

**Minutes of 1096th Meeting of the
Town Planning Board held on 16.10.2015**

Present

Permanent Secretary for Development
(Planning and Lands)
Mr Michael W.L. Wong

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

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Ms Bonnie J.Y. Chan

Professor K.C. Chau

Mr H.W. Cheung

Dr Wilton W.T. Fok

Mr Ivan C. S. Fu

Mr Sunny L.K. Ho

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Ms Christina M. Lee

Mr Stephen H.B. Yau

Mr F.C. Chan

Mr David Y.T. Lui

Mr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Chief Engineer (Works), Home Affairs Department

Mr Martin W.C. Kwan

Principal Environmental Protection Officer (Strategic Assessment)

Environmental Protection Department

Mr Victor W.T. Yeung

Director of Lands

Ms Bernadette H.H. Linn

Principal Assistant Secretary (Transport)³

Transport and Housing Bureau

Miss Winnie M.W. Wong

Director of Planning

Mr K.K. Ling

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

Secretary

Absent with Apologies

Dr C.P. Lau

Mr Laurence L.J. Li

Ms Anita W.T. Ma

Dr W.K. Yau

Mr Lincoln L.H. Huang

Mr H.F. Leung

In Attendance

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

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

Senior Town Planner/Town Planning Board
Ms Wendy W.L. Li (a.m.)
Mr T.C. Cheng (p.m.)

Agenda Item 1

[Open meeting]

Confirmation of Minutes of the 1094th meeting held on 22.9.2015

[The meeting was conducted in Cantonese.]

1. The minutes of the 1094th meeting held on 22.9.2015 were confirmed without amendments.

Agenda Item 2

Confirmation of Minutes of the 1095th Meeting held on 25.9.2015

[The meeting was conducted in Cantonese.]

[Mr Philip S.L. Kan arrived to join the meeting at this point.]

2. The minutes of the 1095th meeting held on 25.9.2015 were confirmed without amendments.

Agenda Item 3

Matters Arising

[The meeting was conducted in Cantonese]

- (i) **So Kwun Wat Outline Zoning Plan No. S/TM-SKW/12**

[Open meeting]

3. The Secretary reported that the Town Planning Board (the Board) considered the representations and comments in respect of the So Kwun Wat Outline Zoning Plan (OZP) No. S/TM-SKW/12 on 22.9.2015 and a letter from Heung Yee Kuk New Territories (HYKNT) expressing views on the So Kwun Wat OZP was received on 21.9.2015, which was tabled at the meeting. Members noted that the content of the letter was essentially the same as the oral submission made by Mr Sit Ho Yin, the representative of a representer

(R121) at the hearing on 22.9.2015. As the letter was received out of time i.e. outside the statutory 2-month exhibition period which ended on 13.5.2015, Members agreed that it should be treated as not having been made.

(ii) Ma On Shan Outline Zoning Plan No. S/MOS/21

[Open meeting]

4. The Secretary reported that the Board considered the representations and comments in respect of the draft Ma On Shan Outline Zoning Plan (OZP) No. S/MOS/21 on 25.9.2015 and a letter from a representer (R25) was received on 23.9.2015, which was tabled at the meeting. Members noted that the letter was basically further elaboration to the written submission made by R25. As the letter was received out of time i.e. outside the statutory 2-month exhibition period which ended on 27.5.2015, Members agreed that it should be treated as not having been made.

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

(iii) Judicial Review lodged against the Decision of the Town Planning Board in respect of the Tai Po Outline Zoning Plan No. S/TP/25 (HCAL 67/2015)

[Open Meeting]

5. The Secretary reported that the Chairman and the following Members had declared interests on the item for owning properties in Tai Po:

Mr Michael W.L. Wong - co-owning with spouse a townhouse at Lo Fai Road in Tai Po

Mr Stanley Y.F. Wong - co-owning with spouse a flat and two carparking spaces at Deerhill Bay in Tai Po

- Dr W.K. Yau - owning a flat and a shop at Kwong Fuk Road and a house and land at Cheung Shue Tan, Tai Po
- Mr H.W. Cheung - owning a flat at Heung Sze Wui Street in Tai Po
- Mr Frankie W.C. Yeung - owning a flat at On Chee Road in Tai Po

6. The Secretary reported that the following Members had declared interests on the item for having affiliation/business dealings with the Hong Kong Housing Authority (HKHA) (as some of the representations were in respect of the proposed housing development by the Housing Department (HD), which was the executive arm of HKHA), Sun Hung Kai Properties Limited (Sun Hung Kai) which was the mother company of Honour More Limited (R1274), MTR Corporation Limited (MTRCL)(R3), Henderson Land Development Co. Ltd. (Henderson) which was the mother company of the Hong Kong and China Gas Company Limited (R2), the Tai Po District Council (TPDC)(R1633), the Tai Po Rural Committee (TPRC) (R1326), or having affiliation with the subject of representations:

- Mr Stanley Y.F. Wong - being a member of HKHA and the Strategic Planning Committee of HKHA, and Chairman of the Subsidised Housing Committee of HKHA
- Professor P.P. Ho - being a member of the Building Committee of HKHA; and being an employee of the Chinese University of Hong Kong (CUHK) which received donation from a family member of the Chairman of Henderson

- Mr H.F. Leung - being a member of the Tender Committee of HKHA; and being an employee of the University of Hong Kong (HKU) which received donation from a family member of the Chairman of Henderson
- Ms Julia M.K. Lau - being a member of HKHA and its Commercial Properties Committee and Tender Committee; and having business dealings with Sun Hung Kai
- Mr K.K. Ling
(as Director of Planning) - being a member of the Strategic Planning Committee and the Building Committee of HKHA
- Ms Bernadette H.H. Linn
(as Director of Lands) - being a member of HKHA
- Mr Martin W.C. Kwan
(as Chief Engineer (Works),
Home Affairs Department) - being a representative of the Director of Home Affairs who was a member of the Strategic Planning Committee and Subsidised Housing Committee of HKHA
- Dr Lawrence W.C. Poon - his spouse being an employee of HD but was not involved in planning work
- Mr Dominic K.K. Lam]
Ms Janice W.M. Lai]
Mr Patrick H.T. Lau]
Mr Ivan C.S. Fu]
- Dr W.K. Yau - being the executive member of the TPRC; being a Member of the TPDC, being

director of a non-government organisation which received donation before from a family member of the Chairman of Henderson; being the operation agent of a community building lighting and energy improvement project which had obtained sponsorship before from Sun Hung Kai; and being the Chairman of the Management Committee of the Fung Yuen Butterfly Reserve/Fung Yuen Nature and Culture Education Centre which was the subject of representations for R16 to R19

- Professor S.C. Wong - being the Chair Professor and Head of Department of Civil Engineering of HKU which MTRCL and Sun Hung Kai sponsored some activities of the department; and being an employee of HKU which received donation before from a family member of the Chairman of Henderson
- Dr Wilton W.T. Fok - being an employee of HKU which received donation before from a family member of the Chairman of Henderson
- Mr Roger K.H. Luk] being a Member of Council (Mr Luk) or
Professor K.C. Chau] employee (Professor Chau) of CUHK which received donation before from a family member of the Chairman of Henderson

Ms Christina M. Lee - being Secretary-General of the Hong Kong Metropolitan Sports Event Association which obtained sponsorship before from Henderson and Sun Hung Kai

Mr Peter K.T. Yuen - being a member of the Board of Governors of the Hong Kong Arts Centre which received donation before from an Executive Director of Henderson

7. The Secretary said that the item was to report the granting of leave for the judicial review (JR). Members agreed that the Chairman and the above Members could stay in the meeting. Members also noted that Ms Christina M. Lee, Mr Frankie W.C. Yeung, Mr H.W. Cheung, Ms Julia M.K. Lau, Mr Dominic K.K. Lam, Ms Janice W.M. Lai and Ms Bernadette H.H. Linn had not yet arrived to join the meeting and Dr W.K. Yau and Mr H.F. Leung had tendered apologies for not being able to attend the meeting.

8. The Secretary reported that on 13.5.2015, a JR application was lodged by Mr Yau Ka Bo against the decision of the Board made on 13.2.2015 regarding the rezoning of “Green Belt” zones on the Tai Po Outline Zoning Plan (OZP) No. S/TP/25. The applicant, being a representer in respect of the Tai Po OZP, sought relief from the Court to quash the Board’s decision in respect of the OZP. On 14.10.2015, the Court of First Instance granted leave for the JR application.

9. Members noted that leave had been granted for the JR application. Hearing dates were yet to be fixed. Following usual practice, the Secretary would represent the Board on all matters relating to the JR. Members agreed.

(iv) Approval of Draft Plan
[Open Meeting]

10. The Secretary reported that on 6.10.2015, the Chief Executive in Council approved the Shap Sz Heung Outline Zoning Plan (renumbered as S/NE-SSH/11) under

section 9(1)(a) of the Town Planning Ordinance. The approval of the above plan was notified in the Gazette on 16.10.2015.

- (v) Reference Back of Approved Plan
[Open Meeting]

11. The Secretary reported that on 6.10.2015, the Chief Executive in Council referred the approved Hung Hom Outline Zoning Plan No. S/K9/24 to the Board for amendment under section 12(1)(b)(ii) of the Town Planning Ordinance, and the reference back of the said plan was notified in the Gazette on 16.10.2015 respectively.

- (vi) [Closed Meeting]

12. This item was recorded under confidential cover.

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

Tuen Mun & Yuen Long West District

Agenda Item 4

[Open Meeting]

Planning and Engineering Study for Tuen Mun Areas 40 and 46 and the Adjoining Areas -
Stage 1 Community Engagement

(TPB Paper No. 10003)

[The meeting was conducted in Cantonese.]

Declaration of Interests

13. The Secretary reported that as AECOM Asia Company Limited (AECOM) was the study consultant of the Planning and Engineering Study for Tuen Mun Areas 40 and 46 and the Adjoining Areas (the Study), the following Members had declared interests on the item:

Professor S.C. Wong - having business dealings with AECOM and being the Chair Professor and Head of the Department of Civil Engineering of the University of Hong Kong which had obtained sponsorship before from AECOM

Mr Dominic K.K. Lam]

Mr Ivan C.S. Fu]

Ms Janice W.M. Lai] having business dealings with AECOM

Mr Patrick H.T. Lau]

Professor P.P. Ho]

Ms Julia M.K. Lau]

Dr C.P. Lau - owning a flat in So Kwun Wat, Tuen Mun

14. As the item was only a briefing to Members as part of the Community Engagement (CE) exercise, the meeting agreed that the above Members who had declared interests could stay in the meeting and participate in the discussion. Members also noted that Mr Dominic K.K. Lam and Ms Julia M.K. Lau had not yet arrived to join the meeting at this point and Dr C.P. Lau had tendered apologies for not being able to attend the meeting

Presentation and Question Sessions

15. The following government representatives and the study consultant were invited to the meeting:

- Mr David C.M. Lam - District Planning Officer/Tuen Mun and Yuen Long West, Planning Department (DPO/TM&YLW, PlanD)
- Mr Daniel L.T. Lam - Chief Engineer - New Territories West 2 (CE-NTW2), Civil Engineering and Development Department (CEDD)
- Mr Stephen I.Y. Lai] Representatives of AECOM
- Mr KH Lau]

16. The Chairman extended a welcome and invited the study team to brief Members on the Paper.

17. Mr David C.M. Lam, DPO/TM&YLW, said that Tuen Mun Areas 40 and 46 were located to the west of Tuen Mun and the accessibility of Tuen Mun Areas 40 and 46 would be greatly improved due to the implementation of a number of transport infrastructure projects. The Study, which was jointly commissioned by CEDD and PlanD, aimed to optimise the development potential of Areas 40 and 46 together with the neighbouring areas (the Area). Some preliminary land use proposals had been formulated for the Area and public views, including those of the Board, on the proposed land uses were sought under Stage 1 CE, which would be taken into account in the formulation of the draft Recommended Outline Development Plan (RODP) in the next stage of the Study. He then invited Mr Stephen I.Y. Lai, the study consultant, to brief Members on the Study.

18. With the aid of a Powerpoint presentation, Mr Lai made the following main points as detailed in the Paper:

Background

- (a) Tuen Mun Areas 40 and 46 would connect with the Hong Kong – Zhuhai – Macao Bridge Hong Kong Boundary Crossing Facilities (HZMB HKBCF) and North Lantau via the future Tuen Mun – Chek Lap Kok Link

(TM-CLKL). The proposed Tuen Mun Western Bypass (TMWB) would also link up the Area with the Northwest New Territories including Yuen Long South Potential Development Areas and Hung Shui Kiu New Development Area (NDA), which would also connect with Shekou via Hong Kong –Shenzhen Western Corridor;

- (b) the enhanced accessibility would provide opportunities for optimizing the development potential of the Area, thereby necessitating a comprehensive review and planning of the Areas as a whole;

Study Objectives

- (c) the objectives of the Study were to formulate appropriate land uses and development parameters for the Area and to produce RODP and Recommended Layout Plans to guide its future development;

Potential Development Areas

- (d) four parcels of land on the approved Tuen Mun Outline Zoning Plan (OZP) No. S/TM/33 were identified as Potential Development Areas (PDAs), namely PDA-A to PDA-D, covering a total area of about 50 hectares. Currently, to the south of the PDAs were the Pillar Point Sewage Treatment Plant, the River Trade Terminal and a temporary public fill bank, while TM-CLKL and TM-CLKL Toll Plaza, both under construction, were located near PDA-A to PDA-C to the east of the Area. The Siu Lang Shui Site of Special Scientific Interest (SSSI) was located to the west of PDA-D. All PDAs except PDA-C were largely made up of slopes/platforms of former borrowing activities. PDA-C was occupied by some special industrial uses, including wood, machinery and cement industries. The respective details of the PDAs were as follows:

- (i) PDA-A: falling within “Undetermined” (“U”) and “Green Belt” (“GB”) zones and an area shown as ‘Road’. It comprised several platforms of former borrowing activities and was partly occupied by

temporary works area/site office for construction of TM-CLKL;

- (ii) PDA-B: a vacant platform to the north of the TM-CLKL Toll Plaza, and falling within an area zoned “Government, Institution or Community” (“G/IC”);
- (iii) PDA-C: a waterfront site zoned “Industrial (3)” and was occupied mainly by private warehouses, a fire station and a government laundry as well as temporary uses such as sawmills, a concrete batching plant, open storage/workshops; and
- (iv) PDA-D: falling within an area zoned “G/IC” and “GB”, comprising mainly slopes/platforms of former borrowing activities and was partly occupied by temporary uses of government projects;

Planning Considerations

- (e) the opportunities and constraints of the PDAs had been examined. The development of the PDAs could (i) be complementary to future developments e.g. Hung Shui Kiu NDA, Yuen Long South, Topside Development at HKBCF Island of HZMB and North Lantau; (ii) help relieve pressure for imminent land demand (such as providing sites for modern logistics facilities); (iii) promote economic activities and create job opportunities for the Tuen Mun District and the Territory; and (iv) provide waterfront flat land for accommodating marine-related uses;
- (f) on the other hand, the PDAs were constrained by (i) the existing road capacity of roads (namely Lung Mun Road, Wong Chu Road and Tuen Mun Road); (ii) the existence of landfills, overhead power lines (OHL) and pylons in the Area; (iii) the interface with the nearby industrial/logistics uses, TM-CLKL and its toll plaza; (iv) the Siu Lang Shui SSSI, the largest known butterfly overwintering site in Hong Kong; (v) airport height restrictions; and (vi) development at PDA-C might affect the current industrial uses/operation;

Vision and Guiding Principles

- (g) the overall vision of the Study was to transform Tuen Mun Areas 40 and 46 into a major economic activity area and the guiding principles for considering the development of the PDAs were as follows:
 - (i) enhance strategic role of Tuen Mun West;
 - (ii) create synergy with surrounding industrial uses;
 - (iii) avoid negative traffic impact;
 - (iv) respect environmental and ecological considerations; and
 - (v) create a sustainable environment;

Proposed Land Uses

- (h) residential use was deemed unsuitable due to the presence of adverse air quality from special industries and vehicular traffic flow from the future road infrastructure and the adverse noise impact from the 24-hour operated River Trade Terminal. The existing air quality and traffic noise impacts had also limited the potential of the PDAs for tourism-related uses. The proposed land use should better capitalize on the geographical advantage of the Area;
- (i) taking into consideration the development opportunities and constraints, the overall vision and guiding principles, the proposed development theme, scale and strategy for the PDAs were as follows:

Development Theme

- (i) the PDAs were to be developed as a modern logistics/green industry hub, to address the demand for sites in Hong Kong, and to create job opportunities;

- (ii) the proposed uses for the PDAs would include modern logistics uses (e.g. distribution and packaging centres with modern warehouse facilities and related testing and certification services, high-value added logistics services) and green industry uses, such as high value-added recycling process (e.g. the production of eco-paving blocks);

Development Scale

- (iii) similar to the modern logistic development in the waterfront of Tsing Yi, a plot ratio (PR) of 4 (about 6 to 8 storeys high) was proposed and about 10 ha of developable land and 400,000m² gross floor area (GFA) were estimated to be provided in the PDAs, creating about 9,500 job opportunities; and

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

Development Strategy

- (iv) in view of the limited road capacity of Tuen Mun Road and Wong Chu Road, the proposed development strategy was that developments would either take place at (i) PDA-A and PDA-C first or (ii) PDA-A and PDA-D first to meet the short and medium term demands for land. The remaining parts would be kept as land reserve for future development;

Stage 1 CE

- (j) the CE would be conducted in two stages. The two-month Stage 1 CE seeking community's views on the proposed land uses for the PDAs had commenced and would last until mid November 2015. Stage 1 CE consisted of (i) briefings to statutory/advisory committees (e.g. Town Planning Board, Tuen Mun District Council, Tuen Mun Rural Committee, Planning Sub-committee of Land and Development Advisory Committee,

etc.); (ii) focus group meetings; and (iii) a community workshop; and

- (k) Members were invited to offer views on the proposed land uses, development scale and strategy of the PDAs under the Study.

