

**Minutes of 1101<sup>st</sup> Meeting of the  
Town Planning Board held on 28.1.2016**

**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 Eddie C.M. Hui

Mr Clarence W.C. Leung

Ms Anita W.T. Ma

Dr W.K. Yau

Professor K.C. Chau

Mr H.W. Cheung

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Mr Dominic K.K. Lam

Mr H.F. Leung

Mr Stephen H.B. Yau

Mr Peter K.T. Yuen

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

Principal Environmental Protection Officer (Metro Assessment)  
Environmental Protection Department  
Mr Ken Y.K. Wong

Assistant Director/Regional (3), Lands Department  
Mr Edwin W.K. Chan

Director of Planning  
Mr K.K. Ling

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

Secretary

**Absent with Apologies**

Professor S.C. Wong

Professor P.P. Ho

Dr C.P. Lau

Ms Julia M.K. Lau

Mr Laurence L.J. Li

Ms Bonnie J.Y. Chan

Dr Wilton W.T. Fok

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr Patrick H.T. Lau

Ms Christina M. Lee

Mr F.C. Chan

Mr David Y.T. Lui

Mr Frankie W.C. Yeung

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Principal Assistant Secretary (Transport)<sup>3</sup>  
Transport and Housing Bureau  
Miss Winnie M.W. Wong

**In Attendance**

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

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

Senior Town Planners/Town Planning Board  
Ms Doris S.Y. Ting (a.m.)  
Ms W.H. Ho (p.m.)

**Agenda Item 3 (cont'd)**

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments in respect of the Draft Kam Tin South Outline Zoning Plan No. S/YL-KTS/12  
(TPB Paper No. 10043)

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[The meeting was conducted in Cantonese]

1. The Chairman extended a welcome and said that as the invited attendees had not yet arrived, the meeting would be adjourned for about 30 minutes. After that, if no attendees arrived, the presentation and question sessions of the hearing in respect of the draft Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/12 (the Plan) would be completed. The deliberation session of the hearing would be arranged on another day.

[Mr Ivan C.S. Fu left the meeting at this point.]

2. A matter arising from the last meeting was recorded under confidential cover.

[The meeting was resumed at 9:40 a.m.]

3. The Chairman said that the meeting in respect of the consideration of the representations and comments in respect of the draft Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/12 (the Plan) was resumed.

4. The Secretary reported that the representations were related to the two West Rail (WR) sites and the following Members had declared direct interests in the item for having business dealings/affiliation with Henderson Land Development Co. Limited (Henderson) which was the mother company of Super Asset Development Limited (R55), and the MTR Corporation Limited (MTRCL) which managed the two WR sites:

Mr Ivan C.S. Fu	]	having current business dealings with
Mr Patrick H.T. Lau	]	Henderson and MTRCL
Ms Janice W.M. Lai	]	

5. In addition, the following Members had declared remote or indirect interests in the item for having affiliation with Henderson and/or MTRCL:

- |                     |   |  |
|---------------------|---|--|
| Mr Dominic K.K. Lam | - | had past business dealings with MTRCL and Henderson  |
| Professor S.C. Wong | - | being an employee of the University of Hong Kong (HKU) which received donation from a family member of the Chairman of Henderson; and the Chair Professor and Head of Department of Civil Engineering of HKU where MTRCL had sponsored some activities of the Department |
| Dr Wilton W.T. Fok  | - | being an employee of HKU which received donation from a family member of the Chairman of Henderson   |
| Mr H.F. Leung       | - | being an employee of HKU which received donation from a family member of the Chairman of Henderson; and a convenor of the Railway Objections Hearing Panel   |
| Mr Roger Luk        | ] | being a Member of Council (Mr Luk) or employees (Professor Ho and Professor Chau) of the Chinese University of Hong Kong which received donation from a family member of the Chairman of Henderson   |
| Professor P.P. Ho   | ] |  |
| Professor K.C. Chau | ] |  |
| Mr Peter K.T. Yuen  | - | being a member of the Board of Governors of the Hong Kong Arts   |

Centre which received a donation from an Executive Director of Henderson

Dr W.K. Yau - being a director of a non-government organisation that received a donation from a family member of the Chairman of Henderson

Ms Christina M. Lee - being the Secretary-General of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from Henderson

6. Members agreed that those Members having direct interests should be invited to leave the meeting for this item and those who had declared remote or indirect interests could stay at the meeting. Members noted that Mr Patrick H.T. Lau and Ms Janice W.M. Lai had tendered apologies for being unable to attend the meeting and Mr Ivan C.S. Fu had already left the meeting.

7. The representatives of the following representers and commenters were invited to the meeting at this point:

R35/C5 – 劉瑋權

R36/C6 – 麥美鳳

R37/C7 – Lau Ka Lim

R38/C8 – Lau Ka Yan

C3 – Chu Suk Fun

C4 – Wong Bak Luck

C27 – Keness Lau

C28 – 李佩瑩

C39 – 吳小姐

C42 – Ryan Lam

C44 – Land Justice League

C73 – Chau Miu Ling  
C82 – Mok Wai Man  
C105 – 楊以超  
C116 – Kelly Tang  
C120 – Fung Kwun Sum  
C121 – Luk Kit Ling  
C133 – 曾瑞明  
C135 – Chan Sze Chung  
C136 – Sushan Chan  
C142 – Ngan Yuk Ying  
C144 – Ching Hang Ying  
C147 – Hui Tsz Wan Alison  
C150 – K.K. Kwok  
C154 – Shek Wai Him Vivian  
C155 – Jinno Neko  
C-158 – Wong Kok Wai  
C163 –Choi Suet Wah  
C173 – Gawain Lo  
C175 – Chow Suk Fun  
C180 –梁佩筠  
C181 – Janet Cheng  
C187 - Ng Chun Wing  
C197 – Keon Lee  
C199 – Mak Shing Fung  
C202 – Jasmine Cheung  
C204 – Dennis Mak  
C206– Lau Ka Shing  
C207 – Stella Choi  
C208 –陳小玲  
C209 – Saffron Ko  
C214 – Simon Wong  
C216 – Gigi Chan  
C217 – Frango Tsang

C218 – Micky Chau

C220 – Josie Chau

C222 – Chau Ping Kwong

C223 – Tanya Hart

C226 – 朱凱迪

C245 – 張民昇

C250 – Li Moon Lok

C251 – Tang Ming Chun

C254 – 李葉開

C257 – Tsang Lok Yan

C258 – 張智健

C277 – Anthony

C283 – Debby Chan

C284 – Chan Ka Wai

C285 – Tang Sze Yan

C291 – Ng Wai Man

C296 – Terence Chan

C304 – Fong Oi Ning

C311 – 陳智亮

C318 – Jason Cheung

C325 – Mak Siu Lin

C330 – Wendy Wo

Mr Chong Lap Pan ] Representers' and Commenters'  
Ms Yeung Wing Chi (arrived at 1:05 p.m.) ] representatives  
(Land Justice League)

8. The Chairman extended a welcome and said that he understood from the Secretariat that Mr Chong Lap Pan, a representative of the Land Justice League (the Group), would not make any oral submission in respect of the Plan at the present meeting but would like to request the Board to reschedule the hearing session to another day. He then invited Mr Chong to elaborate on his request.

9. Mr Chong Lap Pan made the following main points:

- (a) the Group (C44), which had obtained 69 authorisations, was entitled a total speaking time of 700 minutes. The Group's representatives had already attended and registered to make oral submissions at the last hearing session on 11.12.2015. However, given the number of items that had already been scheduled for consideration by the Board on that day, the Group were advised at the last hearing session that the remaining oral submissions by the Group could not be accommodated, and a separate session would need to be arranged;
- (b) according to the audio recording of the meeting proceeding on 11.12.2015, the Chairman had said that a separate session would be arranged with the Group so as to allow the Group to continue with its remaining oral submissions;
- (c) on 21.1.2016, the Group was notified by the Secretariat that the meeting would be resumed on 28.1.2016. Since some of the concerned representatives of the Group would not be available on 28.1.2016, the Group therefore requested the Board to reschedule the hearing session to a date to be agreed by the Group such that they could make full use of the remaining speaking time they were entitled; and
- (d) the Group had already proposed to the Secretariat some alternative meeting dates for the hearing and the exact meeting dates could be subject to further discussion.

10. The Chairman thanked Mr Chong and said that his request would be deliberated by the Board in his absence. After deliberation, Mr Chong would be advised of the decision of the Board. Mr Chong left the meeting temporarily at this point.

