

**Minutes of 1099<sup>th</sup> Meeting of the  
Town Planning Board held on 13.11.2015**

**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

Dr C.P. Lau

Ms Julia M.K. Lau

Ms Anita W.T. Ma

Dr W.K. Yau

Professor K.C. Chau

Mr H.W. Cheung

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Ms Christina M. Lee

Mr H.F. Leung

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

Principle Environmental Protection Officer (Strategic Assessment)

Mr Terrence S.W. Tsang

Chief Engineer (Works)

Home Affairs Department

Mr Martin W.C. Kwan

Director of Lands

Ms Bernadette H.H. Linn

Director of Planning

Mr K.K. Ling

Deputy Director of Planning/District

Mr Raymond K.W. Lee

Secretary

**Absent with Apologies**

Mr Clarence W.C. Leung

Mr Laurence L.J. Li

Ms Bonnie J.Y. Chan

Mr Patrick H.T. Lau

Principal Assistant Secretary (Transport) 3

Transport and Housing Bureau

Miss Winnie M.W. Wong

**In Attendance**

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

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

Senior Town Planner/Town Planning Board  
Ms W. H. Ho (a.m.)  
Ms Karen F.Y. Wong (p.m.)

**Agenda Item 1**

[Open Meeting]

**Confirmation of Minutes of the 1097<sup>th</sup> Meeting held on 30.10.2015**

[The item was conducted in Cantonese.]

1. The meeting agreed that the minutes of the 1097<sup>th</sup> meeting held on 30.10.2015 were confirmed without amendments.

**Agenda Item 2**

**Matters Arising**

[The item was conducted in Cantonese.]

(i) **Approval of Draft Plans**

[Open Meeting]

2. The Secretary reported that on 27.10.2015, the Chief Executive in Council approved the following draft plans under section 9(1)(a) of the Ordinance:

(a) Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan (OZP)  
(renumbered as S/K15/23);

(b) Ting Kok OZP (renumbered as S/NE-TK/19);

3. The approval of the above plans was notified in the Gazette on 6.11.2015.

(ii) **Town Planning Appeal Decision Received**

Town Planning Appeal No. 5/2014

Proposed House (New Territories Exempted House (NTEH) - Small House)

in "Green Belt" Zone, Lot 544 in D.D. 28, Tai Mei Tuk, Tai Po

Application No. A/NE-TK/432

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[Open Meeting]

4. The Secretary reported that the subject appeal was against the Town Planning Board's (the Board) decision to reject on review an application (No. A/NE-TK/432) for proposed house (NTEH – Small House) at a site zoned “Green Belt” (“GB”) on the Ting Kok Outline Zoning Plan (OZP).

5. The appeal was heard by the Town Planning Appeal Board (TPAB) on 12.8.2015. On 22.10.2015, TPAB allowed the appeal mainly on the following grounds:

- (a) in view of the unique characteristics of the appeal site, inter alia, on active agricultural land and not covered by dense vegetation or woodland; separated from the edge of the Pak Sin Leng Country Park by a buffer distance of at least 130 metres; would be connected to the public sewer; very close to adjacent Small House developments, village cluster and the “Village Type Development” zone, the Appellant had discharged its burden of showing the proposed development as an exceptional case which warranted a departure from the planning intention of the “GB” zone;
- (b) given the Appeal Site was not covered with dense vegetation or woodland and was at the edge of the “GB” zone with no dense vegetation in the vicinity, there was insufficient evidence in support of the Board's conclusion that the proposed development did not comply with the TPB Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would affect the existing natural landscape on the surrounding environment; and
- (c) the proposed development complied with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories.

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

6. The appeal was allowed and the planning permission should be valid for 4 years from the date of the decision (i.e. up to 22.10.2019). The permission was subject to the same approval conditions and advisory clauses as suggested by the Planning Department in

the appeal hearing in case the application was allowed by TPAB, but with the addition of the following approval condition:

- submission and implementation of proposal to blend in the design, layout, colour and materials of the proposed Small House with its surrounding environment and adjacent Small Houses to the satisfaction of the Director of Planning or of the TPB.

7. The legal advice was that there were no strong grounds for a judicial review. As the appeal was mainly allowed based on site-specific circumstances, it was unlikely to have general implications for other similar applications.

8. A copy of the Summary of Appeal and the TPAB's decision were sent to Members for reference on 11.11.2015.

9. The Vice-Chairman asked about the number of possible similar applications within the same "GB" zone of the appeal site as TPAB's decision might have implication on those applications. He noted that the TPAB members had conducted a site visit before the hearing on request of the appellant. The Board might consider conducting site visits to the application sites, when necessary, in the future to ensure that informed decisions would be made. Another Member said that the grounds allowed by the TPAB should be assessed with care to ensure that the TPAB's decision would not affect the Board's decision on future similar applications. The Chairman said that the legal advice was that as the application was allowed on the basis of site-specific circumstances, it was unlikely to have general implications on other similar applications. However, the Secretariat could provide more information on the subject appeal and seek further legal advice, where necessary, to address Members' concern.

(iii) Appeal Statistics  
[Open Meeting]

10. The Secretary reported that as at 10.11.2015, the appeal statistics was as follows:

Allowed	33
Dismissed	139
Abandoned/Withdrawn/Invalid	188
Yet to be Heard	15
Decision Outstanding	3
<b>Total</b>	<b>378</b>

(iv) [Closed Meeting]

11. The item was recorded under confidential cover.

(v) [Closed Meeting]

12. The item was recorded under confidential cover.

(vi) [Closed Meeting]

13. The item was recorded under confidential cover.

**Sha Tin, Tai Po and North District**

**Agenda Item 3**

[Open Meeting (Presentation and Question Sessions)]

Consideration of Representations in respect of the  
Draft Lung Yeuk Tau & Kwan Tei South Outline Zoning Plan No. S/NE-LYT/16  
(TPB Paper No. 10028)

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[The meeting was conducted in Cantonese]

**Declaration of Interest**

14. The Secretary reported that the amendments on the draft Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) No. S/NE-LYT/16 were mainly related to the rezoning of the Queen's Hill site for a proposed housing development by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA). The following Members had declared interests on the item :

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|--|---|--|
| Mr Stanley Y.F. Wong                         | - | being a member of HKHA and the Strategic Planning Committee and the Chairman of the Subsidized 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 HKHA and 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<br>(as Director of<br>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 Affairs who was a member of the Strategic  
(Works), Home Affairs Planning Committee and Subsidised Housing  
Department) Committee of HKHA

Dr Lawrence W.C. Poon - his spouse being an employee of Housing  
Department but not involved in planning work

Mr Ivan C.S. Fu ] having business dealings with HKHA  
Ms Janice W.M. Lai ]  
Mr Dominic K.K. Lam ]  
Mr Patrick H.T. Lau ]

15. Members noted that Mr Patrick H.T. Lau had tendered apologies for being not able to attend the meeting, Ms Julia M.K. Lau, Ms Bernadette H.H. Linn and Ms Janice W.M. Lai had not yet arrived at the meeting, and Dr Lawrence W.C. Poon had temporarily left the meeting. As the interests of Mr Stanley Y.F. Wong, Professor P.P. Ho, Mr H.F. Leung, Mr K.K. Ling, Mr Martin W.C. Kwan, Mr Ivan C.S. Fu and Mr Dominic K.K. Lam were direct, Members agreed that they should be invited to leave the meeting temporarily.

[Mr Stanley Y.F. Wong, Professor P.P. Ho, Mr H.F. Leung, Mr K.K. Ling, Mr Martin W.C. Kwan, Mr Ivan C.S. Fu and Mr Dominic K.K. Lam left the meeting temporarily at this point.]

#### Presentation and Question Sessions

16. The Chairman said that reasonable notice had been given to the representers inviting them to the hearing. However, other than one of the representers who had indicated that he would attend the hearing, the remaining representer had made no reply. As reasonable notice had been given to the representer, the Board should proceed with the hearing of the representations in his absence.

17. The following government representatives and representer's representatives were invited to the meeting at this point:

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

Mr. Wallace W.K. Tang - Senior Town Planner/North, PlanD

R1 – Main Plan Development Ltd. (敏寶發展有限公司)

Vision Planning Consultants Limited

Mr Chan Kim On - Representer's representatives

Miss Esther Leung -

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

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

Background

(a) on 29.5.2015, the draft Lung Yeuk Tau and Kwan Tei South OZP No. S/NE-LYT/16 (the Plan) was exhibited for public inspection under section 7 of the Town Planning Ordinance (the Ordinance). A total of 2 representations and no comment on representations were received. On 16.10.2015, the Town Planning Board (the Board) decided to consider the representations collectively in one group;

(b) the two representations were submitted by the owner of a private lot (i.e. Lot 466 in D.D. 83) in the vicinity of the Queen's Hill site (R1) and Green Sense (R2). R1 opposed the rezoning of the Queen's Hill site for public and private housing developments under Amendment Items A1, A2, A3 and B. R2 opposed all amendment items on the Plan;

Grounds and Proposals of Representations and Responses

- (c) the main grounds and proposals of R1 and the responses to the grounds and proposals were summarised as follows:

*Grounds*

- (i) the land in the vicinity of the Queen's Hill site i.e. Item 1 site currently zoned "Agriculture" ("AGR") to the west and Item 2 site currently zoned "AGR" and "Comprehensive Development Area" ("CDA") to the north of the Queen's Hill site on the Plan, should also be rezoned for subsidized and private housing developments;
- (ii) given the close proximity of Items 1 and 2 sites to the proposed public and private housing sites, and sharing similar planning context, those sites should accord with the same provisions for development so that they could be developed comprehensively to form an early 'development hub';
- (iii) in view of the housing shortfall in the territory, the immediate rezoning of the Items 1 and 2 sites for housing development would make up the shortfall. If necessary, planning conditions could be included to ensure the submission and implementation of necessary technical assessments to the satisfaction of relevant authorities;
- (iv) the Queen's Hill development alone would create an island effect as it would be surrounded by village type developments. The inclusion of the Items 1 and 2 sites to the Queen's Hill development would form a New Development Area (NDA) with a good mix of village type and private housing developments;
- (v) it would also help better achieve a sustainable and balanced population profile in the proportion split between the public housing and private housing components for the area;

*Proposals*

- (vi) to rezone the Item 1 site (about 15.44 ha currently zoned “AGR”) to “Residential (Group A)” (“R(A)”) for subsidized housing development, and subject to a maximum plot ratio (PR) of 6 and a maximum building height (BH) of 145mPD, providing about 13,450 units for accommodating about 38,450 persons;
- (vii) to rezone the Item 2 site (about 16.06 ha currently zoned “AGR” and “CDA”) to “Residential (Group B)” (“R(B)”) for private housing development, and subject to a maximum PR of 3.6 and a maximum BH of 85mPD, providing about 7,700 units for accommodating about 23,100 persons;

*Responses*

- (viii) as stated in the 2013 Policy Address, the Government would adopt a multi-pronged approach to increase the land supply. The Queen’s Hill site was located near the Fanling/Sheung Shui New Town, readily available and mostly on government land, thus suitable for public and private housing developments;
- (ix) land suitable for development in Hong Kong was scarce and there was a need to optimize the use of land. Various technical assessments including traffic, sewerage, drainage, water supply, environmental, visual and air ventilation conducted had confirmed that the Queen’s Hill development would not have significant adverse impacts on the surrounding area subject to the provision of improvement measures and infrastructures;
- (x) according to the engineering feasibility study (EFS) and technical assessments conducted by Civil Engineering and Development Department (CEDD) and HD, development in the Lung Yeuk Tau and Kwan Tei area was constrained by the existing infrastructures.

R1 failed to demonstrate that the large scale residential developments would not have adverse impacts on the surroundings;

- (xi) only a very small portion of the land as mentioned in R1's proposals was owned by the representer. District Lands Officer/North, Lands Department (DLO/N, LandsD) casted doubt on the feasibility of R1's proposals as the implementation of the R1's housing development would require collective submission of land exchange or lease modification or land resumption of private lots;
  - (xii) the Lung Yeuk Tau and Kwan Tei area (including the Items 1 and 2 sites) had been included in the study area of the ongoing Preliminary Feasibility Study on Developing the New Territories North (NTN Study). The appropriate land uses for the remaining area in the New Territories North would be subject to the findings of the Study;
  - (xiii) regarding R1's view that his proposed housing developments would help achieve a more balanced split between public and private housing for the area, it should be noted that the housing types proposed had taken account of site suitability and the imminent demand for public housing. It would be more appropriate to base on the split between public and private housing of the Fanling/Sheung Shui New Town as a whole which was at present at a ratio of about 60:40;
- (d) the main grounds and proposals of the R2 and the responses to the grounds and proposals were summarised as follows:

*Grounds*

- (i) the Queen's Hill development had not been well thought out as the Queen's Hill site was far away from the urban area and not served

by the Mass Transit Railway (MTR) station which might induce traffic problem;

- (ii) the development intensity and BH restrictions proposed for the development were excessive;
- (iii) too little information relating to the zoning amendments, including tree survey and traffic impact assessment, was available at the website of the Board;

#### *Proposal*

- (iv) to tighten the BH and PR restrictions for the Queen's Hill development;

#### *Responses*

- (v) the EFS and various technical assessments to support the developments in Queen's Hill had confirmed that the amendments would not cause insurmountable problems on the traffic and other infrastructural capacity as well as on the environmental, landscape and visual aspects. The assessments had been examined and accepted by relevant departments;

#### *Traffic and Transport*

- the Queen's Hill site was located at about 2km from the Fanling/Sheung Shui New Town and was well-served by public transport to the MTR East Rail line Fanling and Sheung Shui Stations. The EFS revealed that the development would not cause any significant adverse traffic impact, but suggested that the Lung Ma Road leading to Sha Tau Kok Road would need to be upgraded to a 7.3m wide single two-lane carriageway. Nevertheless, while there would be spare capacity to cater for the public housing development, the EFS

recommended that the sites for private housing development and international school should be completed later to tie in with the completion of the proposed Fanling Bypass (Eastern Section) in 2023;

#### *Environment and Infrastructure*

- according to the preliminary sewerage impact assessment, the sewage disposal arising from the public housing development could be met by temporary allocation of the treatment capacity at Shek Wu Hui Sewage Treatment Works whereas the private housing and international school developments should not be completed before 2020. In the long run, a new sewage treatment works would need to be constructed;
- on the provision of other infrastructures, the EFS concluded that the existing/planned drainage and waterworks facilities had sufficient capacities to cater for the proposed housing development in Queen's Hill. In the longer term, a new service reservoir would need to be constructed;

#### *Visual Aspect*

- the visual appraisal concluded that major visual changes to the existing natural landscape as a result of the Queen's Hill development was inevitable. Nevertheless, effort had been made to minimize the impacts to a more acceptable level including the adoption of stepped height profile, visual corridor, adequate building separation and maximization of the green coverage;

#### *Tree Survey and Landscape Aspect*

- the preliminary tree survey indicated no recorded Old and Valuable Tree within the site. Nevertheless, as extensive site

formation and development works would be involved, most of the trees within the proposed development would unavoidably be affected. In order to minimize the impact, transplanting and compensatory tree planting would be adopted as far as practicable. A minimum of 30% greening coverage would also be provided;

- for sites proposed for private housing and international school developments, pre-land sale tree surveys would be conducted by LandsD. Tree preservation clause would be considered in the land grant document of the sites as appropriate in case trees which should be preserved were identified. If necessary, the project proponents would need to provide tree preservation and compensatory planting proposals for future housing and school developments;

#### *Air Ventilation*

- HD had undertaken an air ventilation assessment (expert evaluation) (AVA(EE)) to evaluate the potential air ventilation impacts on the pedestrian wind environment within and in the vicinity of the site. The impact on the localized areas could be reduced by adopting good design features in the development scheme, including the creation of wind corridor and adequate building separation between domestic blocks. Additional improvement measures, including the use of permeable structures at ground level of public housing blocks and creation of air path to facilitate summer prevailing winds to penetrate the site, had been proposed. HD would also carry out quantitative AVA at a later stage;
- (vi) the full set of the Rural and New Town Planning Committee (RNTPC) Paper No. 7/15 for proposed amendments to the draft Lung Yeuk Tau and Kwai Tei South OZP No. S/NE-LYT/15 including the executive summary of the EFS and summaries of the

technical assessments was available at the Board's website for viewing by the public; and

PlanD's Views

- (e) PlanD did not support R1 and R2 and considered that no amendment should be made to the OZP to meet the representations.