19. As the presentation by the study team had been completed, the Chairman invited questions and comments from Members.

20. Some Members raised the following questions and comments:

Logistics Industry

- (a) what the positioning and demand of the proposed logistics hub were in the overall context of Hong Kong, noting that the land area needed for the logistics industry in Hong Kong would be crucial in determining the role of the Area. Given its proximity to River Trade Terminal and the road link to the Hong Kong International Airport at Chek Lap Kok, whether the Area was intended to be a major logistics transit shipment centre and, if affirmative, information on the interconnections between the different transport modes should be provided. For example, in forwarding goods for air transport at Chep Lak Kok, a more direct approach would be to have barges going from River Trade Terminal to Chep Lap Kok;

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

- (b) while the logistics industry was growing in Hong Kong, its growth had been constrained by the lack of sufficient facilities. Although Hong Kong ranked No. 1 in the air cargo throughput, there were only three small-scale logistic centres in the last ten years. For these centres, their efficiency and effectiveness had been hampered by their small footprints, as more than half of the site area was used for provision of ramps. Operators also had to endure very high rents. The logistics sector would therefore welcome the provision of a major logistics hub

under the Study;

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

Waterfront Development

- (c) the suitability of the Area for the logistics industry was largely a commercial decision. The focus of the Study should be on the economic activities along the waterfront in the Area, and the opportunities that the new road infrastructure would bring to such waterfront. The potential of that section of the waterfront in the context of Hong Kong as a whole should be examined, such as the feasibility of relocating other existing logistics uses such as public cargo working areas (PCWA) in the Victoria Harbour to that waterfront. The usage of the precious shoreline should be maximised;

Cavern Development

- (d) as the Government had embarked on a number of good initiatives such as those associated with cavern development, it would be opportune to explore if the slopes/burrow areas within the Area could be considered for cavern development to accommodate some offensive industries, alongside the logistics industry;

Expansion of EcoPark

- (e) whether there was any relationship between the proposed green industry at the PDAs and the existing EcoPark located to the southwest of PDA-D. If the intention was to expand the EcoPark, its adjacent temporary public fill bank could be considered as the expansion area of the EcoPark, instead of the PDAs;

Toll Plaza

- (f) the TM-CLKL Toll Plaza occupied an extensive area and such a kind of development mode was outdated. Opportunities to reduce the toll plaza area through the use of auto pay or other means should be explored and considered;

Residential Use

- (g) as the PDAs would generate about 9,500 jobs, a relatively small area near the beaches such as Lung Fu Road and Lung Mun Road might be designated for residential use to provide accommodation for the future work force of the proposed logistics hub; and

Other Information

- (h) more information on the proposed transport arrangements for both the goods and workers of the proposed logistics hub in the Area and on the current state of the Restored Pillar Point Valley Landfill should be provided.

21. Mr David Lam made the following responses to Members' questions and comments:

Logistics Industry

- (a) a review on the demand for various land uses on a long-term basis was currently being undertaken by PlanD. Up to the year 2023, it was preliminarily estimated that about 2.2 million square metres of additional floorspace for high value-added modern logistics use would be required in Hong Kong, which had to be accommodated in purpose-built logistics buildings/premises. It was envisaged that such demand would not be met by the current supply and long-term planning would be needed at the current stage. Nonetheless, Hong Kong

possessed clear advantages in terms of location and custom clearance which would provide good support for the industry;

- (b) in terms of positioning of the proposed logistics hub in the Area, with the improvement to the accessibility of the Area, its locational advantages should be optimised i.e. being connected to the Hong Kong International Airport at Chek Lap Kok which would be particularly essential for the transportation of high-end products and being at the waterfront for marine transport;

Waterfront Development

- (c) the feasibility for some current uses/facilities to be relocated from the Victoria Harbour would depend on the needs of the existing operators/users and the concerned government departments. The Marine Department (MD) was reviewing the requirements for PCWAs and an overall picture of the PCWAs would emerge upon the completion of the review. Views/expectations of the local residents of Tuen Mun for the waterfront in the Area would also be taken into account in finalising the detailed proposals for the PDAs at the next stage of the Study. A balance would need to be struck amongst the views gathered. Ways to maximise usage of the waterfront in the Area would be fully considered in the formulation of the detailed proposals for the PDAs;

Cavern Development

- (d) the Government had been actively exploring the use of rock caverns as one of the measures to expand Hong Kong's land resources. CEDD had commenced a study on the "Long-term Strategy for Cavern Development" and Members' view on the potential cavern development in the Area would be relayed to CEDD for consideration accordingly;

Expansion of EcoPark

- (e) while the temporary public fill bank next to the EcoPark in Tuen Mun Area 38 had been used as a public fill bank on a temporary basis, alternative long-term uses had been considered for the site. PDA-D, located to the northeast of EcoPark, aimed to be complimentary to the EcoPark in its proposed uses for modern logistics/green industry and such proposal was acceptable to the concerned bureaux/departments;

Toll Plaza

- (f) land requirement and operation of the TM-CLKL Toll Plaza was related to the government's policy on tolling. Notwithstanding this, the views expressed would be conveyed to the relevant bureaux for consideration;

Residential Use

- (g) the beach area, namely Butterfly Beach, fell outside the Study Area. Nonetheless, there were existing residential developments and recreational facilities along the beach area. The view for additional residential use in the beach area would be taken into consideration in the district planning work; and

Other Information

- (h) on the proposed transport arrangements concerning the proposed logistics hub in the Area, local road improvement works would be required along some of the roads. Insofar as external link was concerned, it would rely on the completion of the TMWB. As for public transport, the Transport Department would monitor the situation and consult the relevant parties as appropriate.

22. Two Members further raised the following questions and comments:

Residential Use/ Public Housing

- (a) logistics/green industry uses were considered appropriate for the PDAs and residential use might not be appropriate given the presence of industrial uses such as cement factory in the locality;
- (b) given the commercial and industrial activities in the PDAs which might require low-skilled workers, consideration should be given to providing more public housing in their vicinity;

SSSI

- (c) in the planning of the PDAs, priority should be given to conserve the Siu Lang Shui SSSI;

PDA-A and PDA-C

- (d) the development of PDA-A and PDA-C, which were close to the developed area of Tuen Mun, might affect the living quality of Tuen Mun's residents. Consideration should be given to providing facilities in the two PDAs that were lacking in Tuen Mun; and

Top-side Development

- (e) consideration should be given to top-side development such that the use of the Area including the TM-CLKL Toll Plaza would be optimised.

23. Mr David Lam made the following responses to Members' questions and comments:

Residential Use/ Public Housing

- (a) for the Tuen Mun district as a whole, there were many upcoming new housing developments in Tuen Mun. The Government was reviewing

about 10 sites in the east and central Tuen Mun for public housing, which were estimated to provide about 30,000 housing units. For Tuen Mun west, it would be more suitable to plan it for other uses, taking into account the opportunities and constraints of the Area;

SSSI

- (b) as for conservation, the Siu Lang Shui SSSI would not be affected by the PDAs;

PDA-A and PDA-C

- (c) the living quality of Tuen Mun's residents would not be compromised by the development of PDA-A and PDA-C. The PDAs would help meet the employment needs of the residents; and

Top-side Development

- (d) the views expressed on the TM-CLKL Toll Plaza would be relayed to the relevant bureaux for consideration.

24. Three Members further raised the following questions and comments:

Logistics Industry

- (a) the Board was briefed on the development of Hung Shui Kiu New NDA. Since the accessibility of Hung Shui Kiu NDA would be improved in future via the Hong Kong–Shenzhen Western Corridor, logistics/green industry uses had also been proposed in Hung Shui Kiu NDA. Similar uses would also be provided in HKBCF. To improve efficiency in land utilisation, the key focus of each of the proposed locations for logistics/green industry uses should be identified with a view to achieving clustering effect;

Butterfly Beach

- (b) with the improving accessibility of the Area, the entire Butterfly Beach had the potential to be transformed into a beautiful waterfront area and further reclamation might be explored;

Reclamation

- (c) whether it would be possible to reclaim more land in PDA-C under the Study to obtain more land for development;

Toll Plaza

- (d) whether the TM-CLKL Toll Plaza fell within the study area. If affirmative, a proper study for the toll plaza should be conducted so as to make better use of valuable land resources; and

Underground Cables

- (e) since OHL and pylons in the Area posed constraints to the PDAs, the feasibility of replacing them by underground cables so as to free up more land should be examined.

25. Mr David Lam made the following responses to Members' questions and comments:

- (a) the views of Members would be further considered at the next stage of the Study, including the clustering effect of logistics/green industry having regard to similar uses in other development areas, transformation of Butterfly Beach and further land reclamation in PDA-C;
- (b) the TM-CLKL Toll Plaza was within the study area of the Study, but the toll plaza was under construction and foundation work had already been completed. Nonetheless, the views expressed on the toll plaza

would be conveyed to the relevant bureaux for consideration; and

- (c) the feasibility of replacing OHL and pylons by underground cables would need a further study, as they currently supplied power to the entire Northwest New Territories. Such assessment was outside the current scope of the Study, and the views would be conveyed to the relevant bureaux and departments for reference.

[Mr Frankie W.C. Yeung arrived to join the meeting at this point.]

26. Four Members further raised the following questions and comments:

Consultation

- (a) the constraints of the Area should be properly explained in the consultation, including those that could not be overcome, e.g. OHL. The objectives of the Study should be set out more clearly. This would give the public a better understanding of the Area so that they could make realistic and constructive comments;
- (b) much of the time had been spent in providing background information of the Area to facilitate Members' understanding of the issues involved. Such form of consultation was considered not very fruitful. In order to solicit more constructive feedbacks from the public, more focused and concise information should be provided in the consultation documents. Consideration should be given to improving the consultation approach;
- (c) the title of the CE exercise focusing on Tuen Mun Areas 40 and 46 did not bring out or highlight the potential strategic importance of the Area as a major logistics/green industry hub in the overall context of Hong Kong. To attract public attention during the public consultation stage of the Study, the title might need to be revised accordingly; and

Data Centre

- (d) whether the demand for data centres could be covered by the Study, noting that the land use demand for data centres would increase in future..

27. Mr David Lam made the following responses to Members' questions and comments:

- (a) Stage 1 CE was meant to seek public views on the broad directions of the Study. More detailed proposals would be formulated in the draft RODP in the next stage of the Study and that the public would be consulted again. The local residents had different expectations on the Area. As such, only broad theme and development scale of the Area were proposed in Stage 1 CE to seek the views of the public, before going into formulation of specific proposals. Site constraints such as OHL had in fact been highlighted in the Stage 1 CE Digest of the Study; and
- (b) the demands for various compatible land uses including data centres would be considered in drawing up specific proposals of the Area. However, it was necessary to consider whether a critical mass could be achieved.

28. Mr K.K. Ling, Director of Planning, supplemented that many planning studies were being carried out in parallel which had confirmed the strategic role of the Area, including 'Hong Kong 2030+: Towards a Planning Vision and Strategy Transcending 2030' (HK2030+). HK2030+ had proposed an economic development concept of Hong Kong Western Development Corridor (HKWDC) encompassing Hung Shui Kiu, the Area and Lantau North. The Area was one of the important development nodes in the HKWC. As for conservation, he agreed with Members that due attention should be given to the protection of the Siu Lang Shui SSSI and Butterfly Beach, the latter provided a very important recreational outlet for the Tuen Mun's residents. He said that the study team would further examine the benefits the development of the PDAs would bring to the Tuen

Mun district, for example, opportunities would be taken to enhance the waterfront of Tuen Mun by relocating some existing uses to the Area. In working out the detailed proposals for the Area, the study team would need to consider the use of the Area in both short and long terms e.g. to meet the needs of the logistics industry by providing land in the short term and the possibility of further reclamation in PDA-C in the long-term. The study team should ensure that the development of PDAs would not pre-empt cavern development in the Area in future.

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

29. The Chairman concluded the discussion and asked the study team to take into account Members' views in taking forward the Study. He thanked the government representatives and the study consultant for attending the meeting to brief Members on the Study and answer Members' questions. They left the meeting at this point.

Kowloon District

Agenda Item 5

[Open Meeting]

Development of Tourism Node at Kai Tak

(TPB Paper No. 10013)

[The meeting was conducted in Cantonese.]

Presentation and Question Sessions

30. The following government representatives were invited to the meeting at this point:

Ms Brenda K.Y. Au - Head of Energizing Kowloon East Office (EKEO)

- Ms Winnie W.Y. Ho - Deputy Head of EKEO
- Ms Echo P.Y. Lee - Senior Project Facilitation Manager, EKEO
- Ms Vivian M.F. Lai - Senior Place Making Manager (Planning), EKEO
- Mr Tom T.K. Yip - District Planning Officer/Kowloon (DPO/K),
Planning Department (PlanD)

31. The Chairman extended a welcome and invited Ms Brenda K.Y. Au, Head of EKEO to brief Members on the Paper.

32. With the aid of a Powerpoint presentation, Ms Au made the following main points as detailed in the Paper:

Purpose

- (a) the presentation was to brief Members on the development of the Tourism Node (TN) at Kai Tak including the Invitation for Expression of Interest (EOI) exercise launched on 29.9.2015, and the interface with the planning approval process;

Background

Kai Tak Fantasy Project

- (b) the Chief Executive first announced the Kai Tak Fantasy (KTF) project in his 2013 Policy Address. The project covered the former Kai Tak runway tip, the Kwun Tong Action Area (KTAA) and the Kwun Tong Typhoon Shelter (KTTS);

- (c) KTF was positioned as a recreational landmark for developing into a world-class tourism, entertainment and leisure hub. In terms of water quality, the water body of the KTTS was currently fit for carrying out secondary contact water sports activities such as canoeing;
- (d) the Government had solicited planning and design ideas through the KTF International Ideas Competition on Urban Planning and Design (KTF Competition), and would take forward the KTF project with reference to the winning scheme and other good elements of the shortlisted entries of the KTF Competition;
- (e) the winning entry, announced in November 2014, was called 'Kai Tak 2.0: Healthy Lift-Off' and was centred around the theme of healthy city. The design involved special water feature along the runway and the existing shoreline would be realigned into a curvy pattern. A variety of activities were also recommended for the water body of KTTS;

TN

- (f) TN, as a major component of KTF, would create synergy with the existing Kai Tak Cruise Terminal (KTCT), as well as the planned hotel and residential developments along the former airport runway;

Development Approach

- (g) the Government was formulating the appropriate arrangement for the land tender of the TN site. Besides the land premium offer, technical proposals together with business plan and service agreement were also proposed for consideration in future land tender assessment to attract creative yet viable proposals:
 - (i) the Government would invite interested parties to submit EOI (with development proposal, business plan and organization information, etc.);

- (ii) with reference to the market feedback obtained in the EOI exercise, the Government would formulate the detailed requirements for the land tender; and
- (iii) the Government would then invite submissions for the land tender of the TN site;