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

Deliberation

[Closed Meeting]

11. The Chairman recapped Mr Chong's confirmation that the Group had received the written notification of the meeting particulars on 21.1.2016. He noted that the notification period (i.e., seven days before the resumed meeting on 28.1.2016) was in line with the Board's established practice. Moreover, Mr Chong had not provided any special reasons for not being able to attend the present meeting.

12. As regards Mr Chong's request to reschedule the hearing session, the Group's email dated 27.1.2016 requesting not less than two meetings for making oral submissions and proposing alternative meeting dates (including 26.2.2016, 25.3.2016, 22.4.2016 and 20.5.2016), was displayed on the visualiser for Members' reference. The Chairman invited Members to express their views on the request.

13. A Member said that based on the experience of the last hearing, it seemed that the Group might not be willing to commit to a total presentation time limit, and so inform the Secretariat even after their registration on that day. To facilitate better arrangement of the hearing in future, the Member considered it more appropriate to build in a requirement that the attendees should be required to inform the Secretariat their required speaking time at an early stage before the hearing was fixed.

14. The Chairman remarked that the Member's suggestion could be taken into account when considering arrangements for future hearings. Under the current practice, the Secretariat would liaise with the attendees on their required presentation time when scheduling the hearing. However, there might be subsequent changes and the presentation time required by the attendees could be firmed up only after their registration on the hearing day. Given that a number of s.17 review applications had already been scheduled in the afternoon session of the regular meeting on 11.12.2015, a separate hearing session on 28.1.2016 was therefore arranged for the Group to complete its oral submissions as requested by the Group. The present meeting was a continuation of the last hearing session and reasonable notice of the meeting particulars had been given to all concerned representers and commenters.

15. The Secretary informed Members that the Group's authorisations had been verified by the Secretariat before the meeting on 11.12.2015. To facilitate the hearing

arrangement, the Secretariat had contacted Mr Chong of the Group who indicated that 20 minutes were required for its presentation. Based on the required speaking time provided by the Group and other attendees, a half-day hearing was arranged by the Secretariat. Subsequently, the Group requested to have more presentation time. While additional speaking time was allotted to the Group on the meeting day, there was still insufficient time for the Group to complete its oral submission. One of the representatives of the Group, Mr Chow Sung Ming, requested for about 60 minutes to complete his oral submission.

16. The Chairman supplemented that while the Secretariat would consult the attendees on their required presentation time before arranging the hearing, sometimes the attendees would still request to have additional presentation time at the hearing.

17. A Member expressed worries that if the hearing date had to be mutually agreed, as requested by the Group, it would set an undesirable precedent and the operation of the Board would be adversely affected.

18. Another Member said that under the statutory provisions, the Board was only required to fix a meeting date and give reasonable notice to the representers and commenters about the meeting particulars. The Board was not obliged to reach prior agreement on the meeting date with the attendees.

19. A Member said that notwithstanding that some of the attendees did not attend the present meeting, the Board had already complied with the statutory requirement in that a meeting date was fixed and the concerned parties were given reasonable notice of the meeting.

20. The Chairman said that the current arrangement was consistent with that adopted in the hearing of representations and comments in respect of other OZPs in that the dates for additional hearing sessions were fixed by the Secretariat and the concerned parties were notified of the meeting dates.

21. A Member opined that given that the Group was entitled to have a total speaking time of 610 minutes, consideration might be given to arranging two days to hear

the remaining oral submissions of the Group. However, the meeting date should be fixed by the Secretariat rather than in agreement with the Group so as not to set an undesirable precedent.

22. The Chairman said that Members previously agreed that a whole-day meeting, which would be sufficient to accommodate the Group's speaking time, should be arranged to continue with the hearing. The meeting date was subsequently fixed on 28.1.2016. All the concerned representers and commenters were notified by the Secretariat on 21.1.2016 that the meeting would be resumed on 28.1.2016, and that it was up to the concerned attendees to decide whether to attend the meeting to make oral submissions. If it continued to the case that no other concerned attendees showed up and Mr Chong, the only attendee, decided not to make any oral submission, the hearing session would have to be concluded. The deliberation session of the hearing would be arranged on another day.

23. The same Member asked whether the right of making oral submission by the Group would be affected. The meeting noted that Mr Chong would be allowed to make oral submission if he chose to do so, and that the present meeting was arranged solely to continue the hearing of the remaining oral submissions of the Group. However, Mr Chong had indicated earlier that he did not intend to make any submission today.

24. A Member agreed that the hearing session would have to be concluded if no attendees showed up to make oral submissions.

25. Another Member considered that the request for rescheduling the hearing was unreasonable and should not be acceded to.

26. The Vice-chairman also agreed to the view that the hearing session should be concluded if no attendees showed up to make oral submissions. He noted that the present meeting was a continuation of the last hearing; reasonable notice had been given to concerned attendees; and the meeting date should not be fixed in agreement with the attendees. Moreover, the Board was required to complete the representation hearing procedure within a specified time limit. If the hearing were to be rescheduled to other alternative dates as proposed by the Group, the Board's ability to meet the statutory requirement might be adversely affected.

27. Another Member, while supporting not to reschedule the hearing, would like to know the details of communications between the Group and the Secretariat after the Group was notified on 21.1.2016 that the resumed meeting would be held on 28.1.2016. In response, the Secretary said that Mr Tam Kai Hei of the Group called the Secretariat on 25.1.2016 enquiring whether the hearing date could be changed as some representatives who wanted to attend the meeting were not available on 28.1.2016. Subsequently, in the evening of the same day, the Group sent an email to the Secretariat stating that the hearing date should only be fixed after mutual agreement with the Group and requesting an extra meeting. Upon the Secretariat's request, the Group sent another email on 27.1.2016 requesting not less than two meetings for the hearing and proposing four alternative meeting dates as currently shown on the visualiser. The Secretariat replied on the same day stating that the request would be submitted to the Board for consideration at the meeting on 28.1.2016 and the Group was asked to send representatives to attend the meeting. The Secretariat's reply dated 27.1.2016 was shown on the visualiser for Members' reference.

28. The same Member expressed concern on whether the Group would have false expectation that their request to reschedule the meeting would be entertained. In this connection, the Chairman noted that Mr Chong had already confirmed that the Group had received the written notification about the resumed meeting on 21.1.2016 and it was clearly stated in the Secretariat's email of 27.1.2016, as displayed on the visualiser, that the hearing would be resumed at the meeting on 28.1.2016. The Board had already arranged a hearing and given reasonable notification to the concerned attendees about the meeting particulars. While the Board was ready to listen to the oral submissions made by the representers and commenters, it was for the representers/commenters to decide whether they would attend the hearing and/or make oral submissions. The Secretary confirmed that the Board had given a written notification to all concerned representers and commenters including the Group about the meeting particulars seven days before the resumed meeting on 28.1.2016 which was in line with the established practice. It was also stated clearly in the Secretariat's email that the hearing would be resumed on 28.1.2016 as scheduled. Moreover, the Group was asked to send representatives to attend the meeting.

29. Another Member said that as all the concerned representers and commenters were invited to make registration before 9 a.m. in the morning and Members had waited for a reasonable time, the meeting should proceed as scheduled and Mr Chong, the only attendee, should be asked again if he would make oral submission in respect of the Plan at the present meeting.

30. After deliberation, Members agreed that given that reasonable notification of the meeting particulars had been given to the concerned parties, the present meeting would not be rescheduled and the Group's request should not be entertained. If no invited representers or commenters would make oral submissions at the present meeting, the hearing session would end at this stage. Members also agreed that similar to the past practices, Mr Chong should be invited to the meeting and be informed of the Board's decision. Mr Chong should also be given the last chance to determine whether he would make any oral submission in respect of the Plan at the present meeting.

[Open Meeting]

31. Mr Chong Lap Pan was invited to the meeting at this point.

32. The Chairman informed Mr Chong that after deliberation, the Board had made a decision on his request. Having considered that the Secretariat had already followed the established practice by giving the concerned representers and commenters reasonable notice (i.e. seven days before the meeting) of the meeting particulars and that the present meeting was also arranged in accordance with the statutory requirement and established practice, the Board decided that the present hearing would continue as scheduled. Since Members had waited for a sufficient long time and if no other attendee would make oral submission at the present meeting, the hearing session would be completed. The Chairman asked Mr Chong once again whether he would be prepared to make an oral submission at the present meeting.

33. Mr Chong said that the Board's decision was beyond his expectation. He indicated that after the Group had received the written notification from the Secretariat on 21.1.2016, the Group had liaised with the Secretariat by phone and email requesting that the date of hearing should be fixed in agreement with the Group, which was committed in

the last hearing session on 11.12.2015. The Secretariat had also requested the Group to propose alternative meeting dates which gave the Group some expectation that their request for rescheduling the hearing would be acceded to. He was surprised to learn at the present meeting that the Group's request was not accepted by the Board.

