Pavetta hongkongensis* (香港大沙葉) that was also recorded in Pak A and in fact, was a common tree species in Hong Kong. The woodlands in Pak A were much more extensive and contiguous to the Country Park as compared to those in Pak Lap. The woodlands in Pak A were also quite dense. The woodlands in Pak A, or in fact, those in Hoi Ha and So Lo Pun, were of similar conservation value and should all be zoned “CA”.

103. As the representers and representers’ representatives had finished their presentations and Members had no further question, the Vice-chairman said that the hearing procedures had been completed. He tendered apologies for the delay in the meeting procedures. The Board would deliberate on the representations in their absence and would inform them of its decision in due course. The Vice-chairman thanked them and the government’s representatives for attending the hearing. They all left the meeting at this point.

[Mr Dominic K.K. Lam left the meeting at this point.]

Deliberation

104. The Vice-chairman asked Members to consider the question raised about why the woodlands in Tung A and Pak A were zoned “GB” while the smaller woodlands in Pak Lap were zoned “CA” as well as responses from the government representatives. Members had no comment in this regard and agreed that the “GB” zoning should be retained.

105. The Secretary recapped the main grounds of representations as made in the oral/written submissions as well as the responses as detailed in the Paper to facilitate

Members' deliberation.

106. With regard to the views that "V" zones in Tung A and Pak A were too big and covered areas with dense vegetation, Members noted and agreed to the justifications for the "V" zones which were detailed in the Paper. Members also noted that the designated "V" zones would only satisfy part of the new Small House demand.

107. Regarding the proposal to rezone "GB" to "GB(1)" such that 'House' would not be allowed, Members noted that in the enclaves of other OZPs, 'House' would normally be allowed under "GB" zone to allow flexibility but any house development had to be subject to the Board's permission. Members agreed that no amendment to the OZP should be made in this regard.

108. With regard to R5's written submission, Members noted the response in the Paper and the oral submission and considered that matters related to BGL and Small House Policy was not directly related to the OZP.

109. As far as views of the villagers and VRs that the "V" zone was insufficient to satisfy the Small House demand, Members noted the justifications for the "V" zones as detailed in the Paper and agreed that no amendment should be made to the "V" zones on the OZP.

110. After further deliberation, Members agreed to note the supporting views of R1 (part) and R2 (part) and decided not to uphold the remaining parts of R1 and R2 as well as the representations of R3 to R5. Members considered the reasons for not upholding the representations in paragraph 7.2 of the Paper and considered that they were appropriate. The reasons were:

"The Area should be Designated as Country Park (R3)

- (a) designation of the 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.

Land for Small House Development (R1 to R4)

- (b) there is a need to designate “Village Type Development” (“V”) zone at suitable locations to meet Small House demand of indigenous villagers in Tung A and Pak A which are recognised villages within the Area. The boundaries of the “V” zone for the villages have been drawn up having regard to the village ‘environs’ (‘VE’), local topography, settlement pattern, Small House demand forecast, areas of ecological importance, as well as other site specific characteristics. The Small House demand forecast is only one of the various factors in drawing up the “V” zones. Only land suitable for Small House development has been included in the “V” zone whilst environmentally/ecologically sensitive areas and steep topography have been excluded;
- (c) flexibility has been provided in the Notes of the Outline Zoning Plan (OZP) for geotechnical works, local public works and environmental improvement works co-ordinated or implemented by the Government;

Small House Development within “Green Belt” (“GB”) Zone, and Remove ‘House’ and Small House’ Uses from the “GB” zone (R3)

- (d) there is a general presumption against development within “GB” zone. ‘House’ or ‘Small House’ use in “GB” zone requires planning permission from the Board and also needs to comply with relevant Town Planning Board Guidelines. Each application will be considered on its individual merits. There is no strong justification for imposing more stringent control on Small House or ‘House’ use in the “GB” zone;

Environmental and Ecological Impacts (R1, R2 and R4)

- (e) although there is no existing or planned public sewer for the Area, village house development could use on-site septic tank system. There are relevant regulatory mechanisms including Environmental, Transport and Works Bureau's Technical Circular (Works) No. 5/2005 and Environmental Protection Department's (EPD's Practice Note for Professional Person PN 5/93;
- (f) conservation zones, including "GB" and "Coastal Protection Area" ("CPA") under which there is a general presumption against development, have been designated to cover areas having ecological and landscape significance to protect the natural environment and ecological system of the Area;

Contravention of the Lease (R5)

- (g) the designation of "V" zone on the OZP is to meet the Small House demand of the indigenous villagers in Tung A and Pak A. The "V" zones on the OZP fall entirely within 'VE' of Tung A and Pak A villages;

Rezone the stream and its riparian zone, coastal area and area connected to Country Park to "Conservation Area" or "CPA" (R3)

- (h) the area within 20m from the two stream courses as well as most of the coastal area are zoned "GB" and "CPA" respectively on the OZP. There is a general presumption against development for areas falling within these two conservation zones; and

Reduce the Planned Population to Existing Level of Less than 100 Persons (R4)

- (i) the planned population of the Area is estimated based on the existing population and the capacity of the “V” zone to accommodate Small House development. The designation of the “V” zone in the Area is to meet the Small House demand of the indigenous villagers.”