Development Requirements for the TN Site

Statutory Restrictions

- (h) having an area of about 5.93 ha, the TN site was zoned “Other Specified Uses” (“OU”) annotated “Tourism Related Uses to Include Commercial, Hotel and Entertainment” on the approved Kai Tak Outline Zoning Plan (OZP) No. S/K22/4;
- (i) the “OU” zone was intended primarily for the provision of tourism-related use with commercial, hotel and entertainment facilities as well as a public observation gallery. Any development would require planning permission in the form of a layout plan submission with supporting technical assessments;
- (j) development therein was subject to a maximum total gross floor area (GFA) of 229,400m² and a maximum building height (BH) of 100 metres above Principle Datum (mPD). There were provisions for application for minor relaxation of the stated GFA and BH restrictions and also for relaxation of the BH restriction for a building incorporating a public observation gallery with design merits. A minimum building setback of 45m from the zoning boundary abutting KTCT should be provided;

Proposed Land Use Mix

- (k) the split of the entertainment and leisure uses (the E&L Portion) and the commercial/hotel/office uses (Commercial Portion) of the TN

development was proposed at 40% : 55% with flexibility for variation within a range of $\pm 5\%$. The E&L Portion would include a cinema complex and the Commercial Portion would also include retail and the public observation gallery;

Key Design Requirements

- (l) taking into account the winning scheme in the KTF Competition and the site context, the key design requirements of the TN development included the adoption of (i) a healthy city concept to create and sustain flexible, people and eco-friendly places for a healthy city life and leisure experience; (ii) special design and sustainable elements (including BEAM Plus Gold rating or above and a higher green ratio of 30%) and (iii) integration and connectivity with the surroundings;

- (m) a possible Environmentally Friendly Linkage System (EFLS) station/stop was planned within the minimum 45m setback area and a public transport interchange (PTI) should be provided at the TN site. Provision of public vehicle parking spaces and bicycle rental spaces should also be proposed;

Land Disposal Arrangement

Interface with Planning Approval

- (n) the Government would, after assessing the land tender submissions, issue a non-binding letter of intent to the prospective grantee (who should submit a planning application to and be responsible for securing the necessary planning permission from the Town Planning Board (the Board) at his own cost within a specified period before formal award of the land tender);

- (o) a Development Brief (DB) would be prepared to provide guidance to the TN development and to facilitate the land tender process. Once endorsed by the Board, it would be attached to the land tender document to assist the preparation of the planning application by the prospective grantee. The

DB was tentatively scheduled for submission to the Metro Planning Committee of the Board in March/April 2016;

The EOI Exercise

- (p) the EOI exercise, a non-committal market sounding exercise to tap the market interest in the TN development, was not a pre-qualification exercise for the disposal of the TN site. All commercially sensitive data would be kept confidential;
- (q) ideas and suggestions received through the EOI might be used for formulating the detailed requirements for the future land disposal. The specific areas requiring market feedback under the EOI included:

Development Proposal

- (i) a preliminary layout to show the proposed ratio of the E&L Portion and the Commercial Portion, the type of facilities and GFA of each of the land uses for both portions;
- (ii) a strategy, portfolio and broad programme of the E&L Portion;
- (iii) a commercial overview of the proposal to illustrate the business viability for the sustained operation and management of the TN development;

Land Disposal Matters

- (iv) the purchaser/grantee should propose service pledges (in the form of a service agreement) in the land tender;
- (v) a requirement restricting alienation except as a whole would be imposed;

- (vi) the lease and the service agreement would be co-terminous with each other; and
- (vii) the premium offer for the land tender would be kept open for 15 months to allow time for tender invitation, assessment and for obtaining the planning permission;
- (r) the EOI exercise would last for 10 weeks until 8.12.2015. Interest parties should submit their EOI in person or by post in accordance with the invitation document. A briefing to the respective respondents would be held on 26.10.2015 and more than 80 respondents had already signed up; and
- (s) Members were invited to comment on the development requirements for the TN site, interface with the planning approval process, and the EOI exercise.

33. As the presentation by Ms Au had been completed, the Chairman invited questions and comments from Members.

34. The Vice-Chairman and four Members raised the following questions and comments:

Positioning of the TN Development

- (a) what the positioning of the TN development was as it would be essential for the submission of the proposals that would meet the planning intention in the EOI. The target users of the proposed TN should be clearly spelled out, e.g. whether it was for both tourists and local residents or mainly for tourism or specifically for tourists from the cruise terminal;
- (b) the theme of healthy city for the TN development was not impressive;

- (c) consideration should be given to developing the TN site as a must-visit landmark or an icon in Hong Kong, such as Opera House in Sydney or Golden Bauhinia Square in Wan Chai;
- (d) whether the TN was only a purely commercial/retail development, which might not be sustainable as there were already many shopping facilities/malls throughout Hong Kong;
- (e) there was a lack of new recreational outlets in Hong Kong. The TN site, rather than just serving tourists, should be a major leisure and recreational space for the local residents;

Accessibility and Connectivity

- (f) as raised in previous briefings to the Board regarding the Kai Tak Development including KTCT, a key concern was on its accessibility. Getting onto KTCT by driving from the surrounding urban areas was currently not an easy task. There were also insufficient public transport services provided for KTCT. Given that the TN site was to the immediate north of KTCT, its accessibility was very crucial for the project to be successful;
- (g) whether the proposed EFLS would help address the accessibility problem so as to optimise the use of the TN development by the public;

Data to Support the TN Development

- (h) it appeared that the actual number of tourists and cruise ships had been lower than the projected figures for the KTCT. Drawing from that experience, whether there was any more accurate estimate on the number of tourists and cruises to support the TN development; and

Land Grant

- (i) whether the land grant would entail a 10 or 50-year lease and whether it would be entirely for the successful bidder to determine the Commercial Portion of the TN site. Whether the tender process would be similar to a land tender for a property development project where the highest bidder would get the land.

35. Ms Au made the following responses to Members' questions and comments:

Positioning of the TN Development

- (a) the TN site was zoned "OU" on the approved Kai Tak OZP, the planning intention of which was primarily for the provision of tourism-related use with commercial, hotel and entertainment facilities as well as a public observation gallery. As a pre-requisite, the future TN development would need to be tourism-related. A major component of KTF, the TN development would need to create synergy with the existing KTCT. However, the public might lose out if the TN site was solely for tourism. In planning KTF, 'a place for all' concept had been adopted in that everyone should be able to use the facilities at the TN development. The theme of healthy city stemming from the winning scheme was essentially an overarching concept. A variety of uses including commercial, hotel and entertainment facilities could be accommodated under that theme;
- (b) through the special design requirements in the EOI and the subsequent land tender, it was the intention that landmark/iconic features would be incorporated in the future design of the TN development. Members would have further opportunity to comment on and consider the detailed design of the TN development as planning permission would need to be sought before the formal land grant and that approval conditions could be imposed by the Board as appropriate;

Accessibility and Connectivity

- (c) according to the figures provided by the management of the KTCT, the cruise terminal would be quite fully engaged in the first quarter of 2016. In fact, the number of tourists from KTCT had been on the rise. At present, the area surrounding the cruise terminal was being developed. It was envisaged that the public transport provision would be improved gradually when the area was developed;
- (d) to improve accessibility to KTCT including the TN site through water transport, improvement works were being done to a disused pier of the previous fire station at the former airport runway for operation in the first quarter of 2016. Ferries and kaitos from Kwun Tong and Sai Wan Ho could make use of the restored pier, thereby bringing people to the area;
- (e) apart from the proposed EFLS, which would be located in the setback area of the TN site, serving the tourists and the public, pedestrian connections were also planned to link up the TN site and KTCT with the Kwun Tong and Kowloon Bay Business Areas and further connecting with other parts of Hong Kong; and

Land Grant

- (f) it was not the intention to treat the TN development as a property project. The land premium to be offered would not be the only consideration in the land grant. The technical proposals received from the bidders including the proposed mode of operation would be examined. In line with the newly granted land leases, the future grantee of the TN site would be offered a 50-year lease.

36. Six Members further raised the following questions and comments:

The EOI Exercise

- (a) the EOI exercise by the Government for the TN site was welcome and appreciated. Notwithstanding that, if the objective of the EOI exercise was to attract creative/innovative proposals, whether it would be necessary for the interested parties to also prove the financial viability of the schemes proposed. It would be difficult for the professional institutions which had innovative ideas but without financial backing to make any submissions. Given the EOI was non-committal in nature, and people who did not submit EOI could still participate in the future land tender of the TN site, the real motive behind the EOI exercise was not clear;
- (b) the currently proposed split between the E&L Portion and the Commercial Portion was rather restrictive and the E&L Portion had a lower percentage of GFA than that of the Commercial Portion. If the EOI exercise was simply for market sounding, more flexibility in the allocation of GFAs between the E&L and Commercial Portions should be allowed, so that the entertainment element of the TN development could be enhanced to draw in more people, thereby ensuring its vibrancy. The basis for formulating the split of the E&L and Commercial Portions at 40%:55% should be clarified;
- (c) if market feedback from the EOI exercise was negative, whether the Government would have an alternative plan;

Commercial/Office Space

- (d) similar to the West Kowloon Cultural District (WKCD), which was still under construction, the planning intention of the TN development might be subject to change over the year. As the surrounding areas of the TN site including Kwu Tong and Ngau Tau Kok were being turned into commercial districts, it might be possible to explore whether the TN site could be positioned as an extension of these commercial districts providing office space, rather than using it for tourism purposes;

Financial Sustainability

- (e) the requirement for financial sustainability for the TN development would imply that only major developers could win the tender of the TN site. The imposition of another requirement of restricting alienation except as a whole in the land tender would effectively rule out smaller developers. More flexibility should be adopted by the Government if an innovative proposal was to be achieved. Since the TN project was for the public, and in order to enable timely provision of infrastructure facilities required, the Government should consider funding some capital and operational costs of the TN development and the associated works;

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

Role of the Board

- (f) the role of the Board in the development process of the TN project should be explained;

Tender

- (g) whether the opening of the premium offer for the land tender for 15 months was to allow for negotiation between the Government and the prospective grantee;

Accessibility and Connectivity

- (h) the bridge connection linking up the TN development with the Kwun Tong Business Area, which would be vital for accessibility and connectivity of the area, should be attractive in design to complement the TN development and be implemented timely;

- (i) traffic conditions in the local area of the TN site were already unsatisfactory, including the congested Kwun Tong Bypass. What measures would be provided to alleviate the problem when the TN development was in place;
- (j) without improvement to the existing traffic conditions and based on the current intended uses for the TN development, it was doubtful if developers would be interested in the TN site;

Water Channel Design

- (k) the winning entry's attraction was on the treatment of the land/water interface as the water channel design of the TN development would be integrated with the water body of the KTTS. As there was no such requirement in the OZP, how to ensure that the land/water interface would be catered for in future; and
- (l) whether the water quality of the KTTS would be fit for water sports activities as proposed under the winning entry.

37. Ms Au made the following responses to Members' questions and comments:

The EOI Exercise

- (a) the purpose of the EOI exercise was to obtain stakeholders' feedback on the development and operation/management of the TN site. As the primary aim was to ensure that the TN development would be successfully implemented in future, the EOI exercise covered both development proposal and land disposal matters. The suggestions in the EOI submissions would serve as reference for the Government in the formulation of development requirements of the land tender for the TN site. The EOI exercise was intended to obtain feedback from the market in order to further fine-tune the development requirements for the TN site in the land tender;

- (b) the subject TN development would not be a property development project. Otherwise, a simple land tender process with the granting of the land to the highest bidder would have been adopted. In assessing the submissions for the land tender, a scoring system would be applied and premium would not be the only consideration;

Financial Sustainability

- (c) the Government would engage a financial consultant to assess the potential financial returns of the E&L Portion. Depending on the nature of the entertainment and leisure uses proposed, the E&L Portion might make some profits. In any case, it was to avoid the situation under which major investment had to be made to the TN development if the facilities were to become no longer attractive to the public only a few years later;
- (d) whether it was possible to waive the requirement of restricting alienation except as a whole would be subject to further examination after receiving feedback from the market;

Commercial/Office Space

- (e) given the planning intention of the “OU” zone, it would not be appropriate to develop the TN development as non-tourism related uses. However, the tourism theme of the TN development was broad in nature and commercial/office space could be part of the facilities to be provided at the development;

Role of the Board

- (f) the Board would be involved in the development process of the TN development, including in particular the endorsement of the DB and the consideration of the planning application. After the EOI exercise, appropriate development parameters and design requirements for the TN

development would be incorporated into the DB. In the land tender process, a letter of intent would be issued to the respective grantee who should then be responsible for securing planning permission from the Board within a specified time. Since the DB endorsed by the Board would be attached to the land tender document to provide guidance for the preparation of the planning application, it was unlikely that the planning application would be a major departure from the DB at the planning application stage;

Tender

- (g) based on the current schedule, it was estimated that 7 months would be required for obtaining planning permission and 8 months for going through the tender process including tender assessment;

Accessibility and Connectivity

- (h) the bridge linking up the TN development with the Kwun Tong Business Area would be part of the EFLS. The Civil Engineering and Development Department (CEDD) would shortly carry out a detailed feasibility study to investigate the selection of a suitable green transport mode for the EFLS. Some preliminary findings should be available next year;
- (i) two studies on improvement to the pedestrian environment in the Kwun Tong and Kowloon Bay Business Areas were in progress, which also looked at traffic improvement measures. It was intended that local traffic improvement measures would be implemented gradually in both areas. Some short-term traffic improvement measures had already been implemented. However, it would only be after the completion of major infrastructure/railway projects, including the Shatin to Central Link and Central Kowloon Route, that the overall traffic conditions could be substantially improved; and

Water Quality

- (j) according to the Environmental Protection Department (EPD), the water quality of the KTTS would be fit for secondary contact water sports activities. Swimming was however not suitable at the current stage;

38. Four Members further raised the following questions and comments:

- (a) tourism and leisure purposes for the TN development were welcome. Given the location of the TN site next to the KTCT, the overall theme of the TN site should be water-related. Taking into account the history of Hong Kong as a small fishing village, consideration could be given to developing a fishing village with restaurants/buildings at the TN site so as to showcase Hong Kong's heritage and culture. That would be a new tourism landmark for Hong Kong. Water sports activities that were suitable for the young people of Hong Kong could also be catered for at the development, so as to improve vibrancy;
- (b) whether part of the TN site should be reserved for the tunnel opening of the fourth cross-harbour tunnel to address the traffic conditions in Hong Kong; and
- (c) monorail was being demolished in the United States due to its adverse impact on cityscape. Apart from being an eyesore, monorail had resulted in dark streets since sunlight was blocked, as witnessed in Sydney and Thailand. Transport planning in Hong Kong should not be going backward.

39. Ms Au made the following responses to Members' questions and comments:

- (a) the suggested water-related theme for the TN development was welcome and that interested parties could take on board such theme and provide more water-related facilities and activities in their proposals for the EOI submissions;

- (b) whether the fourth cross-harbour tunnel would be required to address the traffic conditions in Hong Kong would be subject to the assessment of the relevant policy bureau; and

[Mr. Frankie W.C. Yeung left the meeting at this point.]

- (c) as far as transport planning was concerned, mass transit would still be the backbone to address the traffic congestion problem. Notwithstanding that, studies would soon be commissioned to examine how the elements of the winning entry could be realised in the future TN development, including the transport infrastructure aspect.

40. The Chairman concluded the discussion and asked the government representatives to take into account Members' views in taking forward the TN project and EOI exercise. He thanked the government representatives for attending the meeting to brief Members on the TN project including the EOI exercise and answer Members' questions. They left the meeting at this point.

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

[Dr Wilton W.T. Fok and Mr Patrick H.T. Lau left the meeting and Ms Bernadette H.H. Linn arrived to join the meeting at this point.]

Sha Tin, Tai Po & North District

Agenda Item 6

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/NE-FTA/152

Proposed Temporary Frontier Shopping Centre for a Period of 3 Years in “Agriculture” zone, Lots 63, 64B, 65B, 66, 67, 68B, 69B, 70, 71B, 72B, 76, 77, 91, 92, 93, 94B, 117B, 174B, 175B, 180, 452, 453, 454 in D.D. 89 and adjoining Government land, Lo Wu Station Road (TPB Paper No. 10007)

[The item was conducted in Cantonese.]