20. The Chairman then invited the representer's representatives to elaborate on their representations.

R1 – Main Plan Development Limited (敏寶發展有限公司)

21. With the aid of a Powerpoint presentation, Mr Chan Kim On made the following main points:

- (a) the representer supported the Government's multi-pronged approach to increase land supply to meet the pressing housing needs of Hong Kong. The development intensity and BH for the proposed development sites on the OZP generally met the aspirations of the society for optimization of land uses. The increase in population in the North District, which would help decentralize the high population in the urban area, was the right development direction. Items 1 and 2 sites (about 31.5ha) were readily available sites which could be developed within 5 to 8 years' time if the development proposal was approved by the Board;
- (b) the Queen's Hill development alone with a number of high-rise buildings (about 35 to 40 storeys) in the middle of the rural type developments separated from the Fanling/Sheung Shui New Town would create an island effect. It failed to demonstrate that urban planning in the area was conducted in a comprehensive and holistic manner. Incorporating Items 1 and 2 sites could provide a direct connection between the Queen's Hill site with Sha Tau Kok Road to avoid the island effect. Besides, Items 1 and 2 sites together with the Queen's Hill development could form a larger development node which not only acted as an extension of

Fanling/Sheung Shui New Town and Fanling North NDA, but also provided a linkage between the Fanling/Sheung Shui and Ping Che/Ta Kwu Ling (PC/TKL) areas, thus providing more land to meet the pressing housing demand and contributing to the optimization of the valuable land resources;

- (c) incorporation of Items 1 and 2 sites in the Queen's Hill development could achieve a more comprehensive neighbourhood planning in terms of internal road layout, greening and socio-economic development within the community. Items 1 and 2 sites could provide a total of about 21,150 flats, including about 13,450 subsidized housing flats and about 7,700 private housing flats. Together with the Queen's Hill development, the total flat supply in the new development node could increase to about 35,050 accommodating a population of about 101,550;
- (d) as the proposed developments in Items 1 and 2 sites could be completed progressively within 5 to 8 years, it was a quick win strategy to meet the Government's policy objective to expedite housing supply. The total population that could be accommodated in the new development node would increase from about 40,000 to 101,550, which could provide an economic incentive for the construction of the Northern Link (NOL). With the improvement in the external traffic linkage and living quality of the surrounding areas, more people would be willing to move to the North District. The proposal had positive effect on the socio-economic development and was in line with the Government's development strategy in the North East New Territories (NENT); and
- (e) the Board was urged to rezone the Items 1 and 2 sites from "AGR" and "CDA" to "R(A)" and "R(B)" respectively. Should the Board consider it necessary, the two sites could be rezoned to "R(A)1" and "R(B)1" with conditions on the development parameters, design requirements and technical assessments, as well as providing guidelines and control mechanism for the future developments.

22. As the presentation from the representer's representative was completed, the

Chairman invited questions from Members.

23. A Member asked if the increase in population of more than 50,000 as proposed by the representer could be met by the traffic capacity, in particular when grave concern on the insufficient traffic capacity was raised in the hearing of representations and comments in respect of the OZPs covering the NENT NDA. Mr Chan Kim On said that the planned strategic railway and road network in the North District including the NOL, Fanling Bypass (Eastern Section) and Liantang/Heung Yuen Wai Boundary Control Point (BCP) connecting road would be able to cope with the additional traffic generated by the representer's proposals. Besides, the employment opportunities generated by the new developments would be able to reduce the demand for commuting trips to the urban area. In response to the further enquiry of the same Member, Mr Chan Kim On said that urban planning was a continuing process, and there was a need to plan ahead and formulate a long-term development plan even though the existing traffic capacity might not be able to cater for the proposed developments at the moment. In response to the Chairman's question on whether technical assessments had been conducted to demonstrate the feasibility of the proposed development, Mr Chan Kim On replied in the negative as there was insufficient time to undertake the necessary assessments.

24. In response to a Member's question, Mr C.K. Soh, DPO/STN, said that the Queen's Hill site did not form part of the proposed Ping Che/Ta Kwu Ling (PC/TKL) NDA which was excluded from the latest NENT development. To cope with the future Queen's Hill development, some of the vehicular trips generated might be connected to the Liantang/Heung Yuen Wai BCP's connecting road via Sha Tau Kok Road. Mr Soh further said that instead of focusing on the planning of specific sites, it would be more appropriate, from the land use planning perspective, to review the land use and long-term development potential of the entire district.

25. As Members had no further question to raise, the Chairman said that the hearing procedures had been completed and that the Board would deliberate on the representations in the absence of the representer's representatives and would inform them of the Board's decision in due course. The Chairman thanked the representer's representatives and the government representatives for attending the hearing. They all left the meeting at this point.

Deliberation Session

26. A Member said that while it would be better to include Items 1 and 2 sites in the Queen's Hill development for a comprehensive development in a larger context, it was noted that the proposed PC/TKL NDA was excluded from the latest NENT development due to traffic constraints. As such, the representer's proposals could not be supported before the traffic issues were resolved.

27. The Chairman said that any development proposal needed to be supported by relevant technical assessments to demonstrate that the proposed development would not cause insurmountable problems on the traffic, environment and other infrastructural capacities. However, no technical assessment had been conducted by the representer to support the proposals. The Secretary supplemented that the Lung Yeuk Tau and Kwan Tei area, including the Items 1 and 2 sites, had been included in the study area of the ongoing NTN Study jointly commissioned by CEDD and PlanD. The NTN Study would assess the long-term development potential of the remaining area in the NTN and recommend appropriate land uses as well as the required infrastructures and GIC facilities.

28. A Member said that the latest NENT developments had been worked out based on various technical assessments together with a lengthy and thorough discussion. Due to the lack of information to ascertain the technical feasibility of the representer's proposals, it was inappropriate to incorporate such kind of conceptual proposal in the overall Queen's Hill development.

29. A Member said that proposals for new housing development should be welcomed in view of the pressing housing need in the territory. As traffic was the major constraint for new developments in the area, a detailed study on the provision of traffic and other supporting facilities should be conducted by the Government with a view to facilitating new developments to accommodate more population in the area. Another Member considered it opportune to conduct a comprehensive review of land uses in the rural area to enhance the efficiency in the use of land resources. For the subject area, consideration should be given to improving the traffic capacity such as widening of Sha Tau Kok Road to alleviate the cumulative traffic problem caused by additional housing developments. With the necessary supporting facilities, additional developments in the area would be acceptable. In response, the Chairman said that the Government was undertaking on-going review of land uses in the

rural area and proposals, where any, would be put forth for the Board's consideration as appropriate.

30. Regarding R1's proposal to rezone Items 1 and 2 sites for residential development, Members generally considered that the representer had failed to conduct the necessary technical assessments to ascertain the technical feasibility of the proposals. Regarding R2's concern on the development intensity of the Queen's Hill site and the lack of information relating to the zoning amendments, Members noted that the issues had adequately been responded to in paragraph 5.2 of the Paper.

31. After deliberation, the Board decided not to uphold R1 and R2 and considered that the Plan should not be amended to meet the representations. The reasons were:

- “(a) land suitable for development in Hong Kong is scarce and there is a pressing need for increasing the housing supply. As the Queen's Hill site is suitable for housing development, it is considered appropriate to rezone the site for residential use to meet the housing needs of the community (R1 and R2);
- (b) necessary technical assessments have been conducted to ascertain the feasibility of the proposed development in Queen's Hill and to ensure that there would not be significant adverse impacts on the surrounding area. Such information has been included in the relevant RNTPC paper and is available for viewing by the public (R2); and
- (c) the technical feasibility of the proposed housing developments in the vicinity of the Queen's Hill and their impacts on the surrounding area have not been demonstrated in the submission of the representation. There is no strong justification for rezoning those areas for public and private housing (R1).”

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

#### **Agenda Item 4**

[Open Meeting (Presentation and Question Sessions)]

Consideration of Representations and Comment in respect of the  
Draft Chek Keng Outline Zoning Plan No. S/NE-CK/1  
(TPB Paper No. 10029)

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[The meeting was conducted in Cantonese and English]

[Ms Bernadette H.H. Linn arrived to join the meeting and Mr Stanley Y.F. Wong, Professor P.P. Ho, Mr H.F. Leung, Mr K.K. Ling, Mr Martin W.C. Kwan, Dr Lawrence W.C. Poon, Mr Ivan C.S. Fu and Mr Dominic K.K. Lam returned to join the meeting at this point.]

#### **Declaration of Interest**

32. The Secretary reported that Dr W.K. Yau had declared an interest in the item as he was a member of the Environment, Housing and Works Committee of Tai Po District Council (EHWC of TPDC), which had submitted a representation (R5) on the draft Chek Keng Outline Zoning Plan (OZP). As the interest of Dr Yau was direct, Members agreed that he should be invited to leave the meeting temporarily for the item.

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

#### **Presentation and Question Sessions**

33. The Chairman said that reasonable notice had been given to the representers and commenter inviting them to the hearing. However, 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 representers and commenter, the Board should proceed with the hearing of the representations and comment in their absence.

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

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

Ms Channy C. Yang - Senior Town Planner/Country Park Enclave 2, PlanD

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

R2 – World Wide Fund for Nature Hong Kong (WWF-HK)

Mr Andrew Chan - Representer's representative

R3 – Kadoorie Farm and Botanic Garden Corporation (KFBG)

Mr Nip Hin Ming, Tony - Representer's representative

R4 – The Hong Kong Bird Watching Society

Ms Woo Ming Chuan - Representer's representative

R6/C1 – Poon Key Yuen (潘麟元) and R7 – Fan Fong Sang (范房生)

Mr Poon Key Yuen ] Representers, commenter and representers

Mr Fan Fong Sang ] and commenter's representatives

Mr Kong Chee Cheung ]

Mr Li Yiu Ban ]

Mr Fan Wai Ming ]

Ms Chiu Lai Ying ]

Mr Chiu Hok Nin ]

Mr Cheng Kwok Keung ]

Mr. Lui Wing On ]

Ms Cheung Tai ]

Mr Fan Wai Lun ]

Ms Wong Tai Tai ]

Ms Lee Fung Lin ]

Ms Chiu Lai Kuen ]

Mr Chiu Chi Keung, Paul ]

Ms Ma Lai Ming ]

Ms Wong Yuk Chun ]

35. The Chairman extended a welcome and explained the procedures of the hearing.

He then invited DPO/STN to brief Members on the background to the representations.

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

Background

- (a) on 24.4.2015, the draft Chek Keng OZP No. S/NE-CK/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 7 representations and 1 comment on representations were received. On 16.10.2015, the Board decided to consider the representations and comment collectively in one group;
- (b) four representations submitted by green/concern groups (R1 to R4) generally provided comments on the draft OZP. The other three representations were submitted by the Environment, Housing and Works Committee of Tai Po District Council (EHWC of TPDC) (R5), a development consultant (R6) and a villager (R7) of Chek Keng Village. The comment (C1) was submitted by an individual (R6) on the representations R1 to R4, R5 and R7;

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

The Planning Scheme Area

- (c) the Area, covering a total area of about 34.74 ha, was fronting Chek Keng Hau in the north and surrounded by Sai Kung East Country Park (SKECP);
- (d) the Area was not served by any vehicular access and was only accessible by walking trails, including MacLehose Trail leading to Pak Tam Road to the west. It was also accessible by boats from Wong Shek or Ma Liu Shui. MacLehose Trail traversed the Area from east to west, largely dividing the seaside natural coastal area from the higher landside area where village cluster and vegetated slopes/valleys could be found;

- (e) comprising mainly woodlands, shrublands, grasslands, streams, sandy/rocky shore with cliff, backshore vegetation and mangroves, the Area formed part of the wider natural environment of the Country Park. The intertidal mudflat supporting various species of mangroves and backshore vegetation extended southward to the MacLehose Trail and westward along the coast, forming a transition between the mangroves and the woodland;
- (f) Chek Keng Village was the only recognized village within the Area. Holy Family Chapel (聖家小堂) was a Grade 2 historic building worthy of preservation. According to the 2011 Census, the total population was about 30 persons;

#### General Planning Intention

- (g) the general planning intention of the Area was to protect its high conservation and landscape value which complemented the overall naturalness and the landscape beauty of the surrounding Country Park. It was also intended to consolidate village development so as to avoid undesirable disturbances to the natural environment and overtaxing the limited infrastructure in the Area;

#### Representations of Green/Concern Groups (R1 to R4)

##### Grounds of Representations

##### *General Planning Intention of the Draft OZP*

- (h) R1 supported and R4 noted the general planning intention of the draft OZP;

##### *Ecological Importance of the Area*

- (i) the Area was an enclave surrounded by the SKECP. The two streams and the secondary woodland in the Area were important habitats for many species of conservation importance including a rare goby fish species,

crustaceans, shrimp species, bird species and plant species. The natural habitats of the Area were ecologically connected to SKECP and should be protected;

*Adverse Environmental Impacts of the Small House Development*

- (j) as the Area was not served with any existing or planned public sewer and there was no proper access to the Area, proper maintenance for the on-site septic tanks and soakaway (STS) systems of Small House developments was in doubt. Small House developments would likely cause adverse impacts on the natural environment;

*Inadequacy of the “Green Belt” (“GB”) Zone for Conservation*

- (k) the “GB” zone with opportunity for Small House developments provided insufficient protection for environmentally sensitive areas including streams and their riparian zones, secondary woodland, the coastal area and the area near the Country Park. Small House developments in the “GB” zone would also undermine the function of the zoning which aimed to provide a buffer between the village type developments and SKECP;

*Specific Proposals*

*To Confine “Village Type Development” (“V”) Zone*

- (l) to confine the “V” zone to existing village settlements and building lots and not to extend it into the secondary woodland;

*Designation of Conservation Zones*

- (m) to rezone the two streams and their 30m-wide riparian zones, as well as the coastal area and area connected to the Country Park to “Conservation Area” (“CA”) or “Green Belt (1)” (“GB(1)”), and to rezone the secondary woodland to “GB(1)”;