Agenda Item 5

Draft Yung Shue O Outline Zoning Plan No. S/NE-YSO/C – Further Consideration of a New Plan
(TPB Paper No. 9868)

Agenda Item 6

Draft Chek Keng Outline Zoning Plan No. S/NE-CK/B – Preliminary Consideration of a New Plan
(TPB Paper 9874)

111. In view of the delay in the meeting schedule, the Vice-chairman suggested and Members agreed that consideration of Agenda Items 5 and 6 should be deferred to the next meeting.

Agenda Item 7

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comment on the draft Yim Tin Tsai and Ma Shi Chau Outline Zoning Plan No. S/NE-YTT/1
(TPB Paper 9870)

[The meeting was conducted in Cantonese.]

112. Dr W.K. Yau had declared interest on this item as he was an executive member of the Tai Po Rural Committee that had submitted Representation No. 1. Members noted that Dr Yau had already left the meeting.

113. The Secretary reported that on 22.8.2014, the draft Yim Tin Tsai and Ma Shi Chau Outline Zoning Plan No. S/NE-YTT/1 (the OZP) was exhibited for public inspection under section 5 of the Town Planning Ordinance. During the OZP exhibition period, 62 representations were received. During the representation publication period, one comment was received.

Representations and Comments

114. 59 of the representations (R1 – R59), including R1 submitted by the Tai Po Rural Committee (R1), opposed the “Residential (Group D)” (“R(D)”) zone at Sam Mun Tsai San Tsuen and Luen Yick Fishermen Village mainly for the reason of affecting the development of the concerned villages; and opposed the “Site of Special Scientific Interest” (“SSSI”) zone within burial grounds for the reason of affecting the burial activities. R1 also opposed the “SSSI” zoning for Shui Mong Tin for reasons of affecting private development right and infringing the Basic Law.

115. One representer (R60) opposed the “Green Belt” (“GB”) zoning of Lots 65, 66, 67 and 68 and adjoining Government Land in D.D. 27 to the south of Luen Yick Fishermen Village and the “GB” and “Country Park” zonings of Lots 74, 75 and 76 in D.D. 27 on the island northeast of Yim Tin Tsai for reasons of ineffective use of land resources and being not in line with the Hong Kong Planning Standards and Guidelines which had identified the area as one of the possible water sports recreation areas.

116. Two representations, submitted by the Association for Geoconservation, Hong Kong (R61) and Designing Hong Kong Limited (R62), were mainly concerned about conservation in the Area. R61 generally supported the planning intention of the OZP on conservation aspect but opposed to allowing graves within the “SSSI” zone (except the existing designated burial grounds) and proposed to designate the eastern tip of Yim Tin Tsai, the entire Ma Shi Chau, the connecting tombolo, the entire small island to the

northeast of Yim Tin Tsai, Yeung Chau and Centre Island as Hong Kong Global Geopark of China. R62 proposed to incorporate the ‘enclave’ of Ma Shi Chau and Yim Tin Tsai into the country park and delete ‘House’ or ‘Small House’ use from Column 2 of the Notes of the OZP for “GB” zone.

117. The comment (C1), submitted by a Tai Po District Council Member, supported the adverse representations of R1 to R59.

118. Since the representations and comment were largely similar in nature and inter-related, it was considered more efficient for the full Board to consider the representations without resorting to the appointment of a Representation Hearing Committee. The representations and comments were suggested to be considered collectively in one group.

119. After deliberation, the Board agreed that:

- (a) the representations and comment should be heard by the Board in the manner as proposed in paragraph 3 of the Paper; and
- (b) the Chairman would, in liaison with the Secretary, decide on the need to impose a 10-minute presentation time for each representer and commenter, taking into account the number of representers and commenter attending the hearing.

Agenda Item 8

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments on the draft Ko Lau Wan Outline Zoning Plan No. S/NE-KLW/1
(TPB Paper 9871)

[The meeting was conducted in Cantonese.]