34. The Chairman noted Mr Chong's views and said that while the Secretariat would take into account a number of factors in scheduling the meeting, it was not an established practice of the Board to fix a meeting date in agreement with the concerned representers and commenters or their representatives. That was in line with the practice adopted in arranging the hearing meeting for other OZPs, including those for the hearing of representations and comments in respect of Kwu Tung North and Fanling North OZPs which lasted for more than 40 days. It was important that reasonable notice had been given to all concerned representers and commenters of the meeting particulars. It would be up to them to decide whether they would attend the hearing to make oral submissions. He further said that the purpose of making oral submission at the meeting was mainly an elaboration of the main points contained in the written submissions. Even if the concerned representers and commenters decide not to attend the meeting, the Board would still consider the written submissions previously submitted by them in the deliberation session. For the subject case, a notice of seven days in advance of the meeting was given by the Secretariat and Mr Chong had also confirmed the receipt of the written notification. The Chairman reiterated that the Secretariat was not obliged to schedule the meeting to a date that could suit all attendees. That was also applicable to the arrangement of the present meeting.

35. Mr Chong considered the reason why the representatives from the Group who attended the last hearing session on 11.12.2015 were unable to complete their oral submissions was that a number of items had already been scheduled for consideration by the Board on that day. Otherwise, the Board should have sufficient time to hear their oral submissions in one go. That special circumstance should be given special consideration. He claimed that the Board's decision not to reschedule the hearing was against its promise made in the last hearing session.

36. In response, the Chairman said that as reported by the Secretariat, the Group first indicated before the meeting that a total speaking time of 20 minutes was required,

then asked for additional time on spot at the meeting on 11.12.2015. After extending the speaking time to 90 minutes, the Group requested more time for its presentation which could not be accommodated at the last hearing session. To allow the Group to continue its presentation, the Secretariat had already scheduled the present meeting to hear the remaining oral submissions of the Group. Reasonable notice was given to the concerned representers and commenters who could decide whether to attend the hearing or not. The Group's request, made in its email of 27.1.2016, was duly considered by the Board and it was decided that the present meeting would not be rescheduled to another day. If no one indicated that he would make oral submission in respect of the Plan at the present meeting, the hearing session would have to be concluded. The Secretariat would give a written reply to the Group's email dated 27.1.2016 in which requests for rescheduling the present meeting and arranging additional hearing sessions had been made.

37. Mr Chong sought clarification on whether the hearing session would be concluded if no oral submission was made at the present meeting. In response, the Chairman said that based on the established practice, if no oral submission was made by the attendee, the hearing session would have to be concluded. The deliberation session would be arranged on another day.

38. Mr Chong repeated his points mentioned in paragraphs 33 and 35 above. In response, the Chairman reiterated that it was not an established practice for the Secretariat to fix the meeting date in agreement with the concerned representers and commenters. The Board had already scheduled the present meeting, given parties concerned reasonable notice and reserved sufficient time to hear the remaining oral submissions of the Group. The request from the Group to reschedule the present meeting had also carefully been deliberated by the Board and Mr Chong had been informed of the Board's decision accordingly.

39. Notwithstanding that Mr Chong had indicated at the early part of the meeting that he would not make any oral submission in respect of the Plan, the Chairman asked Mr Chong once again if he would now like to change his mind and make an oral submission at the present meeting. In response to Mr Chong's questions, the Chairman said that the oral submission would have to commence without further delay and the content of the oral submission should be related to the issues contained in the written submission and should

not be repetitive.

40. Mr Chong said that he had decided, with much reluctance, to make an oral submission to the Board at the present hearing. He asked whether he would be allowed to use the total entitled speaking time of the Group. In response, while noting that the Group had been allotted a remaining speaking time of 610 minutes, the Chairman reminded Mr Chong that the oral submission should not be repetitive. Mr Chong would be allowed to have sufficient speaking time to elaborate on relevant points relating to the representations and comments.

41. Mr Chong again confirmed that he would be prepared to make an oral submission at the present meeting.

#### Presentation and Question Sessions

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

- |                        |   |   |
|------------------------|---|---|
| Ms Maggie M.Y. Chin    | - | District Planning Officer/Fanling, Sheung Shui & Yuen Long East (DPO/FS&YLE), Planning Department (PlanD) |
| Mr Kepler S.Y. Yuen    | - | Senior Town Planner/Yuen Long East 2 (STP/YLE2), PlanD  |
| Miss Yvonne Y.T. Leong | - | Town Planner/Yuen Long East 5, PlanD  |
| Mr K.M. Wong           | - | Senior Engineer/North West, Transport Department  |
| Mr Thomas K.H. Sze     | - | Senior Engineer/Technical Services 1, Railway Development Office (RDO), Highway Department (HyD)          |

Mr John C.H. Cho - Engineer/Technical Services 1, RDO, HyD

43. The Chairman extended a welcome and explained the procedures of the hearing. He then invited DPO/FS&YLE to brief Members on the background of the representations and comments.

44. With the aid of a PowerPoint presentation, Mr Kepler S.Y. Yuen, STP/YLE2, made the following main points as detailed in the Paper:

#### Background

- (a) the amendments of the Plan mainly involved rezoning of two WR sites (i.e. the Kam Sheung Road Station (KSRS) site (Amendment Items A1 and A6) and Pat Heung Maintenance Centre (PHMC) site (Amendment Items A2 to A5) for commercial/residential development;
- (b) prior to the submission of the proposed amendments to the Plan for consideration by the Rural and New Town Planning Committee (RNTPC) of the Board, the Kam Tin and Pat Heung Rural Committees (RCs) and the Yuen Long District Council (YLDC) were consulted on the proposed rezoning of the two WR sites on 13.4.2015, 15.4.2015 and 21.4.2015 respectively;
- (c) on 29.5.2015, the Plan was exhibited for public inspection and a total of 55 valid representations and 330 valid comments on representations were received. All the representations were related to Amendment Items A1 to A6;

#### Responses to Major Grounds of Representations

- (d) the supportive views of R1 (part) and R54 (part) for the proposed residential development and the “Other Specified Uses” zonings of the two WR sites were noted;

- (e) the major grounds of the adverse representations (R1 (part), R2 to R53, R54(part) and R55) were detailed in paragraph 3.2 of the Paper. The responses to the grounds of representations, as detailed in paragraph 5.3 of the Paper, were highlighted as follows:

*Impacts on Existing Transport Infrastructure*

- (i) by adopting better platform management, increase train frequency with the implementation of “East-West Corridor”, increase the number of train compartments, and upon completion of the three new railway projects (i.e. Northern Link and Kwu Tung Station, Tuen Mun South extension and Hung Shui Kiu Station), the WR service would be able to meet the demands during the peak hours of the WR Line;

*Inadequate supporting/community facilities*

- (ii) to serve the need of the future residents, adequate government, institution or community (GIC) facilities and local open space would be provided at the two WR sites;
- (iii) the proposed development would include a local shopping centre and a district shopping centre to serve the local and residents in the district;

*Environmental and ecological concerns*

- (iv) through proper design and provision of suitable mitigation measures, no insurmountable problem on environmental, ecological, air ventilation and visual grounds was anticipated for the proposed development at the two WR sites;

*Loss of agricultural land*

- (v) the four piece of “Agriculture” (“AGR”) sites under Amendment Items A3 to A6 were now used for railway-related uses. The rezoning of these sites would not have any significant impact on agricultural use in the area. The Agriculture, Fisheries and

Conservation Department (AFCD) had no strong view on the zoning amendments;

*Lack of public consultation*

- (vi) public consultations with the YLDC, Kam Tin RC, Pat Heung RC, related YLDC members, local farmers, villagers, green groups and concern groups had been conducted between April and December 2014;
  
- (vii) the statutory and administrative procedures in consulting the public on the proposed zoning amendments had been duly followed;

*Piecemeal development*

- (viii) in view of the infrastructure constraints, particularly the capacity of the sewage treatment facilities, and the comments received during the public consultations, the 14 potential housing sites identified under the land use review (LUR) of Kam Tin South and Pat Heung area would be implemented by phases. To meet the pressing demand for housing supply, the two WR sites were rezoned first as the proposed development on the sites were technically viable, no major infrastructure improvement works would be required for the proposed development and no land resumption/clearance of private land would be involved;

*Low development densities proposed*

- (ix) the proposed development intensity had been worked out by taking into account various development constraints, relevant planning considerations and compatibility with the surrounding developments;
  