*Amendments to the Notes of the “GB” and “Government, Institution or Community” (“G/IC”) Zones*

- (n) to delete ‘House’ or ‘Small House’ from the Notes of the “GB” zone;

- (o) to delete 'Off-course Betting Centre' and 'Zoo' uses from the Notes of the "G/IC" zone as the uses were inappropriate to preserve the existing landscape and culture of the Area;

*Other Views not directly related to the Plan*

- (p) the Area should be designated as part of the SKECP to preserve the integrity of the Country Park and for better management and enhanced conservation;

Representations of EHWC of TPDC (R5) and villagers (R6 and R7)

Grounds of Representations

*Inadequate Land in "V" Zone to Satisfy Small House Demand*

- (q) there was limited available land or insufficient private land in the "V" zone to satisfy the Small House demand of the indigenous villagers. The draft OZP was biased towards environmental conservation and had ignored villagers' development needs and their rights of building Small Houses;

*Designation of Conservation Zones*

- (r) the private land intended for the development of Small Houses and other facilities by the villagers should not be zoned as "GB" or "Coastal Protection Area" ("CPA") as such practice was unfair. The "CPA" zone was excessive as mangroves were only found to the northwest of the village;

*Agricultural Development in the Village*

- (s) designation of land for agricultural use in the draft OZP had not been considered, hence sustainable agricultural development in the village would be hindered;

*Not Respecting Stakeholders' Views*

- (t) the stakeholders' views had not been respected in the preparation of the draft OZP;

### Specific Proposals

- (u) to reserve more land for Small House developments, widen the existing village access for vehicle use, and add “Agriculture” (“AGR”) zone on the draft OZP;

### Comments on Representations (C1)

- (v) C1 mainly objected to inadequate “V” zone and considered that the indigenous villagers’ right of building Small Houses under Article 40 of the Basic Law had been ignored. He submitted a land use proposal for village revitalization, tourism development and ecological conservation of Chek Keng Village. The major components included expanded “V” zone, three clusters of village hotels, tourism facility, a central sewage treatment system, widening of MacLehose Trail for provision of 4.5m-wide Emergency Vehicular Access, and a university, etc.;

### Local Consultation

- (w) the Sai Kung North Rural Committee (SKNRC) and TPDC were consulted on the gazetted draft Chek Keng OZP No. S/NE-CK/1 on 4.5.2015 and 13.5.2015 respectively. SKNRC objected to the draft OZP mainly on the grounds of insufficient “V” zone, zoning of private land as “CPA”, no “AGR” zone and that villagers’ comments had not been taken into account. The TPDC respected the SKNRC’s decision and objected to the draft OZP. Subsequently, EHWC of TPDC (R5), and villagers of Chek Keng Village (R6 and R7) submitted representations opposing to the draft OZP;

### Responses to Grounds and Proposals of Representations

- (x) the supportive views of R1 and R4 on the general planning intention of the draft OZP were noted;

*Ecological Importance of the Area (R1 to R4)*

- (y) the Area was natural and rural in character and had high conservation, landscape and scenic value which had been an important consideration in the drawing up of the draft OZP. In formulating the land use zonings of the draft OZP, special attention had been given to protecting the ecological and landscape significance of the Area having regard to the wider natural system of the adjoining SKECP. Environmentally sensitive areas and areas with high landscape value were covered by conservation zones, i.e. “CPA” and “GB”, under which there was general presumption against development;

*Designation of “V” Zone (R3 to R7)*

- (z) Chek Keng Village was the only recognized village in the Area. There was a need to designate “V” zone at suitable location to meet the Small House demand of local villagers after delineating the areas that had to be conserved. An incremental approach had been adopted for designating “V” zone for Small House development in that the land area of “V” zone would not fully meet the land requirement of Small House demand at the outset with an aim to confining such developments at suitable location adjacent to the existing village cluster for more orderly development pattern, efficient use of land and provision of infrastructure and services. The boundaries of the “V” zone had been drawn up having regard to the ‘VE’, the number of outstanding Small House applications, Small House demand forecast, local topography and site constraints;
- (aa) about 2.24 ha of land, which was the same as the area of the “V” zone on the approved DPA Plan, mainly covering the existing village cluster and its adjoining abandoned agricultural land largely overgrown with shrubs and younger trees, had been zoned “V”. Regarding the concern on insufficient private land in the “V” zone, it should be noted that both government land and private land within the “V” zone could be used for Small House development and land ownership among villagers should not be a material planning consideration in formulating the “V” zone as it could change over time;

*Adverse Environmental Impacts of the Small House Development (R1 to R4)*

- (bb) for Small House development, the design and construction of the STS systems needed to comply with relevant standards and regulations for the protection of the water quality of the Area. There was also guidance notes for the operation and maintenance of septic tank. For development proposals/submissions that might affect natural streams/rivers, the approving/processing authorities should consult and collate comments from the Agriculture, Fisheries and Conservation Department (AFCD) and relevant authorities. Lands Department, when processing Small House grant applications, would also consult concerned government departments to avoid adverse impacts of Small House development on the surrounding environment;

*Designation of Conservation Zones (R1 to R4, R6 and R7)*

- (cc) most of the areas near the two streams, the coast and the Country Park as well as the woodland were already zoned “CPA” and “GB”. There was no Ecologically Important Stream (EIS) in the Area and the riparian zones of the two streams consisted mainly of woodland developed from abandoned agricultural land, largely of common native plant species. AFCD considered that the “GB” and “CPA” zones on the draft OZP were appropriate. Moreover, both “CPA” and “GB” were conservation zonings with a general presumption against development;
- (dd) on the views that the private land should not be zoned as “GB” or “CPA”, it should be noted that the areas covered by the two zonings were environmentally sensitive areas that needed to be protected. Private land within those conservation zones was primarily demised for agricultural purpose under Block Government Lease, and since ‘Agricultural Use’ was in general always permitted under such zonings, there was no deprivation of the rights of the landowners;

*Inadequacy of the “GB” Zone for Conservation (R1 to R3)*

- (ee) ‘House’ or ‘Small House’ in “GB” zone required planning permission from the Board and each application would be considered by the Board based on its individual merits. In view of the above, there was no strong

justification to delete 'House' or 'Small House' from the Notes of the "GB" zone;

*Designation of "AGR" Zone (R5 and R7)*

- (ff) there was recently no active agricultural activity recorded in the Area. 'Agricultural Use' was always permitted within the "V" and "GB" zones, and 'Agricultural Use (other than Plant Nursery)' was also a Column 1 use under the zoning of "CPA". There should be no hindrance to farming activities by the draft OZP;

*Amendments to the Notes of the "G/IC" Zone (R1)*

- (gg) the Schedule of Uses under the Notes of the "G/IC" zone primarily followed the Master Schedule of Notes endorsed by the Board to allow greater flexibility in land use planning. 'Off-course Betting Centre' and 'Zoo' required planning permission from the Board. There was no strong justification to amend the Notes of the "G/IC" zone;

*Not Respecting Stakeholders' Views (R7)*

- (hh) when formulating the draft OZP, public views, including those from the Indigenous Inhabitant Representative (IIR) of Chek Keng Village and his development consultant, SKNRC, TPDC and other relevant stakeholders such as green/concern groups, had been sought and reported to the Board for preliminary and further considerations before gazetting the draft OZP. It was necessary to strike a balance between meeting development needs and enhancing nature conservation in drawing up the OZP;

*Proposal to Widen the Existing Village Access for Vehicle Use (R5)*

- (ii) road works coordinated or implemented by the Government were in general always permitted on land falling within the boundaries of the OZP. Relevant works departments would keep in view the need for infrastructure in future subject to resources availability;

*Designation of the Area as Country Park (R1 and R4)*

- (jj) designation of the Country Park was under the jurisdiction of the Country and Marine Parks Authority governed by the Country Parks Ordinance

which was outside the purview of the Board. Preparation of the statutory plan would not preclude any future designation of Country Park;

#### Responses to the Grounds of Comment

- (kk) the objection to inadequate “V” zone was similar to that raised by R5 to R7 and the responses above were relevant;
- (ll) regarding the allegation that designation of private land as conservation zones would take away lawful traditional rights of indigenous inhabitants to build Small Houses, insofar as Small House development was subject to statutory planning controls that might be imposed under the Ordinance before the Basic Law came into force, applying those controls to the area concerned by way of the draft OZP did not appear inconsistent with the protection of lawful traditional rights and interests of New Territories indigenous inhabitants under Article 40 of the Basic Law. Since the land could be put to “always permitted uses” and other uses as long as planning approval was obtained, the draft OZP would not in any way affect the owners’ right to assign or transfer the interests in their land;
- (mm) the land use proposal for village revitalization, tourism development and ecological conservation of Chek Keng Village was largely the same as the one submitted by the respective IIR in November 2014, which had been considered in the preparation of the draft OZP and by the Board in December 2014. The commenter had not provided strong planning justifications. He also failed to demonstrate that the proposal was feasible and that there would be no adverse impacts on the surrounding areas; and

#### PlanD’s Views

- (nn) PlanD noted the supportive views of R1 (part) and R4 (part), and did not support R2, R3, R5 to R7, and the remaining part of R1 and R4 and considered that no amendment should be made to the OZP to meet the representations.

37. The Chairman then invited the representers and commenter, and representers and commenter's representatives to elaborate on their representations/comments.

R2 – World Wide Fund for Nature Hong Kong (WWF-HK)

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

- (a) Chek Keng had high ecological value and should be protected. The intertidal habitat in the area had high mangrove species diversity including uncommon *Heritiera littoralis* and *Bruguiera gymnorhiza* and supported various intertidal fauna such as mudskipper, Sesarmine Crab *Chiromantes haematocheir*. There were two permanent streams to the east and west of Chek Keng, which had ecological linkage with the estuary and intertidal mudflat and an endangered species *Diospyros vaccinioides* (小果柿) was found along the stream system. *Stiphodon multisquamus* (多鳞枝牙鰕虎鱼) was also recorded by KFBG in the two main streams;
- (b) most of the Chek Keng area was covered by secondary woodland which had moderately high floral diversity, and the floral species which had conservation interest included *D. vaccinioides*, Incense Tree and Chinese New Year Flower. The area was connected with the mature woodland system of SKECP;
- (c) there was concern on the effectiveness of the "GB" zoning for the protection of the two streams. A paper presented to the LegCo Panel on Environmental Affairs by the Government in 2006 recognised that some degree of operational failure of the STS systems used in village houses was inevitable, which could cause pollution of the environment and potential health hazards to the villagers or the public in the vicinity. Besides, a leaflet prepared by the Drainage Services Department (DSD) also pointed out the possible pollution problems caused by the STS system. If new Small Houses were permitted near the streams, the water quality of the streams might be affected which in turn would cause pollution to the

intertidal habitat. In view of the above, it was suggested that the two streams and their 30m wide riparian zones and tributaries should be zoned as “CA”; and

- (d) it was recommended that the secondary woodland which was currently zoned “GB” should be rezoned to “GB(1)” in order to prevent Small House development encroaching onto habitats of the floral species of conservation concern, as well as to protect the ecological linkage of the woodland and the landscape integrity of Chek Keng with the surrounding SKECP.

### R3 – Kadoorie Farm and Botanic Garden Corporation (KFBG)

39. Mr Nip Hin Ming, Tony said that his oral presentation was made on behalf of KFBG. Given that he had been defamed in previous representation hearings regarding other rural OZPs, he requested the Secretary to record the statement he made at the current hearing and all the oral submissions as he might consider taking follow-up action against any defamation made to him if necessary. As there was clamour at the beginning of Mr Nip’s presentation, the Chairman reminded the attendees that according to the Guidance Note on Hearing of Representations/Further Representations which had been sent to the representers/commenter before the meeting, all attendees must behave in an orderly manner and were expected to show courtesy to each other. Clamour, shouting and commotion were prohibited. Any person who failed/refused to follow the rules or caused any disturbance to the conduct of the hearing would be given warnings by the Chairman. After repeated warnings, the Chairman could ask that person to leave the conference room and should not be allowed to return for the remaining part of the hearing. The Chairman said that the hearing meeting provided a platform for all with different views to be heard and sufficient time would be given to other representers to present their views afterwards.

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

- (a) Chek Keng was a natural rural area without road access. The conservation importance of Chek Keng had been documented in a technical report on the Ecological and Conservation Importance of Six Sai Kung Country Park

Enclaves which was issued by KFBG;

- (b) according to an ecological survey conducted by KFBG in June 2012 at Chek Keng, the two main natural stream systems were ecologically important and the riparian zones contained a rich Sesarmine Crab community. The estuaries and lower stream sections were important fish nurseries while the middle and upper stream sections were pristine and densely vegetated. The streams at Chek Keng provided habitats for many species of conservation importance, including *Macrobrachium meridionalis* (南方沼蝦), *Palaemon debilis* (長角長臂蝦) and *Stiphodon multisquamus* (多鱗枝牙鰕虎魚). *Stiphodon multisquamus*, which was an endangered species in China and a species of conservation concern by AFCD and local scholars, was a diadromous species that needed an intact stream system for its habitat. Another globally critically endangered species, *Diospyros vaccinioides* (小果柿), and a rare bird living only in pristine streams and nearby woodland habitats, Brown Fish Owl (褐漁鴞), were also found in the area;
- (c) dense secondary woodlands covered nearly the whole area of Chek Keng and provided habitats for many species of conservation importance including *Aquilaria sinensis* (土沉香), *Cibotium barometz* (金毛狗), *Gnetum luofuense* (羅浮買麻藤), *Pavetta hongkongensis* (香港大沙葉) and *Zanthoxylum ailanthoides* (椿葉花椒); and
- (d) despite the ecological importance of Chek Keng, the area still supported human activities and was a popular area for camping and hiking. However, it was not well protected. It was considered that the conservation approach adopted in the Tai Long Wan OZP should be applied to Chek Keng i.e. the “V” zone should be restricted to the existing village settlement in such an un-spoilt landscape, highly remote countryside with pristine habitats. The two main natural streams with their pristine, densely wooded riparian zones (30m from the stream side) should be covered with “CA” zone for better conservation. The well developed and mature woodlands and coastal vegetation areas should be

given a highly protected status such as “GB(1)”, “CPA” or “CA” zones. Besides, in view of the limited infrastructures and the importance of the area for conservation and passive recreation, large-scale developments without overriding public interest should not be allowed in the remote enclave.