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

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

Mr K.K. Sit - Applicants’ representative

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

43. With the aid of a Powerpoint presentation, Mr C.K. Soh, DPO/STN, presented the review application and covered the following main points as detailed in the Paper:

- (a) on 6.5.2015, the applicants sought planning permission for a temporary frontier shopping centre at the application site (the Site) (for a period of 3 years), which fell within an area zoned “Agriculture” (“AGR”) on the Approved Fu Tei Au and Sha Ling Outline Zoning Plan (OZP) No. S/NE-FTA/14. The proposed development would involve the erection of seven 2-storey structures for shop use (with a total floor area of about 19,170m²) and three structures for ancillary toilet, cargo express office and guard house uses. No car parking spaces were proposed;
- (b) on 3.7.2015, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the application and the reasons were:

- (i) the application was not in line with the planning intention of the “AGR” zone;
- (ii) the applicants failed to demonstrate that the development would have no adverse environmental, ecological and landscape impacts on the surrounding area;
- (iii) the applicants failed to demonstrate that the development would not result in adverse traffic impact on the surrounding road network;
- (iv) the proposed direct pedestrian access from Lo Wu MTR Station via Lo Wo Station Road was not feasible due to closed area permit requirement under the Public Order Ordinance; and
- (v) approval of the application would set an undesirable precedent for similar applications;

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

- (c) the main justifications put forth by the applicants in support of the review application were that there was no pond within the Site; the proposal would provide a convenient shopping place for Mainland visitors without the need for additional transport and traffic facilities; the proposed frontier shopping centre would not be in conflict with the Frontier Closed Area (FCA) as it would be further reduced in end 2015; the six panel trucks trips per day for goods delivery would have insignificant traffic impact on the adjoining roads; the proposal would not affect the woodland to the west of the Site; the visitors to the frontier shopping centre were transient population and should have no bearing on the risk concern arising from the nearby Sheung Shui Water Treatment Works (SSWTW), and the proposal would unlikely contaminate Ng Tung River and the Site was far away from the flight paths of egrets; the worries and

concerns raised in the public comments were unfounded as the proposed development was neither permanent nor a parallel trade distribution centre, and was unlikely to cause adverse ecological and environmental impacts; and in the event that the Board approved the application on review, the approval conditions in relation to the tree preservation proposal, drainage impact assessment, ecological impact assessment and environmental assessment should not be imposed;

- (d) departmental comments – comments from the relevant government departments were detailed in paragraph 5 of the Paper and summarised below:
- (i) the Secretary for Security (S for S) had advised that Lo Wu MTR Station, being a boundary control point, would remain within FCA even after the next stage of FCA reduction exercise. Under the Public Order Ordinance, a person would require a closed area permit (CAP) to enter the FCA, and passengers were not allowed to enter/leave the Lo Wu MTR Station via Lo Wu Station Road;
 - (ii) the Commissioner for Transport (C for T) did not support the review application as the applicants had not provided the estimated vehicular and pedestrian trip for the visitors and staff/operators of the proposed shopping centre. They also had not provided information on the number of loading/unloading spaces and manoeuvring arrangement, the minimum width of the proposed service road, and width of the vehicular access points within the Site;
 - (iii) the Commissioner of Police (C of P) had raised concerns on the review application. The Site was situated at Man Kam To Road and Lo Wu Station Road with heavy traffic. Trucks/heavy good vehicles driving to the Site would need to slow down for manoeuvring into the Site, thereby affecting traffic flow, or resulting in overtaking of vehicles and causing danger to the

public;

- (iv) the Director of Agriculture, Fisheries and Conservation Department (DAFC) did not support the application. The Site possessed good potential for agricultural rehabilitation and there were wetland habitats (e.g. stream courses, ponds and inactive wet agricultural land) at the Site. There was no information in the submission on whether any wetland-dependent or wetland-associated species might be affected by the proposed development;
- (v) the Director of Environmental Protection (DEP) did not support the application as the applicants failed to address the environmental concerns. The applicants had not demonstrated that the risk level associated with the potentially hazardous installation (PHI) would be acceptable and that the “no net increase in pollution load to Deep Bay” policy would be met;
- (vi) the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD considered that the justifications provided in the review application were not addressing the issue from the landscape planning perspective and did not support the application;
- (vii) the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) did not support the application. To demonstrate that the Site would not increase the risk of flooding in the area, a drainage impact assessment study should be conducted;
- (viii) the District Officer (North) (DO(N)) of the Home Affairs Department advised that the North District Council (NDC) had never discussed the subject application in its meetings. The Resident Representation (RR) of Tak Yuet Lau supported the

application, while the NDC member of the subject constituency, the RR of Lo Wu and Indigenous Inhabitant Representative of San Uk Ling had no comments on it. However, the Vice-chairman of Ta Kwu Ling District Rural Committee objected to the application and stated that more information on the traffic arrangement at Lo Wu Station Road should be provided; and

- (ix) other concerned departments had no objection to or no adverse comments on the application;
- (e) public comments – a total of 96 public comments were received, including those from two NDC members, local villagers/individuals and green/concern groups. While one NDC member indicated no comment on the application, the other NDC member supported the application without giving any reason. An individual supported the application on the ground that the proposed frontier shopping centre could meet the needs of the visitors from the Mainland. A local villager who claimed to be the beneficiary of some of the lots involved in the application objected to the application. The other 92 public comments objecting to/raising concerns about the application on the following main grounds:
 - (a) the proposed use was not in line with the planning intention of “AGR” zone and the development was incompatible with the surrounding rural character and the loss of agricultural land might affect food supply in Hong Kong;
 - (b) the proposed frontier shopping centre would not be the solution to address parallel trade activities in Hong Kong;
 - (c) the development was not viable even when the FCA was further released in future;
 - (d) there was no information in the submission to address the

potential ecological impact arising from the development; and

- (e) the applicants had not included relevant traffic, drainage and environmental assessments in the submission to demonstrate that the proposed development would not have adverse impacts on the surrounding area;
- (f) PlanD's views - PlanD did not support the review application based on the planning considerations and assessments as set out in paragraph 7 of the Paper, which were summarised below:
 - (i) the proposed direct pedestrian access from the Lo Wu MTR Station would not be feasible due to CAP requirement under the Public Order Ordinance;
 - (ii) the applicants failed to demonstrate that the proposed development would not cause adverse traffic impact on the surrounding road network. C for T did not support the application and C of P raised concern on traffic ground;
 - (iii) DAFC did not support the application as the applicants failed to demonstrate that the development would not result in adverse ecological impact on Ho Sheung Heung Egretty and the stream courses nearby;
 - (iv) DEP did not support the application as the applicants could not demonstrate that the risk level associated with the SSWTW for the proposed development would be acceptable and that the "no net increase in pollution load to Deep Bay" policy would be met;
 - (v) CE/MN, DSD stated that the development would affect the overland flow path, thereby increasing the risk of flooding in the area;

- (vi) CTP/UD&L, PlanD objected to the application and reiterated his concern on the land use incompatibility and that approval of the application would set an undesirable precedent of spreading incompatible land uses within the surrounding “AGR” zone and alter the rural landscape. There was no landscape assessment, tree survey or landscape proposal in the submission;
- (vii) as regards the applicants’ request for not imposing approval conditions concerning tree preservation proposal, drainage impact assessment, ecological impact assessment and environmental assessment if the application was approved, it should be noted that the primary objective to impose approval condition(s) was to mitigate the various impacts arising from the proposed development;
- (viii) there had been no major change in the planning circumstances for the Site and the surrounding area since the rejection of the application by the RNTPC on 3.7.2015; and
- (ix) apart from two NDC members and an individual who indicated no comment on/support to the application, all the 93 public comments received objected to/raised concerns on the review application.

44. The Chairman then invited the applicants’ representative to elaborate on the review application.

45. With reference to paragraph 7 of the Paper, Mr K.K. Sit made the following main points:

- (a) as the planning application was for a temporary use, it was unfair to state that the proposed development was not in line with the planning intention of “AGR” zone;

- (b) the Site would no longer be within the FCA by the end of 2015. According to his understanding, Lo Wu MTR Station would not be within FCA at that time and that passengers to and from the Mainland would be allowed to enter/leave the Lo Wu MTR Station freely;
- (c) the proposed frontier shopping centre would provide a convenient shopping place for Mainland visitors, reduce conflicts between shoppers in Hong Kong and from the Mainland as well as reduce parallel-trading activities in areas such as Fanling, Sheung Shui and Sha Tin. Shoppers from Shenzhen could in fact walk to the proposed development without having to take a train ride. The proposed shopping centre would sell proprietary goods with no wholesaling. A wide range of stores, including jewelry and drug stores, eating and banking facilities would be provided at the proposed shopping centre, offering one-day shopping experience for the visitors;
- (d) PlanD had mentioned that there was a pond within the Site. It was doubtful that the pond was a genuine one as no pond was detected at the Site during dry season, or was just the result of rains. In case the proposed development was approved and that the pond was genuine, it would not be reasonable to require the applicants to seek another planning permission for pond filling as the planning permission granted should have covered the pond filling aspect already;
- (e) as the future customers would come from the Lo Wu MTR Station and reach the proposed development on foot via Lo Wu Station Road, there would not be any traffic impact arising from the proposed development. The six panel trucks trips per day for goods delivery during non-rush hours would have insignificant traffic impact on the adjoining roads. Man Kam To Road had already been widened and no traffic congestion problem was envisaged;

- (f) the concerns on the potential impacts of the proposed development on the existing environment such as wetland habitats and the Ho Sheung Heung Egretty and Ng Tung River were unfounded. Should it be considered necessary, PlanD should have imposed the requirements on the OZP;
- (g) there was no risk associated with the consultation zone of SSWTW as the problem had been addressed some 20 years ago. According to a previous study, transient population like the passengers on the railway line would not be affected by the consultation zone of SSWTW. If SSWTW was still a PHI, it would have been duly reflected in the OZP. EPD's comment on the PHI would only cause undue worries from the public. In fact, the proposed development was temporary in nature and far from SSWTW; and
- (h) boundary planting for the proposed development would be implemented to address the concern of CTP/UD&L. However, it should be borne in mind that the proposed development under application was temporary in nature and planting of permanent species for a temporary use was considered irrational.

46. As the presentation from the applicants' representative had been completed, the Chairman invited questions from Members.

47. The Vice-Chairman asked DPO/STN to clarify whether the reduction in FCA would go ahead as planned and what the impact would be on the existing rail passengers, pedestrians and vehicles of the affected area. He also raised concerns on whether the existing footpath near the Site would be able to cater for the users of the proposed shopping centre if planning application was approved. Referring to the Powerpoint, Mr C.K. Soh said that the Government had previously announced the reduction of the FCA in stages, and that a number of OZPs, including the Fu Tei Au and Sha Ling OZP, had been formulated on that basis. The third and last stage of the FCA reduction, covering the Site and its surrounding area, was scheduled for implementation by the end of 2015.

48. Mr Soh went on to say that as reaffirmed by S for S, Lo Wu MTR Station, being part of a boundary control point, would remain within FCA even after the third stage of FCA reduction. In other words, there would be no change to the current situation for the Lo Wu MTR Station. The overall planning intention for the area was conservation. The existing patterns regarding pedestrian and vehicular movements within the area would remain largely unaffected. He added that under the Public Order Ordinance, passengers, unless they had CAP, were not allowed to enter/leave the Lo Wu MTR Station via Lo Wu Station Road and that would remain the same after the third stage of FCA reduction. As regard the capacity of the local footpath and road, he said that the Site was situated at Man Kam To Road and Lo Wu Station Road, which were rural roads. These roads would not have the capacity to cater for any large number of users associated with the proposed shopping centre and for that reason C for T did not support the application.

49. In response to the Vice-Chairman's question on the rationale for proposing the Site for shopping use since there were active agricultural activities found on the Site and the adjoining area, Mr K.K. Sit said that much of the Site was fallow agricultural land and that many land owners of the surrounding areas had not carried out any agricultural activities on their land for many years. A Member asked if Mr Sit could explain further the temporary nature of the proposed shopping centre noting that 2-storey structures were proposed. In response, he said that only temporary steel structures that were easily removable would be used.

50. In response to a Member's enquiry, Mr Soh reaffirmed that the general public had to enter/leave the Lo Wu MTR Station by train unless he had a CAP, and that such arrangement would remain unchanged after the third stage of FCA reduction, which did not include the Lo Wu MTR Station. Mr Sit would like to put forth his views, but the Chairman reminded him that it was a session for Members to ask questions and that Mr Sit had already answered questions raised by the Vice-Chairman and a Member.

51. Members had no further question to raise. The Chairman said that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application in the absence of the applicants' representative and would inform the applicants of the Board's decision in due course. He then thanked

PlanD's representative and applicants' representative for attending the meeting. They all left the meeting at this point.

Deliberation Session

52. The Vice-Chairman said that the main consideration for the application should be whether the Site was suitable for the proposed development. The Site and the neighbouring area, which were rather extensive as a whole, had active agricultural activities. There was no strong justification to support the development of a frontier shopping centre at the Site, even on a temporary basis. Members agreed.

53. After deliberation, the Board decided to reject the application on review based on the following reasons:

- “(a) the application is not in line with the planning intention of the “Agriculture” (“AGR”) zone for the area which is primarily intended to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning intention, even on a temporary basis;
- (b) the proposed development is not compatible with the surrounding land uses which are predominantly rural in character with stream courses, ponds, and inactive wet agricultural land. The applicants fail to demonstrate that the development would have no adverse environmental, ecological and landscape impacts on the surrounding area;
- (c) the Site is located within the Frontier Closed Area which is only served by Lo Wu Station Road via Man Kam To Road where there are heavy traffic movements on the road. The applicants fail to demonstrate that the development would not result in adverse traffic impact on the surrounding road network;

- (d) the proposed direct pedestrian access from the Lo Yu MTR Station, which is a boundary control point within the Closed Area, via Lo Wu Station Road to the proposed development is not feasible due to closed area permit requirement under the Public Order Ordinance; and
- (e) approval of the application would set an undesirable precedent for similar applications within the same “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area. ”

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

Fanling, Sheung Shui & Yuen Long East District

Agenda Item 7

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-KTN/461

Proposed House (New Territories Exempted House) in “Agriculture” zone, Lot 926 S.A. ss.1 S.D ss.5 in D.D. 109, Tai Kong Po, Kam Tin, Yuen Long
(TPB Paper No. 10008)

[The item was conducted in Cantonese.]

Presentation and Question Session

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

Ms Maggie M.Y. Chin - District Planning Officer/Fanling,
Sheung Shui & Yuen Long East
(DPO/FSS&YLE), PlanD

Ms Esther Chan] Applicant's representatives
Mr Wilson W.K. Lee]

55. The Chairman extended a welcome and explained the procedure of the review hearing. He then invited DPO/FSS&YLE to brief Members on the review application.