- (x) a plot ratio of 3 was considered the optimum development limit for the two WR sites;

*Building height restrictions (BHRs)*

- (xi) in formulating the BHRs for the development proposals, due regard

had been given to the Shek Kong Airport Height Restrictions (SKAHR), air ventilation assessment (AVA), Hong Kong Planning Standards and Guidelines (HKPSG) and Urban Design Guidelines for Hong Kong;

*Earlier comments on the LUR not considered*

- (xii) the alternative proposal for development of the Kam Tin South (KTS) and Pat Heung (PH) area previously submitted by R54 was similar to the proposal under the representation submitted by R54. The responses to the request for increasing development intensity and building height as mentioned in paragraph 44(e)(viii) to (xi) above were relevant for not adopting the alternative proposal;

Responses to the Representers' Proposals

- (f) the major proposals of the representers were detailed in paragraphs 3.3 of the Paper. The responses to those proposals, as detailed in paragraph 5.4 of the Paper, were highlighted as follows:

*Larger area for Phase 1 development*

- (i) the two WR sites were planned to be developed first as they were technically viable, no major infrastructure improvement works would be required for the proposed development and no land resumption/clearance of private land would be involved. Technical assessments for other potential housing sites were required to confirm the technical feasibility;

*Higher development densities of WR sites*

- (ii) the proposed increase of plot ratio from 3 to 5 / 6 for the two WR sites would have to be examined in a holistic context, balancing the need for efficient use of land resources and public aspiration for a quality living environment in the area;

*PHMC site for public housing*

- (iii) the PHMC site was not a potential public housing site under the public housing development strategy;
- (iv) as the future development at the site would be subject to interface problems with the life-long operation of a railway depot, it was considered appropriate for the MTRCL to undertake the concerned construction and engineering works;

*Height restrictions for the proposed development*

- (v) the maximum BHR for Area (a) of the PHMC site was set at 109 mPD, which was in line with the SKAHR. It was stated in the Explanatory Statement of the OZP that such BHR included roof-top structures and it reflected the maximum height limit of the site under the SKAHR;
- (vi) the approach of adopting the maximum height limit of SKAHR for the PHMC site instead of establishing 6 sub-zones in accordance with the SKAHR was considered less restrictive;

Responses to the Grounds of Comments

- (g) the major grounds of comments were detailed in paragraphs 4.2 of the Paper. The responses to major comments, as detailed in paragraph 5.5 of the Paper, were highlighted as follows:

*Retain the open area in front of the KSRS and the existing flea market*

- (i) the open area in front of the KSRS, falling within the land vested in or managed by the then Kowloon Canton Railway Corporation (KCRC), was not a public open space managed by the Leisure and Cultural Services Department. The flea market, which fell within the KSRS site, was subject to a temporary planning permission. The need for reprovisioning of the flea market could be considered at the detailed design stage of the proposed development;

*Alternative sites for residential development*

- (ii) with regard to the Fanling Golf Course and Fanling Lodge, their development opportunities and constraints were being examined under the Preliminary Feasibility Study on Developing the New Territories North. The development potential of these sites for housing development had not yet been confirmed;

*Destruction of view from Tai Lam Chung Hiking Trail*

- (iii) the site under Amendment Item A3 fell within Area (b) of the PHMC site where no building development was permitted therein and the area should be designated as a landscaped pedestrian linkage. Moreover, the concerned site was located more than 750 m away from the concerned section of Tai Lam Chung Hiking Trail which stretched for 1 km;

*Improvement of cycling track and provision of community facilities*

- (iv) a public bicycle park would be reprovided at the KSRS site and a 10 m wide pedestrian cum cycle path was reserved along the eastern boundary to facilitate pedestrian movement. Besides, sufficient GIC facilities would be provided to support the proposed development;

*Matters related to the role of the MTRCL*

- (v) WR property development projects, including the property development at KSRS and PHMC, were taken forward by the West Rail Property Development Limited, a company jointly founded by the Government and KCRC for the purpose of developing the WR property sites. MTRCL was the agent for implementing such projects;

*Luxury housing should not be built above the two West Rail sites*

- (vi) the KSRS and PHMC sites were intended to provide land for railway related uses with commercial/residential development. The proposed development at the sites would include supporting

commercial and community facilities to serve the local and residents in the district;

PlanD's views

- (h) the supportive views of R1 (part) and R54 (part) were noted; and
- (i) PlanD did not support the remaining views of R1 and R54 and the views of R2 to R53 and R55 and considered that the Plan should not be amended to meet the representations. The reasons for not supporting the representations were stated in paragraph. 7.2 of the Paper.

45. The Chairman invited Mr Chong Lap Pan to elaborate on the Group's representations and comments.

46. Mr Chong expressed his dissatisfaction to the decision of the Board not to accede to the Group's request. The Board had not kept its promise made at the last hearing session on 11.12.2015 that a separate meeting would be arranged in agreement with the Group to hear its remaining oral submissions. The previous request from the Secretariat asking the Group to provide alternative meeting dates had given the Group a reasonable expectation that the request to reschedule the hearing to another mutually agreed date might be accepted by the Board. Given that the Board had decided not to reschedule the present meeting, he had no alternative but to make an oral submission in respect of the Plan.

47. Mr Chong said that he would first brief Members on the background of the Pat Heung and Kam Tin agricultural areas. With the aid of a PowerPoint presentation, he made the following main points:

- (a) Pat Heung and Kam Tin (the PHKT area) were important agricultural areas in Hong Kong. Majority of the existing farms in the territory were concentrated in the North and Yuen Long districts with a few located in Tuen Mun and Tin Shui Wai districts;

- (b) while the existing farms in the North district would be affected by the proposed North East New Territories (NENT) New Development Area (NDA), the proposed development in the KTS and PH area (the Area) as proposed in the LUR, which comprised an area of more than 100 ha for public and private housing to be implemented by phases, would affect the existing farms in the Yuen Long district;
- (c) according to the LUR, the Area would be developed into a 'new town' accommodating about 90,000 people. Although the current OZP amendments involved only rezoning of two WR sites for commercial/residential development, it was only the first phase of the proposed large-scale 'new town' development. The whole Kam Tin area with an existing population of about 20,000 would undergo a drastic change upon full development of the proposed 'new town';
- (d) the PHKT area were traditional agricultural area mainly for growing rice in the early years and vegetables in the latter years. As shown on the Agricultural Land Use Plan 1988, the area had remained an active agricultural area. Recently, the area had become an important base for organic farms in Hong Kong;
- (e) since 2000, AFCD had introduced the Organic Farming Conversion Scheme to promote the development of organic farming in Hong Kong. The PHKT area was considered by AFCD to be an important agricultural area, and the organic farms were mostly concentrated in the two major vegetable growing zones in Ng Ka Tsuen and Tai Kong Po of that area. However, upon full development of the proposed 'new town' in the Area, Ng Ka Tsuen would have to be relocated, and Tai Kong Po, in its close proximity, would also be adversely affected;
- (f) during the period from 2000 up to present, increasing number of new vegetable farms were set up in the PHKT area. Among 127 certified organic farms in Hong Kong, a total of 57 (about 45%) farms were found in the area which demonstrated the importance of the area for agricultural

activities. Although the existing farms would not be directly affected by the two WR sites on the Plan, the proposed 'new town' development would affect a much wider area resulting in the relocation of Ng Ka Tsuen involving 10 existing organic farms;

- (g) apart from about 235 ha of land which was designated for "AGR" use in KTS, a large stretch of land in its adjoining areas in Kam Tin North, Pat Heung and Shek Kong covered by other statutory plans were also designated as "AGR" zone. While the existing agricultural land in the adjoining areas would not be directly affected by the proposed 'new town' development in the Area, the proposed development might have a spillover impact by changing the existing land uses of the adjoining areas;
- (h) the development potential of organic farming in Hong Kong was very high. While the New Agriculture Policy promulgated by the Government aimed at promoting agricultural development in Hong Kong, the development proposal as recommended in the LUR deviated from such objective;
- (i) since the announcement of the development proposals of the LUR, the amount of agricultural land in the area had been reduced significantly since many land were taken back by the land owners or resumed by the developers in anticipation of the increased development potential of the area. That had resulted in a surging increase in rent. For example, the rent of an existing farm near the hillside of Tai Kong Po had been substantially increased from \$5,000 per *dau chung* (斗種) per year to \$1 per ft<sup>2</sup>. Recently, some land filling activities and open storage yards were also found in the area. Such increase in rent of the agricultural land was unaffordable to the farmers whose income were unstable;
- (j) the future 'new town' development would directly affect 11 existing certified organic farms. Although the proposed public and private housing developments in the Area were still subject to the ongoing technical feasibility studies, actions were already taken by the land owners to terminate the leases of the existing farms or increase the rent of the

farmland. Moreover, the existing open storage yards in the proposed development area were forced to relocate to other agricultural land in the adjoining areas resulting in degradation of the rural environment. Although unauthorised open storage developments would be subject to enforcement action by the Planning Authority, such action was considered not effective;

- (k) the PHKT area had been an important agricultural area for decades and was considered to be the origin of certified organic farms of the territory. The area should be preserved and developed into an agricultural hub; and
- (l) the LUR which focused on the provision of housing development had failed to take into account the preservation of the existing agricultural land in the area. Consideration should be given to balancing the needs for residential and agricultural developments.