#### R4 – The Hong Kong Bird Watching Society

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

- (a) Chek Keng was of high conservation importance but the OZP did not provide sufficient protection to the natural environment of the area. A holistic approach should be adopted to ensure that the ecologically important areas were well preserved. All waterbodies, streams and their 30m-wide riparian zones should be zoned as “GB(1)” or ”CA”, and the “V” zone should be reduced;
- (b) Chek Keng provided important habitats for many species of conservation importance. White-bellied Sea Eagle and Brown Fish Owl, which were class II protection in the People’s Republic of China List of Wild Animals, had been found in the area. The coastal and marine habitats of Chek Keng were important for the foraging and breeding of the White-bellied Sea Eagle, while the unpolluted natural streams and their riparian vegetation were suitable for the foraging and perching for the Brown Fish Owl;
- (c) as the general planning intention of the OZP was to protect the high conservation and landscape value of Chek Keng, conservation zonings should be applied to the Area to reflect such planning intention. AFCD should conduct a detailed ecological survey for the area and the ecological information provided by the non-government organizations should be considered and incorporated in the zonings as appropriate;
- (d) there was no public sewer in Chek Keng and the Small House

development would need to rely on STS system for sewerage treatment, which would become a source of pollution according to the information provided by the Environmental Protection Department and DSD. Since desludging trucks could not access the area, she was concerned that the septic tanks could not be properly maintained and hence would affect the water quality in the area;

- (e) given Chek Keng was in the inner stretch of an inlet of Mirs Bay, there was little wave action for the natural dispersion of pollutants in the sheltered bay. If the area was expected to accommodate a planned population of 330, it would not be compatible with the surrounding sensitive natural environment; and
- (f) the Board was urged to note the high conservation value of the area, follow the planning intention of the OZP and adopt an ecosystem approach to protect the natural habitats and water quality in Chek Keng. The “V” zone should be reduced and confined to the existing structures and building lots. The 30m wide riparian zones of the streams and the waterbodies should be rezoned to “GB(1)’ or “CA”.

R6/C1 – Poon Key Yuen (潘麟元) and R7 – Fan Fong Sang (范房生)

42. Mr Kong Chee Cheung thanked the Secretariat for making arrangement for the villagers, who were the representatives of the concerned representers, to attend the meeting and make oral submissions.

43. Mr Li Yiu Ban, who was the Chairman of SKNRC, ex-officio executive councillor of Heung Yee Kuk New Territories and TPDC member, made the following main points:

- (a) it was not appropriate to preserve the natural environment through planning mechanism as clearance of vegetation for agricultural activities on private land was not illegal in the conservation zones. If the grievances of the villagers could not be addressed, it might speed up the

vanishment of vegetation in the area. As the support of the villagers was crucial in successfully conserving the natural environment, the Government should liaise with the villagers on conservation issues;

- (b) according to a television program on local tourism broadcasted in the 1970s, there were a few hundreds of inhabitants in Chek Keng and the natural environment was well protected. There was no septic tank at that time and the excreta was reused as fertilizers for agricultural purposes. Despite the excreta was also discharged into the sea, it had not affected the water quality but had positive contribution to the biodiversity of the area. With the number of villagers decreasing in the area, it was noted that the biodiversity had also diminished and the food chain could not sustain. It demonstrated that both human beings and the natural environment could coexist in harmony. The green groups, though were very concerned about the rare flora and fauna species, failed to recognise that human beings played an important role in maintaining the sustainability of the natural habitat. As such, the most important issue was to restore the harmonic natural habitat with a view to striking a balance between development and natural conservation; and
- (c) there were 254 Small House demand in Chek Keng in the next 10 years. Given the Chief Executive (CE) had mentioned a few days ago that parts of the country park with lower conservation value could be considered for housing development, consideration should also be given to providing more land for Small House development in Chek Keng. It was hoped that the village settlement in Chek Keng could be restored and sustained.

44. Mr Fan Fong Sang, who was also the IIR of Chek Keng village, made the following main points:

- (a) he apologized on behalf of the villagers for causing the earlier clamour, but assured Members that the villagers were actually very friendly and did not object to nature conservation in Chek Keng. Although the villagers had started to discuss with PlanD as early as in the preparation of the Development Permission Area (DPA) Plan, PlanD had not taken into

account the Small House demand figure provided by the villagers seriously, nor their request for suitable and sufficient land for Small House development in the preparation of the OZP. Nature conservation should not be achieved at the expense of the villagers' right for Small House development; and

- (b) the villagers welcomed hiking and recreational activities in Chek Keng. However, their right of building Small Houses should not be deprived of merely to facilitate the short-term recreational use in the area. He considered that human activities and nature conservation could coexist in harmony and the villagers should not be forced to move out of the area due to nature conservation.

45. Ms Wong Yuk Chun said that she loved to live in Chek Keng and the villagers' right to live in their village should not be deprived of for reason of nature conservation.

46. Mr Cheng Kwok Keung said that his oral submission was made on behalf of those villagers living abroad and in Hong Kong, who had the right to build Small Houses in Chek Keng. Given the think tank of CE had proposed to use some of the country park areas to address the housing demand, the villagers' right to redevelop their village should also be respected.

47. Mr Chiu Hok Nin said that he had lived in Chek Keng for more than 50 years. He said that if the designation of conservation zones on the OZP was unreasonable, the villagers would resort to radical actions such as those in Tai Long Sai Wan.

48. Mr Fan Wai Ming urged the Board to seriously consider the housing need of the villagers. Since there were more than 200 Small House demand in the next 10 years and it was very difficult to apply for Small House development on government land, sufficient land should be provided in the "V" zone to meet their need. It was necessary to strike a balance between nature conservation and meeting the villagers' housing need.

49. Ms Chiu Lai Ying said that she lived in Chek Keng until 9 years old before emigrating to the United Kingdom. She noted that the biodiversity of the area was more diversified in the past, which might be contributed by the existence of human settlement as

the villagers were also very concerned about environmental protection. It was unfair to hinder the villagers' development right merely for the benefit of the countryside visitors, who usually caused disruption to the environment. The Government should reserve more land in the "V" zone to encourage the second generation of the villagers to return to Hong Kong.

50. Mr Kong Chee Cheung said that nature conservation in Hong Kong as advocated by the green groups was mainly prohibiting human settlement/activities in the rural area, which was very different from those in the foreign countries. It was doubtful if the current approach of conservation was good for Hong Kong as the barbecue activities of the countryside visitors would cause serious pollution to the environment. Despite Chek Keng was considered not easily accessible by the green groups, the villagers' Small House development right should not be hindered.

51. With the aid of some plans shown on the visualiser, Mr Poon Key Yuen, who was also the planning and development consultant of the Chek Keng village, made the following main points:

- (a) the green groups' proposals to freeze most of the land in Chek Keng for conservation was unreasonable. It was doubtful if the rare species mentioned by the green groups such as *Stiphodon multisquamus* (多鱗枝牙鰕虎魚) was ecologically important as that species could be found in many areas around the world. The development right of the indigenous villagers should not be hindered by the need to conserve such species;
- (b) although efforts had been made by the villagers to collect the Small House demand figure and submitted it to the relevant department as requested by PlanD, PlanD had not adequately taken into account the figure in the plan-making process. The professional integrity of PlanD's staff was in doubt;
- (c) the 2.24 ha of land zoned "V" on the OZP was misleading since it covered existing village houses as well as government land. The private land in the "V" zone was about 40,000 square feet which could only accommodate about 22 Small Houses. It was far from adequate to meet the 10-year Small House demand of 254. In view of the above, the

villagers would need to apply for public or subsidized housing which in turn would add pressure on the housing supply in the territory. If the Government's policy was unreasonable and a plan could not be worked out to balance the development needs of the villagers and nature conservation, it might cause grievances among the villagers who had the right to close part of the MacLehose Trail or even clear the vegetations in their private land. The situation of Tai Ho Wan might repeat;

- (d) the land use proposal for the revitalization of Chek Keng village was formulated based on the principle to balance nature conservation and the development needs of the villagers. A 10m buffer zone would be designated for the streams and a biochemical central sewage treatment system would be provided to ensure that the water discharged after treatment would not affect the water quality in the area. The criticism of the green groups on the potential pollution caused by the STS system was unfair as no septic tank would be used in the future development. Besides, the rare species and valuable trees would be preserved as far as possible to ensure that the natural environment would not be degraded due to development;
- (e) he cast doubt on why a large area had been designated as "CPA" which was more than enough to preserve the existing mangroves. He wondered whether the reason was to preserve MacLehose Trail. In fact, the villagers were willing to widen MacLehose Trail to 4.5m wide and surrender the land to the Government in exchange for a larger "V" zone in suitable areas;
- (f) according to the land use proposal, part of the area falling within village 'environs' was proposed for conservation in exchange for a more suitable area for development. The villagers were not asking for government land but using their own private land for development. Whilst the Board was urged to expand the "V" zone to meet the Small House demand of the villagers, the proposed development would not affect the natural environment as conservation was also one of the major objectives in his land use proposal. The Government could also impose conditions on the use of central sewage treatment system for future Small House

developments; and

- (g) should the proposal be approved, an elderly home and disabled centre, an university and tourism facilities would be provided. Besides, the green groups were welcomed to participate in the revitalization project and provide eco-tours to the general public. Instead of merely designating the areas as “GB”, “CPA” or “CA” zones, the Board was urged to adopt a new approach in fostering nature conservation whilst not denying development so as to achieve a win-win situation.

52. Mr Lui Wing On said that should the land use proposal including the “G/IC” zone be approved by the Board, the villagers would donate a piece of land for the development of an elderly home and disabled centre, which would be operated as a self-financing social enterprise for the benefit of low-income retired persons. That was also in line with the Government’s policy to encourage the use of private land for social welfare facilities.

53. As the presentations from the representers and commenter, and representers and commenter’s representatives were completed, the Chairman invited questions from Members.

54. The Vice-chairman asked among the name list of the 10-year Small House demand provided by the villagers, how many of them were usual inhabitants in Chek Keng, how many were living in Hong Kong and abroad, how many had the intention to return to Hong Kong, and how many houses in Chek Keng village had been inhabited. He also asked whether the land use proposal submitted by the commenter would contradict with the villagers’ intention to develop Small Houses in the village. Mr Fan Fong Sang replied that according to information currently available, the percentage of villagers living in Hong Kong and abroad were about 30% and 70% respectively and there was very few people lived in the village. Since most of the land in the area was held under Tso/Tong which could not be sub-divided or transferred without agreement, the number of Small House applications was very few in Chek Keng. As far as he understood, whilst not all of the villagers would return to Chek Keng, a considerable number of them had indicated interest to live in the village. That was why the land use proposal aimed to develop only part of the Chek Keng area for Small House developments. For a sustainable development, there should be some economic developments and activities to ensure that the villagers could support their living. The villagers were also willing to donate the land for the provision of an elderly home so as to

share their resources with the society.

55. A Member said that the reduction of inhabitants in Chek Keng was mainly due to the remoteness of and the lack of road access to the area. Whilst the villagers had the right to build Small House in Chek Keng, he asked how many people had actually planned to return and live there. Mr Poon Key Yuen said that the villagers without Hong Kong identity card number marked in the list were those living abroad. To resolve the problem of building Small House in land held under Tso/Tong, efforts had been made to establish a Chek Keng Foundation such that all the land resources could be pulled together for a coordinated development. Besides, the accessibility was not a problem as there were ferry services to Wong Shek Pier from where buses to Sai Kung were available. Besides, villagers would arrange private ferry services to solve the traffic problem. Ms Chiu Lai Ying supplemented that it was difficult to resolve the traffic problem by individual effort.

56. In response to a Member's question, Mr Nip Hin Ming, Tony said that there was a lack of scientific evidence to support the villagers' argument that the biodiversity in the area was better in the past. However, the latest evidence showed that a number of rare species were found in the area. According to past experience, he noted that the construction and operation of Small Houses had created serious environmental problems. As there were loopholes in the relevant ordinances/regulations, government departments might not be able to resolve those problems. Besides, there was concern that the Small House policy had been abused and that the Small Houses were developed for economic gain.

57. In response to a Member's question, Mr Poon Key Yuen said that Appendix 14 on sewage treatment was missed out in the submission of the land use proposal. He said that the existing village houses were proposed for village hotels. The Members noted that village houses and village hotels were two different uses.

58. As Members had no further question to raise, the Chairman said that the hearing procedures had been completed and that the Board would deliberate on the representations and comment in the absence of the representers/commenter and their representatives and would inform them of the Board's decision in due course. The Chairman thanked the representers, commenter and their representatives and the government representatives for attending the hearing. They all left the meeting at this point.

### Deliberation Session

59. A Member said that although Chek Keng might have a few hundreds of inhabitants in the past, most of them had moved out and the circumstances had changed. The current situation of Chek Keng in particular the lack of transport and supporting facilities was not suitable for the proposed developments put forth by the commenter. The designation of “V” zone for Small House development should have regard to the actual Small House demand and adopt an incremental approach in that land would not be reserved to fully meet the land requirement of the long-term Small House demand at the outset. The OZP, which was prepared on the basis on the current situation of Chek Keng, had already struck a balance between development and conservation. The Vice-Chairman said that the incremental approach in designating “V” zone was an established practice. The “V” zone would only be expanded if there was a genuine demand for more Small House developments and the land available in the “V” zone could no longer meet such demand. However, there was uncertainty in the number of indigenous villagers who would likely come back and live in Chek Keng. The incremental approach in designating “V” zone was well noted by the green groups, which also accepted that land should be provided to meet the Small House demand of indigenous villagers. A Member agreed to the incremental approach as the number of outstanding Small House applications was small and land was available within the “V” zone for Small House development. Another Member was concerned that the incremental approach might not be sustainable in the long-term and considered that the Government should conduct a comprehensive review of the Small House Policy. Members generally agreed that the “V” zone boundary on the OZP was appropriate.

60. A Member said that as the general planning intention of Chek Keng, an enclave surrounded by SKECP, was to protect its high conservation and landscape value, large-scale developments and tourism facilities were considered not appropriate.

61. In response to a Member’s question on the Government’s policy on the provision of social welfare facilities on private land, the Chairman said that land status was only one of the considerations and the project proponent needed to seek advice from the Labour and Welfare Bureau as to whether the Bureau would give policy support for the facilities in question. In terms of land use, if the proposed use was not always permitted under the relevant zoning of the OZP, planning application or application for zoning amendment to the

Board would be required. Mr K.K. Ling, Director of Planning, supplemented that it was the Government's policy to encourage the use of vacant land/premises for social welfare facilities and there was established mechanism for the project proponent to put forward their proposals. However, the current proposal for Chek Keng, which could not be supported by basic transport and infrastructural facilities, was unlikely to be acceptable.

62. In view of the villagers' claim that they might clear the vegetations on private land if the Government's policy was considered unreasonable, a Member asked if there was any regulations to deter such actions. The Secretary said that the Town Planning Ordinance had provision for the planning authority to take enforcement action against unauthorized developments in areas previously covered by the DPA plan. However, according to legal advice, there would likely be difficulties in establishing tree felling activities as an unauthorized development. Whilst the LandsD could deal with unauthorized tree felling on government land, it would be difficult to take actions against such action on private land.

63. In view of the high landscape value and ecological importance of the enclave areas, the same Member suggested that the Government could consider promoting eco-tourism in the areas. The Secretary said that efforts had already been made by AFCD in promoting eco-tourism in Hong Kong.

64. In response to one of the representer's allegation that the public engagement with the villages by PlanD's staff was not genuine, Mr K.K. Ling said that PlanD had consulted the villagers in the plan-making process. With a view to striking a balance between development and conservation needs, PlanD did not find it possible to accede to each and every comment raised by the villagers. With respect to the population figure, PlanD would make reference to the data provided by the Census and Statistics Department apart from those provided by the villagers. The general environment and existing conditions of Chek Keng had been recorded in the planning report and it was submitted to the Board for consideration in the plan-making process.

