

**Minutes of 976th Meeting of the  
Town Planning Board held on 25.2.2011**

**Present**

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

Chairman

Mr. Stanley Y.F. Wong

Vice-Chairman

Mr. K.Y. Leung

Mr. Walter K.L. Chan

Mr. B.W. Chan

Professor Edwin H.W. Chan

Ms. Maggie M.K. Chan

Mr. Felix W. Fong

Professor P.P. Ho

Professor Eddie C.M Hui

Ms. Anna S.Y. Kwong

Dr. C.P. Lau

Dr. James C.W. Lau

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Mr. Roger K.H. Luk

Mr. Timothy K.W. Ma

Miss Anita W.T. Ma

Dr. Winnie S.M. Tang

Professor S.C. Wong

Dr. W.K. Yau

Principal Assistant Secretary (Transport)  
Transport and Housing Bureau  
Mr. Fletch Chan

Deputy Director of Environmental Protection  
Mr. Benny Wong

Director of Lands  
Miss Annie Tam

Director of Planning  
Mr. Jimmy C.F. Leung

Deputy Director of Planning/District  
Miss Ophelia Y.S. Wong

Secretary

**Absent with Apologies**

Mr. Raymond Y.M. Chan

Mr. Rock C.N. Chen

Mr. Y.K. Cheng

Professor Paul K.S. Lam

Professor Joseph H.W. Lee

Mr. Maurice W.M. Lee

Mr. Laurence L.J. Li

Dr. W.K. Lo

Ms. Pansy L.P. Yau

Mr. Stephen M.W. Yip

Assistant Director (2), Home Affairs Department  
Mr. Andrew Tsang

**In Attendance**

Assistant Director of Planning/Board  
Mr. Lau Sing

Chief Town Planner/Town Planning Board  
Miss H.Y. Chu (a.m.)  
Ms. Christine K.C. Tse (p.m.)

Senior Town Planner/Town Planning Board  
Ms. Donna Tam (a.m.)  
Ms. Amy M.Y. Wu (p.m.)

**Agenda Item 1**

[Open Meeting]

**Confirmation of Minutes of the 975th Meeting held on 11.2.2011**

[The meeting was conducted in Cantonese.]

1. The minutes of the 975th meeting held on 11.2.2011 were confirmed without amendments.

**Agenda Item 2**

[Open Meeting]

**Matters Arising**

[The meeting was conducted in Cantonese.]

2. The Secretary reported that there were no matters arising.

**Agenda Item 3**

[Open Meeting]

Update on the Progress of the Key Initiatives in the “Policy Framework for the Management of Municipal Solid Waste (2005 – 2014)”

(TPB Paper No. 8742)

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[The meeting was conducted in Cantonese.]

3. The following representatives from the Environmental Protection Department (EPD) were invited to the meeting at this point:

Mr. Elvis Au

Assistant Director (Nature Conservation &  
Infrastructure Planning)

Dr. Ellen Chan	Assistant Director (Environmental Infrastructure)
Ms. Margaret Hsia	Assistant Director (Waste Management Policy)
Mr. Lui Ping Hon	Principal Environmental Protection Officer (Infrastructure Planning)

[Mr. Timothy K.W. Ma arrived to join the meeting at this point.]

4. The Chairman extended a welcome and invited representatives from EPD to brief Members on the Paper.

5. With the aid of a Powerpoint presentation, Ms. Margaret Hsia briefed Members on the Administration's strategies and the updated action plan to tackle the imminent waste problem in Hong Kong:

- (a) at present, about 13,300 tonnes of waste were disposed of at landfills every day, including 9,000 tonnes of municipal solid waste (MSW), 3,200 tonnes of construction waste and 900 tonnes of sludge;
- (b) Hong Kong now relied principally on landfills to treat its waste. As the remaining capacities of the three landfills would be exhausted in 2014, 2016 and 2018 respectively, Hong Kong was facing an imminent problem of waste treatment;
- (c) a three-pronged waste management strategy was adopted, namely waste avoidance and minimization; reduce, recovery and recycling; and bulk waste treatment and disposal;

*Waste Reduction and Recycling*

- (d) a crucial, on-going piece of the waste management strategy was to reduce waste at source. A 49% MSW recovery rate had been achieved since 2005 and it was intended to increase the recovery rate to 55% by 2015 by

broadening participation in waste reduction and recycling. Some of the ideas being explored were as follows:

- (i) expansion of the programme on Source Separation of Waste and operate waste recycling activities, for example in public markets, to facilitate collection of recyclables from the community with a view to instilling behavioural change;
- (ii) taking forward pilot projects to promote on-site waste composting at shopping malls with restaurants, hotels and other premises and on-site food waste treatment at housing estates; and
- (iii) rallying the support of all departments in waste reduction programmes as far as possible so as to demonstrate a visible commitment of the Administration;

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

- (e) in parallel, it was also considered necessary to expedite the introduction of economic and legislative incentives to encourage recycling and waste reduction. On waste reduction, EPD would roll out a consultation exercise in 2011 on expansion of the Producer Responsibility Schemes (PRS) on Plastic Shopping Bags, and a new PRS on Waste Electrical and Electrical Equipment;

*Use of Modern Waste Treatment and Disposal Facilities*

- (f) the use of modern incineration technology could significantly reduce the size of the waste treated to about 10% of the original volume. Electricity could also be generated from the incineration process, which turned waste into energy;
- (g) the engineering and Environmental Impact Assessment (EIA) studies on a proposed integrated waste management facility (IWMF) at an artificial island near Shek Kwu Chau and Tsang Tsui in Tuen Mun had been

completed. The new IWMF would have the capacity to treat 3,000 tonnes of MSW per day;

- (h) a new sludge treatment facility would be commissioned in 2013. The new facility could treat 2,000 tonnes of sludge daily;
- (i) two organic waste treatment facilities (OWTF) at Siu Ho Wan and Sha Ling, which could together handle 500 tonnes of food/organic waste daily, would be completed by 2014 and 2016/17 respectively. EPD had formed a partnership programme with key food waste generators in the commercial and industrial (C&I) sectors with a view to setting up the delivery and collection protocol so that their food waste generated could be delivered for treatment at OWTFs when commissioned. On-site food waste treatment facilities at markets, shopping malls, food production factories and housing estates were also being explored; and

*Timely extension of landfills*

- (j) extension of landfills was still required to cater for waste not treated by IWMF due to capacity constraints, and non-combustible waste such as construction waste and incineration ashes.

[Mr. Felix W. Fong arrived to join the meeting at this point.]

6. With the aid of a Powerpoint presentation, Mr. Elvis Au briefed Members on the proposal of IWMF at Shek Kwu Chau as follows:

- (a) technical feasibility study on modern facilities for waste treatment started in 2002. An advisory group formed at that time with members from green groups, professional sector and academic sector agreed that incineration should be the core technology for waste treatment;
- (b) further study on technical feasibility, engineering and environment impact of the facilities undertaken in 2008-2009 had reconfirmed the above conclusion. The study was agreed by the Advisory Council on

Environment (ACE) in 2009;

- (c) based on the selection criteria adopted in the study, a careful site selection exercise had been undertaken. In the exercise, 23 sensitive areas were excluded; 21 possible sites were identified; and 8 sites were later shortlisted. Two sites, including an artificial island near Shek Kwu Chau and Tsang Tsui in Tuen Mun, were selected for final evaluation;
- (d) the IWMF had the following benefits: substantial reduction in the volume of waste by 90%; energy recovery through generation of electricity (480 million kilowatt-hours of electricity per year for use by 100,000 households) in the incineration process; and reduction of greenhouse gas emission (440,000 tonnes of CO<sub>2</sub> per year);
- (e) IWMF had the following key components: (i) mechanical sorting and recycling facility; (ii) waste heat recovery and power generation system; (iii) advanced incineration facility; and (iv) environmental education centre;
- (f) modern incineration technology – 3T would be adopted in the IWMF, including (i) a temperature of at least 850°C to completely destroy organic matters; (ii) high turbulent currents to achieve complete combustion; and (iii) at least two seconds residence time at 850°C or above to achieve complete combustion;
- (g) the IWMF would adopt the most modern incineration technology – moving grate, which would have the following merits: (i) with proven experience; (ii) a safe and robust system; (iii) being able to meet EU emission standards; (iv) low construction and operation costs; (v) small footprint; and (vi) with more than 10 major suppliers;

[Ms. Anna S.Y. Kwong arrived to join the meeting at this point.]

- (h) the modern flue gas cleansing and control system would be adopted

which would ensure that all treated flue gas would comply with EU emission standards;

- (i) examples of modern incineration facilities included the Gien Incineration Plant in France, and the Ariake Incineration Plant, Shin-Koto Incineration Plant and Maishima MSW Incineration Plant in Japan. Some of the incineration plants also provided associated community facilities, such as the Education Centre in the Maishima MSW Incineration Plant and the Recreation Centre in the Asahi Clean Centre;
- (j) the EIA Study undertaken for the proposed IWMF at an artificial island near Shek Kwu Chau and at Tsang Tsui had identified the cumulative impacts for both sites during construction and operation phases, and recommended mitigation measures to ensure that the impacts were kept at acceptable levels. The assessment was undertaken in accordance with requirements under the EIA Ordinance and the Technical Memorandum on EIA Process. It was very comprehensive as it covered air, noise, water, waste, ecology, fishery, health, visual and landscape as well as cultural heritage aspects;

#### *Air Quality*

- (k) a 3-D photochemical air quality model had been formulated to assess the cumulative air quality impact taking into account regional (including the Pearl River Delta) and local (including power plant, vehicular and marine activities, etc) emission sources. The result indicated that the proposed IWMF at both of the selected sites fully complied with the EU emission standards;
- (l) there would be a close and continuous emission monitoring system of the proposed IWMF and the air quality data collected would be published on the EPD's website for public information;

#### *Wastewater Discharge*

- (m) there would be on-site wastewater treatment plant to ensure zero

wastewater discharge from the IWMF;

*Visual and Landscape Impact*

- (n) the design of the IWMF would have a minimum site layout and footprint. “Nature” would be emphasized as the design concept and extensive landscape areas and greening would be provided;

*Impact on Marine Ecology*

- (o) sensitive conservation zones including the proposed Soko Marine Park had not been selected. A further 700 ha of marine park around Soko Marine Park would be designated as a buffer to mitigate any potential impact of the IWMF. The proposed reclamation of the artificial island would not be connected to the Shek Kwu Chau island in order to conserve the existing natural coastline;

*Fly Ash Management*

- (p) fly ash would be treated through cement solidification in the IWMF and there would be compliance check before disposal at landfill in line with international practices;
- (q) the EIA Study concluded that with advanced technologies and implementation of appropriate mitigation measures, construction of modern incineration facilities at both of the selected sites was environmentally acceptable;
- (r) when compared to the Tsang Tsui site in Tuen Mun, the Shek Kwu Chau site was preferred in view of its relatively central location with respect to the refuse transfer stations throughout Hong Kong Island and the outlying islands. It would generate less refuse vessel transfer trip length and hence offer more environmental and cost-effective marine transport. It would achieve savings in transport distance by 27% and hence reduction of CO<sub>2</sub> emission by 14% (about 20,000 trees). The site was also located in prevailing downwind location and further away from major pollution sources, and was sparsely populated. The Shek Kwu Chau island (150m

high) could also form a natural barrier for the facility from Cheung Chau which was 3.5 to 5 km away;

- (s) it was proposed that quality community facilities be provided with the IWMF, including visitor corridor and viewing platform, visitor reception centre and environmental education centre. Transport route between Cheung Chau and the IWMF would be provided. The project would also create about 200 and 1,000 job opportunities during construction and operation respectively; and
- (t) the EIA Report was undergoing public consultation in accordance with the EIA Ordinance requirements. It was expected that the proposed reclamation would be gazetted under the Foreshore and Sea-bed (Reclamation) Ordinance (Cap. 127) in April 2011 and the IWMF would be commissioned by 2018.

7. Some Members had the following questions/comments on the updated action plan:

- (a) the use of economic disincentive to reduce waste at source was considered as an effective tool to reduce waste. Was there any plan/timetable to extend the PRS?
- (b) what was the purpose of the current public consultation on the EIA for the IWMF as the EIA should be a technical assessment? Was the EIA study for the organic waste treatment indicated in the table in Annex E of the Paper related to the EIA of the IWMF?
- (c) other than the proposed IWMF, had EPD worked out any alternative solutions for waste treatment and disposal as it was expected that there would be a lot of public concerns on the potential environmental impacts of the proposed IWMF?
- (d) in the site selection process, did EPD give equal weighting to all the

criteria indicated in Table 2 of the paper on Site Selection for the Development of the Integrated Waste Management Facilities for the Legislative Council (LegCo) Panel on Environmental Affairs tabled at the meeting? Should the criterion of ecological impact be regarded as an overriding factor with more weighting on it?

- (e) it was noted that there were public concerns on the adverse air quality impact of the IWMF on the residents of Cheung Chau in particular during the season when wind blew from the south-west direction. There were also public concerns on its adverse impact on the Finless Porpoise found in the waters around Shek Kwu Chau island. These concerns had to be addressed;
- (f) the proposed organic treatment facilities at Siu Ho Wan and Sha Ling were planned to handle only 500 tonnes of food waste, which accounted for only a small portion of the over 3,000 tonnes food waste produced each day. How would the remaining food waste be handled?
- (g) was there a timetable for the launching of the PRS for the electrical and electronic equipment?
- (h) while the proposed IWMF could reduce the volume of MSW to 90%, how would the remaining 10% of MSW be handled? and
- (i) it was indicated in the Paper that the proposed IWMF at Shek Kwu Chau was Phase I of the proposed facilities. Was there any timetable and preferred site for the Phase II of the IWMF?

[Mr. B.W. Chan arrived to join the meeting at this point.]

8. In response, Ms. Margaret Hsia and Mr. Elvis Au made the following points:

- (a) a three-pronged approach had been adopted in the waste management strategy, which included the measure of economic disincentive through

PRS. However, as PRS would affect the daily life of all people in Hong Kong, a thorough discussion and public consultation should be undertaken before extending the current PRS and the launching of new PRS;

- (b) public consultation on a new PRS on Waste Electrical and Electronic Equipment had been undertaken in 2010. Drafting of the related legislation and public engagement with relevant trades on an implementation plan would start later;
- (c) as indicated in Annex E of the Paper, public consultation of the EIA report of the proposed IWMF would be undertaken in the second quarter of 2011. This was in accordance with the requirement of the EIA Ordinance. Regarding the EIA study for the OWTFs, it was a separate EIA study to be undertaken in 2011 for the OWTFs at Sha Ling and Siu Ho Wan to treat food waste;
- (d) all the criteria shown in Table 2 of the LegCo Panel Paper were taken into account in the site selection of the proposed IWMF. The criterion of ecological impact was the most important criterion with more weighting given to it;
- (e) Hong Kong faced south-western wind for about 8% of time in a year. However, the proposed artificial island near Shek Kwu Chau was about 3.5km to 5 km away from Cheung Chau and was shielded off by the Shek Kwu Chau island which was about 150m high. Health assessment had been undertaken and it had confirmed that the proposed IWMF could meet health standards;
- (f) the treatment and transportation of ash from the proposed IWMF would meet the stringent EU standards. The total transport route (including both sea and road transport) for the Shek Kwu Chau artificial island was shorter when compared with the proposed IWMF at Tsang Tsui in Tuen Mun;

- (g) Phase I of the proposed IWWMF at Shek Kwu Chau had the capacity to treat 3,000 tonnes of MSW per day. Additional sites for treatment of organic waste would also be identified. The situation would be reviewed to determine whether a Phase II IWWMF would be required; and
- (h) there was still a huge volume of waste left to be tackled and therefore the proposed extension of the landfills was still required. The EIA for the extension of the SENT landfill had been approved. The key complaint against the SENT landfill extension was the odour problem. In this regard, additional resources had been used for odour control. It was also planned that the SENT landfill would be used for disposal of construction waste only. Measures would also be undertaken with the trade and the Food and Environmental Hygiene Department on reducing the odour impact of the rubbish collection vehicles.

9. The Chairman said the waste problem in Hong Kong needed to be addressed and tackled by the concerted effort of the whole society.

10. After further deliberation, Members noted the update on the progress of the key initiatives in the “Policy Framework for the Management of Municipal Solid Waste (2005 – 2014)”.

11. The Chairman thanked the representatives of EPD for attending the meeting. They left the meeting at this point.

#### **Agenda Item 4**

[Open Meeting]

Consideration of Draft Shek Kwu Chau Outline Zoning Plan No. S/I-SKC/E  
(TPB Paper No. 8746)

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[The meeting was conducted in Cantonese.]

12. Mr. Benny Wong had declared interest in this item as the Environment Protection Department's integrated waste management facilities (IWMF) was one of the proposals in the draft Shek Kwu Chau Outline Zoning Plan (OZP) under consideration. Mr. Wong left the meeting temporarily for this item.