120. The Secretary reported that on 22.8.2014, the draft Ko Lau Wan Outline Zoning Plan No. S/NE-KLW/1 (the OZP) was exhibited for public inspection under section 5 of the Town Planning Ordinance. During the OZP exhibition period, two representations were received. During the representation publication period, two comments were received.

Representations and Comments

121. R1 was submitted by the Sai Kung North Rural Committee (SKNRC), objecting to the draft OZP mainly on the grounds that the villagers' comments had not been taken into account in the preparation of the draft OZP and that the "V" zones were smaller than the village 'environs' ('VE'), their previous right of building Small Houses within the 'VE' had been deprived of.

122. R2 was submitted by Designing Hong Kong Limited, mainly providing general comments on the draft OZP and proposing to designate the Area as part of the Sai Kung East Country Park; to confine the extent of "V" zones; and to rezone some areas to "Green Belt (1)" or "Conservation Area".

123. The two comments (C1 and C2) were submitted by individuals supporting R1's objection on similar grounds.

124. Since the representations and comments were largely similar in nature and inter-related, it was considered more efficient for the full Board to consider the representations without resorting to the appointment of a Representation Hearing Committee. The representations and comments were suggested to be considered collectively in one group.

125. After deliberation, the Board agreed that:

- (a) the representations and comments should be heard by the Board in the manner as proposed in paragraph 3 of the Paper; and

- (b) the Chairman would, in liaison with the Secretary, decide on the need to impose a 10-minute presentation time for each representer and commenter, taking into account the number of representers and commenters attending the hearing.

Agenda Item 9

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments on the draft Mau Ping Outline Zoning Plan No. S/ST-MP/1 (TPB Paper 9873)

[The meeting was conducted in Cantonese.]

126. The Secretary reported that on 22.8.2014, the draft Mau Ping Outline Zoning Plan No. S/ST-MP/1 (the OZP) was exhibited for public inspection under section 5 of the Town Planning Ordinance. During the OZP exhibition period, 715 representations were received of which 11 were duplicated and taken out. Hence, the total number of valid representations was 704. During the representation publication period, two comments were received.

Representations and Comments

127. The views of the representations could be generally categorized into two groups:

- (a) Group 1 comprised 699 representations (R1 to R338, R340 to R369, R371 to R418, R420 to R472, R476 to R630, R632 to R654, R656 to R692, R694, R696, R698 to R710), which opposed the draft OZP. They were submitted by Heung Yee Kuk New Territories, Rural Committees, Members of Sai Kung District Council, Village Representatives of Mau Ping New Village, Wong Chuk Shan New Village and other villages, as well as individuals. The representations

mainly objected to inadequate “Village Type Development” (“V”) zones and the zoning of private agricultural land as “Conservation Area (“CA”). Some of the representations considered that the villages should be provided with infrastructure, and a strategy/plan for sustainable development of the villages should be formulated; and

- (b) Group 2 comprised the remaining five representations (R711 to R715) submitted by green/concern groups. The representations largely supported the general planning intention of the Mau Ping Area (the Area), and considered that the “V” zones should be deleted; the entire Area should be covered by conservation zones, such as “CA”; and the Area should be incorporated into the Ma On Shan Country Park.

128. Comment No. 1 was submitted by Kadoorie Farm & Botanic Garden Corporation (the representer of R712) commenting on the representations in the first group, and reiterated the need to delete the “V” zones and zone the entire Area as “CA”. Comment No. 2 was submitted by an individual (R710) supplementing her views on the need to protect *Camellia crapnelliana* (紅皮糙果茶) and designation of the Area as a pilot site of village conservation.

129. Since the representations and comments were mainly related to the extent of the “V” and “CA” zones and conservation of the natural environment of the Area which had attracted public attention, it was recommended that the representations and comments should be considered by the full Board without resorting to the appointment of a Representation Hearing Committee.

130. The representations and comments were suggested to be considered under two groups. Group 1 for collective consideration of R1 to R338, R340 to R369, R371 to R418, R420 to R472, R476 to R630, R632 to R654, R656 to R692, R694, R696, R698 to R710 and C2; and Group 2 for collective consideration of R711 to 715 and C1.

131. After deliberation, the Board agreed that:
- (a) the representations and comments should be heard by the Board in the manner as proposed in paragraph 3 of the Paper; and
 - (b) the Chairman would, in liaison with the Secretary, decide on the need to impose a 10-minute presentation time for each representer and commenter, taking into account the number of representers and commenters attending the hearing.

Agenda Item 10

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

132. There being no other business, the meeting was adjourned at 7:10pm.