65. Two Members expressed concerns on the threatening languages used by the villagers, and one of the Members also asked the action that could be taken by the Board in case deceptive information was provided by the representers/commenters. The Chairman said he preferred to adopt a less restrictive approach for representers/commenters to present their views to the Board as freedom of expression was a key consideration. It was

noteworthy that representations made at the Town Planning Board proceedings were not protected by legal privileges and immunities. Illegal behaviours such as violence or fraud would have legal consequences. Members generally concurred with the Chairman's views.

66. Members generally agreed with the planning intention of the area which aimed at protecting its high conservation and landscape value, and that the proposed zonings were appropriate to achieve the planning intention. The OZP had struck a proper balance between meeting development needs and conserving the natural environment. Members also noted that the grounds and proposals of representations and comment had adequately been responded to in paragraphs 6.13 to 6.32 of the Paper, and considered that there was no need to amend the OZP.

67. After deliberation, the Board agreed to note the supportive view of R1(part) and R4 (part).

68. The Board decided not to uphold R2, R3, R5 to R7, and the remaining part of R1 and R4 and considered that the OZP should not be amended to meet the representations. The reasons were:

*“Ecological Importance of the Area (R1 to R4)*

- (a) conservation zones, including “Coastal Protection Area” (“CPA”) and “Green Belt” (“GB”) under which there is a general presumption against development, have been designated to cover areas having high conservation and landscape value to protect the natural environment of the Area and the ecologically linked Sai Kung East Country Park under the statutory planning framework;

*Designation of “Village Type Development” (“V”) Zone (R3 to R7)*

- (b) “V” zone has been designated at a suitable location to meet Small House demand of indigenous villagers in the Area. The boundaries of the “V” zone have been drawn up having regard to the village ‘environs’, local topography, settlement pattern, Small House demand, areas of ecological importance as well as other site-specific characteristics. Land ownership is not a material planning consideration in formulating the “V” zone;

*Adverse Environmental Impacts of Small House Development (R1 to R4)*

- (c) there is sufficient control in the current administrative system to ensure that individual Small House development within the “V” zone would not entail unacceptable impacts on the surrounding environment;

*Designation of Conservation Zones*

- (d) environmentally sensitive areas in the Area are mainly zoned as “GB” and “CPA”. Both “GB” and “CPA” are conservation zonings with a general presumption against development (R1 to R4);
- (e) private land within the conservation zones is primarily demised for agricultural purpose under Block Government Lease. Since ‘Agricultural Use’ is in general always permitted under such zonings, there is no deprivation of the rights of the landowners (R6 and R7);

*Designation of “AGR” Zone (R5 and R7)*

- (f) since ‘Agricultural Use’ is in general always permitted in the “V”, “GB” and “CPA” zones on the draft OZP, there should be no hindrance to farming activities in the Area;

*Notes of the Plan*

- (g) ‘House (other than rebuilding of New Territories Exempted House (NTEH) or replacement of existing domestic building by NTEH permitted under the covering Notes)’ is a Column 2 use under the “GB” zone requiring planning permission from the Board. Each application will be considered by the Board based on its individual merits and there is no strong justification to delete ‘House’/’Small House’ from the Notes of “GB” zone; (R1 and R2)
- (h) the Schedule of Uses for the “Government, Institution or Community” (“G/IC”) zone primarily follows the Master Schedule of Notes endorsed by the

Board to allow greater flexibility in land use planning. There is no strong justification to amend the Notes of the “G/IC” zone (R1);

*Not Respecting Stakeholders’ Views (R7)*

- (i) the Board has considered the views of local villagers and other stakeholders in drawing up the OZP. It is necessary to strike a proper balance between meeting development needs and conserving the natural environment;

*Proposal to Widen the Existing Village Access for Vehicle Use (R5)*

- (j) according to the covering Notes of the draft OZP, road works coordinated or implemented by the Government are in general always permitted on land falling within the boundaries of the OZP; and

*Designation of the Area as Country Park (R1 and R4)*

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

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

69. The meeting was resumed at 2:25 p.m.

70. 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

Dr C.P. Lau

Ms Julia M.K. Lau

Ms Anita W.T. Ma

Professor K.C. Chau

Mr H.W. Cheung

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr H. F. Leung

Mr F.C. Chan

Mr Peter K.T. Yuen

Mr. Philip S.L. Kan

Principal Environmental Protection Officer (Strategic Assessment)  
Mr Terence S.W. Tsang

Director of Lands  
Ms Bernadette H.H. Linn

Director of Planning  
Mr K.K. Ling

### **Sha Tin, Tai Po and North District**

#### **Agenda Item 5**

Draft Pak Sha O Outline Zoning Plan No. S/NE-PSO/C – Further Consideration of a New Plan

(TPB Paper No. 10019)

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

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

- |                     |   |
|---------------------|---|
| Mr C.K. Soh         | - District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), Planning Department (PlanD)           |
| Mr Y.M. Ng, David   | - Senior Town Planner/Country Park Enclave 1, PlanD   |
| Ms Channy C. Yang   | - Senior Town Planner/Country Park Enclave 2, PlanD   |
| Mr Ho Ping Ho, Cary | - Senior Nature Conservation Officer (South), Agriculture, Fisheries and Conservation Department (AFCD) |

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

### Background

- (a) on 24.7.2015, the Town Planning Board (the Board) gave preliminary consideration to the draft Pak Sha O Outline Zoning Plan (OZP) No. S/NE-PSO/B and agreed that the draft OZP was suitable for submission to the Tai Po District Council (TPDC) and Sai Kung North Rural Committee (SKNRC) for consultation;

### Existing Environment of Pak Sha O

- (b) Pak Sha O (the Area) was located in the northern part of the Sai Kung Peninsula and encircled by Sai Kung West Country Park with Hoi Ha Wan Marine Park to the further north. It was accessible by vehicles via Hoi Ha Road leading from Pak Tam Road, and a number of hiking trails from Pak Tam Chung;
- (c) the Area (about 33 ha) was enclosed and tranquil with coherent landscape character. It fell entirely within the upper indirect Water Gathering Grounds (WGG), and had ecologically important stream (EIS), two recognized villages, i.e. Pak Sha O and Pak Sha O Ha Yeung, with a population below 50 persons according to 2011 Population Census. About 56% of the land in the Area was government land and 44% was private land. The existing natural environment mainly included low-lying fallow/active agricultural land, freshwater marshes, and mature and regenerated woodlands connecting with the surrounding Country Park;
- (d) the village houses in the existing village included Immaculate Heart of Mary Chapel (Grade 3), Ho Residence and Ho Ancestral Hall (Grade 1); and King Siu Sai Kui and Hau Fuk Mun (proposed Grade 1);

[Dr C.P. Lau arrived to join the meeting at this point.]

### Local Consultation

- (e) on 9.9.2015 and 14.10.2015, PlanD consulted TPDC and SKNRC and Village Representative (VR) of Pak Sha O respectively;

*SKNRC and TPDC*

- (f) the VR of Pak Sha O on 1.9.2015 and SKNRC on 7.9.2015 wrote to TPDC expressing strong objection to the draft OZP mainly on the grounds that “Village Type Development” (“V”) zone was inadequate to meet the Small House demand; and the imposition of more stringent planning control within the “V” zone would restrict Small House development. They requested to expand the “V” zone. TPDC was consulted on 9.9.2015. They noted and respected the views of SKNRC and objected to the draft OZP on similar grounds;
- (g) on 14.10.2015, a consultation meeting was held with SKNRC and VR of Pak Sha O who expressed that a major part of the “Agriculture” (“AGR”) zone and the adjoining “Green Belt” (“GB”) area were located away from the existing village cluster and EIS; consideration could be given to designate that area as “V” to cater for the Small House development; and no planning permission should be required from the Board for Small House development;

*Green/Concern Group and Members of the Public*

- (h) nine submissions from five green/concern groups and four members of the public were received. In general, they supported in-principle the recognition of the ecological and cultural heritage value of the Area and the relevant “Conservation Area” (“CA”) zone; and confinement of the “V” zone to existing village clusters and the planning control within the “V” zone. Hong Kong Bird Watching Society (HKBWS) submitted detailed records of occurrence of birds in the Area to substantiate the ecological value of the Area;
- (i) the proposals from green/concern group and members of public included
  - (i) to designate all woodlands, natural streams (including EIS) and their riparian zones as “CA” or “GB (1)”;
  - (ii) to rezone the woodland and adjoining areas from “GB” to “AGR”;
  - (iii) to amend the Notes and ES of

the draft OZP; and (iv) to incorporate the Area into Sai Kung West Country Park;

### PlanD's Responses

#### *Designation of "V" Zones*

- (j) special attention had been given to protect environmentally sensitive areas and the high conservation and landscape value of the Area. To ensure the existing historic buildings, the integrity and ambience of the existing village setting, the "V" zones had been confined to the two core village clusters and subject to more stringent control. Land available within the "V" zone of Pak Sha O could cater to only 2 Small Houses while the total demand was 87 including 38 outstanding demand;
- (k) to cater for Small House demand, consideration was given to designating an area of about 0.8 ha to the north of Pak Sha O Village as a new village cluster and rezoning it as "V". The proposed new "V" zone would be separated from the existing village cluster by dense woodland (10m to 60m). It was predominantly occupied by active agricultural land and shrubby grassland, and was unlikely that Small House developments in the area would cause significant adverse impacts. There were about 14 outstanding Small House applications received by District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) before gazettal of Development Permission Area (DPA) Plan in the proposed "V" zone. A 20m-wide buffer area was proposed to be rezoned as "GB" to protect the EIS;
- (l) AFCD had reservation on the proposal from agricultural point of view, but no strong view from nature conservation perspective as most of the area had been disturbed by farming activities. Any proposed "V" zone extension should be fully justified for meeting Small House demand;
- (m) the original "V" zone of the previous draft OZP No. S/NE-PSO/B covering the two core village clusters with more stringent planning control was proposed to be designated as "Village Type Development (1)" ("V(1)") sub-area;

- (n) with the proposed new “V” zone, Small House development was consolidated at suitable locations to avoid undesirable disturbances to the natural environment and overtaxing the limited infrastructure in the Area, and therefore the incremental approach for designation of the “V” zones remained unchanged;
- (o) land available within the “V” zones of Pak Sha O (i.e. including the “V(1)” sub-area) could build 31 Small Houses which was still insufficient to meet the outstanding Small House demand of 38 and the 10-year forecast of 49, as advised by DLO/TP. Cross-village applications might be considered under the current land administrative practice. The surplus of land for Small House development within the “V” zone of Pak Tam Au could help to meet the Small House demand of other villages within the WGG in Sai Kung North, including Pak Sha O and Pak Sha O Ha Yeung. The planning application system provided another means for the villagers to apply for Small House development outside the “V” zones subject to the Board’s approval. In comparison with the DPA Plan, the total land area of “V” zone was reduced from 1.38 ha to 1.24 ha;
- (p) regarding the concern of sewage treatment for Small Houses, as the Area fell entirely within the upper indirect WGG without public sewer, when LandsD processed Small House applications, the applicant should demonstrate effective means (such as proper waste water treatment plant) to ensure that the discharge of effluent water was acceptable to concerned government departments;

*Conservation Zonings for Ecological Sensitive Areas*

- (q) the mature (fung shui) woodland at Pak Sha O and the freshwater marsh at Pak Sha O Ha Yeung were zoned as “CA”. Areas and slopes covered by natural vegetation, woodlands and freshwater marshes, the EIS and natural streams and their riparian zones were generally zoned “GB”. House developments in “GB” zone required planning permission. AFCD advised that the “GB” was considered appropriate;

- (r) part of the riparian areas of the EIS under cultivation was included in the “AGR” zone to better reflect the planning intention and the existing agricultural activities;

*Rezoning the Woodland and the Adjoining Areas at Pak Sha O from “GB” to “AGR”*

- (s) the concerned area mainly comprised dense woodland and the adjoining areas situated between the existing village cluster of Pak Sha O and the active agricultural plots. The western fringe of the site was proposed to be rezoned from “GB” to “V”. For the remaining part of the area, there was no strong justification to the proposed rezoning of the woodland and the adjoining areas from “GB” to “AGR” and the proposal did not tally with the existing site condition. Preservation of woodland under the current “GB” zone would better meet the planning intention and provided a more desirable and secluded setting for the Hakka village. It would also provide a buffer between the old and new villages;

*Amending the Notes and Explanatory Statement (ES) of the draft OZP*

- (t) the Notes of the “AGR” and “GB” zones primarily followed the Master Schedule of Notes agreed by the Board. ‘House (New Territories Exempted House only)’ and ‘House’ were Column 2 uses under the “AGR” and “GB” zones respectively requiring planning permission from the Board;
- (u) although ‘Agricultural Use’ was a Column 1 use always permitted in “AGR” zone, diversion of stream or filling of land/pond required prior planning permission from the Board. Since the depth of soil needed for vegetable farming and tree planting was generally about 0.3m to 0.45m and 1m to 1.2m respectively, to exempt laying of soil not exceeding a thickness of 1.2m for cultivation from planning control would avoid unduly affecting genuine agricultural practice. Besides, filling of land other than laying of soil not exceeding 1.2m in thickness for genuine cultivation might constitute an unauthorized development and subject to the enforcement provisions under the Town Planning Ordinance (the

Ordinance). Removal of such clause to prevent abuse did not appear to be justified from agricultural point of view;

- (v) according to the current regulatory mechanism, the use of pesticide within the WGG was not allowed. As for the use of other chemicals including fertilizers, prior approval had to be sought from the Water Supplies Department (WSD), which would continue monitor the water quality in the area to ensure the safety of raw water for drinking water supply. It was proposed to spell out clearly the current regulatory mechanism in the ES;
- (w) it had been stipulated in the Remarks of the Notes of the “V(1)” sub-area and relevant paragraphs of the ES of the draft OZP that proposed house and any demolition, or addition, alteration and/or modification to or redevelopment of an existing building within existing core village clusters required planning permission. Prior consultation with Antiquities and Monuments Office of the Leisure and Cultural Services Department (AMO of LCSD) should be made if any development, redevelopment or rezoning proposals might affect the historic buildings, new items pending grading assessment and their immediate environs. Such provision had provided sufficient protection to the historic or old buildings;

*Incorporating the Area into Country Park*

- (x) designation of Country Parks was under the jurisdiction of the Country and Marine Parks Board under the Country Parks Ordinance which was outside the purview of the Board;

*Ecological Information*

- (y) noting that AFCD would not dispute the ecological information in relation to the findings of the records of bird occurrence in the Area submitted by HKBWS, it was proposed to incorporate the information in the ES of the draft OZP where appropriate;

Summary of Major Amendments on the Draft OZP No. S/NE-PSO/C

- (z) as compared with the draft OZP No. S/NE-PSO/B, the major amendments on the draft OZP No. S/NE-PSO/C included (i) change of areas to the north of Pak Sha O from “AGR” and “GB” to “V”, and from “AGR” to “GB”; (ii) redesignation of the original “V” to “V(1)” and corresponding amendments to the Notes and ES; and (iii) ES updated to spell out the regulation mechanism of WSD in WGG and the information on bird occurrence of the Area; and

Consultation

- (aa) after the Board’s agreement to the publication of the draft Pak Sha O OZP under section 5 of the Ordinance, TPDC and SKNRC would be consulted during the exhibition period of the OZP depending on their meeting schedules.