13. The following representatives of the government departments were invited to the meeting at this point:

Mr. Ivan Chung	District Planning Officer/Sai Kung and Islands, Planning Department (DPO/SKIs, PlanD)
Miss Erica Wong	Senior Town Planner/Sai Kung and Islands (STP/SKIs), PlanD
Mr. Tony Tso	Town Planner/ Sai Kung and Islands (TP/SKIs), PlanD
Mr. Enoch Yuen	Assistant Secretary (Narcotics), Security Bureau
Miss K. Y. Yang	Senior Nature Conservation Officer, Agriculture, Fisheries and Conservation Department (AFCD)
Dr. K. H. Cheung	Nature Conservation Officer, AFCD
Mr. Elvis Au	Assistant Director (Nature Conservation & Infrastructure Planning)
Mr. P.H. Lui	Principal Environmental Protection Officer, Environmental Protection Department (EPD)
Mr. Peter Lee	Technical Director, AECOM
Miss Echo Leong	Associate, AECOM

Mr. Wilson Lee

Architect, ADO Design & Public Art  
Consultants (HK) Ltd.

14. The Chairman extended a welcome and invited Mr. Ivan Chung to brief Members on the Paper.

15. With the aid of a Powerpoint presentation, Mr. Ivan Chung briefed Members on the the new draft Shek Kwu Chau OZP as follows:

- (a) in December 2005, the Administration published a Policy Framework for the Management of Municipal Solid Waste (MSW) (2005-2014) (The Policy Framework). The Policy Framework set out a comprehensive waste management strategy encompassing initiatives on waste avoidance at source, waste recovery and recycling as well as bulk reduction of waste requiring disposal. One of the initiatives was to reduce the volume of waste that required disposal and to conserve the landfill space by developing integrated waste management facilities (IMWF);
- (b) a detailed site selection exercise for the IWMF was completed by EPD in 2008 and two potential sites, namely (i) an artificial island near Shek Kwu Chau, and (ii) Tsang Tsui Ash Lagoons in Tuen Mun were recommended for further engineering and Environmental Impact Assessment (EIA) studies. The EIA had assessed the cumulative impact on the concerned areas arising from the project and other developments, covering noise, air, water, waste, ecology, landscape and cultural heritage aspects;
- (c) the EIA study, which was completed in January 2011, concluded that with advanced technologies and implementation of appropriate mitigation measures, construction of modern incineration facilities at the two sites was environmentally acceptable;
- (d) the EIA study suggested that an artificial island would be formed by

reclamation at the south-western coast off Shek Kwu Chau, with breakwaters protecting the berth area of the IWMF and water basin from strong winds;

- (e) a draft OZP was required to cover both the island of Shek Kwu Chau and the proposed reclamation area for the IWMF in order to put the area under statutory planning control;
- (f) the Planning Scheme Area of the draft Shek Kwu Chau OZP covered about 150 ha, including the 119 ha Shek Kwu Chau island and about 15.71 ha of the artificial island formed by reclamation to the southwest of Shek Kwu Chau and breakwater/seawall;
- (g) since the whole Shek Kwu Chau island was government land and currently under a Government Land Licence and Short Term Tenancies (STTs) for drug treatment and rehabilitation purpose (the Shek Kwu Chau Treatment and Rehabilitation Centre (SKCTRC)), the preparation of a development permission area plan to enable statutory planning enforcement control on the area was not necessary;

*Development constraints*

- (h) Shek Kwu Chau was located far away from the populated areas of South Lantau and Cheung Chau with limited accessibility. Development of the island was severely constrained by the hilly terrain, limited flat land ready for development and limited capacity of the road network. Comprehensive public sewerage and drainage systems, water mains and gas connections were not provided;
- (i) the SKCTRC was regarded as an air sensitive receiver, visual sensitive receiver and noise sensitive receiver, which had to be taken into account in the design and construction of the IWMF;
- (j) there were also currently two sites of historical and archaeological interests on Shek Kwu Chau, namely the Skek Kwu Chau Gravestone

and the SKCTRC Courtyard. All new developments in the area should pay due regard to the setting of these sites;

- (k) the Shek Kwu Chau area was an environmentally and ecologically sensitive area comprising a diversity of natural woodland, grassland as well as natural stream courses. It provided different kinds of habitats with a variety of natural resources particularly as roosting, nesting or foraging grounds for wildlife. The seabed along the south-western shore off Shek Kwu Chau was mainly composed of bedrocks, boulders, muddy and sandy bottom with some water sensitive receivers such as coral communities. The waters around Skek Kwu Chau (except the north-east) were intensely used by Finless Porpoise (*Neophocaena phocaenoides*);
- (l) the Shek Kwu Chau island was largely undeveloped and covered by shrubs and woodland. The landscape offered expansive views across the surrounding coastal waters;

*The draft OZP*

- (m) “Government, Institution or Community” (“G/IC”) : the “G/IC” zones covered major existing facilities including the SKCTRC and ancillary facilities including hostels and workshops, and the Marine Department radar station for the purpose of monitoring maritime traffic. The “G/IC” zones were subject to a building height restriction of 1 or 2 storeys to ensure that any development or redevelopment would be in keeping with the low-rise character of the adjoining environment. To maintain the ecological integrity of the existing habitats at the existing ponds near the Administration Building and the Church, planning permission was required for diversion of stream or filling/excavation of pond/reservoir and the embankment areas;
- (n) “Other Specified Uses” annotated “Integrated Waste Management Facilities” (“OU(IWMF)”) : the zone was intended primarily to designate land for the IWMF providing waste treatment by advanced thermal

incineration and waste sorting and recycling for the MSW generated in Hong Kong. It covered 11.64 ha of reclamation and was separated by sea channel (10m – 40m in width and 350m in length) to reduce the disturbance to the existing coral at the coast and the direct impact of the IWMF on the natural shoreline of Shek Kwu Chau island. The IWMF was subject to a building height restriction of 60mPD, except the chimney which would be up to 160mPD;

- (o) the breakwater/seawall (4.07 ha) together with 15.39 ha sea area were intended for anchorage of refuse containers vessels and staff/visitor vessels;
- (p) 13.35 ha of coastal area were zoned “Coastal Protection Area” to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape or scenic value, with a minimum of built development. There was a general presumption against development within this zone;
- (q) 89.64 ha of forested woodlands which provided habitats for a number of forest-dependent species of conservation interests were zoned “Conservation Area” to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes;

#### *Consultation*

- (r) relevant departments/bureaux had been consulted on the draft OZP with its draft Notes and Explanatory Statement (ES). Relevant comments/inputs, wherever appropriate, had been incorporated into the draft OZP accordingly; and
- (s) subject to the Board’s agreement, the Island District Council (IDC) would be consulted and their views would be reported back to the Board before the publication of the draft OZP under section 5 of the Town Planning

Ordinance.

16. In response to a Member's enquiry, Mr. Ivan Chung said that the various houses shown on the plans and photographs in the Paper were the ancillary workshops and hostels of the SKCTRC.

17. After further deliberation, the Board agreed that:

- (a) the draft Shek Kwu Chau OZP No. S/I-SKC/E (Appendix 1) and its Notes (Appendix 2) were suitable for consultation with the IDC;
- (b) the ES (Appendix 3) was suitable to serve as an expression of the planning intention and objectives of the Board for various land use zonings of the draft Shek Kwu Chau OZP and that the ES should be issued under the name of the Board; and
- (c) the ES (Appendix 3) was suitable for consultation with the IDC together with the draft OZP.

18. The Chairman thanked the representatives from the government departments and consultants for attending the meeting for this item. They all left the meeting at this point.

[Mr. Benny Wong returned to join the meeting at this point.]

**Agenda Item 5**

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments

to the Draft Tai Po Outline Plan No. S/TP/22

(TPB Paper No. 8743)

[The hearing was conducted in Cantonese.]

19. The following Members had declared interests on this item:

Mr. Stanley Y.F. Wong - co-owned with his spouse a flat and two car parks in Tai Po

Dr. W.K. Yau - owned some properties and land in Tai Po and was the Chairman of the management committee of the Tai Po Environmental Association which managed the Fung Yuen Butterfly Reserve and Education Centre

Dr. W.K. Lo - owned two houses in Tai Po

20. As Dr. W.K. Yau's interest was direct and substantial, he left the meeting temporarily for the item. Members noted that Dr. W.K. Lo had tendered apology for not being able to attend the meeting. Members also agreed that Mr. Stanley Y.F. Wong's properties would not be affected by the draft Tai Po OZP under consideration, Mr. Wong could be allowed to stay in the meeting for this item.

**Group 1 Representations - R1 to R5 and R13 and Comment C2**

Presentation and Question Session

21. As sufficient notice had been given to invite the representers and commenter to attend the hearing, Members agreed to proceed with the hearing of representations in the absence of Representers R1, R4 and R5 and Commenter C2 who had indicated that they

would not attend the hearing.

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

Mr. Hui Wai Keung District Planning Officer/Shu Tin, Tai Po and North (DPO/STN), PlanD

Ms. Lisa L.S. Cheng Senior Town Planner/Tai Po (STP/TP), PlanD

Mr. William W.T. Wong Town Planner/Special Duties (TP/SD), PlanD

Professor Edward Ng Air Ventilation Assessment (AVA) Consultant

R2 (Luk Heung Village Office)

Mr. Li Yau Loi )  
Mr. Wong Ping Wan )  
Mr. Li Chi Ming ) Representer's representatives  
Mr. Li Cau )  
Mr. Lee Cho Sang )  
Mr. Li Chi Kan )

R3 (The Mother Superior of the Soeurs de Saint Paul de Chartres (Hong Kong))

Mr. Kenneth To )  
Miss Pauline Lam )  
Ms. Lam Tsz Kwan ) Representer's representatives  
Mr. Johnny Li )  
Sister Susan Koo )  
Mr. Dennis Yeung

R13 (The Real Estate Developers Association of Hong Kong (REDA))

Mr. Ian Brownlee ) Representer's representatives  
Miss Wendy Lee )

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

[Ms. Julia M.K. Lau and Ms. Anita W.T. Ma arrived to join the meeting at this point.]

24. With the aid of a Powerpoint presentation, Mr. Hui Wai Keung made the following main points as detailed in the Paper:

- (a) on 17.9.2010, the draft Tai Po Outline Zoning Plan (OZP) No. S/TP/22, incorporating amendments, including mainly the imposition of plot ratio (PR)/gross floor area (GFA) restrictions and building height restrictions (BHRs) on various development zones, designation of non-building areas (NBAs), rezoning of the “Commercial/Residential” (“C/R”) sites, free-standing Government, institution or community (GIC) facilities, the Po Heung Street site for public housing development, and completed open space sites and various sites to other appropriate zonings to reflect the as-built situation, was exhibited for public inspection under s.5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 13 valid representations were received. On 26.11.2010, the representations were published for three weeks for public comments. A total of three valid comments were received;
- (b) R1 to R5 and R13 were related to the general building height (BH) profile, NBAs, BHRs for particular areas/sites, and other rezoning proposals;
- (c) the main grounds of representations, their proposals and PlanD’s responses were summarized in paragraphs 3.3 and 4.4 of the Paper and highlighted below:
- (d) *BHR for Tai Po Hui (R1 and R2)*
  - (i) the BH of 55mPD would affect the incentive for future redevelopment of Tai Po Hui and economic development and vibrancy of the area. Restricting BH at 55mPD was a waste of public resources and would affect the government’s return in land

revenue. The same levels of BHRs similar to that for Uptown Plaza, Tai Po Centre and Plover Cove Garden (80 – 110mPD) in Tai Po and the proposed public housing site at Po Heung Street (80mPD), should be applied to the sites in Tai Po Hui;

Proposals

- (ii) R1 and R2 proposed to adopt a BHR of 80mPD and 100 - 110mPD respectively for Tai Po Hui;

PlanD's responses

- (iii) the BHRs for Tai Po Hui were to (i) preserve the traditional market town character of Tai Po Hui, (ii) avoid excessive out-of-context buildings which would affect the local character, and (iii) facilitate sufficient air flow at street level as recommended in the AVA; and
- (iv) in formulating the BHRs, reasonable assumptions had been made to ensure that upon incorporation of the restrictions, development sites would be able to accommodate the PR of 5/9.5 for domestic and non-domestic developments as permitted on the OZP;

(e) *Zoning of Tai Po Sports Association Li Fook Lam Indoor Sports Centre (R1)*

- (i) R1 objected to the rezoning of Tai Po Sports Association Li Fook Lam Indoor Sports Centre from “Residential (Group A)” (“R(A)”) to “Government, Institution or Community” (“G/IC”);

Proposal

- (ii) R1 proposed that the zoning of the Tai Po Sports Association Li Fook Lam Indoor Sports Centre should remain “R(A)” on the OZP; and

PlanD's responses

- (iii) the site was currently occupied by a sports complex with buildings not exceeding 3 storeys. “G/IC” zoning was considered more

appropriate to reflect the planning intention of the site for the provision of GIC facilities serving the needs of the local residents/or a wider district;

(f) *Rezoning of the “V” sites (R1)*

- (i) R1 supported the rezoning of Care Village in Area 10 and various sites in Areas 6, 7, 10 and 37 to “Village Type Development” (“V”), but objected to the rezoning of the eastern strips of land of Kerry Lake Egret Nature Park in Area 10 from “V” to “Recreation Priority Area” (“RPA”);

Proposal

- (ii) R1 proposed that the zoning of the eastern strips of land of Kerry Lake Egret Nature Park in Area 10 should remain “V” on the OZP; and

PlanD’s responses

- (iii) rezoning of the sites currently occupied by the Kerry Lake Egret Nature Park in Area 10 from “V” to “RPA” was basically technical boundary adjustment to tally with the as-built situation. The sites were not intended for Small House developments;

(g) *BHR for St. Paul’s Catholic Day Nursery (R3)*

- (i) the BHR of 2 storeys for the St. Paul’s Catholic Day Nursery site would eliminate the opportunities for the expansion and redevelopment of the Day Nursery. A future expansion and redevelopment scheme for the Day Nursery with a BH of 35mPD had been formulated upon its future expansion and redevelopment. The Day Nursery would still maintain the same function and was compatible with the neighbourhood as the BHR for the building blocks in the surrounding “R(A)” zones was 55mPD;

Proposal

- (ii) R3 proposed that the BHR of the site should be relaxed from 2

storeys to 35mPD; and

PlanD's responses

- (iii) the general urban design principle was to reflect the existing heights of GIC facilities to retain their function as breathing space and visual relief for the Area. Policy support from the Secretary for Education (SED) for the proposed expansion of the nursery had yet to be obtained. The proposed increase in BH from 2 storeys to 7 storeys or 35mPD was quite significant. More detailed assessments in terms of the visual and air quality impacts of the proposal on the surrounding areas were required. The OZP would only be amended when policy support was given, all technical assessments were confirmed to be acceptable and the proposed BH was considered acceptable to the Board;
  
- (h) *BHRs for the electricity substations (R4)*
  - (i) the BHRs of 2 storeys for the Ting Kok Road Substation and Ting Lai Road Substation and 4 storeys for the Kwong Fuk Road Substation would materially restrict the upgrading/redevelopment potential of the substations. The BHRs offered no design flexibility, did not reflect the maximum development potential of these sites as allowed under lease and would deprive the owner of development rights;

Proposals

- (ii) R4 proposed that the BHRs for the Ting Kok Road Substation, Kwong Fuk Road Substation and Ting Lai Road Substation sites should be relaxed to not more than 11m above mean formation level, not more than 5 storeys and not more than 8 storeys respectively;

PlanD's responses

- (iii) no strong justifications had been provided for the increase in BH and the Director of Electrical and Mechanical Services advised that

there was no on-going redevelopment project on the three subject sites in the approved CLP Power's 2008-13 Development Plan. It was considered appropriate to maintain the BHRs for Ting Kok Road and Kwong Fuk Road Substations to reflect the existing BHs and to keep these sites as breathing space;

- (iv) for Ting Lai Road Substation, it had been clarified from the approved building plans that the substation actually had 4 storeys. PlanD proposed to amend the BHR for the substation from 2 storeys to 4 storeys. However, the representers' proposal to change the BHR to 8 storeys without any strong justifications was not supported; and
- (v) regarding flexibility, there was provision under the Notes for the "G/IC" zone for application for minor relaxation of the BHRs and each case would be considered by the Board on its own merits;

(i) *Zoning of Trakside Villas (TPTL 199) (R5)*

- (i) the rezoning of "Other Specified Uses ("OU") annotated "Kowloon Canton Railway" ("KCR") zone to other uses was supported, but the Trakside Villas should more appropriately be rezoned to "Residential" as it would give more planning flexibility to the site and there would be no impact on the existing uses;

Proposal

- (ii) R5 proposed to rezone the Trakside Villas to "Residential (Group C)" ("R(C)") with the current development parameters stipulated in the Remarks of the Notes of the OZP remained unchanged; and

PlanD's responses

- (iii) the site was abutting the MTR East Rail and currently used by the MTRC for staff quarters and clubhouse and the "OU" annotated "Railway Staff Quarters and Recreation Club" zone was to reflect the existing use and planning function of the site. The site was

considered not suitable for private residential use, given its close proximity to the railway and the possible adverse environmental impacts of the trains;

(j) *Imposition of BHRs (R13)*

- (i) R13 objected to the imposition of BHRs for the area in general on grounds that the BHRs were overly restrictive and would unnecessarily constrain the provision of good quality development; provide no flexibility for changing requirements overtime and scope to meet market expectation; and result in more bulky buildings forming walls of development which blocked air flows, light and view;

Proposals

- (ii) R13 proposed to review BHRs so that no height restriction was lower than the height of an existing building, and that the height restrictions should be set in bands which were about 10m higher than the tallest building to allow both control and flexibility;