48. With the aid of a PowerPoint presentation, Mr Chong made the following main points relating to conflicts between rural and urban developments:

*Background*

- (a) during the 1970s and 1980s, vast areas of agricultural land in the New Territories were resumed by the Government for the development of the first generation new towns (including Tsuen Wan, Tuen Mun, Sha Tin) and the second generation new towns (including Tai Po, Yuen Long and Fanling/Sheung Shui) to meet the increase in population and housing need of Hong Kong;
- (b) the loss of agricultural land had resulted in a decline of its original social and environmental functions. It was until the development of organic farming in the 2000s that agricultural activities were revived and its associated functions were also correspondingly recognised;
- (c) during mid 1980s and mid 1990s, the booming property market had led to a rapid decline in agricultural activities and the sub-urbanisation of the

rural area. With the development of Small Houses and low-rise, low density residential developments on the agricultural land in the New Territories, many outsiders were attracted to reside in the rural area. The substantial increase in the rural population who required daily commuting to other parts of the territory had posed additional pressure on the carrying capacity of WR and caused adverse impacts on the existing road networks;

- (d) with a view to promoting 'urban-rural integration', the existing agricultural land in the PHKT area should be preserved to create some employment opportunities for the local population;

*Ineffectiveness of enforcement action*

- (e) land filling and illegal dumping of construction waste on the existing agricultural land were commonly found in the New Territories. Although these illegal operations would be subject to enforcement actions by the Planning Authority and/or the Environmental Protection Department (EPD), the effectiveness of such enforcement was doubtful. Given that the drivers involved in the illegal fly-tipping activities had to be caught red-handed if prosecution action could be instigated, the prosecution rate of such cases by EPD was therefore very low and only accounted for 2% of the complaints received. For unauthorised land filling activities on land zoned "AGR", Enforcement Notice would be issued by the Planning Authority against such unauthorised activities and Reinstatement Notice (RN) might sometimes be issued. RN would normally require the land owners to grass the land instead of remove the filled materials, which could be easily complied with by the land owners. However, that had already damaged the existing agricultural land and the adverse impact was irreversible. Moreover, the lengthy enforcement process and the low prosecution rate of 2% to 5% of the Planning Authority could hardly deter the land owners from carrying out illegal operations;
- (f) given that the enforcement actions taken by the relevant authorities were ineffective, the land owners would incline to carry out more illegal land filling and dumping activities with a view to making more profit.

Moreover, the land owners believed that once their agricultural land was destroyed, there would be a higher chance for them to get the necessary planning permission for converting the agricultural land for open storage or Small House developments. That would further aggravate the destruction of the rural environment;

- (g) as explained earlier, due to the proposed 'new town' development, the land owners would more likely engage in the above illegal operations in anticipation of an increase in the value of their lands. It was anticipated that after the announcement of the result of the LUR, the number of unauthorised land filling and dumping activities in the adjoining areas of KTS should be on the rise. However, PlanD had no effective measures to enforce the illegal land filling and dumping activities which were directly caused by the proposed 'new town' development;

*Environmental function of agriculture*

- (h) the preservation of agricultural land was important to nature conservation. While the agricultural land in Long Valley would be preserved, those in the PHKT area, which were of high ecological value and surrounded by Country Parks, should also be well protected to preserve the biodiversity of the area. The Government had adopted an inconsistent approach in nature conservation in that on the one hand, it was developing the Biodiversity Strategy and Action Plan but on the other hand, it had put forward land use proposals which would have adverse impacts on the biodiversity of the territory;
- (i) agriculture also played a functional role in environmental protection through recycling of food waste. Food waste which accounted for 40% of the 1.4 kg daily average domestic waste generated by each person could be collected and recycled for farming purpose. Apart from the Mapopo Community Farm in NENT which was actively engaged in food waste recycling, some existing farms in Pat Heung were also carrying out similar activity that would help to protect the rural environment. Consideration should be given to integrating agriculture with food waste recycling in the

KTS area rather than destroying the valuable agricultural land in pursuit of housing developments;

*Social function of agriculture*

- (j) the existing farms performed an important role in community building and promoting food and environmental education through receiving visitors from schools, community centres and other non-government organisations. The social, environmental and conservation functions of agriculture were also recognised by the Government as revealed in the New Agriculture Policy;
- (k) with reference to a diagram showing the change in uses of agricultural land between 1953 to 2011, it was revealed that while the total area of agricultural land in Hong Kong had decreased, the area of abandoned/fallowed agricultural land had increased over the same period. The main reason for such increase was not due to the lack of farmers but the land owners had purposely left their land idle anticipating that their land value would be increased in the near future upon urbanisation of the area. Currently, there was a long waiting list of about 250 to 300 people seeking the assistance of AFCD to identify suitable agricultural land for farming. Many land owners would prefer to keep their agricultural land abandoned/fallowed or even destroy them to pave way for various open storage and Small House developments which were more profitable uses. The proposed 'new town' development in the Area would destroy the agricultural land of a much wider area. In formulating the land use proposal for a local area, the Government should also take into account its overall implications to a region as a whole;
- (l) although there was a decrease in the value of agricultural produce, the importance of agriculture should not be purely assessed by its commercial value. It was more important to consider the social, environmental and conservation functions of agriculture;
- (m) the main reason for a decrease in number of farmers over the years was not

due to the lack of new entrants but more related to the inadequate supply of agricultural land to accommodate those interested people;

- (n) it was essential to maintain a high self-sufficiency ratio in food supply for a city in order to ensure a stable and reliable supply of food. The self-sufficiency ratio in vegetables for Hong Kong had drastically reduced from more than 40% in the 1970s to 1.9% in 2012. To increase the self-sufficiency ratio, it was of utmost importance that the existing agricultural land in the territory should be preserved as much as possible. As regards the future planning for the PHKT area which was an important agricultural area of Hong Kong, it should focus on agricultural restoration and rehabilitation. That would bring about positive benefits to the local population as well as the community at large;
- (o) Mainland China, which was the main food supplier for Hong Kong, was herself also facing a shortage in food supply. The rapid urbanisation in Mainland China had led to substantial loss of agricultural land and caused land contamination rendering some of the agricultural land unsuitable for farming. It was reported that more than 12 million tonnes of food in Mainland China were contaminated by heavy metal every year and it was also anticipated that the annual total agricultural yield in Mainland China would decrease by 10% by 2030 due to climatic change. To enhance food safety and to ensure a stable food supply, Mainland China had purchased vast areas of agricultural land in Ukraine. Besides, as the people were becoming wealthy with high purchasing power, the demand for local consumption of quality food and produce in the Mainland was also on the rise. In view of the above, the Government should carefully consider whether Hong Kong should continue to rely on Mainland China as its main source of food supply;
- (p) instead of adopting the common mode of development by destroying agricultural land in pursuit of housing development, consideration should be given to preserving sufficient agricultural land in order to maintain a high self-sufficiency ratio in food supply;

- (q) while it was the global trend to develop urban farming in some world cities including New York, London, Singapore and Shanghai, Hong Kong was doing the opposite by destroying a large area of agricultural land in the PHKT area;

[Professor K.C. Chau left the meeting at this point.]