73. The Chairman invited questions and comments from Members.

74. A Member asked the relative locations of the proposed new “V” zone and the existing village, and whether SKNRC was consulted on the location. In response, Mr C.K. Soh, DPO/STN, with reference to the aerial photograph on Plan 7a of the Paper, said that the new “V” zone was located to the north of the existing one with dense woodland in-between forming a buffer with a width ranging from 10m to 60m. SKNRC was informed of the approximate location of the new “V” zone, but not its exact boundary. SKNRC considered the location appropriate.

75. A Member said that since there might be some on-farm domestic structures at the proposed new “V” zone, it might be better to retain the “AGR” zoning such that the compatibility of the on-farm domestic structures and the new Small Houses could be ensured through the planning application system. In response, Mr Soh said that based on his site visit, the existing structures on the agricultural land were mainly used for dog house or storage. Since there were already Small Houses applications, which were also located in the village environ, being processed by DLO/TP in the new “V” zone, and the existing village under “V(1)” zoning could only allow 2 more Small Houses, the Board would likely be sympathetic

in considering Small House applications in the area. Noting the Small House demand, the “V” zone would be more receptive to local villagers than “AGR” zone.

76. A Member asked whether objection from the local villagers was anticipated as the new “V” zone covered active agricultural land. In response, Mr Soh said that according to his understanding, the farmers rented the land from the local villagers/owners. In response to the same Member’s question on the size of the proposed “V” zone when compared with that on the first DPA Plan, Mr Soh said that the “V” zone on the first DPA Plan was about 1.38 ha and the total area of the “V” zone on the current OZP No. S/NE-PSO/C was 1.24 ha. The proposed new “V” zone and the “V(1)” zone could build about 31 Small Houses which was inadequate to meet the current 38 outstanding Small House applications.

77. Some Members considered that the southwestern (SW) corner of the new “V” zone covering part of a lawn was too close to the existing village, and future Small House development in there might not be visually compatible with the traditional/historic houses in the existing village. They asked whether the “V” zone boundary at the SW corner could be set back to allow more buffer distance to the existing village. In response, Mr Soh that the open setting of the lawn would allow the public to see the future Small House and the traditional/historic houses simultaneously. It was possible to increase the width of the buffer to 20m which was on a par with that for the EIS and “AGR” zone. However, it would reduce the area of the new “V” zone and the number of Small Houses could be built.

78. In response to a Member’s enquiry on the possibility of planting trees at the lawn to act as visual buffer between the “V” and the existing village, Mr Soh said that the lawn was under private ownership, and government departments could only liaise with the owner for planting trees there on a good will basis. The new “V” zone proposal might facilitate the dialogue.

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

79. Mr K.K. Ling, the Director of Planning, said that the original “V” zone on the DPA Plan was larger and it was possible for future Small Houses to be built immediately around the existing historic village. With a view to preserving the historic setting of the existing village cluster, the “V(1)” zone was confined to the existing village. However, given the outstanding Small House applications and acute shortage of land to meet the Small House demand, a new “V” zone, which was separated with the existing village cluster, was proposed

to balance the needs between Small House development and conservation. It could also facilitate government departments to liaise with the local villagers to provide tree planting at the lawn under private ownership for maintaining the visual buffer between the new and historic villages.

80. The Vice-chairman asked, apart from increasing the buffer distance, whether there was any means to ensure the visual harmony between the future Small Houses and traditional village. In response, Mr Soh said that although the new “V” zone appeared to be very close to the existing village in the aerial photograph, in reality, when the public walked along the footpath adjoining the existing village, the dense woodland would shield away the new Small Houses from the view. Mr Soh further said that to preserve the ambience of the traditional village, it would be more important to maintain the dense fung shui woodland setting.

81. Another Member said that integration of modern design with a historic building, such as Wan Chai Market, might be perceived as an interesting contrast rather than visually incompatible.

82. Some Members asked whether the other sides of the “V” zone could be expanded to maintain the land area of the new “V” zone if its SW corner was set back to provide a wider buffer. In response, Mr C.K. Soh said that the boundary on the other sides of the “V” zone was delineated to provide a 20m buffer to the stream courses.

83. A Member said that from his site visit, the stream abutting the footpath to the village was disturbed, and the ecological value of its riparian zone should not be significant. The 20m buffer between the “V” zone and that section of stream could be reduced. In response, Mr Soh said that as that stream flowed into EIS, the 20m buffer was still required.

84. A Member asked whether the disposition of the future Small Houses in the new “V” zone could follow those in the existing village to create a visual linkage. In response, Mr Soh said that as the area was located in WGG, communal sewage treatment facilities were required. That would facilitate more orderly disposition of Small House to increase the efficient use of land, and provide the opportunity for liaising with the villagers on the disposition of the Small Houses.

85. Members generally agreed that a new “V” zone should be incorporated into the OZP to meet the significant shortfall of the Small House demand. As for whether the SW

corner of the new “V” zone should be set back to allow a wider buffer to the existing village, some Members considered that it should be set back by 10 m for a 20m buffer to the existing village cluster, and a Member considered that the buffer distance should not be a concern if tree planting was provided. Another Member considered that the “V” zone should be further set back to exclude the whole lawn at the SW corner. In response, Mr C.K. Soh said that the size of the “V” zone would be substantially reduced if the whole lawn was excluded.

86. As Members had different views on whether the boundary of the SW corner of the proposed new “V” zone should be set back by 10m or more, the meeting agreed that a vote should be taken on the matter. A voting was conducted with more Members supporting the option of further setting back the SW boundary of the “V” zone by 10m to provide a 20m buffer to the existing village.

87. After deliberation, the Board agreed to note the comments and responses on the draft Pak Sha O OZP No. S/NE-PSO/B. The Board also :

- (a) agreed that subject to the further setting back of the boundary at the SW corner of the proposed new “V” zone by 10m, the draft Pak Sha O OZP No. S/NE-PSO/C (to be renumbered as S/NE-PSO/1 upon gazetting) and its Notes at Annexes I and II respectively of the Paper were suitable for exhibition for public inspection under section 5 of the Ordinance;
- (b) adopted the ES at Annex III of the Paper as an expression of the planning intentions and objectives of the Board; and
- (c) agreed that the ES was suitable for exhibition for public inspection together with the draft OZP and issued under the name of the Board.

88. The meeting also agreed to advise PlanD to liaise with the local villagers for the possibility of planting trees in between the SW corner of the proposed new “V” zone and the existing village under “V(1)” zone to serve as a buffer, and arranging the future Small Houses in the proposed new “V” zone in an orderly manner for more efficient use of land.

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

**Fanling, Sheung Shui & Yuen Long East District**

**Agenda Item 7**

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/FSS/235

Proposed Concrete Batching Factory in “Industrial” Zone, No. 11 On Chuen Street, Fanling,  
New Territories

(TPB Paper No. 10033)

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[The meeting was conducted in Cantonese and English.]

89. The Chairman said that as the applicant of Agenda Item 6 would not attend the meeting while the applicants’ representatives of Agenda Item 7 had arrived for a while, he proposed and Members agreed to consider Agenda Item 7 first.

90. The Secretary reported that Ramboll Environ Hong Kong Ltd. (Environ) and Masterplan Ltd. (Masterplan) and CKM Asia Ltd (CKM) were the consultants of the applicant. The following Members had declared interests in the item:

Mr Ivan C.S. Fu	-	having business dealings with Environ and Masterplan
Ms Janice W.M. Lai	]	having business dealings with Environ
Mr Dominic K.K. Lam	]	
Mr H.W. Cheung	]	
Ms Julia M.K. Lau	]	
Professor P.P. Ho	-	having business dealings with CKM

91. As the above Members had no involvement in the project, Members agreed that they could stay in the meeting.

92. The following representatives from the Planning Department (PlanD) and the 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 District, Planning Department (DPO/FS&YLE), PlanD
Mr Otto Chan	-	Senior Town Planner/Fanling and Sheung Shui (1), PlanD
Mr Elvin Chiu	]	
Mr H.C. Leung	]	
Mr Ian Brownlee	]	Applicant's representatives
Ms Cynthia Chan	]	
Mr Kim Chin	]	
Mr David Yeung	]	

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

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

- (a) on 2.4.2015, the applicant sought planning permission for development of a proposed concrete batching factory at the application site (the site). The site was zoned "Industrial" ("I") on the draft Fanling/Sheung Shui Outline Zoning Plan (OZP) and subject to a maximum plot ratio (PR) of 5.0 and a maximum building height (BH) of 25 metres or the height of the existing building, whichever was the greater;
- (b) on 7.8.2015, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) rejected the application for the following reasons:
  - (i) the applicant failed to demonstrate that the proposed development and its operation would not have adverse environmental impact on the surrounding area; and

- (ii) the site, which was located within the Fanling/Sheung Shui New Town and in the centre of On Lok Tsuen Industrial Area (the Industrial Area), was not a suitable location for the proposed development in view of its adverse impact on the surrounding land uses;

*Development Proposal*

- (c) the proposed concrete batching factory only entailed internal alteration works to the existing 6-storey factory building without affecting the BH and PR, and the exterior of the building would also be refurbished. The factory would operate 16 hours between 07:00 and 23:00 daily, excluding Sundays and Public Holidays. The proposed concrete batching factory would use the existing run-in at On Chuen Street and run-out at On Kui Street. 7 loading/unloading spaces would be provided within the site. Under the worst case scenario, 84 vehicles (two-way) per hour were expected to enter/leave the proposed concrete batching factory;
- (d) on 26.8.2015, the applicant, under section 17(1) of the Town Planning Ordinance (the Ordinance), applied for a review of the RNTPC's decision to reject the application. The applicant's justifications were summarized below:

*Land Use Suitability*

- (i) the Ordinance did not provide PlanD or the OZP control on the specific sector of use within the industrial area;
- (ii) the site was located in the centre of the industrial area and surrounded by the lesser sensitive industrial uses. The area was not heavily frequented by pedestrians and the proposed vehicular route did not run pass the playground or the school (zoned "Government, Institution or Community" zone) along Sha Tau Kok Road. The Site was therefore an appropriate location as compared with other locations at the periphery which had direct frontage/interface with sensitive uses;

(iii) compared with the existing outdoor concrete batching plant in the vicinity, the current proposal would be enclosed within an existing building and would have with suitable management measures which was more compatible with the surrounding uses;

*Requirement of Quantity Assessment of Vehicular Emission*

(iv) all industrial uses in the “I” zone generated heavy vehicular traffic similar to that generated by the proposed concrete batching factory. The submitted Traffic Impact Assessment (TIA) demonstrated that the traffic generated proposed development would not constitute a substantial portion of traffic; and

(v) vehicular emission was subject to the Environmental Protection Department (EPD)’s licensing regulation. Concrete mixer trucks were subject to Air Pollution Control (Emission Reduction Devices for Vehicles) Regulation. Vehicular air emissions associated with other industrial uses did not require assessment. There should not be any differentiation between concrete batching plant and other industrial uses in the requirement for assessing the associated air emissions;

(e) previous application - there was no previous application at the site;

(f) similar application - there was a similar application (No. A/FSS/109) for concrete batching plant within the same “I” zone of the Industrial Area. The application with a site area of about 846 m<sup>2</sup> was approved with conditions by the RNTPC on 25.9.1998 on the grounds that the proposed concrete batching plant was in line with the planning intention of the “I” zone and was in conformity with related development restrictions under the OZP; the proposed development was generally compatible with the surrounding land uses and there were no known sensitive receivers in the immediate vicinity of the application site; and the development would not have significant adverse environmental, drainage and traffic impacts on the surrounding areas. The concrete batching plant was still in operation;

(g) public comments – 7 public comments on the review applications were received. Among them, 2 were made by North District Council members, one indicated that he had no comment on the application and the other expressed concern over the traffic condition. The remaining 5 public comments objected to the review application on the following main grounds :

- (i) the proposed concrete batching factory was incompatible with the surrounding land uses which were predominately of warehouse and industrial-office uses;
- (ii) limited highway capacity in the local road network to accommodate the additional traffic brought forward by the concrete batching factory hence worsening the traffic congestion in On Lok Tsuen area and the adjacent Sha Tau Kok Road; and
- (iii) the environmental nuisance (including noise and polluted air) generated from the development would create environmental interface problem to adjoining environmentally sensitive users, which were predominately of food processing/storage and/or manufacturing uses;

(h) PlanD's views – PlanD did not support the review application based on the planning considerations and assessments set out in paragraph 7 of the Paper which were summarized below :

*Planning Intention of "I" Zone*

- (i) the site fell within the "I" zone which was primarily intended for general industrial use to ensure an adequate supply of industrial floor space to meet the demand from production-oriented industries. Special industrial uses such as the proposed concrete batching facility were column 2 uses that required planning permission from the Board;
- (ii) the site was located in the centre of the Area and surrounded by logistics centre, public carpark, local sitting-out area and playground.

The proposed concrete batching factory with heavy traffic of concrete mixer trucks (84 vehicles per hour under worst case scenario) would have adverse impacts on the surrounding land uses and the pedestrian access along Lok Yip Road, which was one of the main pedestrian links in the area;

- (iii) according to the 2014 Area Assessments of Industrial Land in the Territory (2014 Area Assessment), the On Lok Tsuen Industrial Area would be retained as “I” to cater for the strong demand for general logistics/warehousing. The 2014 Area Assessments also recommended further enhancement of the Industrial Area to better utilizing the land resources, increasing employment opportunities and job variety. The approval of the proposed concrete batching plant in the core of the Industrial Area would impose constraints on the future development/redevelopment of the industrial area and would not be conducive to the enhancement of the Industrial Area to generate more employment opportunities and job variety; and

*Adverse Vehicular Emission*

- (iv) while vehicle emissions were controlled under the Air Pollution Control Ordinance, EPD considered that heavy goods vehicles to/from the proposed concrete batching factory would create dust nuisance. However, based on the assumption that there could be appropriate mitigation/preventive measures in place, EPD was of the view that there should not be insurmountable air quality impacts on nearby sensitive receivers. An approval condition requiring the submission and implementation of proposal on the mitigation/preventive measures to minimise potential environmental impacts/nuisance caused by the incoming/outgoing vehicular movements could be imposed, if the Board decided to approve the review application.