PlanD's responses

- (iii) the BHRs stipulated on the OZP were formulated on the basis of a number of factors including existing land uses, topography and BHs, proposed PR restrictions, local wind environment, air ventilation improvement measures, and urban design principles. They were formulated with reasonable assumptions on the building design to meet various requirements and a reasonable floor-to-floor height for development/redevelopment. Flexibility was allowed for variations in the shape and form of the buildings without affecting sunlight, views or air ventilation;
- (iv) the BHRs were imposed in the public interest to preserve local character, avoid excessively tall buildings and out-of-context developments, and to meet public aspirations. In formulating the BHRs, due consideration had been given to ensure that upon

incorporation of the restrictions, development sites would be able to accommodate the PR as permitted on the OZP so that the redevelopment potential would not be adversely affected. A proper balance had been struck between public aspirations for a better living environment and private redevelopment potential;

- (v) for existing buildings which had already exceeded the BHRs, the rights of redeveloping the buildings to their existing heights would be respected on the OZP; and
- (vi) R13's proposal to set BHRs in bands which were about 10m higher than the tallest building in a particular band was not based on any planning justifications or considerations, and would result in a proliferation of tall buildings that would be even taller (+10m) than those buildings considered out-of-context in the area. Functional/operational need and/or planning/design merits which justified a higher BR could be considered through application for minor relaxation of the BHR and each case would be considered by the Board on its own merits;

(k) *Minor Relaxation of BHRs (R13)*

- (i) the general presumption against s.16 application for minor relaxation of BHR for sites with existing BH already exceeding the restrictions stipulated in the Explanatory Statement (ES) of the OZP was harsh and unnecessary;

Proposal

- (ii) R13 proposed that the presumption statement should be deleted from the ES of the OZP; and

PlanD's responses

- (iii) relaxation of the BH of excessively tall buildings would jeopardize the overall BH concept for the OZP. For existing building with BH already exceeding the maximum BH, there was a general

presumption against minor relaxation unless under exceptional circumstances and minor relaxation should only be granted to proposals with special planning and design merits;

(l) *Spot Zoning Approach (R13)*

- (i) the “spot zoning” approach was not permitted by s.3 and s.4 of the Ordinance which required a “broad brush” approach and it violated the broad principle of planning indicated in the ES and the OZP;

Proposals

- (ii) R13 proposed that the sub-areas included in the “R(A)” and “Residential (Group B)” (“R(B)”) zones should be reviewed and consolidated into a smaller number of broader zones with similar controls on BH and development potential, and to delete the relevant restrictions on maximum domestic and/or non-domestic PR/GFA stipulated in the Notes;

PlanD’s responses

- (iii) according to legal advice, the Board had the power to impose BHRs on individual sites or for such areas within the boundaries of the OZP if there were necessary and sufficient planning justifications. Given the wide coverage of the area that comprised areas with varying characteristics including different topography and that there were different planning intentions/objectives to achieve, different restrictions for different sub-areas were necessary; and
- (iv) the designation of sub-areas on the OZP had taken into account the as-built situation, topography, characteristics, specific development proposals and planning intention of all development sites. Different restrictions on PR/GFAs and BHs were adopted to achieve the intended planning control, stepped height profile and urban design objectives;

(m) *Designation of NBAs (R13)*

- (i) the designation of NBAs was not related to “layout” or “types of buildings”. The objectives of ensuring “gaps” between buildings could be achieved through making provision for open space, parks, streets, etc.;

Proposals

- (ii) R13 proposed to delete the NBA requirements and to use more suitable zonings such as “Open Space” (“O”) to provide the desired gaps. If NBA was retained on the OZP, provision should be allowed for application for relaxation to the restrictions. It was however considered unreasonable if relaxation was only allowed in “exceptional circumstances”;

PlanD’s responses

- (iii) according to legal advice, NBA could be a part of the planning control provided that the Board had necessary and sufficient planning justifications. The designation of NBAs on the OZP, which could serve positive planning purposes and had planning benefits, was regarded by the Board as a type of development control and justified in the circumstances;
- (iv) NBAs were clearly marked and shown in the OZP and the objectives were described in the ES. There should be no building structure above ground, but development was permitted below ground and in other parts of the development site so that the development potential of the concerned sites would not be affected. Rezoning of the areas to “O” or “Road” would involve land resumption and the development potential of the subject areas would be affected; and
- (v) the location of each NBA had been carefully chosen with due consideration given to the characteristics of the site and existing development to ensure that the NBA could be achievable without

affecting the development potential of the sites. Minor relaxation of NBA requirements should only cater for certain exceptional cases under which the NBA could not be provided as specified but alternative provisions could be made so that the planning objectives could be achieved in other forms;

(n) *Rezoning of the “C/R” sites (R13)*

- (i) the two previous “C/R” sites were close to the MTR station. The “C/R” zoning, with more lenient height restrictions, was more suitable in providing flexibility for development synchronized with the market demand and could facilitate redevelopments into a vibrant and lively town centre with day and night time activities and provide employment for the population;

Proposal

- (ii) R13 proposed that the “C/R” zoning within the area should be retained;

PlanD’s responses

- (iii) the “C/R” zoning was an obsolete zoning to be phased out for more effective infrastructure planning and better land use management;
- (iv) developments in Tai Po Hui were mostly residential on top of retail shops on the lower floors which were similar to the “R(A)” type development. It was therefore rezoned from “C/R” to “R(A)”, except for those sites currently occupied by open spaces or free standing GIC facilities. The “R(A)” zoning would preserve the traditional shopping/market street characters of Tai Po as commercial uses were always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building. Uptown Plaza was rezoned to “R(A)8” to reflect the existing development with six residential towers above a podium-level commercial shopping centre and public transport interchange at ground level; and

- (v) proposals for commercial development could be allowed under the “R(A)” zone through planning application;
- (o) *Public consultation of the OZP (R1 and R13)*
  - (i) relevant village representatives (VRs) and District Council (DC) members should be consulted on amendments related to the imposition of NBAs in Fung Yuen and Tai Po Kau (R1);
  - (ii) the public had not been informed of the justifications for the need of BH, GFA and NBA restrictions prior to gazettal of the OZP and no visual impact analysis had been made available to the public to indicate what the vision was for the long-term development of the Area (R13);

PlanD’s responses

- (iii) the Tai Po Rural Committee and the Tai Po DC were consulted on 12.10.2010 and 10.11.2010 respectively on the amendments to the OZP. Relevant comments were noted and there were no adverse comments received on the NBAs in Fung Yuen and Tai Po Kau;
- (iv) it was an established practice that proposed amendments involving BHRs would not be released to the public prior to gazetting as premature release of such information before exhibition of the amendments might prompt an acceleration of submission of building plans by developers to establish “fait accompli”, hence defeating the purpose of imposing the BHRs; and
- (v) photomontages showing the visual impacts of the proposed BHRs had been included in the RNTPC Paper for the proposed amendments;
- (p) *Notes for the “V”, “G/IC”, “G/IC(1)”, “O” and “GB” zones (R1)*

Proposals

(i) R1 proposed to amend the Notes of the “V”, “G/IC”, “G/IC(1)”, “O” and “GB” zones as follows:

- to move ‘Public Utility Installation’ and ‘Utility Installation for Private Project’ from Column 2 to Column 1 in the user schedule of the “V” zone;
- to move ‘Utility Installation for Private Project’ from Column 2 to Column 1 in the user schedule of the “G/IC” and “G/IC(1)” zones;
- to revise the Chinese name of ‘Rural Committee/Village Office’ in Column 1 of the user schedule of the “V”, “G/IC” and “G/IC(1)” zones;
- to revise the Chinese name of ‘Religious Institution (Ancestral Hall only)’ in Column 1 of the user schedule of the “V” zone;
- to move ‘Tent Camping Ground’, ‘Public Utility Installation’ and ‘Utility Installation for Private Project’ from Column 2 to Column 1 in the user schedule of the “O” zone; and
- to add “Village Emergency Access” to Column 1 of the user schedule of the “GB” zone;

PlanD’s responses

(ii) the Notes for the Tai Po OZP had been prepared and updated in accordance with the Master Schedule of Notes (MSN) applicable to all OZPs. Amending the Notes for the “V”, “G/IC”, “G/IC(1)”, “O” and “GB” zones to include “Public Utility Installation”, “Utility Installation for Private Project”, “Tent Camping Ground” and “Village Emergency Access” as Column 1 uses as suggested by R1 would deviate from the MSN and have wide ramifications;

- (iii) the proposals to amend the Notes could be examined in the review of the MSN; and
- (q) one comment (C2) was related to the above representations and the Commenter objected to the proposals put forward by R1, R2 and R3 without giving particular grounds of comments;
- (r) PlanD's views
  - (i) based on the assessments set out in paragraph 4 of the Paper, it was recommended that the OZP should be amended to partially uphold Representation R4 by revising the BHR for the "G/IC" zone covering the Ting Lai Road Substation from 2 storeys to 4 storeys as shown on Annex V of the Paper; and
  - (ii) PlanD did not support the Representations R1 to R3, R5, R13 and the remaining part of R4 and considered that they should not be upheld for the reasons as set out in paragraph 6 of the Paper.

25. The Chairman then invited the representers' representatives to elaborate on their submissions.

#### R2 Luk Heung Village Office

26. Mr. Lee Yau Loi made the following main points:

- (a) Luk Heung Village Office strongly objected to the BHR of 55mPD for Tai Po Hui;
- (b) noting that the BH for other areas of Tai Po was 80-110mPD, restricting BH of 55mPD for Tai Po Hui was unfair to its property owners;
- (c) while there was a shortage of land supply in Hong Kong, restricting the

redevelopment potential of Tai Po Hui was a waste of land resources;

- (d) Tai Po Hui was an area for resiting the villages which were displaced by the construction of the Plover Cove Reservoir. Unlike other indigenous villages in the N.T., there was no land available for the expansion of existing developments in Tai Po Hui to accommodate the increase in population, except through redevelopment to a higher intensity. However, developers would have no interest to redevelop the area if its BH was restricted to 55mPD; and
- (e) the BH restriction should be relaxed to a level similar to other areas in Tai Po.

R3 The Mother Superior of the soeurs de Saint Paul de Chartres (Hong Kong)

27. Mr. Kenneth To made the following main points:

- (a) there was no objection to the rezoning of the Day Nursery site from “R(A)” to “G/IC” on the OZP;
- (b) however, there was objection to the BHR of 2 storeys for the site as it would eliminate the opportunities for expansion and redevelopment of the Day Nursery with a BH of 35mPD;
- (c) in 1970, the representer bought the site with the existing building already on it from the open market for religious use with medical clinic service;
- (d) since 1975, the representer started day nursery and pre-schooling education for children. At that time, the first floor of the building had been used as sisters’ quarters;
- (e) in 1980, the Day Nursery was officially registered with allowable enrolment of 94 students. In 1983, it started to provide 4-year-based pre-school education;

- (f) in 2000, the sisters' quarters at the first floor of the building was changed to become part of the Day Nursery to meet the need of more space;
- (g) now, the Day Nursery provided nursery and kindergarten education for about 140 students. However, there was a long waiting list for studying in the Day Nursery and the existing accommodation (520m<sup>2</sup> GFA) could not meet such demand;
- (h) moreover, the building was very old and there was no scope for further improvement. There was a need for redevelopment of the building in order to improve the facilities to meet latest operation standards; and
- (i) it was therefore proposed that the BHR for the site could be relaxed to 35mPD. The proposed height was considered compatible with the surrounding developments.

28. Mr. Johnny Li made the following main points:

- (a) in March 2010, the representer requested its consultants to prepare a redevelopment plan for the Day Nursery, and this was prior to the gazettal of the current draft Tai Po OZP in September 2010. In July, the land consultants approached the relevant government departments for the redevelopment of the Day Nursery. It was planned that the redevelopment scheme would be completed by August 2013 and student intake would commence in September 2013. A building plan submission was ready but was held in abeyance owing to the imposition of the BHR on the OZP; and
- (b) the representer and the Day Nursery were approved charity organizations. \$80 million had been reserved for the redevelopment project. No subsidies from the government would be required.

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

29. Sister Susan Koo made the following main points:

- (a) there was a very big demand for nursery places in Tai Po and the Day Nursery had a long waiting list of more than 400 children. As the existing building on site was very old and had no scope for any further expansion, there was an urgent need to proceed with the redevelopment scheme;
- (b) the representer was confident that the SED would give policy support to the redevelopment of the Day Nursery as the SED had been satisfied with the operation of the Day Nursery;
- (c) it was noted that there was height restriction of a building to be operated as a nursery and kindergarten. The representer was operating another nursery and kindergarten at Causeway Bay. The height of the nursery and kindergarten building at Causeway Bay had exceeded the height restriction, but exemption from the SED had been obtained. Fire service installations would be installed in the proposed building and the fire safety requirements would be met to the satisfaction of SED and relevant government departments. The representer was confident that the approval from SED on the proposed six and a half storeys new building for the subject Day Nursery could be obtained; and
- (d) the representer requested the Board to advise if the BHR for the site on the OZP would allow redevelopment of the site.

30. Mr. Kenneth To supplemented the following main points:

- (a) according to the information of PlanD, there would be an increasing population in Tai Po aging from 0 - 4 from 8,000 in 2008 to 11,800 in 2019 and as such the demand for nursery places would also be increasing;

- (b) the existing nursery (520m<sup>2</sup> GFA) was substandard when compared with the standards stipulated in the Hong Kong Planning Standards and Guidelines, which required 532m<sup>2</sup> of net operation floor space and this was equivalent to about 600 m<sup>2</sup> to 700m<sup>2</sup> GFA for a nursery of 102 students;
- (c) the new school building on site would be six and a half storeys with modern facilities provided and could accommodate 260 students. Loading/unloading facilities would be provided on-site and as such the traffic impact arising from the existing on-street loading/unloading of students would no longer be a problem;
- (d) the proposed building height of 35mPD would have no adverse visual impact on the surrounding area as the other buildings zoned “R(A)” in the area were subject to a BH of 55mPD;
- (e) the existing BHR restriction was only to reflect the height of the existing building. There was no account of the operational need of the Day Nursery; and
- (f) it was hoped that the Board would relax the BH of the site to enable the representer, an approved charity organization, to proceed with the redevelopment project of the Day Nursery to meet the long waiting list for nursery places. It would be very costly and time consuming for the representer to submit a s.12A application if such application and approval were required for the redevelopment project.

### R13 The Real Estate Developers Association of Hong Kong

31. Mr. Ian Brownlee made the following main points:

- (a) the Hong Kong development system was becoming increasingly more complex and more difficult to navigate. More and more uncertainty was being introduced to the land, building and planning systems. This had made development more costly and longer to implement and developers

were finding it easier to develop elsewhere outside Hong Kong and to do better forms of development elsewhere. The introduction of BHRs, PR controls and NBAs which could not be reasonably justified were examples of this, particularly where these controls duplicated other controls. The Practice Notes recently issued by Buildings Department (BD) and the Joint Practices Notes issued by BD, Lands Department and PlanD on sustainable building design requirements had further confused the issue as they duplicated and conflicted with what the Board was doing in the amendments to the OZP. There appeared to have developed a total focus on control for the sake of control and the conventional wisdom to maintain a balance facilitating good development was no longer tenable ;

- (b) the Board should take into consideration the following when it imposed new controls:
  - (i) what was the vision for the area: for Tai Po, there was no vision but only to retain the existing development form. No consideration had been given to a long-term view of optimising development potential, or of encouraging redevelopment. In fact, the controls had been imposed to discourage these long-term planning objectives;
  - (ii) the need for control: REDA generally agreed that there were advantages in establishing broad planning controls on building height and development potential as long as they were consistent, respected existing land ownership rights and resulted in good quality development. However, these criteria had not been met in the Tai Po OZP; and
  - (iii) allowance for flexibility: as the restrictions had been set at very low level, flexibility had been removed and could not be achieved except through the planning permission process;
- (c) the Ordinance required the Board to apply broad zones over wide areas of

similar planning characteristics. The principle was reflected in the ES of the OZP which stated that “the object of the plan was to indicate only the broad principles of development”. The objective and intention of the Ordinance had not been upheld in the amendments to the OZP;

- (d) Tai Po was a market town which had generally been developed into a New Town with PR controls of 5 for domestic and 9.5 for non-domestic. These restrictions had been built into the lease conditions of almost all of the lots, particularly sites zoned “R(A)” on the OZP. Other lots had more stringent restrictions in the lease;
- (e) there was a wide level of consistency in the form of development across the New Town and there was no excessively tall and bulky building which was “out of context” in the New Town. This was different from the context of the urban area. This special character should be recognised when proposing amendments to the OZP;
- (f) three other important points that made Tai Po different from the urban areas and other locations were: (i) infrastructure had been provided to serve the planned development; (ii) the imposition of BHR was not to protect a view point or the ridgeline; (iii) with the open spaces and low building volume, road pattern and existing breezeways along roads and river and the eastern orientation of the town, poor air ventilation was not an issue when compared with the metro areas of Hong Kong;

*Grounds of Representation*

*No public consultation*

- (g) the amendments to the OZP represented significant changes to the planning of the New Town. However, no prior consultation was undertaken. No public views were sought as to what was considered necessary and no presentation of options was undertaken. One of the reasons for proposing the controls was to meet public aspirations, but the public had not been involved in the proposal to ensure that the public aspirations were met;

- (h) while it was stated that the restrictions imposed were to provide greater certainty and transparency, however, the process of amendments were done in secrecy and the controls were made known to the public when it took legal effect. The landowners had not been approached to clarify facts or to obtain suggestions;
- (i) given the existing tight controls that existed under most of the leases in Tai Po, there was no reason why prior public engagement could not be conducted and the worry that prior consultation would result in a rush of building plan submissions was not an adequate reason for not consulting the public on the amendments;

*Building height restrictions*

- (j) REDA as a general principle opposed the setting of BHRs at levels which were so low that they would unnecessarily constrain the provision of good quality development for the people of Hong Kong. This objective could only be achieved by providing flexibility for the design of developments which provided good internal space for people to live in and work in, with sufficient internal headroom. Flexibility was also required to meet changing requirements over time and market expectations;
- (k) it was also necessary to ensure that buildings were not restricted to unreasonably low heights as these would result in bulky buildings forming walls of development, which blocked air flows, light and views. Buildings which were taller and more slender allowed the creation of space around the buildings at ground level and in the air;
- (l) Paragraph 4.4.2 (a) of the TPB Paper stated that in setting the BHRs “a reasonable floor-to-floor height for development” had been assumed. However, there was no explanation on what “reasonable assumptions” had been taken and there was no consultation with the industry or professional groups as to what was a reasonable floor-to-floor assumption. REDA considered that BH of 55mPD could not accommodate a good quality of residential development;

- (m) as there were no out-of-context high buildings and no ridgeline or other feature which required protection, broad BHRs rather than spot height restrictions should be applied to Tai Po;
- (n) it was proposed that: (i) no height restriction should be lower than the height of an existing building; and (ii) the height restriction should be set at least 10 metres higher than the existing building height to allow for design flexibility without the need for application to the Board for relaxation;

[Miss Annie Tam arrived to join the meeting at this point.]