- (r) the importation of food for Hong Kong, which would generate substantial carbon emissions, was detrimental to our environment. It was previously reported that if all the abandoned/fallowed agricultural land in Hong Kong were rehabilitated and restored for growing vegetables, and if the amount of food waste was reduced by one-third, the annual self-sufficiency ratio in food supply could reach about 41%. In view of the high development potential for agriculture, consideration should be given to incorporating the proposal of agricultural rehabilitation in the future development of the PHKT area;

*Economic function of agriculture*

- (s) agriculture could generate employment opportunities. In recent years, many young people were interested to engage in agriculture as they considered that it could bring social and environmental benefits to the society. The Government should provide more assistance to the development of agriculture in Hong Kong;

*Conclusion*

- (t) agriculture was very important to Hong Kong and the agricultural land in the PHKT area, which were the traditional agricultural area of Hong Kong, should be preserved;
- (u) agriculture had important environmental, social and economic functions which would bring benefits to the local area as well as Hong Kong as a whole;

- (v) although the current proposal only involved the rezoning of two WR sites in KTS, it was only the Phase 1 development of the proposed 'new town' development as recommended under LUR. The proposed 'new town' development involved the rezoning of more than 100 ha of land for public, private and low-rise residential developments. In planning for the local area, the Government had failed to consider the adverse impacts of the proposed development on a wider area. For example, 11 existing certified organic farms, hundreds of villagers of Ng Ka Tsuen, and a number of existing recycling and open storage yards would be affected;
- (w) while the proposed 'new town' development was still subject to technical feasibility studies, different stakeholders in the proposed development area as well as others in the surrounding area were already suffering from adverse impacts (including illegal land filling and dumping activities, increase in land rent and forced relocation of open storage yards) which were directly related to the land owners' anticipation of increase in value of their land due to the proposed new town development; and
- (x) consideration should be given to preserving the agricultural land in the PHKT area.

49. In response to the Chairman, Mr Chong said that he still had about six to ten PowerPoint presentations including those topics on housing and traffic.

50. The meeting was adjourned for a short break at this point.

[Professor Eddie C.M. Hui and Mr Clarence W.C. Leung left the meeting at this point.]

51. With the aid of a Powerpoint presentation, Mr Chong continued to make the following main points:

- (a) in accordance with the Town Planning Ordinance, the function of the Board was for the promotion of the health, safety, convenience and general welfare of the community. As agriculture could promote the welfare of

the community which was in line with the Board's function, his previous presentation on the topic of agriculture was relevant;

*Land supply*

- (b) as the current rezoning of two WR sites in KTS for commercial/residential developments was required to meet the pressing demand for increasing housing land supply, he would focus his presentation on whether the land supply in Hong Kong was really inadequate to meet the housing need of the population;
- (c) according to the Enhancing Land Supply Strategy promulgated by the Government in 2011, the Government had been striving to release land resources through a number of options, including resumption of rural land, redevelopment, land rezoning, reuse of ex-quarry sites, rock cavern development and reclamation. However, the utilization of brownfield sites was not adopted as an option;
- (d) the estimated housing demand which was derived from the population projection might not be accurate if the Government had over-estimated the future population. For example, the population projection conducted by the Census and Statistics Department in 2000 estimated that the population would be 7.6 million by 2011 whereas the actual population was only 7.1 million;
- (e) the crux of the housing problem was not related to inadequate housing supply but uneven allocation of flats. By comparing the total number of permanent residential units and households in Hong Kong and based on the assumption that one residential unit per one household, there would be a surplus of about 179,500 and 261,500 units in 2001 and 2013 respectively. Given that there was already a surplus provision of residential units, yet the housing problem remained severe, the provision of more units would not be able to address the housing problem;
- (f) he doubted the common belief that the provision of more residential flats

would be able to satisfy the housing need of the population. The development of luxury private housing which was unaffordable to the general public could not address the housing need of those on the long waiting list for public housing. The increase in provision of such private housing would only increase the number of vacant units and contribute to speculation in the property market;

*Use of brownfield sites*

- (g) priority should be given to use the brownfield sites which were dispersed in the northern and western New Territories. The Government had previously proposed to use about 34 ha of brownfield sites in Wang Chau for public housing development providing about 17,000 flats and accommodating about 52,000 people. However, it was subsequently decided that the proposed public housing development would be developed on the green belt area adjoining Long Ping Estate and the scale of the development was also substantially reduced to only 4,000 flats accommodating about 13,000 people. It was reported that the Government had decided to withhold the proposal of resuming the brownfield sites in that area so as to avoid affecting the private interest of some local stakeholders. If the proposed public housing development could proceed as originally planned, the provision of 17,000 flats would better meet the housing demand;
  
- (h) the Government should first explore the use of brownfield sites instead of destroying the existing agricultural land. The approach adopted by the Government to take forward the housing development, which would mostly affect the underprivileged, should not be encouraged;

*Sites under recreational lease*

- (i) there were many land currently used for private clubs operated under private recreational leases, for example, the Fanling Golf Course next to the Kwu Tung North NDA, and other private clubs in the urban area. If those private club sites were better utilised, there would be no need to develop the NDA and more residential units could also be provided in the

urban area which were close to people's work place;

*Excessive building height*

- (j) the proposed high-rise developments at the WR KSRS and PHMC sites, with a maximum building height of 16 storeys and 27 storeys respectively, were not in line with the residential density guidelines as set out in the Hong Kong Planning Standards and Guidelines (HKPSG). According to Chapter 2 of the HKPSG, the maximum building height for residential development in the rural area should be 12 storeys. There was no strong reason for the maximum building height of the two WR sites to deviate from the HKPSG;

*Inadequate Transport Capacity*

- (k) the Government was actively studying the feasibility of developing more housing sites in Tuen Mun and Yuen Long districts. With the implementation of those planned developments including the 'new town' in the Area, the Hung Shui Kiu NDA, other residential developments in Wang Chau, Yuen Long South, Kam Tin North, Nam Sang Wai as well as other rezoning proposals, it was estimated that the total population for the Tuen Mun and Yuen Long districts would be increased by more than 500,000 people (+50%). Apart from the provision of additional housing flats, the Government should also provide some supporting community and infrastructure facilities to meet the needs of the future population. Moreover, technical assessments should be carried out to study the cumulative impacts of those developments on the district as a whole;

[Mr H.F. Leung left the meeting at this point.]

- (l) under the existing population, the carrying capacity of the WR had nearly been saturated. The future increase in population for the Tuen Mun and Yuen Long districts would further aggravate the existing situation. Although the Government claimed that the carrying capacity of the WR would be increased by 60% after the implementation of various improvement measures including optimisation of the signalling system and

increase in number of train compartments from seven to eight, he doubted that such estimation, likely based on the assumption of the 1m<sup>2</sup> per 6 persons in the train compartment, was realistic. With the increase in the total population of the district by about 50%, it was likely that the increased capacity of the WR would not be able to meet the additional demand generated by the future population, in particular when the current estimation of future population of the district had not taken into account the increase in Small Houses and other unknown development proposals at the moment;

- (m) the Government should disclose the results of the technical assessments to convince the public that the substantial increase in population would be sustainable in traffic terms and would not cause adverse traffic impacts on the district; and
- (n) it was argued that the increase in traffic demand generated by the additional population might be partially offset by creating local employment in the district. For the 'new town' development, the Government claimed that the provision of shopping centres and some GIC facilities in the area, together with the 100,000 jobs in the future Hung Shui Kiu NDA would provide some job opportunities for the local population. However, there was no evidence to demonstrate that the jobs in those developments would be taken up by the local residents. The Tung Chung New Town was a typical example, in that the airport could provide many job opportunities but the percentage of cross-district employment of the Tung Chung residents remained very high.

52. Mr Chong wanted to read out a letter from a local resident who had authorised the Group to make oral submission. The Chairman reminded Mr Chong that in accordance with the guidance notes, he should avoid reading out or repeating statements contained in the written representations/comments. The attendee should elaborate on the main points of the written submission.

53. With the aid of a PowerPoint presentation, Mr Chong summarised the main

points of the local resident's letter as follows:

- (a) the local resident had been living in Lo Uk Tsuen of Pat Heung for more than 20 years and had witnessed the worsening of the traffic situation of the area due to the development of additional Small Houses and other residential developments;
- (b) the area was remote and the local residents relied heavily on the WR as their main mode of public transport;
- (c) the existing carrying capacity of the WR was already saturated and it was always very difficult for him to board the train at KSRS, even during non-peak hours. The proposed residential developments at KSRS and PHMC sites would further aggravate the existing problem;
- (d) Kam Sheung Road and Kam Tin Road, the major roads serving the area, were already heavily congested. The existing road network was inadequate to cater for the substantial increase in population and the two roads should be widened/improved;
- (e) measures should be taken to resolve the adverse traffic problems generated by the proposed developments before the population intake; and
- (f) the proposed large-scale developments in the Area would have adverse environmental impact on the rural area and further aggravate the existing traffic problem. He therefore objected to the proposed residential developments at the WR sites.