56. With the aid of a Powerpoint presentation, Ms Maggie M.Y. Chin, DPO/FSS&YLE, presented the review application and covered the following main points as detailed in the Paper:

- (a) on 25.3.2015, the applicant sought planning permission to build a house (New Territories Exempted House) (NTEH) on the application site (the Site), which fell within an area zoned "Agriculture" ("AGR") on the Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9;
- (b) on 19.6.2015, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the application and the reasons were:
 - (i) the proposed development was not in line with the planning intention of the "AGR" zone which was to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purpose; and (ii) the approval of the application would have set an undesirable precedent for similar application within the "AGR" zone;
- (c) the justifications put forth by the applicant in support of the review application were that there was evidence showing that part of the Site had been converted to building land. Licences were granted by the Lands Department (LandsD) to the houses on the Site in 1990 (Modification of Tenancy Licence No. MNT23034 and Licence No. TKP/1146, TKP/1148,

TKP/1150 and TKP/1151) and there were houses on the Site since 1960s or even earlier until 2014; there were 15 approved planning cases which involved small house applications for indigenous villagers; despite the growing population, there was no “Village Type Development” (‘V’) zone for Tai Kong Po Tsuen and all lands in the village were zoned “AGR”; the Site fell within the village ‘environs’ (VE) boundary used by the Home Affairs Department (HAD) for the purpose of electing ‘residents’ representative’; the concerned government departments had raised no objection to the application, except the Agriculture, Fisheries and Conservation Department (AFCD). The reason for not supporting the application was mainly due to the two public comments objecting to the application; the Site was no longer an agricultural land and was outside water gathering grounds; the proposed NTEH would not be incompatible with the surrounding environment; and approval of the application would not set an undesirable precedent given the special circumstances of the application;

- (d) the Site was currently vacant, paved and fenced off by concrete walls and accessible via a village track branching off from Kong Tai Road, and connected to Kam Tai Road to the further south;
- (e) departmental comments – comments from the relevant government departments were detailed in paragraph 5 of the Paper and summarised below:
 - (i) District Lands Officer/Yuen Long (DLO/YL), LandsD advised that the Site was not a house lot and the previous MoT cum Letter of Approval issued in 1990 (the licence) covered a larger area. As unauthorized alteration works in breach of the license conditions were found on the Site in 2014, the licence was subsequently terminated. The unauthorized structure on the Site was demolished on 1.9.2014; and

- (ii) AFCD reconfirmed its stance of not supporting the application for NTEH. As the Site was currently a piece of paved vacant land and had road access and water supply, it was suitable for greenhouse cultivation or plant nursery; and
 - (iii) other concerned departments had no objection to or no adverse comments on the application;
- (f) public comments – a total of three public comments were received. The two individual commenters objected to/raised concerns on the review application for reasons that agricultural land was decreasing in quantity and should be preserved, and development for NTEHs would adversely affect living environment of the locality and the usage of local village roads. Designing Hong Kong Limited objected to the application on the grounds that the development was not in line with the planning intention of “AGR” zone; quality farmland should be preserved to support the new policy on sustainable development of agriculture in Hong Kong and the lack of impact assessment in the submission;
- (g) PlanD’s views - PlanD did not support the review application based on the planning considerations and assessments as set out in paragraph 7 of the Paper, which were summarised below:
- (a) according to LandsD, the Site was not a house lot and the previous MoT cum Letter of Approval issued in 1990 (the licence) allowed erection of structures for agricultural purpose only in respect of the Site. The Site was currently not covered by any MoT or Letter of Approval for house or domestic use. There was no exceptional circumstance to justify approval of the application;
 - (b) the VE boundary of Tai Kong Po prepared by LandsD was for the processing of Small House applications under the New Territories Small House Policy. The HAD’s boundary quoted by the applicant was for the delineation of area of Tai Kong Po Tsuen for

the election of Resident Representative (RR). As the current application was not for development of Small House, the 'VE' boundary was not a consideration for the subject NTEH development;

- (c) AFCD reconfirmed its stance of not supporting the application from agricultural development point of view. The applicant had not provided strong planning justification in the submission for a departure from the planning intention of the "AGR" zone;
- (d) for the 15 approved planning applications quoted by the applicant, nearly all fell within the 'VE' boundary of Tai Kong Po and were related to Small House applications. The current application was different from the approved NTEH/Small House applications quoted in terms of planning circumstances and considerations; and
- (e) there were public comments objecting to or expressing concerns on the application at both s. 16 application and s. 17 review stages.

57. The Chairman then invited the applicant's representatives to elaborate on the review application.

58. With the aid of a Powerpoint presentation, Ms Esther Chan, the applicant's representative, made the following main points:

- (a) the applicant was a resident of Tai Kong Po Tsuen and planned to live with her family at the proposed NTEH. The property was not for profit making;
- (b) the Site was demised for agricultural and house purposes in 1933. Tai Kong Po Tsuen was established in 1943. It had its own village boundary. From 1960s onwards, the Site had houses and vehicular access. Tai Kong Po Tsuen was one of the post 1898 villages within the list of recognised villages, commonly known

as 'non-indigenous village'. Tai Kong Po Tsuen was first zoned "AGR" on the first Kam Tin North OZP No. S/YL-KTN/1 which was gazetted in June 1994. It was not until 2005 that LandsD drew up a 'VE' boundary for Tai Kong Po for application of small houses by indigenous villagers. The Site fell outside the 'VE' prepared by LandsD. Since the current application was for NTEH, not Small House, that 'VE' boundary was not applicable to the application;

- (c) LandsD's 'VE' boundary was considered not reasonable as many Ta Kong Po villagers lived outside such 'VE' boundary. That had affected the maintenance of many village houses and hence, the safety of villagers;
- (d) the Site fell within the boundary used by HAD. The subject application fulfilled the requirement under the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (Interim Criteria) in that it did not fall outside the 'VE', and sympathetic consideration should be given. NTEHs and Small Houses were mentioned in the Interim Criteria and the subject application for NTEH should be given the same treatment as that of Small House;
- (e) the concerned government departments had raised no objection to the review application, except AFCD. AFCD considered that the Site was suitable for greenhouse cultivation or plant nursery as it had road access and water supply. It did not raise strong objection to the building of a NTEH at the Site;
- (f) public comments received during the s. 16 application and s.17 review stages were largely similar. Some of the concerns were related to access, right of way/usage of local village roads and parking provision. That concern had been addressed as owner consent of a private road linking the Site with the local access

road had been obtained and registered under the Land Registry and that the Site provided sufficient space for private car parking. As to the concern on the size of the NTEH, it should be noted that 2,500 sq. ft was not excessive and it was not a small house under application. As for other concerns such as the agricultural land should be preserved and the potential traffic impact, the Site was not agricultural land and houses had been erected on the Site before as residence for half a century. Licences were granted by LandsD to the houses on the Site in 1990. The building of one house would not generate adverse traffic impact on the locality. Many local residents did not object to the current application;

- (g) LandsD had demolished many structures in Tai Ko Po Tsuen in 2014. One of the lots where houses were demolished was granted planning permission to build four NTEHs; and
- (h) regarding the rejection reasons that the proposed development was not in line with the planning intention of the “AGR” zone and the approval of the application would have set an undesirable precedent for similar application within the “AGR” zone, Tai Kong Po Tsuen had no “V” zone. If an applicant could only submit a planning application that was line with the planning intention of the zone, not a single house could be built in Tai Kong Po Tsuen. Besides, there were 19 similar approved planning cases, and since the disapproval of the subject planning application, 3 more applications for Small Houses in the area had been approved. Another case was in Ting Kok and the application for two NTEHs was approved as the land was partly a house lot (similar to Keen Garden Phase III).

59. As the presentation from the applicant’s representative had been completed, the Chairman invited questions from Members.

60. A Member asked if DPO/FSS&YLE could clarify the reason for not supporting the application as the Site was located in an area with houses all around. In response, Ms Maggie M.Y. Chin said that Tai Kong Po was zoned “AGR” on the first Kam Tin North OZP No. S/YL-KTN/1 gazetted in 1994 as the area was predominately occupied by temporary farm structures at that time. She added that according to LandsD, the Site was not a house lot and the licence issued by LandsD in 1990, which permitted the erection of private residential (including porches, kitchen/bathroom) and agricultural structures, covered a larger lot area where the Site formed a part. The Site had subsequently been carved out from the mother lot and under the licence, only agricultural structures were allowed to be erected on the Site. While some farm structures in the area might have been replaced by domestic use over time, the area of Tai Kong Po as a whole still had pigsty and agricultural activities. In fact, an orchid was located adjacent to the Site. AFCD had pointed out that the Site had good potential for agricultural rehabilitation. As regards the three recently approved applications mentioned by the applicant’s representative, it should be noted that they all fell within the ‘VE’ of Tai Kong Po.

61. A Member asked if the applicant’s representative could clarify whether the Site was a house lot and fell within the ‘VE’, which were contrary to the comments made by LandsD. In response, Ms Esther Chan said that the Site and its mother lot were converted into agriculture cum house use in 1933 and Tai Kong Po Tsuen established in 1943 had its own village boundary before LandsD drew up its ‘VE’. Upon further enquiry by the same Member, Ms Chin said that the ‘VE’ referred to by the applicant was the one adopted by HAD for the purpose of electing RR. The ‘VE’ in the Interim Criteria was referring to the ‘VE’ adopted by LandsD for the application of small houses.

62. A Member asked whether the Site was occupied by domestic structures before the Site was zoned ‘AGR’ on the OZP in 1994 and if that was the case, whether the houses could be rebuilt on the Site given its existing use right. Ms Chin said that according to LandsD’s information, residential structures on the mother lot were allowed in 1990. However, subsequent to the carving out of the Site from its mother lot, the Site had no building right for residential structures and the licence only allowed the erection of agricultural structures on the Site. With the aid of the Powerpoint showing photographs of the Site, she continued to say that as unauthorized alteration works in breach of the licence were found on the Site in 2014, the licence was subsequently terminated. The unauthorized

structure on the Site was demolished as requested by LandsD in 2014. The Site had no development right for residential use. Upon further query by the same Member, Ms Chin said that the Site had not been occupied by any residential structure before the first OZP was gazetted in 1994.

63. Members had no further question to raise. The Chairman said that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application in the absence of the applicant's representatives and would inform the applicant of the Board's decision in due course. He then thanked PlanD's representative and applicant's representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

64. Ms Bernadette H.H. Linn, the Director of Lands, said that for Members' information, having a house on a site did not necessarily imply that such a site enjoyed development right for building a house. Whether a site was regarded as a house lot by LandsD would be subject to a number of criteria. The various licences for building structures on a lot were essentially temporary in nature and did not render the lot a building/house lot. For the current application, it had been clarified that the Site was not a house lot and, in fact, there were unauthorised structures on the Site.

65. The Vice-Chairman said that the applicant's representative had stated that Tai Kong Po Tsuen was not an indigenous village. He enquired the basis for having a 'VE' drawn up by LandsD for Tai Kong Po Tsuen. Ms Linn said that depending on historical circumstances, individual non-indigenous villages might have been included areas for building small houses. She did not have information to hand about the situation pertaining to Tai Kong Po Tsuen.

66. A Member noted that the Site was neither within 'VE' nor a house lot, and there was thus no ground to support the approval of the application on review. Another Member concurred and added that Tai Kong Po Tsuen was a post-1898 village and as such not an indigenous village. The so called 'VE' boundary, which was in fact the delineation area of Tai Kong Po Tsuen for the purpose of RR election by HAD, was also irrelevant to the present

review. The key consideration for the application was whether the Site, which was agricultural land, was suitable for the development of a NTEH. There was no change in the planning circumstances warranting favourable consideration since the rejection of the planning application by the RNTPC.

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

67. A Member said that sympathetic consideration might be given to cases involving building lots. For the subject application, it was not in line with the planning intention of the 'AGR zone, and the NTEH was not in conformity with the lease. There was no basis for approval.

68. Another Member considered that there were many fallow agricultural lands in the locality of the Site and the approval of the application would create an undesirable precedent for similar applications.

69. After further deliberation, the Board decided to reject the application on review based on the following reasons:

- “(a) the proposed development is not in line with the planning intention of the (“Agriculture”) (“AGR”) zone which is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention; and
- (b) the approval of the application would have set an undesirable precedent for similar application within the “AGR” zone. The cumulative effect of approving such applications would lead to degradation of the rural character and environment in the area. ”

[The meeting was adjourned for lunch break at 1:20 p.m.]

70. The meeting was resumed at 2:45 p.m.

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

Mr Michael W.L. Wong Chairman

Mr Stanley Y.F. Wong Vice-chairman

Mr Roger K.H. Luk

Professor S.C. Wong

Professor P.P. Ho

Professor K.C. Chau

Mr H.W. Cheung

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Mr Dominic K.K. Lam

Ms Christina M. Lee

Mr F.C. Chan

Mr Peter K.T. Yuen

Dr Lawrence W.C. Poon

Principal Environmental Protection Officer (Strategic Assessment)
Environmental Protection Department

Mr Victor W.T. Yeung

Director of Lands

Ms Bernadette H.H. Linn

Director of Planning

Mr K.K. Ling

Sha Tin, Tai Po & North District

Agenda Item 8

[Open meeting (Presentation and Question Sessions only)]

Consideration of Further Representations on Proposed Amendments to the Draft Lai Chi Wo, Siu Tan and Sam A Tsuen Outline Zoning Plan No. S/NE-LCW/1 Arising from Consideration of Representations and Comments on the Draft Lai Chi Wo, Siu Tan and Sam A Tsuen Outline Zoning Plan No. S/NE-LCW/1
(TPB Paper No. 10004)

[The meeting was conducted in Cantonese.]

Presentation and Question Sessions

72. The Secretary reported that Professor S.C. Wong had declared interest in the item as one of his colleagues of the same Department in which he was Head was involved in a project in Lai Chi Wo with a non-governmental organization. As Professor Wong was not involved in the project, his interest was indirect and Members agreed that he should be allowed to stay in the meeting.

73. The Chairman said that reasonable notice had been given to the further representers, representers and commenters inviting them to the hearing, but other than those who were present or had indicated that they would attend the hearing, the rest had either indicated not to attend or made no reply. As reasonable notice had been given to the further representers, representers and commenters, Members agreed to proceed with the hearing of the further representations in their absence.

74. The following government representatives, further representers, representers, commenters and their representatives were invited to the meeting at this point :

- Mr C.K. Soh - District Planning Officer/Shan Tin, Tai Po and North, Planning Department (DPO/STN, PlanD)
- Mr David Y.M. Ng - Senior Town Planner/Country Park Enclaves (1) (STP/CPE(1)), PlanD
- Mr K.W. Cheung - Senior Nature Conservation Officer (North), Agriculture, Fisheries and Conservation Department (SNCO(N), AFCD)

Further Representers

F2 – Paul Zimmerman

F436 – Debby Chan

R114 and C4 – Designing Hong Kong

- Mr Paul Zimmerman] Further Representer and representatives of
- Ms Ng Chun Wing, Miffy] Further Representer, Representer and
- Ms Ching See Man, Emily] Commenter

F814 – Ng Hei Man

- Mr Ng Hei Man - Further Representer

Representaters

R9 – Tsang Yuk On

- Mr Tsang Yuk On - Representer

R10 – 曾申翹

Mr Yip Wah Ching - Representers' representative
(Sha Tau Kok Rural
Committee)

R68 – 邱錦洲

R103 – 黃夏衛

Mr Lee Kwun Hung - Representers' representative
(Chairman, Sha Tau Kok
Rural Committee)

R86 – 丘文清

Mr Wong Kwok Lun - Representers' representative

R102 – 嚴雪芳

Mr Kong Chee Cheung - Representers' representative

R101 – 范偉雄

Mr Fan Foo Choi - Representers' representative

R104 – Tsang Wai Yip

Mr Tsang Wai Yip - Representers' representative

R106 – Hong Kong Countryside Foundation Ltd

Dr Ng Cho Nam] Representers' representatives

Ms Teresa Leung]

R110 – Association for Geoconservation

Ms Christina Chow - Representers' representative

R111 – The Hong Kong Bird Watching Society

Ms Woo Ming Chuan - Representer's representative

R112 and C3 – World Wide Fund for Nature Hong Kong

Mr Andrew Chan - Representer and Commenter's
Representative

75. The Chairman extended a welcome and explained the procedures of the meeting. He said that the representative of PlanD would first be invited to make a presentation on the proposed amendments to the draft Lai Chi Wo, Siu Tan and Sam A Tsuen Outline Zoning Plan (OZP) No. S/NE-LCW/1. After that, the further representers, followed by the representers and then commenters or their authorised representative(s) would be invited to make oral submissions in turn. To ensure the efficient operation of the hearing, each presentation should be within the 10-minute time slot allocated to the further representer, representer or commenter and there was a timer device to alert the speaker 2 minutes before the allotted time was to expire and when the allotted time limit was up. After the oral submissions, there would be a Question and Answer (Q&A) session in which Members could direct enquiries to any attendee(s) of the meeting. He then invited DPO/STN to brief Members on the proposed amendments and further representations (FRs) in respect of the draft OZP.