Tai Po Hui

- (o) Tai Po Hui was the old town centre located adjacent to the railway station and had great possibilities for continued redevelopment into the modern centre for Tai Po. Its character had been developed under the “C/R” mixed use zoning and the generally non-restrictive leases. The removal of the “C/R” zoning and the imposition of the BHR at 55mPD was a significant interference to the ownership rights of the existing property owners;
- (p) Tai Po Hui was the commercial and social heart of the New Town. This function should be re-enforced through redevelopment with a commercial/residential mix of uses. With the removal of the “C/R” zone, there was no longer any commercial zoning in Tai Po;
- (q) unlike the urban area, Tai Po New Town had been provided with infrastructure to cater for the planned development to a PR of 5/9.5. There was no particular justification for removing the “C/R” zoning;
- (r) it would be fair and consistent to apply a broad BHR across the whole area at 80mPD, forming a stepped height band relative to the core area on the other side of the river at 110mPD;

[Professor Edwin H.W. Chan arrived to join the meeting at this point.]

- (s) it was therefore proposed that the “C/R” zoning should be retained for the sites or rezone the sites to “Other Specified Uses” annotated “Mixed Use” (“OU(MU)”) with a building height at 80mPD;
- (t) BD’s new Practice Notes on sustainable building design requirements had already required set-backs along narrow streets. The low BHRs would further prevent the construction of good quality buildings and the achievement of the GFA that the private owners were entitled to. There was a need for the Board to reconsider the whole function of set-backs, NBAs and BHRs with the new policy of BD;

Plot Ratio and GFA restrictions and spot zonings

- (u) sites with similar planning characteristics were subject to different controls under the spot zonings. The PR and GFA restrictions imposed on the Tai Po OZP were illogical and unfair in that:
  - (i) the general PR restriction of 5/9.5 had been retained for some areas (public housing sites) of the “R(A)” zone. However, privately owned areas had been rezoned to sub-areas “R(A)1” to “R(A)8”, each with their own detailed PR. This was unfair and inequitable; and
  - (ii) similarly, a general PR restriction of 3.3 had been applied to the “R(B) zone, but sub-areas “R(B)1” to “R(B)7” were subject to specific PR control;
- (v) the sub-areas under the “R(A)” and “R(B)” zones should be removed;
- (w) the spot zoning and spot building height approach had been taken to an extreme level in relation to the Fung Yuen “CDA” zone. The principles of a “CDA” zoning were being completely compromised under this approach; and

- (x) the Tai Po OZP was an example of how the ‘control’ philosophy had overtaken the ‘facilitate’ philosophy. The controls had been introduced without giving due respect to the rights of private landowners and had not taken account of the fact that Tai Po did not have any planning issues which needed to be addressed with such detailed planning controls. The amendments to the OZP would only frustrate the redevelopment and improvement of Tai Po.

32. As the presentations from the representers’ representatives had been completed, the Chairman invited questions from Members.

33. In response to the Vice-chairman’s question, Mr. Hui Wai Keung said that it was noted that R3 had on-going discussion with the SED on the redevelopment proposal of the Day Nursery. However, no formal approval had yet been given by the SED. If policy support for the redevelopment proposal was finally given by SED, PlanD might initiate a proposed amendment to the OZP under s.5 or s.7 of the Ordinance to cater for the redevelopment for consideration by the Board.

[Dr. Winnie S.M. Tang left the meeting at this point.]

34. In response to a Member’s questions on the Day Nursery, Mr. Kenneth To said that the existing number of students intake of the nursery had been approved by the SED and there was no over subscription. However, the facilities provided in the nursery were not up to the present day standards and there was no scope for improvement, except through redevelopment of the building. Mr. To said that he had no information on the existing provision and waiting list of nursery and kindergarten places in Tai Po as a whole.

35. In response to another Member’s question, Mr. Johnny Li and Sister Susan Koo made the following main points:

- (a) the representer had a firm commitment on the redevelopment scheme and over \$2 million had already been spent on working out the redevelopment proposal;

- (b) building plans for the redevelopment had been prepared but were held up because of the BHR just imposed on the OZP;
- (c) the EDB had regular visit to the Day Nursery and agreed that there was a need for redevelopment of the existing building and upgrade of the facilities to cater for the needs of students. The nursery would further discuss with SED to solicit formal policy support for the project; and
- (d) it was noted that other nurseries/kindergartens in Tai Po also had a long waiting list for nursery/kindergarten places.

36. In response to another Member's question on any other alternative for R3 to take forward the redevelopment proposal of the Day Nursery, Mr. Hui Wai Keung said that R3 could also submit a planning application for minor relaxation of BHR for the Board's consideration. However, the Board should consider whether the proposed redevelopment with a building height from two storeys to six and a half storeys could be regarded as minor relaxation.

37. In response to a Member's question on R13's comments on spot zonings and BHRs, Mr. Hui Wai Keung said that according to legal advice obtained from the Department of Justice, the Board should have the power to impose BHRs on individual sites or for such areas within the boundaries of the OZP if they were necessary and with sufficient planning justifications. Given the wide coverage of the area that comprised areas with varying characteristics including different topography and that there were different planning intentions/objectives to achieve, different restrictions for different sub-areas were necessary.

38. Mr. Brownlee said that there was no logical relationship between the PR and BHRs imposed on the OZP. The restrictions were only to reflect the existing situations, without any forward planning for the New Town. While it was indicated that a BHR of 55mPD was imposed on Tai Po Hui for the reason of air ventilation, some sites were subject to higher BH of 65mPD and 80mPD. Furthermore, the air ventilation requirements were only formulated under an expert evaluation, without a scientific study.

39. In response to another Member's question on redevelopment right of the sites in Luk Heung, Tai Po Hui, Mr. Hui Wai Keung said that majority of the existing developments in Tai Po Hui were mainly 4 to 6 storeys including the buildings along Kwong Fuk Road that were built to accommodate the villages which were displaced by the construction of the Plover Cover Reservoir in the 1960s. For the buildings along Kwong Fuk Road, the leases of the sites generally contained no restrictions except that developments should be in accordance with the Buildings Ordinance. In formulating the BHR of 55mPD for the area, a PR of 5 and 9.5 for domestic and non-domestic developments respectively had been taken into account. Mr. Hui stressed that the BHR of 55mPD was imposed not only to take into account the result of the expert evaluation on the air ventilation condition of the area, it was also intended to maintain the existing unique character of the Tai Po Hui area.

[Mr. B.W. Chan left the meeting at this point.]

40. In response to the question from Mr. Jimmy Leung on the air ventilation considerations for imposing a BHR of 55mPD for the Tai Po Hui area, Professor Edward Ng said that there was close relationship between wind performance and height of buildings/width of streets. The relationship was shown in Figure 6.2 of the Air Ventilation Assessment (AVA) report attached at Annex Ic of the Paper. In essence, if the ratio of the width of street and the building height was more than 1:2, wind would not go inside the street, unless buildings were set back, the streets were widened or building permeability design was incorporated. According to the AVA study, a building height of 40m to 50m was recommended for the Tai Po Hui area.

41. Mr. Lee Yau Loi (R2) said that some of the streets in Tai Po Hui were more than 15m wide. Even though some streets were narrower, distance between buildings was more than 15m. There should be no problem of air ventilation. He said that there was on-going discussion with developers on redevelopment proposals of the Tai Po Hui area. He understood that developers would have no interest to redevelop the area if it was subject to a low building height of 55mPD.

42. Mr. Kenneth To (R3) said that the site of the Day Nursery was small and the proposed redevelopment was not expected to create any negative impact on the area. The Board should make provision for the redevelopment proposal in this juncture, instead of

asking the presenter to submit a s.12A or a planning application later since it was noted that no Member had raised any adverse comments on the redevelopment proposal of the Day Nursery.

43. Mr. Brownlee (R13) said that according to BD's new sustainable building design requirements, buildings had to be set back if they fronted onto street with width less than 15m. The streets and air ventilation environment of the Tai Po Hui area would be improved under such new requirements. Furthermore, no information had been provided in PlanD's assessment on how the PR of 5/9.5 could be achieved under a BHR of 55mPD for the Tai Po Hui area. The Tai Po Hui area possessed interesting character, a uniformed BHR of 55mPD would only constrain redevelopment potential and did not allow flexibility. Mr. Brownlee also suggested that the new "OU(MU)" zone should be applied to the sites formerly zoned "C/R" on the OZP.

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

### Deliberation Session

#### *Tai Po Hui (R2, R13)*

45. Two Members and the Vice-chairman supported the BHR for Tai Po Hui to preserve the unique "hui" character in the Tai Po New Town. It was noted that the existing buildings were in general less than 35mPD in height. According to PlanD's assessment, the building height of 55mPD could cater for redevelopment up to the permissible PR of 5/9.5.

46. Two Members raised concerns that only an expert evaluation had been undertaken to assess the air ventilation condition of the Tai Po Hui area, and the BHR of 55mPD might be imposed arbitrarily. In response, the Chairman said that air ventilation was only one of the considerations in formulating the BHR for the area. As indicated by PlanD, the BHR of 55mPD was to maintain the unique character of the Tai Po Hui. The building height of 55mPD could cater for redevelopment up to RR 5/9.5 permissible in the

Tai Po Hui area.

*Day Nursery (R3)*

47. The Vice-chairman said that the OZP could be amended to make provision for the redevelopment of the Day Nursery if policy support for the redevelopment scheme was obtained. This view was shared by other Members. Another Member also pointed out that when stipulating BHR for “G/IC” sites, it was the consistent approach of the Board to reflect the existing heights of “G/IC” facilities so as to retain their function as breathing space and visual relief for the area. Redevelopment of the “G/IC” sites for more intensive development should be backed up by policy support, strong justifications in functional needs and that there would be no significant impact on the surrounding areas. The above views were shared by four other Members, one of whom also said that the Consultant of R3 had not put forward sufficient information to justify the redevelopment proposal.

*Spot Zoning*

48. A Member said that R13 had made similar comments on spot zoning on all other OZPs and Members had already gone through all of his comments. No new grounds were made in the subject representation. In response, the Secretary said that R13 had raised the same comments in its representations against BHRs incorporated in other OZPs. The comments were that the spot zoning approach with specific controls on PR and BHRs for different sub-zones on the OZP was not permitted by s.3 and s.4 of the Ordinance in relation to the content and application of statutory planning, which required a “broad brush approach”. In this regard, legal advice had been sought. According to the advice obtained from the Department of Justice, the Board should have the power to impose BHRs on individual sites or for such areas within the boundaries of the OZP under s.3 and s.4 of the Ordinance if there were necessary and sufficient planning justifications.

49. After further deliberation, the Chairman concluded Members’ agreement that Representations R1 to R3, R5 and R13 should not be upheld and Representation R4 should be partially upheld by revising the BHR of the “G/IC” zone covering the Ting Lai Road Substation from 2 storeys to 4 storeys. Members then went through the suggested reasons for not upholding the representations as detailed in paragraph 6.2 of the Paper and considered them appropriate.

Representation No.1

50. After further deliberation, the Board decided not to uphold the representation of R1 for the following reasons:

- (a) the rezoning of the Tai Po Sports Association Li Fook Lam Indoor Sports Centre to “G/IC” was appropriate to reflect the current use of the site as sports centre;
- (b) the rezoning of the eastern strips of land of Kerry Lake Egret Nature Park from “V” to “RPA” was appropriate to facilitate a technical boundary adjustment of “V” and “RPA” zones to tally with the as-built situation;
- (c) the proposed amendments to the Notes of the “V”, “G/IC”, “G/IC(1)”, “O” and “GB” zones were not related to any amendment items on the OZP; and
- (d) uplifting of the BHRs would adversely affect the traditional market town character of Tai Po Hui and affect air ventilation in the area.

Representation No. 2

51. After further deliberation, the Board decided not to uphold the representation of R2 for the reason that uplifting of the BHRs would adversely affect the traditional market town character of Tai Po Hui and affect air ventilation in the area.

Representation No. 3

52. After further deliberation, the Board decided not to uphold the representation of R3 for the reason that there was insufficient information to demonstrate that the redevelopment of the “G/IC” site to a higher development intensity with a height of 35mPD was justifiable in terms of functional needs or requirements and there would be no significant impacts on the surrounding environment.

Representation No.4

53. After further deliberation, the Board decided to propose amendments to the draft OZP to partially meet the representation of R4 by revising the BHR of the “G/IC” zone

covering the Ting Lai Road Substation from 2 storeys to 4 storeys as shown in Annex V of the Paper. The Board decided not to uphold the remaining part of the representation of R4 for the reason that no information had been provided to demonstrate that relaxation in the BHs of the “G/IC” sites was justifiable in terms of functional or operational needs. Relaxation of the BHRs without sufficient justifications would set an undesirable precedent.

#### Representation No.5

54. After further deliberation, the Board decided not to uphold the representation of R5 for the reason that the rezoning of the Trackside Villas to “OU” annotated “Railway Staff Quarters and Recreation Club” was appropriate to reflect the current use and function of the site as staff quarters and clubhouse associated with the railway and the site was considered not suitable for private residential development.

#### Representation No.13

55. After further deliberation, the Board decided not to uphold the representation of R13 for the following reasons:

- (a) the BHRs stipulated on the OZP were formulated on the basis of a number of factors including existing land uses, topography and BHs, proposed PR restrictions, local wind environment, air ventilation improvement measures, and urban design principles with reasonable assumptions. A proper balance had been struck between public aspirations for a better living environment and private redevelopment potential. Blanket relaxation of the BHRs was not supported as it would result in proliferation of high-rise developments, which were not in line with the planning intentions for specific areas. For existing buildings which had already exceeded the BHRs, the rights of redeveloping the buildings to their existing heights would be respected on the OZP;
- (b) to cater for site-specific circumstances and schemes with planning and design merits, there was provision for application for minor relaxation of the BHRs under the OZP. Each application would be considered by the Board on its individual merits and a set of criteria for consideration of such applications had been set out in the ES of the OZP;

- (c) the presumption against minor relaxation of BHRs for existing buildings which had already exceeded BHRs stipulated on the OZP was to contain the heights of the excessively tall buildings and avoid further aggregate increase in the BH profile;
- (d) given the wide coverage of the Area that comprised areas with varying characteristics and that there were different planning intentions/objectives to achieve, different restrictions for different sub-areas were considered necessary;
- (e) sections 3 and 4 of the Ordinance and the scheme of the legislation were intended to give the Board comprehensive powers to control development in any part of Hong Kong. Designation of NBA on the OZP could serve a positive planning purpose and had positive planning benefits. It had legal basis as it would form part of the planning control of the Board, which had the necessary and sufficient justifications. The development potential of the concerned sites would not be affected;
- (f) as the NBAs had been designated with due considerations given to site conditions among others, the wording 'exceptional circumstances' was included in the minor relaxation clause of NBA requirements to only cater for exceptional cases under which the NBA could not be provided due to special circumstances but the planning objectives would be achieved in other forms;
- (g) the rezoning of the "C/R" sites to "R(A)", "O", "G/IC" and "Road" was considered appropriate to better reflect the nature and uses of the existing developments. Flexibility for change of use was allowed through the planning permission system; and
- (h) the two-month statutory exhibition period and provision for representations and comments forming part of the public consultation process were considered appropriate. Any premature release of information before

exhibition of the amendments to the OZP might prompt an acceleration of submission of building plans, thus nullifying the effectiveness of imposing the BHRs. All information supporting the BH, PR/GFA restrictions and NBA requirements on the OZP including the AVA Report and visual analysis, was available for public inspection.

[Professor Eddie C.M. Hui left the meeting at this point and Ms. Julia M.K. Lau left the meeting temporarily at this point.]

## **Group 2 Representations - R7 to R12 and Comments C2**

### Presentation and Question Session

56. As sufficient notice had been given to invite the representers and commenter to attend the hearing, Members agreed to proceed with the hearing of representations in the absence of Representers R8 to R11 and Commenter C2 who had indicated that they would not attend the hearing.