54. With the aid of a PowerPoint presentation, Mr Chong made the following main points:

*Lack of public consultation*

- (a) the amendments of the Plan were to take forward the recommendations of the LUR which was jointly carried out by PlanD and MTRCL. The LUR,

which covered an area of more than 100 ha and with a planned population of about 90,000 people, was considered to be a large-scale development project. However, no public consultation on the project had been conducted;

- (b) for other large-scale development projects, such as NENT NDA, Hung Shui Kiu NDA, Yuen Long South housing development, Ex-Lamma Quarry Study and Anderson Road Quarry study, etc., it was the established practice of PlanD and the Civil Engineering and Development Department to commission an independent consultant to conduct a consultancy study. Normally, there would be three stages of public consultation to solicit the views of the local residents and general public on the initial options, Preliminary Outline Development Plan and Recommended Outline Development Plan of the study. The LUR, with the direct involvement of the MTRCL and without any public consultation in the study process, was inconsistent with the established practice;
- (c) although the MTRCL had all along been responsible for the management of the railway station and depot sites, the coverage of the LUR had included the adjoining area of the two WR sites. It was unfair that the MTRCL was allowed to take a leading role in the entire study process whereas other local residents or general public were not involved;
- (d) PlanD had only consulted the relevant RC, DC and some stakeholders on the proposals of the LUR without any direct public consultation. There was no proper channel for the public to express their views on the LUR. In the absence of a public participation process, the Board should not hastily approve the rezoning especially when the majority of the representations and comments were against the development proposal and the proposed development was piecemeal which failed to address the public's concern on its adverse impacts on the whole area;
- (e) following the announcement in the 2012 Budget, the LUR was carried out and its findings and recommendations was submitted to the Board for

consideration on 11.4.2014. On 8.5.2015, the proposed amendments to the Plan to take forward some of the recommendations of the LUR were approved by the RNTPC of the Board. The whole process from the commencement of the LUR to amendments of the Plan for such a large-scale development project, which took only about three years, was considered too hasty. The public was not consulted throughout the process and there was no proper channel for the local residents to express their views on the proposals. The exhibition of the Plan for public inspection and the provisions for submission of representations/comments were also inadequate since many of the local residents were not aware of such consultation as they might not have access to the website of the Board;

- (f) a comprehensive public consultation on the large-scale development project as recommended under the LUR should have been conducted before the submission of the project to the Board. If the Board approved the piecemeal development as put forward in the current amendments to the Plan, no further public consultation for the remaining parts of the project would be carried out;
- (g) it was not appropriate for the Board to make a decision on the future development of KTS when Members, without paying a visit to the area, were unfamiliar with the local circumstances and the views of the local residents. Similarly, a decision made by the Board simply based on the information presented by the government's representatives would not be optimal;
- (h) as all Members were appointed by the Chief Executive, their views did not represent that of the local residents. The Board had no legitimacy to make a decision which would have far-reaching impacts on the local residents when no public consultation on the LUR was conducted, and the Board had the responsibility to better understand the views of the local residents with regard to the development proposal;

- (i) as the local residents were not consulted on the LUR, many of them were not aware of such a large-scale development project until the Group approached them. The relevant document on LUR uploaded on the website was only available in English and no contact information was provided for enquiry. In the absence of any public forum or other public engagement activities, it was therefore difficult for the local residents to understand the project and to express their views;
- (j) he was disappointed to note from the last hearing session that the government representatives had not responded to the concerns of the representers and Members had failed to seek clarification on some unaddressed issues;
- (k) Members should note that the local residents had a strong emotional attachment to their land and the Government should not force them to leave their village. The current development proposal, which was only to meet the housing demand, was not planning for the local residents. The local residents would like to preserve the existing tranquil rural environment and continue with the agricultural activities. The local residents should be consulted on the future development of the area;

*Land use proposals for KTS*

- (l) the PHKT area should be developed as an Agriculture Protection Area rather than a 'new town' accommodating some 90,000 people, in particular, when the area was an important agricultural area and about 45% of the certified organic farms were located therein. It was therefore logical to develop the area for agriculture;
- (m) the Government had not provided any information about the relocation/resiting of the existing farms to be affected by the proposed 'new town' development. While it was likely that those existing farms on government land would be relocated to the planned Agricultural Park in Tsiu Keng, it was unclear whether the programme of relocation could tie in with the implementation of the Agricultural Park. It was also uncertain

whether the Agricultural Park would be a suitable resite area for the affected farmers to continue their current activities. Besides, there was no information on whether the Government would provide the necessary assistance to help relocate the affected farms currently operating on private land;

- (n) in planning for the future 'new town' development, consideration should also be given to promoting the agricultural activities within the new town area by setting up uses such as agriculture development centre, food park and community farm, etc.;

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

- (o) the existing open area opposite the KSRS site should be preserved as a public open space for the enjoyment of local residents; and
- (p) given that a lot of issues regarding the future 'new town' development in the Area remained unresolved, the rezoning of the two WR sites which was part of the entire 'new town' development should not be approved by the Board at the moment.

55. Noting that Mr Chong would still require some time for his oral submission, the Chairman suggested that the meeting be adjourned for a lunch break at this moment.

56. A Member opined that the oral submission made by Mr Chong was not all related to the comments submitted by the Group. The Chairman said that some flexibility would be allowed, and reminded Mr Chong of the need to avoid making repetitive points.

57. The meeting was adjourned for a lunch break at 1:20 p.m.

58. The meeting was resumed at 2:40 p.m. on 28.1.2016.

59. 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

Mr H.W. Cheung

Mr Sunny L.K. Ho

Mr Dominic K.K. Lam

Principal Environmental Protection Officer (Metro Assessment)  
Environmental Protection Department  
Mr Ken Y.K. Wong

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

Assistant Director (Regional 3)  
Lands Department  
Mr Edwin W.K. Chan

Director of Planning  
Mr K.K. Ling

#### Presentation and Question Sessions

[Open Meeting]

60. The following government representatives and representers'/commenters' representatives were invited to the meeting at this point:

#### **Government Representatives**

- Ms Maggie M.Y. Chin - District Planning Officer/Fanling, Sheung Shui & Yuen Long East (DPO/FS&YLE), Planning Department (PlanD)
- Mr Kepler S.Y. Yuen - Senior Town Planner/Yuen Long East 2 (STP/YLE2), PlanD
- Miss Yvonne Y.T. Leong - Town Planner/Yuen Long East 5 (TP/YLE5), PlanD
- Mr K.M. Wong - Senior Engineer/North West (SE/NW), Transport Department (TD)
- Mr Thomas K.H. Sze - Senior Engineer/Technical Services 1 (SE/TS1), Railway Development Office (RDO), Highways Department (HyD)

### **Representers'/Commenters' Representatives**

R35/C5 – 劉瑋權

R36/C6 – 麥美鳳

R37/C7 – Lau Ka Lim

R38/C8 – Lau Ka Yan

C3 – Chu Suk Fun

C4 – Wong Bak Luck

C27 – Keness Lau

C28 – 李佩瑩

C39 – 吳小姐

C42 - Ryan Lam

C44 – Land Justice League

C73 – Chau Miu Ling

C82 – Mok Wai Man

C105 – 楊以超

C116 – Kelly Tang

C120 – Fung Kwun Sum

C121 – Luk Kit Ling

C133 – 曾瑞明

C135 – Chan Sze Chung

C136 – Sushan Chan

C142 – Ngan Yuk Ying

C144 – Ching Hang Ying

C147 – Hui Tsz Wan Alison

C150 – K.K. Kwok

C154 – Shek Wai Him Vivian

C155 – Jinno Neko

C-158 – Wong Kok Wai

C163 – Choi Suet Wah

C173 – Gawain Lo

C175 – Chow Suk Fun

C180 – 梁佩筠

C181 – Janet Cheng

C187 - Ng Chun Wing

C197 – Keon Lee

C199 – Mak Shing Fung

C202 – Jasmine Cheung

C204 – Dennis Mak

C206 – Lau Ka Shing

C207 – Stella Choi

C208 – 陳小玲

C209 – Saffron Ko

C214 – Simon Wong

C216 – Gigi Chan

C217 – Frango Tsang

C218 – Micky Chau

C220 – Josie Chau

C222 – Chau Ping Kwong

C223 – Tanya Hart

C226 – 朱凱迪

C245 – 張民昇

C250 – Li Moon Lok

C251 – Tang Ming Chun

C254 – 李葉開

C257 – Tsang Lok Yan

C258 – 張智健

C277 – Anthony

C283 – Debby Chan

C284 – Chan Ka Wai

C285 – Tang Sze Yan

C291 – Ng Wai Man

C296 – Terence Chan

C304 – Fong Oi Ning

C311 – 陳智亮

C318 – Jason Cheung

C325 – Mak Siu Lin

C330 – Wendy Wo

Mr Chong Lap Ban ]

Ms Yeung Wing Chi ] Representers’/Commenters’ representatives

Mr Au Kwok Kuen ]

(Land Justice League)

61. The Chairman extended a welcome to the government representatives and the representers’/commenters’ representatives. He then invited the representers’/commenters’ representatives to continue their representations.