95. The Chairman invited the applicant’s representative to elaborate on the review application.

96. With the aid of a PowerPoint presentation, Mr Ian Brownlee made the following main points:

*Context for the Application*

- (a) the purpose of the application was to provide a state of the art concrete manufacturing plant in a permanent building which was unlike those temporary plants that were normally considered by the Board. The building under application was a permanent industrial building suitable for conversion to a concrete manufacturing plant. The design would be based on plants and operations in Japan;

*Network of Production Plants*

- (b) there was anticipated continuing demand in the Northeast New Territories (NENT) and additional production plant was needed. In particular, the development of New Development Area (NDA) would require consistent supply of high quality concrete. The proposed concrete batching factory would be one of the 4 concrete batching plants owned by the applicant distributed across the New Territories and would be the most sophisticated one. All those existing concrete batching facilities were connected in a centralized management system in Sai Ying Pun to optimize production;
- (c) from the technical studies in Japan, an enclosed concrete batching plant was clean and could be located opposite to residential buildings;

*Permanent Operation – More than a Concrete Batching Plant*

- (d) existing building would be modified in the interior to permit installation of concrete manufacturing plant. Part of the building would include a laboratory for research and the development of new products, and for quality control of production. As different types of concrete were required, the production of ready mixed concrete was becoming more complex and used more chemical components. The proposed concrete batching factory was intended to be capable of developing new products to meet more demanding market needs;

- (e) university graduates would be employed in addition to production staff, and the applicant would cooperate with tertiary institutions on research and product development;
- (f) high-tech traffic management system was employed by the applicant. The concrete mixer trucks were equipped with Global Positioning System (GPS) to obtain and deliver real-time location to the Centralised Control Unit of the company. In case the waiting spaces within the site were full, the Centralised Control Unit would assign the remaining concrete mixer trucks to other concrete batching plants. There would be sufficient buffer raw materials storage for smooth operation for 1 working day. In case of insufficient space within the site, the operator would postpone ordering raw materials to minimise traffic generation until the operation resumed normal;
- (g) the proposal would follow world leading examples in that the water runoff would be collected, treated and recycled; the industrial noise would be mitigated by provision of separation distance, enclosure and acoustic louvre; the dust emission would be controlled by the fully enclosed building with no openable window; and operation systems would be equipped with dust curtain, dust tight, air extraction and negative pressure. The emission points of the factory would be directed away from the nearby sitting out area, the ground floor for trucks would be kept wet and the leaving vehicles would be washed. A gate would be installed as per the latest best practice agreed between EPD and the industry committee. As such, departments, in particular, EPD and TD, had no objection to the proposal and PlanD no longer recommended to reject the application on the ground of adverse environmental impact as in the s.16 stage;

*Land Use Suitability*

- (h) PlanD currently recommended to reject the review application on the ground that the Industrial Area was not a suitable location in view of its adverse impact on the surrounding land uses. The planning intention of "I" zone was for general industrial use to ensure an adequate supply of industrial floor space to meet the demand from production-oriented

industries. The proposed concrete production plant was in response to the large-scale planned developments in the NENT, including the NDA;

- (i) a site in an industrial zone was the most appropriate location for a permanent concrete production plant. The site was centrally located within the “I” zone which was the biggest “I” zone in Hong Kong. Other industrial uses in the zone could provide buffer to the residential areas. The transport route did not concentrate around the sitting out area, playground, or the school on Sha Tau Kok Road;

*Existing Concrete Batching Plant in the Area Approved in 1998*

- (j) for the proposed concrete batching factory, the Director-General of Trade and Industry commented that given the precedent case and as ‘Concrete Batching Plant’ was categorised as an industrial use according to the definition of terms laid down by the Board, he had no comment on the subject application. In consideration of the previous and similar application (A/FSS/109) approved in 1998, PlanD said that the concrete batching plant was in line with the planning intention of the “I” zone and was in conformity with related development restrictions under the OZP; the proposed development was generally compatible with the surrounding land uses and there were no known sensitive receivers in the immediate vicinity of the site, and the development would not have significant adverse environmental, drainage, and traffic impacts on the surrounding areas;
- (k) that approved concrete batching plant was an outdoor plant with raw materials piled in open-air and without management of the water runoff to the street, nor the dust emitted to the surrounding area. That concrete batching plant with outdated standard of operation was given a permanent planning approval. The current application enclosed within an existing building, with modern management measures, for permanent operation was significantly more compatible with the surrounding uses;

*2014 Area Assessments*

- (l) the 2014 Area Assessments recommended to enhance the Industrial Area

to better use the land resources and to increase employment opportunities and job variety. The proposal could achieve those objectives in that (i) the proposed internal modification of the existing industrial building was an environmental friendly approach to development by recycling existing building; and (ii) it included research and development in high technology concrete in partnership with institutions and university, which would directly employ about 30 staff on-site and about 70 staff off-site;

- (m) of 98 buildings in the Industrial Area, over one third (36 buildings) were temporary buildings of less than 2-storeys. The concrete batching plant approved in 1998 was classified as a temporary use/structure. Removal and redevelopment of sites occupied by temporary uses would address issues identified in the 2014 Area Assessments more effectively than refusing modification and up-grading of an existing 21 years old building to include a modern high-tech production plant;

*No Impact on Pedestrian Linkages*

- (n) the building façade facing Lok Ming Street remained a solid wall and there would be no environmental impact on pedestrians passing the site. There were not many pedestrians using Lok Ming Street, and for those using it, they should know that they were walking through an industrial area. Vehicles would enter/leave the building without going into Lok Ming Street, therefore no impact on pedestrians there;
- (o) Lok Ming Street outside the site had a pleasant environment with pedestrian footpath and cycle path on opposite side of the Street while the pedestrian footpath and cycle path outside the temporary uses in the Industrial Area were dumped with various materials;

*Permanent Planning Approval*

- (p) the concrete batching operation required a Specified Process License under the Air Pollution Control Ordinance. The regular renewal (no more than 5 years) of the license would ensure suitable operation and management met acceptable environmental standards. \$500+ million investment for the purpose designed building and equipment was a

significant investment on a state-of-the-art production plant;

- (q) in conclusion, the proposed concrete batching factory, subject to condition, had no adverse traffic impact; and no adverse environmental concerns as it could be handled by the condition and the EPD Permit Process, and complied with the planning intention for “I” zone for ‘production-oriented industries’. The site, in centre of the largest industrial area in Hong Kong, was an appropriate location and would not cause adverse impact on the surrounding land uses;

97. As the presentation of the applicant’s representatives was completed, the Chairman invited questions from Members.

98. In response to a Member’s enquiry on the locations of other concrete batching plants owned by the applicant, Mr H.C. Leung said that they were located in Tuen Mun, Tsuen Wan and Tsing Yi.

99. A Member asked what the current utilization rate and future planning of the On Lok Tsuen Industrial Area were; and whether there were better alternative sites for the proposed concrete batching factory. In response, Ms Maggie M.Y. Chin, DPO/FS&YLE, said that the vacancy rate of the Industrial Area (i.e. 5%) was higher than the territorial average (i.e. 3.5%). The Industrial Area was mainly for conventional industrial uses. The 2014 Area Assessments recommended to further enhance the Industrial Area through environmental improvement and disposal of government sites for commercial/office and/or logistic/warehousing developments. The intention was to attract high-end industries to the Industrial Area, and conversion of temporary uses to permanent development. The Industrial Area, with a number of vacant/government sites and one-storey installations with a PR of about 2, had potential to be developed/redeveloped up to a PR of 5 and BH of 25m as stipulated under the OZP.

100. Ms Chin further said that the site was considered not appropriate for the proposed development as it was located within the Fanling/Sheung Shui New Town with high density residential developments nearby like Cheung Wah Estate and Luen Wo Hui. A concrete batching plant would be better located in area far away from residential area. In the past 5 years, there were 12 planning applications for temporary concrete batching plant development.

5 of them were approved and they were located in the remote areas such as North Lantau, Tsing Yi, Ta Kwu Ling and Tong Yan San Tsuen.

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

101. In response to the Chairman's enquiry, Ms Chin confirmed that EPD's stance on the application has changed. At the s.16 stage, EPD objected to the application as the applicant's assessment failed to demonstrate the air quality impacts of the concrete batching factory and emissions from the concrete mixer trucks were acceptable. At the review application stage, EPD did not have objection to the application as they was satisfied that the mitigation measures to control the impact proposed by the applicant could be implemented by imposing suitable approval condition.

102. A Member asked whether the future developments of the Industrial Area would be similar to Tai Po Industrial Area with industrial installations under single ownership or Kwun Tong with flatted factory buildings under multiple ownership. In response, Ms Chin said that 74.5% of the industrial buildings in the Industrial Area were under single ownership which could be developed into either single-use installations or flatted factories buildings.

103. The Vice-chairman said that the proposed concrete batching factory required high investment in terms of money and time, and asked how the implementation programme of the proposed concrete batching factory could tie in with its target market of the NENT development. In response, Mr Ian Brownlee said that the applicant did not operate any concrete batching plant in NENT, and the proposed concrete batching factory could fill the gap of their existing business. The intention to have Column 2 uses, i.e. requiring planning permission, in the Notes of the "T" zone was to provide flexibility to cater for the changing market needs. If a concrete batching plant could operate in a satisfactorily manner as in the current proposal, it should be permitted within the "T" zone.

104. Mr Elvin Chiu supplemented that the industry was operated under commercial principle. With high transport cost, a concrete batching plant could not be far away from its market, and hence the proposed concrete batching factory could likely serve the future market in NENT. Once the planning approval was sought, the factory could commence operation in two years with operation lasting for more than 10 years. It was difficult to identify a site for permanent development. His company purchased a site and would strive for developing a proper and decent concrete batching facility comparable with those of the overseas. He

considered that the existing concrete batching plants in Hong Kong were mostly temporary in nature lasting for 3 to 4 years which offered the owners no incentive to invest in clean design and technology. The current proposed permanent concrete batching factory would provide certainty and incentive for investment in the technology and research.

105. Ms Bernadette Linn, the Director of Lands, asked the rationale for placing 'Concrete Batching Plant' as a Column 2 use in the Notes of the 'T' zone. In response, with reference to the Notes of the 'T' zone shown on the visualizer, Ms Chin said that the Column 2 uses included certain special industries such as 'Dangerous Goods Godown' and 'Offensive Trades' which might pose environmental and traffic concerns to the area. As such, the Board could scrutinize the proposal in respect of its scale and location as well as its impact on the surrounding uses.

106. A Member said that the layout of the proposed concrete batching factory was conventional similar to other existing installations, and asked the applicant to elaborate on the high technology to be adopted and whether his company had any track record for developing the hi-tech concrete batching facility. In response, Mr Chiu said that his company was liaising with overseas companies to import the advanced technology. The purpose of including a laboratory in the proposed concrete batching factory was to develop high strength concrete jointly with the local universities and tertiary institutions to meet the market demand. A good design for a concrete batching facility should be safe and clean. The processing of the ready mixed concrete would be computerized, and his company had a logistic centre and the trucks were equipped with GPS which would be called to the factory when necessary to avoid queuing outside the site.

107. The same Member further asked if the application was approved, whether there was any mechanism to enforce the implementation of measures proposed by the applicant. In response, Ms Chin said that in general approval conditions could be imposed in respect of the fire-fighting/fire services installations, traffic management measures and environmental mitigation measures. In addition, the operation of a concrete batching facility required licences from EPD which could control the dust, water and noise impacts at the site. However, as for the research facilities and the GPS installed trucks proposed by the applicant at the meeting, it could not be enforced by imposition of the approval conditions or the approval of the EPD's licences.

108. Mr Brownlee said that PlanD had no basis to recommend rejection of the review application as EPD and TD already had no objection to it on environmental and traffic impact grounds. Industrial uses in an industrial area were bound to have trucks travelling around. A ready mixer truck was like a typical truck and should not pose any problem. Mr David Yeung supplemented that apart from the planning permission, the proposed concrete batching factory also needed to obtain the licences under the Air Pollution Control Ordinance and the Water Pollution Control Ordinance from EPD. The applicant had to submit an air pollution control plan which would set out the equipment, materials and mitigation measures adopted in the proposed concrete batching factory.

109. In response to the Chairman's enquiry, Ms Chin said that there would be 84 concrete mixer trucks/vehicles leaving and entering the site per hour.

110. In response to a Members' enquiry, Mr Chiu confirmed that the vehicles fleet was owned by his company, and his company was exploring the possibility of importing vehicles with higher emission standard up to Euro VI level.

111. Mr K.K. Ling, the Director of Planning, said that the site abutted onto Lok Ming Street which was one of the main pedestrian links in the Industrial Area, and the pedestrian flow was expected to increase in view of the future development of the Industrial Area. He asked how the applicant could ensure that the environment of Lok Ming Street would not deteriorate. In response, Mr Chiu and Mr Brownlee both said that the trucks of the concrete batching factory would not pass through Lok Ming Street as there was no ingress/ingress point thereat, and there was indeed not many pedestrian along Lok Ming Street. The building façade fronting Lok Ming Street could be improved to commensurate with the existing street environment.

112. As Members had no further questions to raise, the Chairman informed the applicant's representatives that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application in their absence and inform the applicant of the Board's decision in due course. The Chairman thanked DPO/TM&YLW and the applicant's representatives for attending the meeting. They left the meeting at this point.

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

### Deliberation

113. The Chairman drew Members' attention to the fact that the application was rejected at the s.16 stage on the grounds that (i) the applicant failed to demonstrate the proposed development would not have adverse environmental impact on the surrounding area; and (ii) the site was not a suitable location for the proposed development in view of its adverse impact on the surrounding land uses. Nevertheless, at the review application stage, EPD stated that it had no objection and that an approval condition could be imposed in respect of the environmental impact of the incoming/outgoing vehicles.

114. A Member considered that as the environmental concern was addressed, the current proposed reason for rejecting the review application, i.e. the site was not a suitable location for the proposed development in view of its adverse impact on the surrounding land uses, might not have a strong basis. As for the concern on the impact of the proposed development on the street environment of Lok Ming Street, an approval condition could be imposed to require the applicant to improve the streetscape along the concerned building façade.

115. A Member said that the truck traffic associated with the concrete batching factory was much higher than that of the general industries and raised the concern whether the design of the roads in the area could cope with the large number of trucks associated with the proposed concrete batching factory. In response, the Secretary said that concerned departments including TD had no objection to the application in such aspect, and TD only requested to impose an approval condition relating to traffic management measures.

116. The Vice-chairman said that whether the proposed concrete batching factory would serve the future market demand in NENT should not be a concern. As for land use suitability, the Industrial Area was not intended to be developed into a commercial area or Science Park type of development but retained for industrial uses with more diversified business. The proposed concrete batching factory was considered appropriate to be located in the Industrial Area.

117. Some Members considered that the shortage in the supply of ready mixed concrete was well recognized in the construction industry and would be worsened with the forthcoming large-scale construction projects. The Construction Industry Council was also encouraging the industry to go for high-end technology. A concrete batching factory adopting

advanced/clean technology, which was better than an open-air plant, should be favourably considered. The planning approval for a permanent facility could offer incentive for the owners to invest. The impact of an enclosed concrete batching factory should be similar to that of the general industries. The proposal could also revitalize the subject industrial building and the Industrial Area which was in line with the Government's policy.

118. A Member supported the adoption of advanced/clean technology in the proposed concrete batching factory, but was concerned whether there was a mechanism to ensure that the proposal presented by the applicant at the review hearing would be materialized and the impacts of the concrete mixer trucks leaving/entering with the factory would be mitigated.

119. Mr Terence S.W. Tsang, the Principal Environmental Protection Officer, advised that that the environmental assessment submitted in the s.16 stage had already addressed the noise and air pollution concerns of the operation of the concrete batching factory at the site, and the applicant also needed to obtain relevant licences from EPD before the operation of the concrete batching factory could commence. EPD's main concern was the environmental impacts of the trucks leaving/entering the site, and the applicant had not provided any information on mitigation measures in that aspect at the s.16 stage. After reviewing the traffic figure in the applicant's submission at the review application stage, EPD considered that there would not be any insurmountable problem and recommended that an approval condition on mitigation/preventive measures to minimise potential environmental impacts/nuisances caused by the incoming/outgoing vehicular movements be imposed if the review application was approved. He also said that EPD would take note of the applicant's commitment to provide trucks of high emission standard and conduct frequent cleaning of surface of the roads nearby.