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

Mr. Hui Wai Keung	District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), PlanD
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Ms. Lisa L.S. Cheng	Senior Town Planner/Tai Po (STP/TP), PlanD
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Mr. William W.T. Wong	Town Planner/Special Duties (TP/SD), PlanD
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#### R7 (Ruy Barretto SC)

Ruy Barretto SC	Representer
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#### R12 (Koon E Le, Teresa)

Ms Koon E Le, Teresa	Representer
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58. The Chairman extended a welcome and explained the procedures of the hearing. He then invited DPO/STN to brief Members on the representations.

59. With the aid of a Powerpoint presentation, Mr. Hui Wai Keung made the following main points as detailed in the Paper:

- (a) on 17.9.2010, the draft Tai Po Outline Zoning Plan (OZP) No. S/TP/22, incorporating amendments, including mainly the imposition of PR/GFA restrictions and BHRs on various development zones, designation of NBAs, rezoning of the “C/R” sites, free-standing GIC facilities, the Po Heung Street site for public housing development, and completed open space sites and various sites to other appropriate zonings to reflect the as-built situation, was exhibited for public inspection under s.5 of the Ordinance. During the two-month exhibition period, a total of 13 valid representations were received. On 26.11.2010, the representations were published for three weeks for public comments. A total of three valid comments were received;
- (b) R7 to R12 were related to the rezoning of existing slopes in Area 10, Tai Po Kau from “Recreation Priority Area” (“RPA”) to “Green Belt” (“GB”);
- (c) the main grounds of representations and their proposals and PlanD’s responses were summarized in paragraphs 3.3 and 4.4 of the Paper and highlighted below:

*Zoning of Slopes in Area 10 to the west of Tai Po Kau Headland (R7)*

- (i) R7 supported in general the rezoning of slopes in Area 10 to the west of Tai Po Kau Headland from “RPA” to “GB”. However, two pieces of steep and forested slopes adjoining the adjacent “Conservation Area” (“CA”) zone, which contained recognized habitats and were integral to the scientifically important location and habitats in the Tai Po Kau Headland area, should be protected and maintained to serve as wildlife corridor together with the

existing “CA” zone;

Proposal

- (ii) the two slopes should be rezoned to “CA” and the “GB” zone in Area 10 should be designated as NBA;

PlanD’s responses

- (iii) the concerned areas were basically wooded slopes with some scattered houses. The Director of Agriculture, Fisheries and Conservation (DAFC) advised that though certain parts of the area proposed by the representer to be rezoned to “CA” were covered with dense native trees, these areas gradually degraded towards the west of the headland and were rather disturbed in the form of roads, railway, village houses, graves and orchards;
- (iv) the proposal to designate the “GB” zone in Area 10 as NBA was considered unnecessary as there was a presumption against development within the “GB” zone and the concerned area was covered mainly by vegetated slopes. CTP/UD&L advised that the current zoning and control for the area was adequate to retain the landscape character of the area;

*Zoning of Lot 197 in D.D. 35, Tai Po Kau (R8 to R12)*

- (v) R8 to R12 objected to the rezoning of Lot 197 in D.D. 35, Tai Po Kau from “RPA” to “GB” as it did not reflect the existing use of two houses and it would affect the owners’ right for rebuilding;

Proposal

- (vi) R10 to R12 proposed to retain the “RPA” zoning of Lot 197 in D.D. 35, Tai Po Kau on the OZP;

PlanD’s responses

- (vii) as the site and the surrounding areas covering mainly vegetated natural slopes with scattered houses and temporary structures had

very limited potential for accommodating active recreational uses, they were rezoned from “RPA” to “GB” in the current OZP to preserve the existing landscape character of the wider area. Existing houses within the rezoned areas were permitted as of right under the “GB” zone; and

- (viii) the proposal (*R10 to R12*) to retain the “RPA” zoning of the site was not supported as “GB” zoning was considered more appropriate for the site and its surrounding areas given the existing topography, nature of uses and the planning intention to preserve the character of the wider area. As “House” was a column 2 use in both “RPA” and “GB” zones, the rezoning to “GB” would not affect redevelopment proposal of the subject site subject to planning permission;
- (d) Commenters C2 supported R7’s proposal to extend the “GB” zone and “CA” zone and objected to proposals put forward by R10 to R12 without giving particular grounds of comments; and

PlanD’s views

- (e) based on the assessments set out in paragraph 4 of the Paper, PlanD did not support the Representations R7 to R12 and considered that they should not be upheld for the reasons as set out in paragraph 6 of the Paper.

60. The Chairman then invited the representers’ representatives to elaborate on their submissions.

R7 (Ruy Barretto SC)

61. With the aid of plans, Mr. Ruy Barretto made the following main points:

- (a) there was a huge biodiversity of species of plants, birds and insects present in the Tai Po Kau Headland “CA” zone. It was proposed that the two pieces of densely vegetated slopes (the representation sites), which were

adjacent to the “CA” zone and were currently zoned “GB”, be upzoned to “CA”. With such designation, the “CA” corridor between Tai Po Kau Headland and Pai Mun Shan would be widened. This would allow more chances for the wildlife in the area to move to Pai Mun Shan and the Tai Po Kau Nature Reserve to the south to achieve ecological connectivity;

- (b) the imposition of BHRs for Tai Po was supported, in particular for sensitive areas such as Fung Yuen. An appropriate zoning should also be designated for the ecologically sensitive areas to reflect the planning intention of conserving the area. Ecologically sensitive area, even with a small size, should be zoned “CA”;
- (c) the ecological value of the Tai Po Kau Headland area was proved in the study undertaken by the representer and others in 2006, in support for an application (Application No. Y/TP/2) for rezoning the area from “GB” to “CA”;

[Dr. James C.W. Lau left the meeting at this point and Mr. Timothy K.W. Ma left the meeting temporarily at this point.]

- (d) the representer did not agree to the assessment of the representation sites as stated in the TPB Paper in that:
  - (i) the area concerned was not fragmented by roads and railway. There was no railway or road in the areas;
  - (ii) the landscape quality of the area was high, rather than moderate. In commenting the 2006 rezoning application, CTP/UD&L advised that according to the Landscape Value Mapping Study of Hong Kong, the area had landscape value rating from “moderate” to “high (qualified)”. The “moderate” rating applied to the railway track, the Tolo Highway and the areas between them, whilst the “high” and “high (qualified)” applied to the headland core area and the Pai Mun Shan area; and

- (iii) AFCD had recognized the importance of ecological linkage of the area when commenting on the 2006 rezoning application and had supported part of the rezoning proposal;
- (e) the information shown on the concept plan at Plan 3 and the description in paragraph 4.1.9 of the TPB Paper were incorrect in that the Tai Po Kau and Fung Yuen areas, which were of high ecological value were marked as urban fringe areas. Such wrong information would give rise to unreasonable expectation by private developers that developments of 12 to 15 storeys were permissible in these areas. He also objected to the descriptions stated in paragraphs 4.1.23 and 4.2.2 of the TPB Paper as the description of the state of the slopes in Area 10 and the planning intention of various zones on the OZP had all missed out the important part of conservation of the areas; and
- (f) the representer's proposal of designating the "GB" zone in Area 10 as NBA should be modified to exclude Lot 197 in DD 35 as the two houses on the site had been there for many years. The site should be rezoned to "Residential (Group C)" "(R(C))" to reflect the existing use.

R12 (Ms Koon E Le, Teresa)

62. Ms Koon E le, Teresa said that she objected to the rezoning of Lot 197 in DD 35 from "RPA" to "GB" as there was a general presumption against development within the "GB" zone. This would affect the owners' right for rebuilding the two houses on the site. Hence, the site should be rezoned to "R(C)" instead.

63. As the representers had completed their presentations, the Chairman invited questions from Members.

64. In response to a Member's question, Mr. Ruy Barretto said that it was not a mandatory requirement in law that the Agriculture, Fisheries and Conservation Department's (AFCD) support should be obtained in designating an area as "CA" on OZP. The zoning

designation should be supported by scientific data instead.

65. Mr. Hui Wai Keung said that when the Board considered whether the area should be zoned “CA” on the OZP, it would take into account the expert advice of AFCD on the ecological value of this area. The Chairman supplemented that the Board had the authority under the Ordinance to designate area as “CA” on OZP, taking into account comments and advice of relevant government departments including AFCD.

66. In response to another Member’s questions, Mr. Hui Wai Keung said that DAFC supported in principle the rezoning of area at Pai Mun Shan and the Mangrove habitat at Tolo Pond to “CA” in the 2006 rezoning application submitted by the representer. However, DAFC also considered that the areas to the east and west of Tai Po Kau Headland had already been fragmented by residential developments, roads, railway line and associated cut slopes. As stated in paragraph 4.4.11(b) of the Paper, DAFC maintained this view when commenting on the representer’s proposal under the subject representation. However, DAFC did not provide any detailed information on the ecological value of the area.

67. In response to a Member’s question, Mr. Hui Wai Keung said that AFCD had a set of criteria in assessing the ecological value of the area. The size of the site concerned was one of the criteria, but this might not be an overriding concern.

68. Mr. Ruy Barretto said that the study undertaken in support of the 2006 rezoning application had already provided detailed information on the ecological value of the area and should be taken into account. The comment made in the TPB Paper had a wrong assessment on the landscape value of the area. He requested the Board to take into account the information contained in his study, instead of just relying on the comments of DAFC provided in the TPB Paper. In this regard, Mr. Barretto had tabled a copy of the study report at the meeting for Members’ consideration.

69. As Members had no further question to raise, the Chairman said that the hearing procedures had been completed and the Board would deliberate on the representations in the absence of the representers. The representers would be informed of the Board’s decision in due course. The Chairman thanked the representatives of the representers and PlanD for attending the meeting. They all left the meeting at this point.

### Deliberation Session

#### *Proposed rezoning to "CA" (R7)*

70. A Member said that while DAFC had commented on the representer's proposal to rezone the representation sites to "CA", there was no detailed response to the representer's ecological assessment on the area. This view was supported by another Member who considered that DAFC's comment was not substantial enough for the Board to consider the representer's proposal.

71. Another Member however said that the planning intentions of the "GB" and "CA" zones were different. Careful consideration should be given before zoning an area as "CA" as the planning intention of the "CA" zone was nature conservation and it basically did not allow any development. It was also a general practice of the Board to rely on expert advice from government departments on technical issues. As DAFC had already provided comments on the representer's proposal from ecological conservation point of view, the Board should take into account the view of AFCD in considering the representer's proposal.

72. The Secretary said that the Board should consider whether there were sufficient justifications to rezone the representation sites to "CA". She drew Members' attention that the representer had only submitted his study report to the Board at this meeting and DAFC did not have the chance to study the report and offer his comments accordingly. The Secretary suggested seeking AFCD's comments on the report submitted by the representer at the meeting for the Board's consideration. Members agreed.

#### *Rezoning of Lot 197 in DD 35 to "R(C)" (R8 to R12)*

73. A Member said that as planning permission was required for redevelopment of the representers' houses under both the previous "RPA" zone and the current "GB" zone, the site should be retained as "GB" in order to preserve the character of the wider area. This view was shared by another Member.

74. The Secretary said that the representer R12 now requested to rezone the subject lot to "R(C)". She explained that it was the practice of the Board to give a specific residential zoning to residential clusters/sizable residential buildings within a wider "GB"

zone. However, for small lots within a larger “GB” area, redevelopment of the existing houses might be allowed on application to the Board. The Board would then take into account relevant TPB Guidelines and consider the application on individual merits.

75. The Secretary suggested that PlanD undertook a detailed review of all the house lots within the area to investigate whether there were suitable sites which might be rezoned to “R(C)” to reflect the existing uses. Members agreed.

76. After further deliberation, the Chairman suggested that the DAFC should be requested to provide comments on the study report submitted by Representer R7 for consideration of the Board. In this connection, a decision on the subject representation should be deferred pending further comments from DAFC. The Chairman also suggested that a decision on representations R8 to R12 should be deferred pending PlanD’s detailed review of all the house lots within the area to investigate whether there were suitable sites which might be rezoned to “R(C)” to reflect the existing uses. Members agreed.

#### Representation No.7

77. After further deliberation, the Board decided to defer a decision on the representation of R7 pending further advice from AFCD on the representer’s submission on the ecological value of the area concerned.

#### Representations No. 8 to 12

78. After further deliberation, the Board decided to defer a decision on the representations of R8 to R12 pending a review of all the house lots within the area to investigate whether there were suitable lots that might be rezoned to “R(C)” to reflect the existing uses.

[Professor P.P. Ho and Mr. K.Y Leung left the meeting at this point.]

#### **Group 3 Representation - R6, C1 and C3 (regarding the Fung Yuen CDA site)**

#### Presentation and Question Session

79. The following representatives from the Planning Department (PlanD), representer and commenters were invited to the meeting at this point:

Mr. Hui Wai Keung                      District Planning Officer/Shia Tin, Tai Po and North (DPO/STN), PlanD

Ms. Lisa L.S. Cheng                      Senior Town Planner/Tai Po (STP/TP), PlanD

Mr. William W.T. Wong                      Town Planner/Special Duties (TP/SD), PlanD

R6 (Fantastic State Ltd.)

Mr. Kenneth To                      ) Representer's representatives

Miss Pauline Lam                      )

C1 (Tai Po Environmental Association Ltd.)

Ms. Chiu Yuk Lin                      ) Commerter's representatives

Mr. Tam Kin Chung                      )

C3 (Ms. Hui Lai Ming)

Mr. Siu Moon Wah                      ) Commenter's representatives

Ms. Hui Lai Ming                      )

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

81. With the aid of a Powerpoint presentation, Mr. Hui Wai Keung made the following main points as detailed in the Paper:

- (a) on 17.9.2010, the draft Tai Po Outline Zoning Plan (OZP) No. S/TP/22, incorporating amendments, including mainly the imposition of PR/GFA restrictions and BHRs on various development zones, designation of NBAs, rezoning of the "C/R" sites, free-standing GIC facilities, the Po Heung Street site for public housing development, and completed open space sites

and various sites to other appropriate zonings to reflect the as-built situation, was exhibited for public inspection under s.5 of the Ordinance. During the two-month exhibition period, a total of 13 valid representations were received. On 26.11.2010, the representations were published for three weeks for public comments. A total of three valid comments were received;

- (b) R6 was related to the BHRs for the Fung Yuen “Comprehensive Development Area (1)” (“CDA(1)”) site;
- (c) the representation was against the BHRs of the Fung Yuen “CDA(1)” site on the following main grounds as summarized in paragraph 3.3 of the Paper and highlighted below:
  - (i) the BHRs would render the on-going development inoperable, introduce uncertainties and severely constrain any design adjustments. Any change in development details could only be made possible by making a complicated and time consuming s.12A application to the Board;
  - (ii) the restrictions were inconsistent with the approved development scheme and the approved building plans. The pecked lines on the OZP could not accommodate the building forms in the approved building plans when the image of the OZP was enlarged and a maximum BH of 19 storeys was stipulated for Tower 2, which was 20 storeys as shown on the approved plans;
  - (iii) some ancillary structures provided below ground level were exposed due to the sloping profile of the site but there was no clear definition on whether these structures should be regarded as basements;
  - (iv) the BHRs defeated the objectives and planning intention of the “CDA” zone to allow different development design solutions.

The control was redundant given the requirement for a submission of Master Layout Plan (MLP). The imposition of “spot” BHs on individual buildings within the “CDA(1)” site did not involve any action in creation of plan for ‘lay-out’ of an area or “types of buildings” suitable for erection as empowered by the Ordinance. It attempted to freeze development in-situ and was in contrast with the more usual “broad-brush’ approach in stipulation of BHRs; and

Proposal

- (v) R6 proposed not to adopt the Amendment Item A to the Tai Po OZP and the corresponding amendments to the Notes and ES in relation to the “CDA(1)” site. All pecked lines designating the exact location of each building on the “CDA(1)” site should be deleted and the Notes should be revised to adopt a BHR of 102mPD for the whole site;
  
- (d) PlanD’s responses to the representation and presenter’s proposals were as follows:
  - (i) the BHRs for the “CDA(1)” site were formulated in accordance with the MLP approved by the Board to allow a stepped height profile rising from south to north. Reasonable assumptions had been made to meet various building requirements and flexibility was allowed to permit variations in the shape and form of the buildings. There was also provision under the Notes for application for minor relaxation of the BHRs to be considered by the Board based on the merits of individual proposals;
  
  - (ii) the building plans circulated had incorporated some changes in the form of buildings and in internal layout/disposition of premises, and the number of storeys of some buildings were less than the maximum stipulated on the MLP. These variations were considered as Class A amendments according to the TPB

Guidelines No. 36A for Class A and Class B Amendments to Approved Development Proposals as the subject changes were not subject to environmental mitigation measures;

- (iii) the proposed heights of all the buildings, including Tower 2 with 19 residential floors above a basement car park floor, were considered compliant with the MLP and the BHRs. The relevant set of building plans had subsequently been approved. The statutory requirements had not affected the development of the site in accordance with the approved MLP and the approved building plans;
  - (iv) in drawing up the sub-areas within the “CDA(1)” zone, reasonable flexibility had been made to permit changes in development details in Phase 2 of the Fung Yuen “CDA” development, without the need for a s.12A application; and
  - (v) the proposal to remove all the pecked lines showing the location of the BHRs and not to adopt Amendment Item A were not supported. A blanket ceiling of maximum BH at 102mPD was not supported as it would not safeguard a BH profile with variations as stipulated in the approved MLP and might result in monotonous BH on the site. CTP/UD&L did not support the proposal;
- (e) comments related to the representation were summarized in paragraph 3.4 of the Paper and highlighted as follows:
- (i) C1 supported the BHR of 1 storey within the “CDA(1)” site and asked for more stringent BHRs to alleviate the adverse impacts of the development on the ecology, views, light and air ventilation of the Fung Yuen SSSI;
  - (ii) C1 and C3 proposed to widen the access road within the

“CDA(1)” site as the original access road had been narrowed due to the new developments. It affected the daily operation of the Butterfly Reserve and shops nearby, and caused safety problems; and

- (iii) C1 also proposed to build a new public toilet within the “CDA(1)” site as the previous public toilet had been demolished by the developer;
- (f) PlanD’s responses to the comments were highlighted as follows:
- (i) as regards C1’s request for more stringent BHRs for the residential portion of the “CDA(1)” site, the current BHRs were in line with the approved MLP. The approved MLP had been duly considered and scrutinized by the Board and was considered appropriate for the protection of the surrounding areas and Fung Yuen “Site of Special Scientific Interest” (SSSI) from the adverse impacts of the developments;
  - (ii) regarding C1 and C2’s request to widen the access road in the “CDA(1)” site, Commissioner for Transport (C for T) advised that the accessibility of the new access road to be completed by the developer within the “CDA(1)” site including the cul-de-sac was better than the original one. The layout of the road met technical requirements and the roundabout would cater for 12m long vehicle manoeuvring and was adequate to serve the nearby villages; and
  - (iii) C1’s proposal for a public toilet within the “CDA(1)” site was noted and there was provision for application for public toilet under the Notes of the “CDA(1)” zone; and

PlanD’s views

- (f) based on the assessments set out in paragraph 4 of the Paper, PlanD did not

support the Representation R6 and considered that it should not be upheld for the reasons as set out in paragraph 6 of the Paper.