62. Mr Chong Lap Ban made a statement with the following points:

- (a) hundreds of people objected to the proposed amendments to the Kam Tin South Outline Zoning Plan (OZP). Nearly one hundred of them authorised Land Justice League (the Group) to make oral submissions on their behalf at the Board’s hearing;

- (b) after the first hearing session in mid December last year, the Group was still entitled to have more than 600 minutes of speaking time. On 21.1.2016, the Secretariat of the Board scheduled the second hearing session for 28.1.2016 (i.e. the present meeting) unilaterally. Since the Group did not have enough time to complete the relevant studies and compile the speakers' list, the Group's representative proposed to arrange one or two additional hearing sessions in February or March, which they considered the request had been verbally agreed by the staff of the Secretariat;
- (c) however, the Board reneged its promise and forced the Group's representative to speak for a few hours without any preparation at the present hearing. The composition of the Board had all along been criticised as undemocratic. Public consultation and hearing were the only channels through which the general public could participate in the statutory planning process. However, the Board did not respect the speakers and assumed that they were causing delays on purpose. If the Board continued to adopt such an attitude towards the hearing and deprive the public of the opportunity to speak, the limited credibility of the Board would be gone completely;
- (d) the Group hoped that Members would listen to in-depth views which were supported by studies. With respect to the issues raised in the previous hearing session, including the legal issue arising from the possible non-compliance of the proposed development above Kam Sheung Road Station with the town planning guidelines, traffic impact assessment on the nearby road network and the carrying capacity problem of the West Rail, more time was required for further studies. Besides, relevant government departments should provide more information and clarify the doubts. Given that the proposed developments would have great impact on Pat Heung and Kam Tin area on various aspects, the Group, still having speaking time of over 600 minutes, had every reason to liaise with the Board on the hearing date so that the views of the public could be fully expressed; and

- (e) if the Chairman and Members of the Board refused to accede to the reasonable request of the Group and insisted on suppressing their right to make oral submissions, the Group would boycott the afternoon session of the hearing and continue to fight for the 600-minute outstanding speaking time through other means.

63. The Chairman said that the Board's decision on the Group's request to rescheduling the hearing had been explained clearly to Mr Chong in the morning session. The Chairman asked the representatives of the Group to confirm once again whether they would continue to make oral submissions at the afternoon session. Mr Au Kwok Kuen said that the Board should return the outstanding speaking time to the Group, while Ms Yeung Wing Chi started taking photos/video in the meeting. The Chairman requested Ms Yeung to stop taking photos/video which was not allowed during the meeting.

64. The Chairman explained that according to the established practice, a question and answer session would be held after the presentation session. As Mr Chong Lap Ban had made oral submission in the morning session, the Chairman asked Mr Chong if he would like to attend the question and answer session in the afternoon session, in which Members might direct questions to him for clarifications on the points presented. Mr Chong replied in the negative. The Chairman then invited the representatives of the Group to leave the conference room and said that a written reply in respect of the Board's decision on the meeting arrangement would be sent to the Group in due course.

65. Mr Au Kwok Kuen made the following points:

- (a) some representers/commenters would like to attend the hearing to make oral submissions but they were not able to come due to the short notice. He claimed that the staff of the Secretariat had verbally agreed to arrange additional hearing session but it was turned down by the Board in the morning session. The right of the representers/commenters should not be affected by the problem of the Secretariat's staff;
- (b) in view of the large number of representers/commenters, sufficient time should be allocated for them to make oral submissions. Members of the

Board had the responsibility to attend the hearing no matter how many representers/commenters had attended the meeting. He questioned if Members respected the hearing and the representers/commenters given the low attendance rate of Members in the afternoon session; and

- (c) he asked for the right of the 600-minute outstanding speaking time and requested the Board to inform them of the date of the additional hearing session as soon as possible.

66. The Chairman said that those points had already been presented by Mr Chong Lap Ban to Members in the morning session. The Board had already made a decision and the reasons had been explained to Mr Chong. A written reply would also be provided to the Group in due course. The Chairman said that the hearing session was not meant to be a platform to debate. If the representatives of the Group chose not to attend the afternoon session, they would be invited to leave the conference room. Mr Au Kwok Kuen said that the representatives of the Group would not leave the conference room. The Chairman and Members left the conference room so that secretariat staff could make arrangements for the representatives of the Group to leave.

[The meeting was adjourned at 2:50 p.m.]

[Post-meeting note: During the adjournment of the meeting, Mr Au Kwok Kuen requested the Secretary to provide a written reply to the Group immediately on the Board's decision with respect to their request for rescheduling the hearing date. His request was relayed to the Chairman and Members by the Secretary. The Secretary later informed Mr Au that it was not possible to provide a written reply within the day, and a formal reply would be sent to the Group as soon as possible. Mr Au then requested an interim reply in writing stating that a formal written reply on the Board's decision would be provided to the Group at a later stage. His further request was relayed to the Chairman and Members by the Secretary. The Secretary later provided the Group an interim reply stating that a written reply on the Board's decision would be sent to the Group in due course. Representatives of the Group left the conference room at 4:20 p.m.]

[The meeting was resumed at 4:35 p.m.]

67. The Secretariat arranged for the same government representatives as listed at paragraph 60 to return to the conference room. The Chairman started the question and answer session by inviting questions from Members.

68. The Vice-chairman said that the proposed amendments to the OZP would facilitate flat production and hence population growth in the area. He asked the government representatives whether the traffic impact arising from the planned developments on the carrying capacity of the West Rail Line (WRL) had been assessed. In response, Mr Thomas K.H. Sze, SE/TS1, RDO of HyD said that the Mass Transit Railway Corporation Limited (MTRCL) had already adopted measures to enhance the services of WRL, including better platform management to ensure more even distribution of passengers at platforms or on trains and smoother passenger flow in order to increase the efficiency of train operation, as well as increasing train frequency where necessary at peak hours, such as the introduction of one additional train service from Tin Shui Wai to Hung Hum to cope with the demand of passengers among stations. Besides, after consideration of the facilities along the “East-West Corridor”, such as the fire safety requirements at tunnel sections and the length of platforms, it was estimated that the “East-West Corridor” could ultimately reach an hourly frequency of 28 at each direction, with 8-car trains. On that basis, the carrying capacity of the WRL would increase by 60% over the current 7-car trains operating at an hourly frequency of about 20. Mr Sze said that the WRL as an existing railway line was designed according to the safety standard at the time of their construction (i.e. six persons per square metre). He added that according to the Railway Development Strategy (RDS) 2014, there would be several new railway projects within a design horizon up to 2031. The consultants of the RDS 2014 had taken into account the latest known development parameters of future developments at the time of the study and concluded that upon completion of the new railway projects, WRL would still be able to meet the demand of passengers.

69. The Chairman asked if the new job opportunities in Hung Shui Kiu New Development Area (NDA) were close to residential areas to reduce additional commuting trips. Ms Maggie M.Y. Chin, DPO/FS&YLE, PlanD said that in view of the infrastructural constraints, the 14 potential housing sites identified under the Land Use Review for Kam Tin South and Pat Heung (LUR) would be implemented by phases. The current amendment to the OZP only involved two West Rail sites which would provide about 8,752 flats

accommodating a population of about 21,000. The traffic impact assessment concluded that the proposed developments would not generate insurmountable traffic impact on the surrounding areas. The proposed development would include a district shopping centre with a floor area of about 40,000m<sup>2</sup> at the Kam Sheung Road Station site and a local shopping centre with a floor area of about 3,000m<sup>2</sup> at the Pat Heung Maintenance Centre site. It was estimated that the supporting commercial and community facilities at the two West Rail sites would generate about 3,000 job opportunities. Besides, the Hung Shui Kiu NDA would provide certain job opportunities for different types of work. Mr K.K. Ling, Director of Planning, supplemented that emphasis had been placed on increasing the employment opportunities in the NDAs in the land use planning. For example, Hung Shui Kiu NDA and Yuen Long South would provide about 150,000 and 10,000 job opportunities respectively. Besides, more job opportunities were planned in Tuen Mun Areas 40 and 46, airport island and North Lantau New Town.

70. As Members had no more question to raise, the Chairman said that the question and answer session was completed. He thanked the government representatives for attending the meeting and said that the Board would deliberate the representations and comments on another day and would inform the representers and commenters of the Board's decision in due course. The government representatives left the meeting at this point.

71. The meeting was adjourned at 4:45 p.m.