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

- (a) on 22.8.2014, the draft Lai Chi Wo, Siu Tan and Sam A Tsuen OZP No. S/NE-LCW/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 114 representations and five comments were received;
- (b) after considering the representations and comments under section 6B(1) of the Ordinance, the Board decided on 15.5.2015 to partially uphold 108 representations (R1 to R108) and propose amendment to the OZP by

rezoning three parcels of land located to the south-west and south of Lai Chi Wo Village from “Green Belt” (“GB”) to “Agriculture” (“AGR”) (Amendment Item A);

- (c) on 5.6.2015, the proposed amendments to the draft OZP were published under section 6C(2) of the Ordinance for public inspection. Upon expiry of the three-week publication period, 810 valid FRs were received;

The FRs

- (d) 809 FRs (F2 to F409, F411 to F811) opposed the proposed amendments while the remaining FR (F814) provided comments. The major grounds and proposals of FRs were set out in paragraph 2.3 of the Paper and summarised below :
- (i) genuine agricultural activities were already permitted in “GB” zones. Records showed that approval for Small House (SH) developments were more easily obtained for land zoned “AGR” than “GB”;
 - (ii) the expectation that the Board might approve SH applications would entice land owners and indigenous villagers to destroy the ecological value of their land to improve their chances of obtaining the necessary approval, and the “AGR” zone could not function as a protective and secure zoning for arable farmland;
 - (iii) ‘House’ / ‘House (New Territories Exempted House) (NTEH)’ / ‘Small House’ should be removed from the Notes of the “AGR” and “GB” zones or a more restrictive “AGR(2)” zone (i.e. SH development would not be allowed) be adopted; and
 - (iv) ‘House (Redevelopment only)’ should be included in Column 2 of the Notes of the “AGR” zone to reflect and respect the

development rights of building lots in the agricultural land (R814);

- (e) F628 to F807, F810 and F811 also raised other views and proposals not directly related to the proposed amendments. Their views were set out in paragraph 2.4 of the Paper and were mainly related to restricting SH development so as not to cause adverse ecological and environmental impact; lack of provision of necessary infrastructure for development; abuse and abolishment of SH Policy; the need to protect the biodiversity and preserve the natural environment, landscape character and the surrounding countryside; development of brownfield sites, industrial areas and land banks before destroying natural habitats; and the incorporation of the planning scheme area (the Area) into the Plover Cove Country Park (PCCP);

Planning Considerations and Assessments

The FR sites and their Surrounding Areas

- (f) the FR sites had an area of about 3.22ha and comprised some active agricultural land intermixed with abandoned farmland/grassland. They were located to the south-west and south of Lai Chi Wo Village and partly fell outside the village 'environs' (VE). An Ecologically Important Stream (EIS) was also present to the south of Lai Chi Wo Village;

Responses to Grounds of FRs and their Proposals

- (g) in considering the representations on 15.5.2015, the Board noted that the 'Living Water & Community Revitalisation' project (the Project) being implemented in Lai Chi Wo was an agricultural-led project which aimed to revitalise the community network and enhance the sustainable development of Lai Chi Wo Village through farming, training, education,

and research. The areas covered by the Project had good potential for agricultural rehabilitation. The FR sites were thus rezoned from “GB” to “AGR” to support the agricultural rehabilitation activities under the Project;

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

- (h) a wider area was originally proposed by the original representer for rezoning to agricultural use under the Project. However, in view of the need to protect the environment, particularly the EIS, ecologically sensitive areas were excluded and only 3 parcels of land were proposed for rezoning under Amendment Item A. The Board agreed that the proposed rezoning would support the agricultural rehabilitation to be implemented under the Project;
- (i) on the views that genuine agricultural activities were always permitted within the “GB” zone, it was considered that the “AGR” zone could better reflect the planning intention for the land concerned. AFCD advised that the “AGR” zoning would facilitate the implementation of the Project to revitalise the farming community in Lai Chi Wo and was supported from agricultural development point of view;
- (j) on the views to rezone the areas from “AGR” to “AGR(2)”, AFCD advised that a more restrictive agricultural zoning should only be considered for areas close to ecologically sensitive habitats from the nature conservation point of view. For the farmland covered by the Project, AFCD advised that the “AGR” zone was appropriate;
- (k) regarding the concerns on possible house and SH development in “AGR” and “GB” zones, it should be noted that planning permission would be required for those uses in “AGR” and “GB” zones. The planning intention of the “AGR” zone was to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes whereas there

was a general presumption against development within the “GB” zone. Any potential adverse impact from SH development would be assessed through the planning application system in consultation with departments concerned; and each application would be considered by the Board based on its individual merits. There was no strong justification to delete ‘House’ / ‘House (NTEH)’ from Column 2 of the Notes of the “GB” and “AGR” zones; and

- (l) other views and proposals not directly related to the proposed amendments were similar to those made in the original representations/comments, which had already been considered by the Board during the hearing and deliberation of the original representations and comments; and

PlanD’s Views

- (m) all the FRs (F2 to F409, F411 to F811 and F814) were not supported and the draft OZP should be amended by the proposed amendments.

77. The Chairman then invited the further representers, representers, commenters and their representatives to elaborate on their further representations and comments on the further representations. At the request of Mr Paul Zimmerman (F2) that he would make his oral submission later, the Chairman invited the next FR in the list to make his oral submission.

F814 – Ng Hei Man

78. With the aid of a Powerpoint presentation, Mr Ng Hei Man made the following main points :

- (a) agricultural land should be used for agriculture only. Genuine agricultural activities under the agriculture rehabilitation project would protect the farm land from development. The agricultural land should

not be used for house development. The “AGR” zone could not protect the land, which was close to ecologically sensitive area, from house development;

- (b) ‘House’ and ‘House (NTEH)’ should be deleted from Column 2 of the “AGR” zone. In order to respect the development right on building lots, ‘House (redevelopment only)’ should be added in Column 2 to allow replacement of existing domestic structure on application to the Board;
- (c) in considering the original representations, AFCD advised that “AGR(2)” was more restrictive and could be considered for agricultural land close to ecologically sensitive habitats. Lai Chi Wo was surrounded by PCCP, Yan Chau Tong Marine Park, Site of Special Scientific Interest (SSSI) and an EIS, which were ecologically sensitive areas. Those areas deserved better protection and the agricultural rehabilitation sites should be rezoned to “AGR(2)”;
- (d) at the representation hearing stage, AFCD also commented that the exclusion of plant nursery in Column 1 and the proposed prohibition of the use of chemical pesticide, herbicides and fertilisers in the ‘Remarks’ of the proposed “AGR(2)” would greatly limit the range of agricultural activities that could take place in the area. The proposed exclusion of certain farming activities (i.e. plant nursery and prohibition of the use of chemicals) were not supported by AFCD, but not the “AGR(2)” zoning itself. AFCD had no adverse comment on designating the abandoned farmland as “AGR(2)”. The proposed “AGR” zoning under Amendment Item A had not fully taken into account AFCD’s advice;
- (e) in commenting on the representations, Chief Town Planner/Urban Design and Landscape (CTP/UD&L) of PlanD had reservation on rezoning the riparian area adjacent to the EIS from “GB” to “AGR” or “AGR(2)” for better protection of the ecological functions and high aesthetic and landscape value. While CTP/UD&L had no objection to the “AGR(2)”

zoning itself, the focus was on the location of the zoning. Some of the rehabilitated farmland could be rezoned to “AGR(2)” for more stringent control and better protection; and

- (f) in response to some Members’ concern at the representation hearing that the “AGR(2)” zone might be too restrictive that it might function as “GB” or “Conservation Area” (“CA”) zones, he pointed out that the planning intention of the “AGR” zone was to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. While permitting agriculture activities in the “AGR(2)” zone, there should be more stringent control on developments/activities within the zone to better protect the environment. There had been cases in Tai Long Wan and Hoi Ha that a sub-zone, e.g. “GB(1)” had been designated for more stringent control to cater for the special characteristics of individual sites. The “AGR(2)” designation was suitable for Lai Chi Wo, which was surrounded by areas of high ecological value, to ensure farmland protection and ecological conservation, while promoting agricultural rehabilitation.

79. Mr Paul Zimmerman requested again to make his oral submission later. His request was however objected to by Mr Lee Kwun Hung, the Chairman of Sha Tau Kok Rural Committee (the representative of R68 and R103). The Chairman said that following the hearing procedure, further representers would be invited to make their oral submission first. Mr Zimmerman was then invited to proceed with his oral submission.

F2 – Paul Zimmerman

F436 – Debby Chan

R114 and C4 – Designing Hong Kong

80. With the aid of a Powerpoint presentation, Mr Paul Zimmerman made the following main points :

- (a) the environmental disaster of development brought about by the SH Policy in the New Territories should not be allowed to spread into the Country Parks, such as chaotic layout without any planned access and parking, construction of unauthorised access road, informal drainage causing pollution to the stream course, etc ;
- (b) although the Country Park enclave covering Lai Chi Wo was technically outside the Country Park boundary, it was an integral part of the Country Park and shared the same ecological, landscape and recreation values;
- (c) Lai Chi Wo was also within a geopark and located next to the Yan Chau Tong Marine Park, all of which were in Plover Cove, which was dominated by areas with high landscape value;
- (d) in considering the original representations, AFCD advised that a more restrictive agricultural zoning should only be considered for areas close to ecologically sensitive habitat and the proposed “AGR” zoning was appropriate. However, no distance was specified to quantify the statement and it would be difficult for the Board to determine how close it should be to warrant a more restrictive zoning;
- (e) the Country Park enclave of Kop Tong, Mui Tsz Lam and Lai Chi Wo was considered by AFCD as areas of high ecological value and should be incorporated into the PCCP. However, AFCD only proposed to incorporate part of the enclave into the PCCP and private land was excluded in anticipation that the Heung Yee Kuk would not agree to such a proposal. The Board was left with the burden of dealing with the problem of development within the Country Park enclaves;
- (f) the views of F3 to F409, F411 to F806 and F808 to F811 were supported, i.e. ‘House’ or ‘House (NTEH)’ should be deleted from the Notes for “GB” and “AGR” zones, and the rezoning of agricultural land from “GB” to “AGR” under Amendment Item A was opposed to as genuine

agriculture activities were already permitted in the “GB” zone. The “AGR” zoning would open up the area for SH applications, which had much better chances for approval than in areas zoned “GB”;

- (g) in considering the representations previously, the Board did not support the proposals to prohibit SH development in the “AGR” zone as it was expected that interest for SH development would be limited in view that Lai Chi Wo was in a remote area with no road access. However, Plover Cove was just a stone throw away from the Yantian Container Port in Shenzhen. While the development pressure from Yantian Container Port did not currently affect Plover Cove, with increasing influence from the Mainland through physical development and economic activities, Plover Cove would be under enormous development pressure;
- (h) if ‘House’ and ‘House (NTEH)’ were included in Column 2 of the Notes for “AGR” and “GB” zones, the Board might give sympathetic consideration to such applications if there was inadequate land within the “V” zone to meet future SH demand. Assuming that all private land in the area within the ‘Village Environ’ (VE) would be developed, and the successful rates in planning application for SH development in “AGR” and “GB” zones were 60% and 30% respectively, about 1,116 houses could be built, resulting in an increase in population from 300 to 3,246, which would generate transport, drainage and sewage requirement and have adverse ecological impact on the area;
- (i) the Board had previously approved a planning application for constructing a road through the Country Park in Sai Kung. The same situation could happen in Lai Chi Wo. Several applications for SH development were approved in Tai Tan and Ko Tong despite concerns raised by the Transport Department on the lack of proper road access and cumulative traffic impact. The cumulative impact generated by those developments would be immense and the Board should take an overall view of the situation. SH demand in Lai Chi Wo could be met through

rezoning of land so that the community could be consulted on the amount of Country Park to be given up for SH development and the land required for provision of infrastructure;

- (j) land for agricultural use needed to be rezoned very specifically for the use to provide certainty and to avoid competition from other higher return uses. Retaining 'House' and 'House (NTEH)' in Column 2 of the Notes of the "GB" and "AGR" zones had the effect of encouraging land owners to destroy the environment in the hope that the site would have a lower ecological value, thus improving the chance of obtaining approvals for their SH applications. By approving SH developments through the planning application system, the Country Park would be sacrificed bit by bit;
- (k) there was inconsistency in putting Country Park enclaves under control. While Tai Long Sai Wan was incorporated into the Country Park, conservation zone (i.e. "CA") and specific landuse sub-zone (i.e. "GB(1)") were adopted for Pak Lap, So Lo Pun and Hoi Ha. "AGR(2)" should be designated in Lai Chi Wo; and
- (l) in conclusion, 'House' and 'House (NTEH)' should be deleted from Column 2 of the Notes for "AGR" and "GB" zones and SH developments should only be permitted within the "V" zone. Should the "V" zone need to be expanded to accommodate more SH developments, it should be done via rezoning of land so that a more comprehensive consideration could be given to determining the number of additional SH the environment could cope with.

81. As all further representers present in the meeting who had indicated that they wished to make an oral submission had completed their presentations, the Chairman invited the representers and commenters to make their presentations.

R9 – Tsang Yuk On

82. Mr Tsang Yuk On made the following main points :

- (a) he represented the village representatives (VR) of Mui Tsz Lam Village and he was the Vice-Chairman of the Sha Tau Kok Rural Committee (RC) and an Executive Member of the Heung Yee Kuk;
- (b) he was dissatisfied with some of the views presented to the Board in the previous hearing meeting. The private land within the Country Park enclaves was excluded from the Country Parks for reasons that the villagers could be left with some discretion to use their land. However, the inclusion of those Country Park enclaves in OZPs to control the land use was in conflict with the original intention of leaving those areas out;
- (c) it was too restrictive to assume that there would not be many village house developments in various remote villages and the resultant “V” zones designated on the OZPs was too small. Villagers of those villages were actually living in the territory as well as overseas to make a living. Their rights to develop a SH in their villages should be respected. He had prepared a development plan for SHs in the 15 remote villages for submission to the Development Bureau through the Heung Yee Kuk. It was proposed that a centralised village site be formed and allocated for village development to compensate for the loss of development right in the remote villages;
- (d) there was no “AGR” zone in Mui Tsz Lam Village, Kop Tong Village and Sam A Village for reasons that there was no agriculture rehabilitation project for those villages. While there was agricultural land in those villages, they were abandoned and covered with grass and shrub. A positive approach should be adopted by rezoning those agricultural land to “AGR” to encourage agricultural rehabilitation instead of taking a

negative approach of designating a “GB” zone to restrict developments in those villages; and

- (e) a large tract of abandoned farmland in Sam A Village was zoned “Conservation Area” (“CA”). The land in question was only covered with grass and shrubs with low ecological value. The land should be rezoned to “AGR” if agricultural rehabilitation was to take place.

83. With the aid of the visualiser, Mr Tsang showed two plans to indicate the location of the proposed “V” zone and “AGR” zone for Mui Tsz Lam Village and Kop Tong Village, and the location of private land in Sam A Village proposed to be rezoned from “CA” and “GB” to other uses. He requested the Board to consider his proposals so as to minimise conflicts between the villagers and the government.

R10 – 曾申翹

84. Mr Yip Wah Ching, a special member of the Heung Yee Kuk and the VR of Lin Ma Hang Village, made the following main points :

- (a) villagers of Lin Ma Hang Village strongly objected to the OZP and he doubted whether the OZP had been prepared in a fair manner. In 2008, PlanD had commissioned a planning consultancy firm to prepare the OZP for 5 villages in Lin Ma Hang and Sha Tau Kok. Villagers were consulted several times on the OZP before the consultants submitted the OZP to PlanD. However, no planning consultant was commissioned for the preparation of the OZP for Lai Chi Wo, Siu Tan and Sam A Tsuen. He doubted the procedural fairness in the preparation of the OZP as it might be biased towards the subjective views of PlanD;
- (b) the 77 Country Park enclaves were excluded from the Country Parks to safeguard the livelihood and the rights of the villagers. However, 23 Country Park enclaves were subsequently covered by OZPs and the villagers’ right to use their land was taken away. While freezing the

landuse of the remote villages, there was no provision of proper road, water supply and electricity facilities. Many remote villages perished under such restrictive planning approach;

- (c) prior to 1972, villagers could acquire land from the government for SH development, but it was much more difficult to obtain approval for SH development nowadays. The zoning of agricultural land to “CA” and “GB” zones was too restrictive and not necessary as it would take away the villagers’ rights in using their land;
- (d) rezoning of private land, which affected the private development right, was in breach of the Basic Law in protecting the interests of the indigenous villagers;
- (e) the villagers were the land owners and the use of land was already governed by the lease. It was not necessary to impose further landuse restrictions through planning. It was also not appropriate for environmental groups to comment on the land use of the village;
- (f) if private land was rezoned for conservation purpose, the land should be resumed and compensation should be made to the villagers. It was not fair to the villagers that they had to sacrifice their rights in the name of conservation;
- (g) conserving the nature was not about prohibiting development as that would only result in land overgrown with grass. The fields were used to fill with birds and animals when cultivation was carried out. However, letting the farmland idle in the name of conservation would break the food chain and there was only few bird species in the field nowadays. Planning officials and environmentalists who lived in the urban area and knew nothing about the rural living should not be making plans for the villages; and

- (h) while landowners in the urban area, e.g. the King Yin Lane case, were compensated for conserving their premises, the villagers in the New Territories did not receive the same treatment. This was why villagers had to unite together and stand firm against such inequality.