82. The Chairman then invited the representer and commenters' representatives to elaborate on their submissions.

R6 (Fantastic State Ltd.)

83. With the aid of a Powerpoint presentation, Mr. Kenneth To made the following main points:

- (a) the subject site was zoned "Other Specified Uses" annotated "Comprehensive Redevelopment Area" ("OU(CRA)") in 1982 and was later rezoned to "CDA" in 1997 with the planning intention to encourage a comprehensive development with a view to discontinuing the undesirable open storage and car-repairing workshop uses. The site was previously largely occupied by incompatible open storage and car-repairing workshops. The comprehensive development of the site helped to phase out the incompatible uses such that the ecological sensitive area of Fung Yuen could be better conserved;
- (b) the latest MLP for the subject comprehensive development was approved by the Board in 2004. The government lease of Phase I of the development had incorporated the major development parameters of the approved MLP which included a maximum GFA of 87,356m<sup>2</sup> and a maximum building height of 102mPD. Construction on site was in progress for meeting the building covenant date of 30.9.2013 stipulated under the lease;
- (c) according to s.4A(1) of the Ordinance, the Board might prohibit the undertaking of any building works in respect of a "CDA", except with permission of the Board. Under s.4A(2) of the Ordinance, an applicant for the Board's permission might be required by the Board to prepare a MLP to include information on the building dimensions, floor area for

each use, building development programmes and any other matter the Board considered appropriate. S.16A of the Ordinance allowed for applications for subsequent Class B amendments to the approved development scheme. In this connection, the Ordinance already allowed adequate and effective control by the Board on the design and layout of any development, and subsequent amendments to such development within a “CDA” zone;

- (d) the current amendments to the OZP were to impose sub-areas with specific heights within the “CDA(1)” site. The other areas within the “CDA(1)” site was subject to a BHR of one storey only. The representer objected to these additional restrictions of the “CDA(1)” site on top of the control under the “CDA” zone and the MLP;
- (e) the additional restrictions were not in line with the approved MLP and the approved building plans;
- (f) the design of the subject development had taken into account the sloping landform of the site and one to two storeys car parking floors had been proposed. The BHRs on the OZP did not take into account basement car parks and the ancillary structures which were to be provided below ground level but were exposed due to the sloping profile of the site;
- (g) at the location of Tower 2 which was 20 storeys as shown on the approved building plans, a maximum building height of 19 storeys was stipulated on the OZP;
- (h) while the representer did not intend to have any development within the area reserved for agricultural use on the approved MLP, the BH restriction of 1 storey for this area imposed constraints for development of ancillary structures such as watch towers or viewing terrace. These structures might not be permitted as they might exceed the 1 storey restriction on the OZP;

- (i) the detailed restrictions imposed on the subject “CDA(1)” site was unnecessary and unprecedented. They severely constrained the progress of the subject development and negated the design flexibility embedded in the intention of the “CDA” zone. There would be no provision in the OZP for minor adjustment of boundary of individual residential block;
- (j) the flexibility allowed under s.16A of the Ordinance for Class B amendments to the approved scheme had also been denied in view of the BHR imposed on the “CDA(1)” site. Any changes to the building height of the subject development could only be made under a fresh s.16 planning application;

[Mr. Walter K.L. Chan left the meeting at this point.]

- (k) the building sheaths, spot BHRs and 1-storey restriction for the rest of the site had defined rigidly the exact location and form of buildings of the subject development. The objective of such restrictions to reflect the scheme previously approved by the Board was not a function conferred by the Ordinance. The control was against the broad principles of development and planning control as stipulated in the OZP. It was also against the spirit of a “CDA” zone, which should be controlled through a planning brief specifying the detailed development requirements;
- (l) the current restrictions permitted only one design scheme for the subject development with no flexibility allowed. A s.12A application with technical assessments would be required if there were any changes to the position, dimensions and heights of the buildings; and
- (m) the representer requested deletion of the Amendment Item A to the draft OZP and the corresponding amendments to the Notes and ES of the Plan. A BHR of 102mPD should be applied to the whole “CDA(1)” site.

84. With the aid of a Powerpoint presentation, Mr. Tam Kin Chung made the following main points:

- (a) the imposition of BHR of 1 storey for the Fung Yuen “CDA(1)” site was supported;
- (b) Fung Yuen had been designated as SSSI for 30 years. It was an important habitat for more than 80% of the butterfly species found in Hong Kong;
- (c) the development of the Fung Yuen “CDA(1)” site, which was very close to the SSSI, had already caused adverse impact on the area as all vegetation previously on the “CDA(1)” site had been cleared for development. It was necessary to exercise due control on the Fung Yuen “CDA(1)” site in order to minimize its potential impact on the ecology of the area;
- (d) the high-rise building blocks of the development would also generate substantial adverse visual and environmental impacts and other adverse impacts including glare impact on the area;
- (e) the access road leading to the Fung Yuen SSSI within the “CDA(1)” site had been narrowed due to the new development. It had affected the daily operation of the Butterfly Reserve and the daily life of residents still living in Fung Yuen. It had also affected the emergency access to the area and hence created road safety problem. Hence it was proposed that the access road within the “CDA(1)’ site be widened; and
- (f) the only public toilet in the area had been demolished due to the new development and it was proposed that a public toilet should be reprovisioned in the area.

C3 (Ms. Hui Lai Ming)

85. Ms. Hui Lai Ming made the following main points:

- (a) the access road leading to Fung Yuen was very narrow and dangerous and was always blocked by private cars of visitors to the area. It should be noted that there were still residents living in Fung Yuen. Accessibility to the area had been seriously affected as the only access road to the area had been narrowed and realigned. She proposed to widen the access road; and
- (b) she also supported the comments made by C1.

86. As the representer and the commenters' had completed their presentation, the Chairman invited questions from Members.

87. In response to a Member's questions, Mr. Hui Wai Keung said that the sub-areas with specific BHRs were stipulated with reference to the approved MLP for the subject development. Building plans for the subject development, which had incorporated some changes in the shape and form of the buildings from approved MLP, had already been approved. Regarding the agricultural use and the access road, Mr. Hui said that according to the approved MLP, building development would be concentrated on the western side of the access road, while the remaining area not for development was reserved for agricultural use. A BHR of 1 storey was therefore imposed on the agricultural area to allow for ancillary structures of the agricultural use. The alignment of the access road was in accordance with the approved MLP.

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

#### Deliberation Session

89. In response to a Member's question, the Secretary said that the amendments to the Tai Po OZP were mainly to incorporate BHRs and PR control on areas within the OZP

boundary, including the Fung Yuen “CDA(1)” site. There was no planning brief for the subject “CDA” development. As the site covered a relatively large area, it would not be appropriate to impose a unified BHR on the whole site. Since development was mainly concentrated within part of the site and the remaining area was reserved for agricultural use, sub-areas with specific BHRs were designated in accordance with the approved MLP and 1-storey height restriction was imposed on the agricultural area. There were examples of “CDAs” with sub-areas in other areas. The Board would regularly review all “CDA” sites. Amendments to the zoning of the sites and their development restrictions could be made, if required, upon review.

90. The Secretary further said that building plans for the subject development had been approved. According to the Notes of the “CDA” zone on the OZP, basement floors might be disregarded in determining the number of storeys of the building. Tower 2 of the subject development with 20 storeys including one storey of basement mentioned by the representer did not contravene the BHR of 19 storeys for the sub-area. In addition, according to the covering Notes of the OZP, minor boundary adjustment might be permitted during detailed planning proceeded.

91. After further deliberation, the Board agreed that the representation should not be upheld. Members then went through the suggested reason for not to uphold the representation as detailed in paragraph 6.2 of the Paper and considered that it was appropriate.

[Miss Annie Tam left the meeting temporarily at this point.]

#### Representations No.6

92. After further deliberation, the Board decided not to uphold the representation of R6 for the reason that the BHRs for the “CDA(1)” zone as stipulated in accordance with the approved MLP to allow a stepped height profile were considered appropriate for the site. A blanket maximum BH ceiling of 102mPD was not supported as it failed to safeguard a BH profile with variations and might result in monotonous BH on the site, and was not in line with the approved MLP.

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

**Agenda Item 4**

[Open meeting (Presentation and Question Session Only)]

Review of Application No. A/NE-MUP/62

Proposed Two Houses (New Territories Exempted Houses – Small Houses)

in “Agriculture” zone, Lot 326s.B ss.4 and ss.5 in DD 37,

Man Uk Pin, Sha Tau Kok

(TPB Paper No. 8744)

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[The hearing was conducted in Cantonese.]

93. The Chairman informed Members the subject application for two Small Houses were rejected by the Rural and New Town Planning Committee (RNTPC) mainly because the proposed development did not comply with the ‘Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories’ as there was sufficient land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of the village.

94. The Chairman further said that subsequent to the rejection of the application by the RNTPC, the District Lands Officer/Tai Po (DLO/TP) had revised the 10-year Small House demand forecast from 100 to 200 for Man Uk Pin Village. According to PlanD’s estimation, the estimated land available for Small House development within the “V” zone of Man Uk Pin Village was not enough to fully meet the future demand for Small House for the village according to DLO/TP’s latest figure. As such, the application generally met the Interim Criteria in that the footprints of the proposed Small Houses fell entirely within the village ‘environs’ of Man Uk Pin Village and there was insufficient land within the “V” zone of Man Uk Pin Village to meet the Small House demand.

95. Based on PlanD’s assessments as set out in paragraph 7 of the Paper, Members agreed to approve the application.

Presentation and Question Session

96. The following representatives of the PlanD and the applicant were invited to the meeting at this point:

- |                     |   |  |
|---------------------|---|--|
| Mr. Hui Wai Keung   | - | District Planning Officer/Shah Tin, Tai Po and North (DPO/STN) |
| Ms. Betty Ho        | - | ) Applicant's Representatives                                  |
| Miss Cheung Hoi Yee | ) |  |
| Mr. Law Loi On      | - | Applicant  |

97. The Chairman extended a welcome and informed the applicant and his representatives that the Board had decided to approve the application with conditions. He asked the applicant whether he would like to elaborate on the application. Noting that the Board would grant approval to the application, Mr. Law Loi On agreed with PlanD's view on the Paper and had no further point to make on the application.

98. As the applicant and his representatives had no further comment to make and Members had no further question, the Chairman informed the applicant and his representatives that the hearing procedures for the review application had been completed. The Board would further inform the applicant of the Board's decision in due course. The Chairman thanked the applicant and his representatives and representative of the PlanD for attending the meeting. They all left the meeting at this point.

#### Deliberation Session

99. After deliberation, the Board decided to approve the application on review, on the terms of the application as submitted to the Board. The permission should be valid until 25.2.2015, 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 conditions:

- (a) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the Town Planning

Board;

- (b) the provision of fire fighting access, water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (c) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the Town Planning Board.

100. Members also agreed to advise the applicant:

- (a) to note the Chief Engineer/Development(2), Water Supplies Department's comments that:
  - (i) the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection and to resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards;
  - (ii) the site was located within flood pumping gathering ground; and
  - (iii) water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (b) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the site was in an area where no public sewerage connection was available. EPD should be consulted regarding the sewage treatment/disposal facilities for the proposed development;
- (c) to note the Commissioner for Transport's comments that the land status of the village track (leading to the site from a public road) should be checked with the Lands Authority and the management and maintenance

responsibilities of the village track should be clarified with the relevant lands and maintenance authorities accordingly; and

- (d) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the Town Planning Board where required before carrying out the road works.

### **Agenda Item 7**

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/NE-TK/314

Proposed House (New Territories Exempted House – Small House)  
in “Village Type Development” zone and an area shown as “Road”,  
Lot 291s.A RP in DD 26, Shuen Wan Lei Uk, Tai Po  
(TPB Paper No. 8745)

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[The hearing was conducted in Cantonese.]

101. As sufficient notice had been given to invite the applicant to attend the hearing, Members agreed to proceed with the hearing of review application in the absence of the applicant who had indicated that he would not attend the hearing.

### **Presentation and Question Session**

102. The following representative of the Planning Department (PlanD), was invited to the meeting at this point:

Mr. Hui Wai Keung - District Planning Officer/Shau Tin, Tai Po  
and North (DPO/STN)

103. The Chairman extended a welcome and invited Mr. Hui Wai Keung to brief Members on the background to the application.

104. With the aid of plans, Mr. Hui Wai Keung presented the application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission to build a proposed house (New Territories Exempted House (NTEH) – Small House) on the application site partly zoned “Village Type Development” (“V”) and partly fell within an area shown as “Road” on the draft Ting Kok Outline Zoning Plan (OZP);
- (b) on 30.7.2010, the Rural and New Town Planning Committee (RNTPC) rejected the application and the reason was that the proposed development did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories as the site encroached onto the possible future road widening area;
- (c) the applicant had not provided any written representation in support of the review application;
- (d) departmental comments on the review application were summarized in paragraph 5 of the Paper. The Commissioner for Transport (C for T) did not support the application as the proposed development encroached upon an area shown as “Road”. Although there was currently no plan/programme for any proposed road widening works near the site, such type of development within an area shown as “Road”, if permitted, would set an undesirable precedent case for similar applications in the future. Other departments had no objection to/adverse comments on the application;
- (e) public comment – two public comments were received. A Tai Po District Councillor, Mr. Lo Sam Shing, objected to the application as the IIR of Shuen Wan Lei Uk considered the site not suitable for house development.

The other comment, submitted by the Designing Hong Kong Limited, objected to the application for reason that the area zoned “Road” lacked a plan for a sustainable layout of infrastructure and development;

(f) PlanD’s views – PlanD did not support the review application based on the assessments set out in paragraph 6 of the Paper, which were summarized below:

(i) about 77% of the site fell within an area shown as “Road”. Although more than 50% of the footprint of the proposed Small House fell within the village “environs” and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of concerned villages, the proposed Small House did not comply with the Interim Criteria in that the site encroached onto the possible future road widening area. The C for T maintained his previous view of not supporting the application as the proposed development encroached upon an area shown as ‘Road’. C for T pointed out that although there was currently no plan/programme for any proposed road widening works near the site, such type of development within an area shown as “Road”, if permitted, would set an undesirable precedent case for similar applications in the future; and

(ii) public comments were received objecting to the application on the ground that the site was considered not suitable for house development and the area lacked a sustainable layout plan.

105. As Members had no further questions, the Chairman thanked the representative of PlanD for attending the meeting. Mr. Hui Wai Keung left the meeting at this point.

#### Deliberation Session

106. The Chairman said that the application could not be supported as it was not in line with the Interim Criteria in that the application site encroached onto the possible future

road widening area. Member went through the reason for rejection as stated in paragraph 7.1 of the Paper and considered that it was appropriate.

107. After further deliberation, the Board decided to reject the application on review and the reason was:

the proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories as the site encroached onto the possible future road widening area.

108. The meeting was adjourned for lunch break at 2:20 p.m.

109. The meeting resumed at 3:20 p.m.

110. The following Members and the Secretary were present after the lunch break:

Mr. Thomas Chow

Chairman

Mr. Stanley Y.F. Wong

Vice-chairman

Ms. Maggie M.K. Chan

Ms. Anna S.Y. Kwong

Mr. Timothy K.W. Ma

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Mr. Roger K.H. Luk

Professor S.C. Wong

Dr. W.K. Yau

Deputy Director of Environmental Protection

Mr. Benny Y.K. Wong

Director of Lands

Miss Annie Tam

Director of Planning

Mr. Jimmy Leung

**Agenda Item 8**

[Open Meeting (Presentation and Question Session only)]

Hong Kong Island East Harbour-front Study – Stage 3 Public Engagement

(TPB Paper No. 8747)

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[The item was conducted in Cantonese.]