120. In response to the Chairman's enquiry on whether there was any mechanism to enforce the approval conditions, the Secretary said that the Board could revoke the planning permission if the approval conditions were not complied with. However, as the Planning Authority had no enforcement power for areas covered by Fanling/Sheung Shui OZP, it would rely on enforcement mechanism under the Buildings Ordinance, lease conditions and various licensing authorities to enforce the planning control. Ms Bernadette Linn said that the lease could not control the operation of the industrial process at the site, and considered the licences issued by EPD might be a more appropriate tool to enforce the planning control. Mr Ling said that the planning approval could not control the procurement of high-end technology for

the operation of the concrete batching factory. The approval condition proposed by EPD could address the impacts relating to the vehicles entering/leaving the factory. To address the possible impact on Lok Ming Street, the imposition of an approval condition requiring the submission and implementation of the design and landscaping proposals at the building façade fronting Lok Ming Street could be considered.

121. Noting that the existing open-air concrete batching plant could obtain EPD's licences, a Member enquired whether EPD could push the applicant to achieve higher environmental standards than the standard requirements under the relevant environmental ordinances. In response, Mr Tsang said that EPD would take into account the Board's views in processing the licence application but it also needed to be fair to the applicant as he was only required to meet the requirements of the relevant environmental ordinances.

122. After deliberation, the Board decided to approve the application application, on the terms of the application as submitted to the Board. The permission should be valid until 13.11.2019, and, after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following approval conditions:

- “(a)the submission and implementation of proposal for water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (b) the submission and implementation of the traffic management measures to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) the submission and implementation of proposal on the mitigation/preventive measures to minimise potential environmental impacts/nuisances caused by the incoming/outgoing vehicular movements to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
- (d) the provision and implementation of design and landscaping proposals at the building façade fronting Lok Ming Street to the satisfaction of the Director of Planning or of the Town Planning Board.”

123. The Board also agreed to advise the applicant, in addition to the advisory clauses as set out in paragraph 12.2 of the Paper, that apart from fulfilling the minimum requirements under the environmental ordinances, the applicant should strive for achieving higher environmental standards for the operation of the concrete batching factory at the site and the associated trucks/concrete mixer trucks.

[Mr Roger K.H. Luk, Mr H.K. Leung, Mr H.W. Cheung and Ms Julia M.K. Lau left the meeting at this point.]

### **Agenda Item 6**

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/TM/476

Proposed 'Shop and Services' Use in "Other Specified Uses" annotated "Business" Zone, Workshop 51 (Part), G/F, Hang Wai Industrial Centre, No. 6 Kin Tai Street, Tuen Mun, New Territories

(TPB Paper No. 10032)

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[The meeting was conducted in Cantonese.]

124. The Secretary reported that Dr C.P. Lau owning a flat in So Kwun Wat had declared interest on the item. Members noted that Dr Lau had left the meeting.

125. The following representative from the Planning Department (PlanD) was invited to the meeting :

Mr David C.M. Lam - District Planning Officer/Tuen Mun & Yuen Long  
West (DPO/TM&YLW), PlanD

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

127. With the aid of a PowerPoint presentation, Mr David C.M. Lam, DPO/TM&YLW, presented the review application and covered the following main points as detailed in the Paper:

- (a) on 5.6.2015, the applicant sought planning permission for proposed 'Shop and Services' use at the premises. The premises fell within an area zoned "Other Specified Uses" annotated "Business" ("OU(B)") on the approved Tuen Mun Outline Zoning Plan (OZP) No. S/TM/33. The premises was largely vacant;
- (b) on 17.7.2015, the Rural and New Town Planning Committee (RNTPC) rejected the application for the reason that the proposed 'Shop and Services' use at the premises did not comply with the Town Planning Board Guidelines for Development within "Other Specified Uses (Business)" Zone (TPB PG-No.22D) in that means of escape separated from the industrial portion was not available for the premises. The proposed 'Shop and Services' use was unacceptable from fire safety point of view;
- (c) on 24.8.2015, the applicant applied for a review of the RNTPC's decision to reject the application. The applicant's justifications were summarized below:
  - (i) the previous approved application No. A/TM/80 for retail use would attract more customers into the building than the proposed real estate agency use. The premises was only 9.3m<sup>2</sup> and the daily patrons was expected to be very few. No safety issue for patrons was anticipated;
  - (ii) other applications, i.e. A/TM/74, A/TM/79 and A/TM/81, were approved without a separate means of escape. Fire Services Department (FSD) did not object to these applications;
  - (iii) it was not possible to provide a means of escape separated from the industrial portion of the subject building. The premises fronted onto an internal corridor of 3.3m wide and the distance between Kin Wing Street and the premises was about 25m. It took about half a minute to leave the building in case of fire. Moreover, the applicant was willing to install the fire service installations as required by FSD; and

- (iv) there was only one real estate agency (Application No. A/TM/393) with planning permission. The other real estate agencies were operating without approval;
- (d) previous application - the premises was the subject of one previously approved Application No. A/TM/80 for retail shop for electrical spare parts when the subject building was zoned “Industrial” on the OZP No. S/TM/6. The applied use had already ceased operation, and the premises was now largely vacant;
- (e) similar applications - there were 36 similar applications for shop and services uses including retail shop, local provision store, real estate agency and convenience store that had been considered by the RNTPC or the Board on review at the ground floor of the industrial building;
- (f) departmental comments – comments from the relevant government departments were detailed in paragraph 5 of the Paper and summarized below :
  - (i) FSD did not support the review application as the means of escape from the premises was not totally separated from the industrial portion of the building;
  - (ii) the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) advised that the provision of adequate fire protection/ separation between uses had not been specified in the submission in relation to the permit for minor works certificate; and
  - (iii) other departments consulted had no adverse comment on or no objection to the review application;
- (g) public comments - there were 399 public comments, all objecting to the review application. The grounds of objection were mainly (i) the current application contravened with the approved use for selling electrical spare parts; (ii) approval of the planning application would further deplete the supply of industrial premises, resulting in increase in price of these

premises; and (iii) units in proximity of the premises involved workshop uses which might pose a threat to the safety of the patrons;

(h) PlanD's views – PlanD did not support the review application based on the planning consideration and assessment set out in paragraph 7 of the Paper which were summarized below:

(i) the written representation submitted by the applicant failed to address FSD's concern in that the means of escape from the premises was not totally separated from the industrial portion of the building. FSD maintained his objection to the application;

(ii) some earlier applications without separate means of escape in the same building as mentioned by the applicant were approved before 1990, well before the criterion requiring the provision of separate means of escape for the proposed commercial use within the industrial or Industrial-Office building came into effect. The relevant criterion was first incorporated into the TPB PG-No. 22C in 2006 following the advice of FSD; and

(iii) since there had been no material change in the planning circumstances since the consideration of the application by RNTPC on 17.7.2015, the planning considerations and assessments at the s.16 application stage remained valid.

128. As the presentation from PlanD's representatives had been completed and the applicant or his representatives did not attend the meeting, the Chairman then invited questions from Members.

129. Ms Bernadette H.H. Linn, the Director of Lands, said that the subject building fell within "OU(B)" zone which was intended to encourage revitalization of industrial building. The premises was located on ground floor (G/F) and it should be easier for the patrons to escape in case of fire. If commercial use at units on G/F was not permitted on fire safety ground, it would be more difficult for the units on upper floors to satisfy the fire safety requirement and hence the revitalization of the industrial buildings was difficult to implement. She asked DPO to further elaborate the ground of FSD for objecting the application.

130. In response, Mr David C.M. Lam, DPO/TM&YLW, said that while the planning intention of the “OU(B)” zone was to encourage commercial and non-polluting uses, the suitability of individual premises for such use would be assessed on a case-by-case basis. The subject premises was located on G/F but not fronting public roads and some of the units surrounding the premises were used for industrial purposes. FSD considered that there was fire safety concern under such circumstance. All the applications for commercial use at units on G/F of the subject building not fronting public roads were previously rejected by RNTPC.

131. In response to the further enquiry from Ms Linn, Mr Lam said that the application was recommended for rejection for non-compliance with the TPB PG-No. 22D as FSD objected to the application.

132. As Members had no further questions to raise, the Chairman said that the hearing procedures for the review application had been completed. The Board would further deliberate on the review application inform the applicant of the Board’s decision in due course. The Chairman thanked the DPO/TM&YLW for attending the meeting. Mr Lam left the meeting at this point.

#### Deliberation

133. Ms Linn considered that if commercial use at units on G/F could not obtain planning permission as it failed to meet FSD’s requirement, conversion of units on upper floors for such use would be even more difficult. That would not be conducive to the Government’s policy on revitalization of industrial buildings.

134. On the Chairman’s invitation, the Secretary informed Members that the FSD’s requirements for commercial use in industrial buildings were incorporated into the TPB PG-No. 22D which set out, apart from the maximum aggregate floor area allowed for commercial use on G/F of industrial building with/without a sprinkler system, the requirement of separate means of escape for the commercial portion. For commercial use on upper floors, buffer floor of non-hazardous occupancy was required to address the fire safety concern.

135. A Member considered that it was difficult for industrial buildings with multiple ownership to provide separate means of escape for commercial portion to fulfill FSD’s requirement, and that was the major hurdle in the revitalization of industrial buildings.

136. Another Member said that while the Board usually gave a high weighting on the fire safety aspect in assessing the application, FSD's advice was sometimes very general without the details of how the circumstance of each case was assessed. FSD should be requested to provide more specific reasons to facilitate the consideration of the application by the Board.

137. A Member considered that FSD's fire safety concern was valid in the current application as the premises was located in the inner part of the G/F and intermixed with industrial units. With reference to Plan A-2a of the paper, Mr K.K. Ling, the Director of Planning, said that there were car repair workshops/workshops opposite to the premises and along the two corridors leading from the premises to the public roads which could pose fire hazard to the public patronizing the proposed 'Shop and Service'. Nevertheless, Mr Ling agreed that FSD should be requested to provide more details in their advice in future planning applications.

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

“the proposed 'Shop and Services' use at the premises does not comply with the Town Planning Board Guidelines for Development within “Other Specified Uses (Business)” Zone (TPB PG-No. 22D) in that means of escape separated from the industrial portion is not available for the application premises. The proposed 'Shop and Services' use is unacceptable from fire safety point of view.”

### **Agenda Item 8**

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

Information Note and Hearing Arrangement for Consideration of Representations and

Comment on the Draft Kam Tin South Outline Zoning Plan No. S/YL-KTS/12

TPB Paper No. 10034)

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139. The Secretary reported that the item involved proposed amendments to the Kam Tin South Outline Zoning Plan (OZP) and three of the proposed amendment items were related to two West Rail sites managed by the MTR Corporation Limited (MTRCL) and one

electricity sub-station site granted to the CLP Power Hong Kong Limited (CLP) respectively. The following Members had declared interests in the item :

Professor S.C. Wong	being the Chair Professor and Head of Department of Civil Engineering of the University of Hong Kong where MTRCL had sponsored some activities of the Department
Dr W.K. Yau	being a member of the Education Committee and the Energy Resources Education Committee of CLP
Mr Ivan C.S. Fu	]
Mr Dominic K.K. Lam	] having current business dealings with MTRCL
Mr Patrick H.T. Lau	]
Ms Janice W.M. Lai	having current business dealings with MTRCL and her family members owning a house at Cheung Po Tsuen, Pat Heung which had a direct view on the site under Amendment Items C1 and C2 (i.e. the petrol filling station at Kam Sheung Road)
Ms Christina M. Lee	being the Secretary-General of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from CLP

140. As the item was on procedural matter, the meeting agreed that above Members could stay in the meeting. Members noted that Ms Janice W.M. Lee had left the meeting, while Dr W.K. Yau, Mr Patrick H.T. Lau and Ms Christina M. Lee had tendered apology for being unable to attend the meeting.

141. The Secretary said that on 29.5.2015, the draft Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/12 was exhibited for public inspection under section 5 of the

Town Planning Ordinance (the Ordinance). The draft OZP mainly incorporated amendments to rezone areas shown as 'Railway' and adjoining land of "Agriculture" zone to "Other Specified Uses" ("OU") annotated "Railway Station and Public Transport Interchange with Commercial/Residential Development" and "OU" annotated "Railway Depot with Commercial/Residential Development" zones (Amendment Items A1 to A6); and a site under "OU" annotated "Petrol Filling Station" and "Residential (Group C)1" ("R(C)1") zones to "Commercial" ("C") zone (Amendment Items C1 and C2). A total of 55 valid representations and 331 comments were received.

142. All representations received were related to the proposed development at the West Rail Kam Sheung Road Station (KSRS) and Pat Heung Maintenance Centre (PHMC) sites (the two West Rail sites) (Amendment Items A1 to A6). Most of these representers objected to or expressed concerns on the proposed development at the two West Rail sites mainly on the grounds of traffic, ecological, air ventilation, environment, supporting/community facilities provision, development intensity and agricultural land aspects.

143. All the commenters, except C312 and C331, mainly objected to the proposed residential development at the two West Rail sites / the associated OZP amendments due to its impacts on the railway carrying capacity, traffic, open area/flea market, agricultural land, sub-urban living environment, environment, 'wall-effect', conservation, visual/landscape/fung-shui, and/or property price of proposed private residential development, etc. C312 supported R55 and considered that the development intensity of the "CDA" zone to the east of the KSRS site should be increased.

144. C331 provided comments on Amendment Items C1 and C2 which were not the subject of any representation. It was considered that C331 was invalid as it was not related to any representation or the planning context of any representation. The Amendment Items C1 and C2 were to take forward an approved 12A planning application to rezone a site from "OU" annotated "Petrol Filling Station" and "R(C)1" to "C" to facilitate the development of a local shopping centre.

145. It was recommended that the valid representations and comments should be considered by the full Board. The hearing could be accommodated in the Board's regular

meeting and a separate hearing session would not be necessary. The arrangement would not delay the completion of the representation consideration process.

146. Since all the valid representations and comments were related to the rezoning of the two West Rail sites and they were of similar nature, it was suggested to consider the representations and comments collectively in one group.

147. In view of the large number of representations and comments received, and to ensure the efficient operation of the hearing, it was recommended to allot a maximum presentation time of 10 minutes to each representer and commenter in the hearing session, subject to confirmation of the number of representers and commenters attending the hearing and the aggregate presentation time required.

148. Consideration of the valid representations and comments by the full Board was tentatively scheduled for December 2015. Subject to the aggregate presentation time required, additional meeting date(s) might be scheduled.

149. After deliberation, the Board agreed that :

- (a) C331 should be regarded as invalid and treated as not having been made under section 6A(3)(b) of the Ordinance;
- (b) the representations should be heard by the Board in the manner as proposed in paragraph 3 of the Paper; and
- (c) the Chairman would, in liaison with the Secretary, decide on the need to impose 10-minute presentation time for each representer taking into account the number of representers attending the hearing.

**Agenda Item 9**

Any Other Business

150. There being no other business, the meeting was closed at 6:00 p.m.