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

R68 – 邱錦洲

R103 – 黃夏衛

85. Mr Lee Kwun Hung, the Chairman of Sha Tau Kok RC, made the following main points :

- (a) he had attended many other representation hearings before. In his experience, PlanD would consult the relevant District Councils, RCs and Heung Yee Kuk in the preparation of Development Permission Area (DPA) Plans and OZPs and considered the views of villagers. However, PlanD was more reluctant to listen to their views in recent years;
- (b) most people, particularly the green groups, made a wrong presumption that villagers would try whatever ways to develop their land, thus causing damages to the environment. In fact, the villagers cared about their environment the most as they all lived there. There was no reason why villagers would destroy the environment of their villages. All they wanted was to maintain the development rights of their own land handed down by their ancestors;
- (c) once their land was rezoned to “CA” for conservation, there would be so many restrictions on the use of their land that it effectively took away their development rights. Nevertheless, villagers understood that a balance had to be struck between development and conservation and they agreed that some areas near Country Parks could be rezoned to “CA” or “GB” for better protection. While there were already “CA” and “GB”

zones on the OZP, the villagers needed to retain some agricultural land to make their living. For hundreds of years, Mui Tsz Lam and Kop Tong depended on farming, yet there was no “AGR” zone for those villages to respect their traditional way of living;

- (d) with the concerted effort of the University of Hong Kong (HKU) and some voluntary organisations, the Project that promoted agricultural rehabilitation in Lai Chi Wo was a success. The government was contradicting itself in that while promulgating the New Agricultural Policy on the one hand, while restricting agricultural use by designating “CA” or “GB” zonings on agricultural land for conservation on the other; and
- (e) the DPA Plans prepared in recent years had not tendered to the needs of the villagers, but biased towards conservation. It was reasonable to rezone suitable agricultural land to “AGR” in the Lai Chi Wo area. Large scale development in Lai Chi Wo, Sam A, Mui Tsz Lam and Kop Tong was not possible in the near future as there was no road access. Apart from agricultural use, he did not foresee any SH or other types of development in the “AGR” zone.

[Mr Sunny L.K. Ho left the meeting at this point.]

R86 – 丘文清

86. Mr Wong Kwok Lun, the VR of the indigenous village of Yim Tso Ha Tsuen in Sha Tau Kok, made the following main points :

- (a) he strongly objected to the rezoning of private land to “CA”. The rezoning had infringed Article 40 of the Basic Law for the protection of traditional rights and interests of the indigenous inhabitants of the New Territories and Article 105 for the protection of the rights of individuals and legal persons to the acquisition, use, disposal and inheritance of

property and their rights to compensation for lawful deprivation of their property;

- (b) the rezoning had the effect of confiscating the land of the villagers. The government should respect the rights of individuals and should not designate landuse zonings and unfairly restrict the use of their land;
- (c) the government should discuss with villagers and obtain their support for conserving the natural environment of Lai Chi Wo for integration with the PCCP. Without the villagers' support, the intention for conservation could not be achieved;
- (d) in the 1950's, there were many egrets in the woodland behind Yim Tso Ha Tsuen and the woodland was designated as SSSI. The number of egrets started to decline in the 1980's. Although the woodland remained as SSSI and the Starling Inlet provided food for the egrets, no egret could be found nowadays. The reason being lots of villagers emigrated to overseas in the 1970's and those who remained ceased farming in the village, resulting in the disruption of the food chain for egrets. That illustrated the importance of villagers' participation in conserving the natural environment; and
- (e) the indigenous villagers' right was also stated in the Declaration on the Rights of Indigenous Peoples of the United Nation.

R102 – 嚴雪芳

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

- (a) he supported the incorporation of Country Park enclaves in OZPs if the landuse zonings on the OZP could provide a balanced development pattern for the long term development of Hong Kong;

- (b) the incidents illustrating damage to the environment through SH developments as quoted in Mr Paul Zimmerman (F2)'s presentation were isolated cases. Apart from Tai Long Sai Wan, which had been incorporated in the Country Park, the environment in the 54 remaining Country Park enclaves was still very nice;
- (c) the land in the New Territories belonged to the indigenous villagers and their rights should be respected. Conservation was not about prohibiting development, but a pro-active process. While all kinds of development would change the original state of the environment, a right balance should be struck to maintain sustainable growth;
- (d) SH development would not cause any pollution if proper sewage treatment facilities were provided. Villagers who built SH would not want to affect the environment as it would affect the value of the SH. There was room for improvement in the landuse proposals for the OZP and a balance should be struck between conservation and development; and
- (e) the villagers had maintained the natural environment of Lai Chi Wo and should be given more discretion in utilising their land, rather than imposing more restrictive zonings on their land. If a balanced approach could be found, there would not be any conflict between development and conservation.

R101 – 范偉雄

88. Mr Fan Foo Choi, representing Kop Tong Village, made the following main points :

- (a) Kop Tong Village was founded several hundred years ago and the villagers had depended on agriculture for a living. All land in the village was agricultural land. He strongly objected to the proposal to

rezone their agricultural land to “GB” on the OZP as it had imposed restrictions on their land, equating to taking away their rights to use their land. It was useless for villagers to own the land if it could not be used freely;

- (b) Kop Tong Village and Mui Tsz Lam Village were located on the hillside. There was already adequate greenery in the surrounding Country Parks and it did not help much to rezone their private land to “GB”. The two villages were also located in a remote area with no road access. The worry that SH development would likely be permitted within the “AGR” zone was unfounded as nobody would be interested in living in such a remote area; and
- (c) the villages were surrounded by Country Parks and the livelihood of the villagers was difficult enough. A conservation zoning that imposed restriction on the use of private land in the villages, based on unfounded worries, was not necessary.

R106 – Hong Kong Countryside Foundation Ltd

89. With the aid of a Powerpoint presentation, Dr Ng Cho Nam made the following main points :

- (a) the ‘Living Water & Community Revitalisation’ project for Lai Chi Wo was a community revitalisation, landscape and habitat restoration plan undertaken by a number of organisations, with the support of the villagers of Lai Chi Wo. The Project was a four-year programme funded by the Hong Kong Bank Foundation. Nevertheless, the Project had committed to continue its work after the 4-year programme to achieve sustainable rural revitalisation through farming, training, education, and research;
- (b) for Lai Chi Wo, the project aimed to enhance biodiversity and conservation, revitalise agricultural activities, rediscover the community

resources, develop an environmental/sustainable development education hub to promulgate knowledge on our relationship with water and the natural environment, and develop diverse local products and services to create job opportunities and financial returns to sustain the community;

- (c) the Project had entered into a 11-year tenancy agreement to lease about 400,000 sq.ft. of agricultural land up to 2024 through the Hong Kong Countryside Foundation (HKCF). Work had been carried out to revitalise the agricultural land in Lai Chi Wo;
- (d) an education centre was being set up in Lai Chi Wo to promote the culture, character, geography and environment of the area. The local community and the public were engaged through a number of activities. With the partnership of the villagers, the Project would be a success;
- (e) the HKCF agreed with the planning intention of the “AGR” zone to retain and safeguard good quality agricultural land for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultural and other agricultural purposes. While the “AGR” zone covered part of the fields under cultivation, it should be extended to cover the Project areas, the ex-terraced field and the lower reaches of the stream within the Lai Chi Wo watershed to cater for the actual site condition. In order to address the concerns of the green groups, restrictions on ‘no land filling’ and ‘no building development’ could be imposed in the “AGR” zone;
- (f) the villagers had preserved the *Derris alborubra* (白花魚藤) in Lai Chi Wo within the Yan Chau Tong Marine Park and there was no strong objection to the “CA” zoning to conserve the area. However, the southern portion of the “CA” zone should be reduced to areas located north of a footpath for clear delineation and to facilitate easy implementation of control for the “CA” zone. The fields to the south of the footpath were rented by HKCF for ecologically friendly and

non-polluting agricultural use. The ecological friendly farming could provide a buffer to the Yan Chau Tong Marine Park. The agricultural land should be rezoned to “AGR” with ‘no land filling’ and ‘no building development’ restrictions; and

- (g) with careful use of insecticide and fertiliser, agricultural use would not have adverse impact on the environment. In fact, the ecological value of an active agricultural land was higher than an abandoned agricultural land. The bio-diversity of the rehabilitated farmland was monitored and it was discovered that the number of animal species found was on the increase.

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

R111 – The Hong Kong Bird Watching Society

90. With the aid of a Powerpoint presentation, Ms Woo Ming Chuan made the following main points :

- (a) the Hong Kong Bird Watching Society (the Society) had carried out survey and discovered that about 300 species of birds utilised agricultural land in Hong Kong, representing more than half of the total number of bird species spotted in Hong Kong. Out of them, almost 140 species were regarded as birds of conservation importance. In this regard, the Society considered that agricultural land should be adequately protected and managed;
- (b) Country Park enclaves with high ecological value such as Lai Chi Wo should be protected with a conservation zoning. However, the Lai Chi Wo case was unique as an agricultural rehabilitation programme was being carried out by HKCF and a number of green groups under the Project. As the Project had positive impact on the ecological, cultural and historical value of the area and was supported by government departments and villagers, there was no objection to the proposed “AGR”

zone under Amendment Item A to facilitate the agriculture rehabilitation works and community revitalisation;

- (c) it was noted from a document submitted to the Legislative Council in 2013 that the approval for SH developments in “AGR” zone for the past 10 years was equivalent to about 63%, or up to about 80% for sites partially zoned “AGR”, “GB” and other land use zonings. In order to ensure that agricultural use would continue in Lai Chi Wo and arable agricultural land would not be lost permanently, a more restrictive “AGR(2)” zone which did not permit SH development was therefore proposed to promote genuine cultivation;
- (d) the “AGR(2)” zone truly respected and protected the farmland by limiting its use to cultivation only, and conserved the cultural, landscape and ecological values of the farmland. Under the zoning, the efforts of the farmers were respected and appreciated and the eco-friendly revitalisation project in Lai Chi Wo under the joint efforts of the villagers, academics and non-government organisations was recognised;
- (e) “AGR(2)” was proposed to ensure the long-term genuine farming in Lai Chi Wo with no development pressure. ‘House (redevelopment only)’ could be added in Column 2 of the Notes for the “AGR(2)” zone to respect the development right of villagers; and
- (f) in view of the high ecological importance of Lai Chi Wo, a more restrictive “AGR(2)” zone should be designated. Moreover, all “GB” zones should be rezoned to “GB(1)” or “CA” for a more comprehensive protection of the area.

R112 and C3 – World Wide Fund for Nature Hong Kong (WWF)

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

- (a) WWF supported genuine and sustainable agricultural activities, such as the agriculture rehabilitation under the Project, which was beneficial to the local ecology. However, the “AGR” zone was not adequate to protect the agricultural land and farming activities from the threat of SH development. The “AGR(2)” zone that only permitted ‘House (Redevelopment only)’ was proposed to replace the “AGR” zone;
- (b) AFCD advised that a more restrictive zoning, e.g. “AGR(2)”, should only be considered for areas close to ecologically sensitive habitats. In view of the various sensitive habitats and species of conservation interest in Lai Chi Wo, i.e. the presence of an EIS, mangroves, marsh, abandoned fish pond, SSSI and the Yan Chau Tong Marine Park nearby, Lai Chi Wo had high ecological value. Since SH development in Lai Chi Wo would impose ecological threats to the farmland and adjacent ecology, “AGR(2)” was considered more appropriate from both agricultural and conservation perspectives;
- (c) SH developments within the “AGR” zone might result in a permanent loss of the farmland and the drainage and sewage discharged from the SH developments might adversely affect the adjacent SSSI, the water quality of the EIS and the Marine Park;
- (d) as pointed out by R111, the approval rate of applications for SH development in “AGR” zone was high. Although each application would be considered by the Board on its own merits, WWF considered that the “AGR” zoning was not adequate to protect the genuine farming activities and local ecology from development threat;
- (e) regarding whether the “AGR(2)” zoning was more restrictive than the “GB” zoning, WWF considered that the planning intentions of the two zones were different and hence their relative restrictiveness could not be decided by directly comparing the number of uses under Column 1 and

Column 2 of the Notes for the zones. The focus should be on whether the zoning itself offered sufficient protection to the planned use and “AGR(2)” apparently provided more protection to the agricultural land; and

- (f) he strongly recommended the replacement of the “AGR” zone by “AGR(2)” as additional protection was needed for the conservation of sustainable agriculture and ecology in Lai Chi Wo. It was also in line with the planning intention to protect the high conservation and landscape value of Lai Chi Wo, which complemented the overall natural and landscape beauty of the surrounding PCCP. Also, “GB(1)” should be designated to protect the secondary woodland and its ecological linkage to the adjoining PCCP, and the EIS and its riparian zone in Lai Chi Wo should be rezoned to “GB(1)” or “CA”.

92. As the representatives of PlanD, the further representers, the representers, commenters and their representatives had finished their presentations, the Chairman invited questions from Members.

93. The Vice-chairman, while expressing his appreciation to the Project, asked Dr Ng Cho Nam, the representative of R106, the site selection criteria for the Project, having regard to the uniqueness of Lai Chi Wo, and the financial mode of the operation of the Project. He also asked whether the Project could be replicated in other villages taking into account that some representers had mentioned that no “AGR” zone had been designated in their villages despite that there were active cultivation there.

94. In response, Dr Ng Cho Nam said that the Project was not just about agricultural rehabilitation. Lai Chi Wo was unique in that it had a long history and had retained the rural character amongst the villages in the Hing Chun Yeuk (慶春約) in the North-east New Territories. Lai Chi Wo was surrounded by Country Parks, Marine Park and geo park. In particular, the geo park was of world class. In terms of its geographical location, Lai Chi Wo had commanded a good location to establish the village. There was no new SH

development in Lai Chi Wo and the original state of the village was well maintained. Also, the Project was supported by the VR, villagers and the land owners.

95. Dr Ng said that the Project sought sponsorship not for agricultural rehabilitation, but for the revitalisation of a sustainable community, the use of water resource and developments around stream courses. Through the Project, it was hoped that Lai Chi Wo could achieve sustainable development. The Project could only be implemented with supports from the sponsoring organisations as well as the villagers. The success of the Project in Lai Chi Wo could radiate to revive the nearby villages through various means, e.g. agricultural rehabilitation.

96. Dr Ng said that as Lai Chi Wo was in a remote area with no road access, the agricultural rehabilitation would not generate income for villagers through the selling of farm products. Instead, a hub on farming, training, education, and research could be established through the introduction of agricultural activities for the public to learn about the history and culture of the Hakka village in Hing Chun Yeuk. The education and activity hub could have great potential in Hong Kong to generate income for the Project. The Project could be replicated in other villages in Sai Kung or Lantau, but the mode of operation would be different depending on the character of the respective villages. While sponsorship was obtained at the initial stage of the Project, it was hoped that the Project could achieve self-financing by developing local economy, e.g. tourism and servicing such as bed & breakfast, and food and beverage business.

97. In response to a Member's question on whether any "AGR" zone was designated for the villages of Mui Tsz Lam, Sam A and Kop Tong, and the consideration taken in determining the size of the "AGR" zone, Mr C.K. Soh, DPO/STN, said that "AGR" zoning was designated for Sam A Village, but not for Mui Tsz Lam and Kop Tong. In the designation of "AGR" zone, consideration including whether there was good quality agricultural land and active cultivation was being carried out in the village would be taken into account.

98. As Members did not have any further questions and the further representers, representers, commenters and their representatives had nothing to add, the Chairman said that

the hearing procedure had been completed and that the Board would deliberate on the FRs in their absence and would inform them of the Board's decision in due course. The Chairman thanked the further representers, representers, commenters and their representatives and the government representatives for attending the hearing. They left the meeting at this point.

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

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

Deliberation

99. The Chairman said that the focus of the meeting was to consider the FRs submitted with regard to the proposed rezoning of 3 sites from "GB" to "AGR" under Amendment Item A to meet some of the original representations. While the oral submissions given by the further representers, representers, commenters and their representatives had covered many issues, the Board should concentrate its consideration on Amendment Item A.

100. A Member said that the Project to promote agricultural rehabilitation in Lai Chi Wo should be supported. The Project was meaningful and the revitalization of Lai Chi Wo could educate the public on conservation and bring about tourism to Lai Chi Wo. Regarding HKCF (R106)'s request to rezone the "CA" site near Yan Chau Tong Marine Park to "AGR", the Member considered that the renting of agricultural land by HKCF for agricultural rehabilitation was not a good reason for the proposed rezoning. To be consistent with the Board's practice, areas with high ecological value would either be zoned "CA" or "Coastal Protection Area" ("CPA"). Noting that the area to the north of the pier at Lai Chi Wo was zoned "CA", and that the coastal area in Lai Chi Wo had high ecological value and formed an entity with the "CA" to the north, designating the area to "CA" or "CPA" zones was appropriate. The proposed "AGR(2)" zone was not consistent with the Board's practice.