111. As the previous items had overrun, Members agreed that this item be rescheduled to the next meeting.

**Agenda Item 9**

[Open Meeting (Presentation and Question Session only)]

Further Consideration of Representations and Comments to the Draft Kwai Chung Outline Zoning Plan No. S/KC/22

(TPB Paper No. 8748)

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[The hearing was conducted in Cantonese.]

112. The representations and comments were related to the proposed rezoning of the ex-Kwai Chung Police Married Quarters (ex-KCPMQ) site from “Government, Institution or Community” (“G/IC”) and “Road” to “Residential (Group E)1” (“R(E)1”) on the draft Kwai Chung Outline Zoning Plan (OZP) No.S/KC/22 to facilitate public rental housing (PRH) development by the Hong Kong Housing Authority (HKHA). The following Members had declared interest on this item:

- |  |   |
|--|---|
| Mr Jimmy Leung<br>as Director of Planning                            | - Being a member of the Building Committee (BC) and Strategic Planning Committee (SPC) of HKHA              |
| Mr. Andrew Tsang<br>as Assistant Director (2) of<br>the Home Affairs | - Being a representative of the Director of Home Affairs who was a member of the SPC and Subsidised Housing |

Department	Committee of HKHA
Miss Annie K.L. Tam as Director of Lands	- Being a member of HKHA
Mr. Stanley Y.F. Wong	- Being a member of HKHA
Professor Edwin H.W. Chan	- Being a member of the Sub-Committee of BC of HKHA
Dr. W.K. Lo	- Being a member of the BC of HKHA
Mr. Stephen Yip	- Being former Chairman of BC, Member of SPC and Member of Tender Committee of HKHA
Mr. Y.K. Cheng	- Spouse being the Chief Architect of the Housing Department (HD)
Mr. Raymond Y.M. Chan	- Having business dealings with HKHA
Dr. Winnie S.M. Tang	- Being a Member of the Kwai Tsing District Council (K&T DC)

113. Members noted that Professor Edwin Chan and Dr. Winnie Tang had left the meeting while Mr. Jimmy Leung, Miss Annie Tam and Mr. Stanley Wong had temporarily left the meeting. Members also noted that the other Members had tendered apologies for not being able to attend the meeting.

#### Presentation and Question Session

114. The Chairman said that sufficient notice had been given to invite the

representers and commenters to attend the hearing, but other than those that were present at the meeting, the rest had either indicated not to attend the hearing or made no reply. As sufficient notice had been given to those representers and commenters, Members agreed to proceed with the hearing in their absence.

115. The following representatives from the Government, the representers and their representatives were invited to the meeting at this point:

Planning Department (PlanD)

Mr. Wilson Chan	District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK)
Mr. Y. S. Lee	Senior Town Planner/Kwai Tsing
Mr. William Ying	Town Planner /Kwai Tsing

Housing Department (HD)

Mr. Harry H.Y. Chan	Senior Planning Officer / Development and Construction
Mr. Stephen C.L. Chu	Senior Civil Engineer
Mr. Albert K.H. Hsieh	Architect
Ms. Alice W.Y. Lo	Planning Officer

OAP HK Limited

Ms. Carmen Chu	Consultant
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Environmental Protection Department (EPD)

Mr. Edward W.K. Lam	Senior Environmental Protection Officer (Assessment & Noise)
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Leisure & Cultural Services Department (LCSD)

Mr. Lee Tsz Chun	Chief Executive Officer (Planning)
Ms. Sharon S.W. Lau	Chief Leisure Manager (New Territories West)



Mr. Chiu Sai Chiu (Kwai Chung Plaza Owners' Corporation)

Mr. Sin Man Lun

Mr. Wong Lap Shan

Ms. Wong Wai Kan

Ms. Yu Ching Ping

R54 (Ng Kim Sing, K&T District Councillor)

Mr. Ng Kim Sing

Ms. Chan Lai Fong

Ms. Chan Mei Yu

Ms. Cheung Siu Miu

Mr. Ngan Kin Wai

Ms. Cheung Kiu

Ms. So Fung Ying

Ms. Ngan Kueq Ching

Ms. Fung Mei Chun

Ms. Chan Wai Ping

R60 (Au Kam Wing, The Association of the Residents of Private Buildings of Kwai Fong)

Mr. Au Kam Wing

R61 (Kwok Chi Keung)

Mr. Kwok Chi Keung

R74 (Leung Chi Shing)

Mr. Leung Chi Shing

R78 (Leung Kar Ming, Kwai Chung Community Development Concern Group)

Ms. Leung Kar Ming

R143 (Lo Wai Yin)

Mr. Lo Wai Yin

R145 (Lo Yu Chiu)

Mr. Lo Yu Chiu

R147 (Chan Siu Kuen)

Ms. Chan Siu Kuen

R243 (Loo Yun Sum)

Loo Yun Sum

R332 (Ngan Wan Yee)

Ms. Ngan Wan Yee

R398 (Chan Lik Wai, New Kwai Fong Gardens Owners' Committee)

Mr. Chan Lik Wai

R411 (Chan So Yan)

Ms. Chan So Yan

R438 (Yung Shuk Fong)

Ms. Yung Shuk Fong

R448 (Chan Lai Fun, Kwai Chung Community Development Concern Group)

Ms. Chan Lai Fung

R465 (Ko Yuet Chung, Kwai Chung Plaza Merchants Association)

Mr. Ko Yuet Chung

R485 (Leung Yun Hing)

Ms. Leung Yun Hing

R 519 (Ching Yuet Yin)

Ms. Ching Yuet Yin

R538 (Kwok Kwai Chun)

Ms. Kwok Kwai Chun

R576 (Tsoi Wai Kwong)

Mr. Tsoi Wai Kwong

R592 (Cheng Man Kwan)

Ms. Cheng Man Kwan

R621 (Chan Shun Fong)

Ms. Chan Shun Fong

Mr. Tang Po Tin

R639 (Cheung Lai Fong)

Ms. Cheung Lai Fong

R640 (Mak Chung Yan)

Mr. Mak Chung Yan

R642 (Kan Ping Chuen)

Ms. Chiu Yee Ling

R655 (Kan Lai Hin)

Ms. Lam San Wai

R702 (Kam Yuet Sheung)

Ms. Kam Yuet Sheung

116. The Chairman extended a welcome and explained the procedures of the hearing. He then invited the representatives from the Government to brief Members on the background to the representations.

117. With the aid of a Powerpoint presentation, Mr. Y. S. Lee made the following main points as detailed in the Paper:

- (a) on 20.2.2009, the ex-KCPMQ site was rezoned from “Government, Institution or Community” (“G/IC”) and an area shown as ‘Road’ to “R(E)1” on the draft Kwai Chung OZP No. S/KC/22. The amendment was to facilitate a PRH development by the HD at the ex-KCPMQ site. Upon expiry of the public exhibition period, a total of 17 supporting representations, 730 objecting representations, 13 no-comment representations and 39 comments to the representations were received;
- (b) on 28.8.2009, the Board considered the representations and comments related to the proposed rezoning of the ex-KCPMQ site and decided to defer a decision on the representations pending the submission by HD of further information, including an update of the preliminary traffic impact assessment (TIA) with specific suggestions to resolve the current traffic problems in the area, and comprehensive information on the provision of open space and other community facilities in the Kwai Chung area as well as an assessment of the feasibility to incorporate the needed facilities into

the ex-KCPMQ site;

- (c) the ex-KCPMQ site was located at Kwai Yi Road. It was bounded by Kwai Chung Road to its east, the Kwai Tsing District Police Headquarters and Kwai Chung Police Station to its north, and two residential developments, i.e. Kwai Fong Terrace and New Kwai Fong Gardens, to its south and west respectively;
- (d) in response to the Board's decision at the representation hearing held on 28.8.2009, HD revised their original scheme (2008 Scheme) presented at the representation hearing held on 28.8.2009. In the revised scheme (2010 Scheme), the plot ratio of 5 and three number of blocks remained the same as in the 2008 Scheme. The following amendments to the 2008 Scheme were made:
  - (i) the building height was reduced from 30-31 storeys (98 to 102mPD) to 24 storeys (84.3mPD);
  - (ii) the number of units was reduced from 1000 to 816 and the estimated population was reduced from 2,740 to 2,236;
  - (iii) the internal floor area (IFA) for community facilities was increased from 500m<sup>2</sup> to 3,500m<sup>2</sup>; and
  - (iv) a 4,500m<sup>2</sup> landscaped podium garden for use by residents and the public was added;
- (e) on 11.11.2010, HD submitted the following information (HD's further information) as detailed in paragraph 2 of the paper and the main points were summarised below:

*Provision of Open Space and Community Facilities*

- (i) comprehensive information on the provision of open space and community facilities in Kwai Chung was submitted by HD. It was confirmed that concerned departments considered the existing provision of open space and community facilities adequate to meet the local needs;

*Traffic Impact Assessment (TIA) and Suggestions to Resolve Current Traffic Problems*

- (ii) an updated TIA for the 2010 Scheme was submitted by HD. The Commissioner for Transport (C for T) considered that the revised TIA had demonstrated that the proposed PRH would not have adverse traffic impact on the nearby road links, junctions and pedestrian facilities, and was acceptable from the traffic point of view;
- (iii) there was traffic congestion and busy pedestrian crossing problems in the area around the Mass Transit Railway (MTR) station, covering Kwai Yan Road, Hing Ning Road, Kwai Foo Road, Hing Fong Road and Kwai Fong MTR Station (Kwai Fong MTR station area). HD proposed a PTI (with 5 coach pick-up/drop-off bays, 3 bus pick-up/drop-off bays, 3 green mini bus pick-up/drop-off bays, 8 taxi bays and a 40m long pick-up/drop-off zone) to ameliorate the traffic problems by diverting some of the public transport services from the Kwai Fong MTR station area;
- (iv) HD identified two locations for the PTI, one was within the ex-KCPMQ site and the other at Container Port Road which fell

within an area zoned “Other Specified Uses” annotated ‘Container Related Uses’ (“OU(Container Related Uses)”), “Industrial” (“I”) and an area shown as ‘Road’. Comparing the performance of the two PTIs, HD recommended the proposed PTI at Container Port Road (about 6,000m<sup>2</sup> in areas) as the most practical solution in terms of accessibility, environmental impact, pedestrian access, future expandability and functionality. TD considered that the PTI proposal would be effective in relieving the traffic congestion in the area;

- (v) HD further proposed to provide two pick-up/drop-off bays for public transport services within the ex-KCPMQ site to help further reduce pick-up/drop-off activities in the Kwai Fong MTR station area;
  
- (vi) the proposed PTI was the subject of a similar PTI scheme proposed by TD in 2008, which was later shelved due to objections from the K&T DC and local stakeholders. Against the above background, HD had consulted the K&T DC, three public transport operators in the area (the Public Bus Operator’s Conference, the Representatives of the Goods Vehicle Drivers Association and the Representatives of the Trucking Industry) and eight local stakeholders that had objected to the previous PTI proposal submitted by TD in 2008. A summary of the consultation was included in HD’s further information. HD would continue to liaise with those parties on the design / implementation aspects of the proposed PTI. HD would construct the proposed PTI, which would be completed one year ahead of the housing development;

*Environmental Assessment Study (EAS)*

- (vii) the revised EAS (with updated 2010 traffic data) concluded that both the 2008 Scheme and the 2010 Scheme would not be subject to unacceptable adverse air and noise impacts and the development of the PRH would not pose unacceptable adverse environmental impacts on the surrounding environment. Director of Environmental Protection considered that the revised EAS had incorporated the best practical mitigation measures to address the noise impact and had no objection to the revised EAS;
- (f) PlanD's assessment and considerations were detailed in paragraph 3 of the paper and the main points were summarised below:

*No Change in Planning Circumstances*

- (i) there was no significant change in planning circumstances since the Board's consideration of the representations/comments on the zoning amendment on 28.8.2009. The planning assessments and considerations as stated in paragraph 5 of the TPB paper No. 8391 (for the representation hearing on 28.8.2009) were still valid;

*Pressing Need to Provide PRH Flats*

- (ii) there was high demand for PRH units (with around 130,000 applicants on the waiting list for PRH) and decreasing vacancy of PRH for the whole territory (from 1.4% in 2009 to 1% in 2010). Hence, there was pressing need to provide new PRH to meet the Government's policy pledge of around 3-year average waiting time for allocation of PRH unit;

*Adequate Provision of Open Space and GIC Facilities*

- (iii) according to the Hong Kong Planning Standards and Guidelines (HKPSG), 20 ha. of open space should be provided for every 100,000 persons. Theoretically, some 65ha and 70ha of open space respectively would be required to serve the existing population (323,900 persons) and planned population (351,300 persons) in Kwai Chung. The provision of 73 ha. of existing open space and 22 ha. of planned open space was adequate to meet the HKPSG requirements;
- (iv) for those community, cultural and social welfare facilities with specific HKPSG standards, the existing and planned provision in the Kwai Chung District would be adequate to meet the HKPSG requirement. Those that did not have specific HKPSG standards, their provisions were considered adequate by the concerned departments/bureaux including Director of Leisure and Cultural Services (DLCS) and Director of Social Welfare (DSW);
- (v) there was a study room in each of the two existing district libraries in Kwai Chung with a total of 330 seats and DLCS considered that the provision met the HKPSG requirements. In addition, there were about 690 seats in 10 other study rooms. The average utilization rate of the study rooms in district libraries and other study rooms for the period 2009-2010 were 44% and 46% respectively;
- (vi) regarding the HKPSG requirements for the provision of community facilities for the elderly, residential care homes for the elderly (RCHE) were to be provided on a territory-wide basis. There were 14 RCHEs in Kwai Chung. Other welfare facilities for the elderly with no specific HKPSG standards (including

elderly community and social centres, day care centres, teams of integrated home care services, and enhanced home and community care services) had also been provided in the area. DSW considered the provision of welfare facilities for the elderly adequate in Kwai Chung and would keep in view the service needs of elderly people;

- (vii) HD had proposed 500m<sup>2</sup> IFA for an integrated family services centre and 3,000m<sup>2</sup> IFA for other community facilities within the proposed PRH development, which would provide additional community facilities to meet the local demand and to serve the local population;

*No Adverse Development Impacts*

- (viii) as confirmed by the EAS and TIA conducted by HD, the proposed PRH at the ex-KCPMQ site would not have adverse environmental and traffic impacts on the surrounding;

*Need for Section 16 Planning Application*

- (ix) as the Site was zoned “R(E)1” on the OZP, the proposed PRH development would require planning permission from the Board and the planning application would be published for public comments under the provisions of the Ordinance;

*The Proposed PTI*

- (x) the proposed PTI would ameliorate the traffic problems in the Kwai Fong MTR station area and would be completed one year before the population intake of the PRH development;

- (xi) HD had consulted K&T DC, the trade and local parties on the proposed PTI at Container Port Road and would continue to liaise with them on the design / implementation aspect of the proposed PTI;
  
- (g) PlanD's views were detailed in paragraph 5 of the paper. Based on the planning assessments in paragraph 5 of TPB paper No. 8391 and paragraph 3 of the paper as summarised above, PlanD considered that the representers and commenters' concerns on the traffic, environmental, open space, community and social welfare facilities had been properly addressed. PlanD noted the supportive views of representation nos. R1 to R17 and the 'no-comment' of representation nos. R18 to R30, and maintained its previous recommendations in paragraph 7 of the TPB Paper No. 8391 that representation nos. R31 to R93, R95 to R182 and R184 to R762 should not be upheld for the reasons as stated in paragraph 5.1 of the Paper.

118. The Chairman then invited the representers and their representatives to elaborate on their representations.

R16 (Ruth Chan)

119. Ms. Ruth Chan (R16) made the following main points:

- (a) she supported that public housing should be built on the ex-KCPMQ site as that would help meet the needs of the applicants on the waiting list for PRH. She had waited for more than 3 years for PRH and had to pay high market rents for accommodation at the present moment; and
  
- (b) she thanked the K&T DC members including Mr. Ng Kim Sing, Mr. Leung Yiu Chung and their colleagues for their concerted efforts in helping local residents.

R31 (Leung Wai Man, K&T District Councillor)

120. Mr. Leung Wai Man made the following main points:

- (a) when comparing the 2008 Scheme and the 2010 Scheme, HD had proposed to reduce the number of PRH units from 1000 to 816 numbers, to reduce the building height from 30-31 storeys to 24 storeys, to include a landscaped podium garden, and to increase the IFA for community facilities from 500m<sup>2</sup> to 3500m<sup>2</sup>. The estimated population of the PRH project was reduced from 2,740 to 2,236;
- (b) the TIA submitted by HD was unsatisfactory. The K&T DC and TD had tried to resolve the traffic problems around the Kwai Fong MTR station (including Hing Ning Road, Kwai Foo Road and Kwai Yan Road) for more than ten years. In the 2010 Scheme, HD's proposed PTI at Container Port Road would only provide 5 coach pick-up/drop-off bays, 3 bus pick-up/drop-off bays, 3 green mini-buses pick-up/drop-off bays, 8 taxi pick-up/drop-off bays and a 40m long pick-up/drop off zone. It was doubtful whether HD's consultant was aware of the much larger number of franchised buses, shuttle buses and mini-buses operating at the Kwai Fong MTR station area at peak hours every day;
- (c) HD's suggestion for a PTI at Container Port Road to resolve the current traffic problem was not feasible. TD had explored a similar PTI proposal to relocate the franchised buses and mini-buses to Container Port Road in 2008. However, none of the franchised buses or mini-buses operators was willing to relocate to this new location and the PTI proposal was shelved. Although HD had claimed that they had consulted the operators and trade associations, it was doubtful whether the operators would really move to the proposed PTI;

- (d) the PTI at Container Port Road was inconvenient as it would take 7 to 8 minutes to walk via underground subways from the Kwai Fong MTR station. HD should explore the feasibility of building the PRH at the site proposed for the PTI at Container Port Road which had been left vacant for 20 to 30 years. The proposed PRH on the ex-KCPMQ site was not supported as the existing traffic problems could not be resolved;

[Ms. Anna S.Y. Kwong left the meeting temporarily at this point.]