101. The same Member noted that according to the oral submission given by the representative of the Hong Kong Bird Watching Society (R111), 55% of the species of birds

in Hong Kong were found in cultivated land. While the agricultural land might attract birds and enhance the ecology, the farming activities, the surface run-off and seepage from the fields would have adverse impact on the Japanese seaweed and the mangrove in the Marine Park. He did not agree with HKCF (R106) that the footpath would act as a buffer to separate the agricultural land from the Marine Park as seepage and overflow from the cultivated field during heavy rainfall would have adverse impact on the water quality of the Marine Park.

102. The same Member also said that there was no “AGR” land in Mui Tsz Lam Village and Kop Tong Village. Given that those villages were remote, it would be unlikely for the villagers to develop SHs as they would not be attractive in terms of accessibility. He considered it not unreasonable to rezone some land to “AGR” for the two villages. In response, Mr K.K. Ling, Director of Planning, clarified that Mui Tsz Lam Village and Kop Tong Village were located on the hillside and were not populated. As agricultural use was permitted within the “GB” zone, it was not necessary to rezone any land in the two villages to “AGR”.

103. Another Member supported the Project and considered the rezoning of “GB” to “AGR” under Amendment Item A appropriate. It was not necessary for a more stringent “AGR(2)” zone as any SH development in the “AGR” zone would require planning permission and each application would be considered by the Board based on its individual merits.

104. Two other Members also agreed that Amendment Item A should be maintained. The “AGR” zoning proposed could cater for the agricultural activities of the Project. There was no strong justification for further extending the “AGR” to the coastal area.

105. As regards the villagers’ request for designating more land for “AGR”, Members noted that agricultural use was always permitted in “GB” and “CA” zones. Members also noted PlanD’s responses to FRs and the FRs’ proposals as stated in paragraphs 3.4 to 3.8 of the Paper and agreed not to support the further representations and considered Amendment Item A appropriate.

106. After deliberation, the Board decided not to uphold FRs No. F2 to F409, F411 to F811 and F814 and that the draft Lai Chi Wo, Siu Tan and Sam A Tsuen OZP No. S/NE-LCW/1 should be amended by the proposed Amendment Item A. In accordance with section 6H of the Ordinance, the draft Lai Chi Wo, Siu Tan and Sam A Tsuen OZP No. S/NE-LCW/1 should thereafter be read as including the proposed amendment. The amendment would be made available for public inspection until the Chief Executive in Council had made a decision in respect of the draft Lai Chi Wo, Siu Tan and Sam A Tsuen OZP under section 9 of the Ordinance.

107. The reasons for not upholding the further representations were :

- “(a) the “Agriculture” (“AGR”) zone is intended primarily to retain and safeguard good quality agricultural land for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. To better reflect the planning intention and encourage agricultural rehabilitation in the area, the “AGR” zone is considered more appropriate than “Green Belt” (“GB”) zone;
- (b) planning permission from the Board is required for ‘House’ / ‘House (New Territories Exempted House) (NTEH)’ development within “GB” and “AGR” zones and each application will be considered by the Board based on its individual merits. There is no strong justification to delete ‘House’ / ‘House (NTEH)’ from Column 2 uses of “GB” and “AGR” zones; and

Other views and proposals not directly related to the proposed amendments

- (c) these views and proposals are not directly related to the proposed amendments and are similar to those views made in the original representations/comments, which have already been considered by the Board.”

Procedural Matters

Agenda Item 9

[Open meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comment on the Draft Chek Keng Outline Zoning Plan No. S/NE-CK/1 (TPB Paper No. 10010)

[The meeting was conducted in Cantonese]

108. The Secretary reported that on 24.4.2015, the draft Chek Keng Outline Zoning Plan (OZP) No. S/NE-CK/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 7 representations were received. On 24.7.2015, the representations were published for 3 weeks for public comments, and one comment was received.

109. R1 to R4 considered that the “Green Belt” (“GB”) zone was insufficient in protecting the environmentally sensitive areas and small house developments would cause adverse environmental impacts. R5 to R7 objected to the inadequate “Village Type Development” (“V”) zone and the zoning of private land as “GB” and “Coastal Protection Area”. R5 proposed to reserve more land for small house developments. C1 was submitted by R6 who reiterated his objection to the inadequate “V” zone.

110. As the number of representations and the related comment was not large, it was recommended that the representations and comment should be considered by the full Board collectively. The hearing could be accommodated in the Board’s regular meeting and a separate hearing session would not be necessary. Consideration of the representations and comment was tentatively scheduled for November 2015.

111. After deliberation, the Board agreed that the representations and comment should be considered by the Board itself and the appointment of a Representation Hearing Committee was not necessary. The representations and comments should be considered collectively.

Agenda Item 10

[Open meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comment on the Draft Lung Yeuk Tau and Kwan Tei Outline Zoning Plan No. S/NE-LYT/16

(TPB Paper No. 10014)

[The meeting was conducted in Cantonese]

112. The Secretary said that the draft Lung Yeuk Tau and Kwan Tei Outline Zoning Plan (OZP) No. S/NE-LYT/16 mainly involved the rezoning of the Queen's Hill site for a proposed housing development by the Housing Department, which was the executive arm of the Hong Kong Housing Authority (HKHA). One of the amendment items also involved an existing China Light & Power (CLP) Hong Kong Ltd's electricity substation. The following Members had declared interests in the item :

- | | |
|---|--|
| Mr Stanley Y.F. Wong | - being a member of HKHA and the Strategic Planning Committee and the Chairman of the Subsidised Housing Committee of HKHA |
| Professor P.P. Ho | - being a member of the Building Committee of HKHA |
| Ms Julia M.K. Lau | - being a member of the Commercial Properties Committee and Tender Committee of HKHA |
| Mr H.F. Leung | - being a member of the Tender Committee of HKHA |
| Mr K.K. Ling
(as Director of Planning) | - being a member of the Strategic Planning Committee and Building Committee of HKHA |

- Ms Bernadette H.H. Linn - being a member of HKHA
(as Director of Lands)
- Mr Martin W.C. Kwan - being a representative of the Director of Home
(as Chief Engineer (Works), Affairs who was a member of the Strategic
Home Affairs Department) Planning Committee and Subsidised Housing
Committee of HKHA
- Dr Lawrence W.C. Poon - his spouse being an employee of Housing
Department
- Mr Ivan C.S. Fu]
Ms Janice W.M. Lai] having business dealings with HKHA
Mr Dominic K.K. Lam]
Mr Patrick H.T. Lau]
- Dr W.K. Yau - being a Member of the Education Committee
and the Energy Resources Education Committee
of CLP
- Ms Christina M. Lee - being Secretary-General of the Hong Kong
Metropolitan Sports Events Association which
had obtained sponsorship before from CLP

113. As the item was procedural in nature, Members agreed that the above Members should be allowed to stay in the meeting. Members also noted that Dr W.K. Yau and Mr H.F. Leung had sent apologies for being not able to attend the meeting, and Professor P.P. Ho, Ms Julia M.K. Lau, Ms Janice W.M. Lai and Mr Patrick H.T. Lau had already left the meeting.

114. The Secretary reported that on 29.5.2015, the draft Lung Yeuk Tau and Kwan Tei OZP No. S/NE-LYT/16 was exhibited for public inspection under section 7 of the Town Planning Ordinance (the Ordinance). The amendments were mainly related to the rezoning

of the Queen's Hill site for public and private housing developments. During the two-month exhibition period, a total of two representations were received. On 14.8.2015, the representations were published for 3 weeks for public comments, and no comment was received.

115. R1 was submitted by a landowner objecting to the rezoning of the Queen's Hill site (Amendment Items A1, A2, A3 and B) for public and private housing developments. He proposed to rezone the land currently zoned "Agriculture" ("AGR") to the west of the Queen's Hill site to "Residential (Group A)" for subsidized housing development; and to rezone the land currently zoned "Comprehensive Development Area" ("CDA") and "AGR" to the north of the Queen's Hill site to "Residential (Group B)" for private housing development.

116. R2 was submitted by the Green Sense objecting to all amendment items mainly on the grounds that the Queen's Hill development had not been well thought out; the development intensity and building height restrictions proposed for the development were too high; and too little information had been provided for the public.

117. As there were only two representations, it was recommended that the representations should be considered by the full Board collectively. The hearing could be accommodated in the Board's regular meeting and a separate hearing session would not be necessary. Consideration of the representations was tentatively scheduled for November 2015.

118. After deliberation, the Board agreed that the representations should be considered by the Board itself and the appointment of a Representation Hearing Committee was not necessary. The representations should be considered collectively.

Agenda Item 11

[Open meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments in respect of the Draft Chek Lap Kok Outline Zoning Plan No. S/I-CLK/13 (TPB Paper No. 10015)

[The meeting was conducted in Cantonese]

119. The following Members had declared interests in the item :

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|---------------------|---|
| Ms Julia M.K. Lau | - being a member of the Aviation Development and Three-Runway System Advisory Committee |
| Mr Dominic K.K. Lam | - being a member of the Three-Runway System and Works Committee |
| Mr Sunny L.K. Ho | - being the Executive Director of the Hong Kong Shipper's Council (R1) |
| Professor S.C. Wong | - being the Director of the Institute of Transport Studies which had obtained sponsorship before from Airport Authority Hong Kong (AAHK) and the council member of the Chartered Institute of Logistics and Transport in Hong Kong (R2) |
| Ms Christina M. Lee | - being the Secretary-General of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship before from the Chinese Manufacturers' Association of Hong Kong (C20) |
| Dr C.P. Lau |] having business dealings with the Airport |
| Ms Janice W.M. Lai |] Authority Hong Kong (AAHK) |

120. As the item was procedural in nature, the Board agreed that the above Members should be allowed to stay in the meeting. Members also noted that Dr C.P. Lau had sent apologies for being not able to attend the meeting, and Ms Julia M.K. Lau, Mr Sunny L.K. Ho and Ms Janice W.M. Lai had already left the meeting.

121. The Secretary reported that on 8.5.2015, the draft Chek Lap Kok Outline Zoning Plan (OZP) No. S/I-CLK/13 (the 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 12,220 representations were received. On 18.8.2015, the representations were published for 3 weeks for public comments, and 346 comments were received.

122. R1 to R4 supported the amendments under the draft OZP and the development of the three-runway system (3RS) of the Hong Kong International Airport (HKIA) and the remaining 12,216 representations (R5 to R12220) objected to the amendments and/or the 3RS and the associated reclamation works. The supportive representations were submitted on the grounds that the 3RS could strengthen Hong Kong's position as an international and regional aviation hub, and/or sustain competitiveness and growth amidst intensifying competition from other airports in the region. It could create synergy effect with other infrastructure developments on Lantau Island. The adverse representations were submitted mainly on the grounds of unresolved airspace issue, excessive construction cost, possible overspending and financing arrangement issue, adverse environmental impacts in terms of noise and air pollution, loss of natural habitat and adverse ecological impact, lack of technical assessment and legal issues.

123. C1 submitted by the Airport Authority Hong Kong (AAHK) provided responses to all adverse representations. C2 to C5 supported the supportive representations and C6 to C127 generally supported the amendments and the 3RS development. C128 to C346 either objected to the supportive representations or supported the adverse representations.

124. Since the draft OZP had attracted much public interest, it was recommended that the representations and comments should be considered by the full Board. Due to the large numbers of representations and comments received, the hearing could not be accommodated

in the Board's regular meeting and separate hearing session(s) would be necessary. In view of the similar nature of the representations, the hearing of the representations and comments was suggested to be considered collectively in one group. Consideration of the representations and comments was tentatively scheduled for December 2015.

125. Owing to the large number of representations and comments received and to ensure efficiency of the hearing, it was also recommended that a maximum of 10 minutes presentation time be allotted to each representer/commenter in the hearing session(s). The Secretary would report to the Board and to seek Members' agreement on details of the meeting arrangement after confirming the number of representatives and commenters who indicated that they would attend the representation hearing and make oral submission.

126. After deliberation, the Board agreed that :

- (a) the representations and comments should be considered by the full Board itself, and the appointment of a Representation Hearing Committee was not necessary. The hearing of the representations and comments would be considered by the Board collectively; and
- (b) a 10-minute presentation time for each representer and commenter would be imposed to ensure the efficiency of the hearing.

Agenda Item 12

[Open meeting]

Submission of the Draft Tseung Kwan O Outline Zoning Plan No. S/TKO/21A to the Chief Executive in Council for Approval Under Section 8 of the Town Planning Ordinance (TPB Paper No. 10011)

[The meeting was conducted in Cantonese]

127. The Secretary reported that on 27.2.2015, the draft Tseung Kwan O Outline Zoning Plan (OZP) No. S/TKO/21 was exhibited for public inspection under section 5 of the

Town Planning Ordinance (the Ordinance). A total of 385 representations and 9 comments were received. After giving consideration to all the representations and comments on 11.9.2015, the Board agreed to note the supporting view of R1 (part) on Amendment Item A and decided not to propose any amendment to the draft OZP to meet the remaining adverse representations. Since the representation consideration process had been completed, the draft Tseung Kwan O OZP was now ready for submission to the Chief Executive in Council (CE in C) for approval.

128. After deliberation, the Board agreed :

- (a) that the draft Tseung Kwan O OZP No. S/TKO/21A and its Notes were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) to endorse the updated Explanatory Statement (ES) for the draft Tseung Kwan O OZP Plan No. S/TKO/21A as an expression of the planning intention and objectives of the Board for the draft OZP and issued under the name of the Board; and
- (c) that the updated ES was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 13

[Open meeting]

Submission of the Draft So Kwun Wat Outline Zoning Plan No. S/TM-SKW/12A to the Chief Executive in Council for Approval Under Section 8 of the Town Planning Ordinance (TPB Paper No. 10012)

[The meeting was conducted in Cantonese]

129. The Secretary reported that the So Kwun Wat Outline Zoning Plan (OZP) had

incorporated an amendment item to rezone a site to the north of Castle Peak Road for residential development. The following Members had declared interests in the item :

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|---------------------|---|
| Mr Dominic K.K. Lam |] having business dealings with Henderson |
| Ms Janice W.M. Lai |] Land Development Company Limited |
| Mr Patrick H.T. Lau |] (HLD), the mother company of the Hong |
| Mr Ivan C.S. Fu |] Kong and China Gas Company Limited
(HKCGC) which had submitted a
representation (R2) |
| Dr C.P. Lau | - owning a flat in Kwun Tsing Road, So
Kwun Wat |
| Professor P.P. Ho |] being employees of the Chinese |
| Professor K.C. Chau |] University of Hong Kong (CUHK) which
received donation before from a family
member of the Chairman of HLD |
| Mr Roger K.H. Luk | - being a Member of Council of CUHK
which received donation before from a
family member of the Chairman of HLD |
| Professor S.C. Wong |] being employees of the University of |
| Mr H.F. Leung |] Hong Kong which received donation |
| Dr Wilton W.T. Fok |] before from a family member of the
Chairman of HLD |
| Dr W.K. Yau | - being the director of a non-government
organisation which received donation
before from a family member of the
Chairman of HLD |

- Ms Christina M. Lee - being Secretary-General of the Hong Kong Metropolitan Sports Event Association which obtained sponsorship before from HLD
- Mr Peter K.T. Yuen - being a member of the Board of Governors of the Hong Kong Arts Centre which received donation before from an Executive Director of HLD

130. As the item was procedural in nature and no discussion was required, the Board agreed that the above Members should be allowed to stay in the meeting. Members also noted that Dr C.P. Lau, Mr H.F. Leung and Dr W.K. Yau had sent apologies for being not able to attend the meeting, and Professor P.P. Ho, Mr Roger K.H. Luk, Ms Janice W.M. Lai, Mr Patrick H.T. Lau and Dr Wilton W.T. Fok had already left the meeting.

131. The Secretary reported that on 13.3.2015, the draft So Kwun Wat OZP No. S/TM-SKW/12 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 143 valid representations and 2 comments were received. After giving consideration to all the representations and comments on 22.9.2015, the Board agreed to note the comments of R2 and decided not to propose any amendment to the draft OZP to meet the remaining adverse representations. Since the representation consideration process had been completed, the draft So Kwun Wat OZP was now ready for submission to the Chief Executive in Council (CE in C) for approval.

132. After deliberation, the Board agreed :

- (a) that the draft So Kwun Wat OZP No. S/TM-SKW/12A and its Notes were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) to endorse the updated Explanatory Statement (ES) for the draft So Kwun Wat OZP Plan No. S/TM-SKW/12A as an expression of the

planning intention and objectives of the Board for the draft OZP and issued under the name of the Board; and

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

Agenda Item 14

[Open Meeting][The meeting was conducted in Cantonese.]

Any Other Business

- 133. There being no other business, the meeting was closed at 5:40 p.m.