- (e) the existing community facilities was inadequate to serve the local residents. The community centre and the turf soccer pitch were already in use for over 30 years. In the last 30 years, new residential developments such as New Kwai Fong Gardens, Kwai Fong Terrace, Kwai Chung Plaza and Kwai Fong Estate were established, but there was no corresponding increase in community facilities to serve the growing population. The only facility introduced was Kwai Tsing Theatre, which was not a place of recreation for local residents;
- (f) local residents considered that the PRH at the ex-KCPMQ site would create wall effect and ventilation problems to adjacent developments including Kwai Fong Terrace, New Kwai Fong Gardens and Kwai Chung Plaza. The EAS was not trustworthy;
- (g) PlanD admitted that there was insufficient local open space provision but claimed that there was surplus in district open space provision. However, Kwai Chung Park and Central Kwai Chung Park were at remote and inaccessible locations, and were seldom used by local residents; and
- (h) HD should review the transport improvement measures, environmental assessment and the provision of community facilities for the proposed PRH project at the ex-KCPMQ Site and further consult the K&T DC.

R39 (Wong Yan Cheung, Convenor of Kwai Fong Terrace Follow-up Concern Group)

121. Mr. Wong Yan Cheung made the following main points:

- (a) residents of Kwai Fong Terrace strongly objected to any form of residential development at the ex-KCPMQ site. The existing community and recreation facilities in Kwai Fong, which were in use for more than 30 years, were sub-standard and obsolete. New recreation and community facilities should be built to revitalise the Kwai Fong area;
- (b) Kwai Fong was an important transport node. The traffic impact that would be created by the proposed development on the ex-KCPMQ site needed to be carefully considered. There was serious vehicle / pedestrian conflict in the local area but TD had no concrete proposal to improve the traffic conditions and resolve the problem; and
- (c) Kwai Chung Park and Central Kwai Chung Park, which were at the fringe of the district, were seldom used by local residents and it was not appropriate to include them as open space provision for Kwai Fong.

R53 (Lee Wing Tat, K&Y District Councillor)

(Chiu Sai Chiu, Secretary of Kwai Chung Plaza Owner's Corporation)

(Sin Man Lun)

(Wong Wai Kan)

122. Mr. Chiu Sai Chiu made the following main points:

- (a) they were not aware of any consultation being undertaken for the 2010 Scheme;

- (b) Kwai Chung was a renowned place internationally due to the container terminals in the district. Better community facilities should be provided to match the world-class image of Kwai Chung; and
- (c) there was insufficient community facilities in the Kwai Fong area and an integrated community centre should be built on the ex-KCPMQ site.

123. Mr. Sin Man Lun made the following main points:

- (a) Kwai Fong was acting as a major transport interchange serving housing developments in Kwai Chung. The area had suffered from heavy traffic congestion for both pedestrians and vehicles. The proposal for a new PTI at Container Port Road was not feasible, as it was too far away from the central part of Kwai Fong, and hence inconvenient and inaccessible to users especially the elderly. At the K&T DC meeting held on 1.2.2011 to discuss HD's PTI proposal, residents objected to the relocation of the mini-bus stops from the MTR station to the proposed PTI at Container Port Road. The PRH at the ex-KCPMQ site would create even more traffic problems if the PTI was not implemented. Better traffic management measures for the franchised buses and shuttle buses should be introduced at the MTR station to help solve the traffic problem;
- (b) he had no objection to the development of PRH to meet housing need, but PRH should not be built at the ex-KCPMQ site. In deciding on the use of the ex-KCPMQ site, the needs of Kwai Fong residents should take priority; and
- (c) the relevant government departments did not understand the need of the local residents. The parks were planned at locations that were too remote and inaccessible, and the small community hall in Kwai Tsing was not sufficient to meet the local demand.

124. Ms. Wong Wai Kan made the following main points:

- (a) she was a resident of New Kwai Fong Gardens. The surrounding area was very crowded with heavy vehicular and pedestrian flows. There were problems of traffic jam, pedestrian safety and air pollution. The area was too congested for the development of PRH. The Government should identify an alternative site for PRH;
- (b) the proposed PTI at Container Port Road was not a suitable location as the subway system leading to the PTI was poorly designed with no escalators but only small lifts. It would be difficult for the elderly to walk across to the PTI; and
- (c) since there was insufficient community and recreation facilities, and open space in Kwai Fong, the ex-KCPMQ site should be used for the building of an integrated community centre with facilities such as swimming pool, library and resting area for the elderly.

R54 (Ng Kim Sing, Kwai Tsing District Councillor)

125. With the aid of a powerpoint presentation, Mr. Ng. Kim Sing made the following main points:

- (a) he requested the Board to defer making a decision on the representations as the paper was only received seven days before the hearing and there was insufficient time to examine HD's further information;
- (b) according to the HKPSG standard, there should be 52 ha. of open space in the Kwai Tsing district. However, there was only 19 ha. of existing open space. Even taking into account the planned open space, there would still be a deficit of 9 ha. of open space provision;

- (c) the Central Kwai Chung Park was seldom used by local residents as it was segregated from the main residential area by Kwai Chung Road which had busy traffic, the Kwai Chung industrial area and an area to the north of the Park which would be used for building the Express Rail Link. The Kwai Chung Park at Gin Drinkers Bay was not used by local residents;
- (d) there were other PRH in the Kwai Tsing district which included the newly completed Kwai Luen Estate with 1,500 units and the new development at On Yam Estate with 800 units that would be completed in 2012 / 13;
- (e) the Kwai Tsing area had a very high population density of 20,000 persons / ha. The population in Kwai Tsing was around 500,000 and it was amongst the top five most populated districts in the Territory. Given the high population level and population density in Kwai Tsing, any project that would further increase its population should be carefully considered;
- (f) there was a high elderly population in Kwai Tsing. In 2010, about 20% of the Kwai Tsing population was above 60 years old and that figure would increase to 26 - 27% by 2019 according to population projection. There were insufficient community facilities and open space in Kwai Tsing for the elderly. Hence, in deciding the use of the ex-KCPMQ site which was located right in the district centre, the need for community facilities should be taken into account;
- (g) the 800 units originally provided at the KCPMQ were relocated to the home ownership scheme development at Kwai Yung Court. HD could have used that home ownership development to meet the need of the applicants on the waiting list for PRH instead of using the ex-KCPMQ

site;

- (h) the lack of community facilities in the Kwai Tsing district was a cause of family violence. The Kwai Tsing district was the district with the most family violence incidences in 2008, and was also ranked the top third to fourth on that count in 2009 and 2010;

[Ms. Anna S.Y. Kwong returned to join the meeting at this point.]

- (i) the Kwai Fong MTR station area was very crowded with a substantial number of public transport services including more than 100 bus and mini-bus lines, franchised buses, shuttle bus services for employees and taxis, terminating or passing through it. HD had included in its further information a summary of consultation with the trades affected by the proposed PTI at Container Port Road (including the Public Bus Operators' Conference, Goods Vehicle Drivers Association and the trucking industry). It was noted in the summary of consultation that the Public Bus Operators' Conference had indicated that shuttle buses should be allowed to continue using the MTR station forecourt as pick-up / set-down points. The representatives of the trucking industry had indicated that no franchised bus operator would be willing to move to the new PTI at Container Port Road. Hence, it was obvious that the proposed diversion of public transport services to the PTI at Container Port Road was not a workable solution. Members were also reminded that in 2008, TD had put forward a similar PTI proposal to divert some public transport services to Container Port Road, but that proposal was shelved as consensus could not be reached amongst the stakeholders;
- (j) the Kwai Tsing district suffered from air pollution with a high concentration of Sulphur Dioxide (SO<sub>2</sub>). The major source of SO<sub>2</sub> in the district was from container vessels. The Government had claimed that the SO<sub>2</sub> level complied with the relevant standards in Hong Kong.

However, it would have exceeded the relevant standards of the World Health Organisation. The proposed PRH at the ex-KCPMQ site would affect the dispersion of pollutants, which would have adverse impacts on the health of the local residents;

- (k) there was currently no requirement for air ventilation assessment in an EAS. Furthermore, the EAS mainly assessed the environmental impacts of the surrounding pollution sources on future residents in the proposed development but there was no requirement to assess the impact of the proposed PRH development on the existing residents in its surrounding. He asked the Board to request HD to prepare another EAS to take into account the above deficiencies in the submitted EAS;
- (l) according to the latest government information, the location proposed for the PTI at Container Port Road would be reserved for MTRCL to build a residential development. That site was about 2 ha. in area and if developed to a plot ratio of 5, there would be an additional floor space of some 100,000m<sup>2</sup> and an additional population of 6,000 to 8,000 persons. The MTRC residential development and the PRH development at the ex-KCPMQ site would together add around 10,000 population to the Kwai Fong area. It was unclear how the Government would tackle the traffic impacts and the need for community facilities arising from the additional population. Furthermore, if the site at Container Port Road was to be reserved for MTRC's housing development, the PTI proposed by HD could not be implemented; and
- (m) he requested the Board to defer a decision on the representations to allow the representers to have more time to examine the HD's further information. Alternatively, he asked the Board to reject the PRH proposal at the ex-KCPMQ site based on the above reasons.

126. Mr. Ngan Kin Wai made the following main points:

- (a) there was inadequate community facilities in Kwai Fong;
- (b) Kwai Fong was an important transport interchange for non-resident of Kwai Fong and vehicles/workers associated with the logistics industry;
- (c) the Kwai Fong area was adversely affected by air pollution from container vessels and heavy vehicles. Given the air pollution problem, it was not appropriate to further increase the population in the area; and
- (d) he asked the Board to reject the PRH proposal at the ex-KCPMQ site.

R60 (Au Kam Wing, Chairman of the The Association of the Residents of Private Buildings of Kwai Fong)

127. Mr. Au Kam Wing made the following main points:

- (a) he had lived in Kwai Fong for more than 36 years. In the past, the area was very quiet and the living environment was pleasant. However, the current living environment had become crowded as there were a lot of non-local residents coming into the area;
- (b) the flyover leading to the Kwai Fong MTR station was very inconvenient for elderly like himself. The proposed location of the PTI at Container Port Road would be even further away and more inaccessible; and
- (c) he requested the Board to change the proposed PRH use at the ex-KCPMQ site to other uses which would be beneficial to the local residents and the elderly.

[Mr. Benny Wong returned to join the meeting at this point.]

R61 (Kwok Chi Keung)

128. Mr. Kwok Chi Keung made the following main points:

- (a) the Kwai Fong area had been developed for a long time and most of the existing facilities were outdated and obsolete. There were inadequate facilities such as market and eating places. Modern facilities should be provided to improve the standard of living for the residents in Kwai Fong, as in other districts. In Sham Shui Po, there were municipal services building and government offices, but such facilities were not planned for in Kwai Fong. The ex-KCPMQ site, which was the last piece of land available in Kwai Fong, should be retained for government, institution or community (GIC) use;
- (b) the proposed PTI at Container Port Road would be too far away from the city centre of Kwai Fong. It would not help solve the current traffic problems even if it was to be completed one year before population intake of the PRH;
- (c) the open spaces in the Kwai Tsing area were remote and inaccessible. The soccer pitch next to the Osman Ramju Sadik Memorial Sports Centre was unsafe to be used as a resting area for the elderly;
- (d) although the provision of community facilities and open space complied with the HKPSG standards, it was doubtful whether such provisions could actually meet the needs of the existing and future population; and
- (e) instead of building PRH on the ex-KCPMQ site, it was more appropriate to accelerate redevelopment of the older PRH estates in the uphill areas of Kwai Chung to meet the public housing need.

R74 (Leung Chi Shing)

129. Mr. Leung Chi Shing made the following main points:
- (a) the ex-KCPMQ site should best be retained for open space use;
  - (b) with the exception of Kwai Fong Estate, the area around the ex-KCPMQ site was mostly private residential developments. Hence, he objected to the use of the ex-KCPMQ site for PRH as it was not compatible in planning terms. Instead, the ex-KCPMQ site could be used for other types of residential developments such as the Government's "My Home Purchase Plan"; and
  - (c) the site at Container Port Road could be used for building PRH to meet housing demand.

R78 (Leung Kar Ming, Kwai Chung Community Development Concern Group)

130. Ms. Leung Kar Ming made the following points:
- (a) there was strong objection to the PHR development on the ex-KCPMQ site;
  - (b) the existing community facilities could not meet the needs of the population (a total of 500,000) in the Kwai Tsing district. As an example, although PlanD had indicated that the provision of some 700 seats in study rooms complied with the HKPSG standards, it was definitely inadequate to serve the need of students from the 130 schools in the district;
  - (c) with the completion of the PRH projects in the Kwai Shing and Kwai Fong areas, including the newly completed Kwai Luen Estate (1,500

units) and Kwai Shing Circuit (more than 1,000 units to be completed within three years), the population of Kwai Chung would increase by 20,000. These new developments would exacerbate the current traffic problems and the problem of inadequate community facilities; and

- (d) most of the existing community facilities in the district were in use for more than 30 years and K&T DC should be given the opportunity to re-plan the use of the ex-KCPMQ site for the much needed community facilities.

R145 (Lo Yu Chiu)

131. Mr. Lo Yu Chiu made the following main points:

- (a) he had no objection to the development of PRH but PRH should not be built on the ex-KCPMQ site. There was inadequate consultation with local residents, and the problems of adverse environmental and traffic impacts, and inadequate community facilities provision had not been resolved;
- (b) the way in which government departments handled the development of the proposed PRH at the ex-KCPMQ site was unsatisfactory. HD was not willing to listen to residents' views. District Office (DO) only gave very short notice for the consultation forum and there was no time to thoroughly examine the information provided. TD did not resolve the existing traffic problems that had persisted for decades. EPD indicated that many of the environmental problems were not within their policy ambit, and the EAS did not include assessment of the impact of the proposed development on the existing residents. LCSO should be responsible for ensuring the provision of adequate recreation / community facilities in the area but their representatives did not even attend the consultation forum;

- (c) he asked the Board to reject the PRH development and it would take away the last piece of valuable land, which was suitable for community use, in Kwai Fong.

[Prof. S.C. Wong arrived to join the meeting at this point.]

R147 (Chan Siu Kuen)

132. Ms. Chan Siu Kuen made the following main points:

- (a) the ex-KCPMQ site was located in the most congested area within Kwai Fong and was not an appropriate location for building PRH;
- (b) a 4,500m<sup>2</sup> landscaped podium garden was proposed in the 2010 Scheme. However, the landscaped podium would unlikely be accessible or used by local residents not living at the PRH;
- (c) the proposal to divert some public transport services to the proposed PTI at Container Port Road was not feasible. The subway leading to the proposed PTI had very steep gradient and small lift capacity, and it would not be able to handle the increased pedestrian traffic to the proposed PTI;
- (d) the area adjacent to the ex-KCPMQ site was currently occupied by an off-course betting centre and the pedestrian walkway thereat was always congested. The situation would be worsened with the proposed PRH at the ex-KCPMQ site; and
- (e) the building of a small scale PRH with only three blocks at the ex-KCPMQ site was not an efficient use of land resources. The site should be used for the much needed community facilities.

R398 (Chan Lik Wai, New Kwai Fong Gardens Owners Committee)

133. Mr. Chan Lik Wai made the following main points:

- (a) he requested the Board to defer a decision on the representations again to allow sufficient consultation on the 2010 Scheme with local residents. Most of the residents in New Kwai Fong Gardens, Kwai Fong Terrace and Kwai Chung Plaza were not aware of the enhancement measures proposed in the 2010 Scheme. HD had tried to mislead the Board by indicating that consultations had been held with local concern groups and stakeholders. However, they had not been consulted on the 2010 Scheme;
- (b) there was a lot of resident and transient population in the Kwai Fong area. The current population of the Kwai Tsing area was around 500,000. Many old and dilapidated buildings in the area were due for redevelopment and that would further increase the resident population. In addition, there were thousands of transient population passing through Kwai Fong everyday. Those included persons living in Tuen Mun, Yuen Long, Shatin, Tsing Yi and Tung Chung. The number of transient population could add up to some 1 million people passing through Kwai Chung during peak hours every day;
- (c) the information about MTR's housing development at Container Port Road had not been included in the TPB paper;
- (d) the open space assessment prepared by PlanD showed that there was adequate open space provision in the area. However, in reality, two of the large parks – Kwai Chung Park and Central Kwai Chung Park - were not easily accessible by local residents;

- (e) different political parties, including the Democratic Alliance for the Betterment of and Progress of Hong Kong, Democratic Party and Neighbourhood and Workers' Service Centre all objected to the PRH at the ex-KCPMQ site;
- (f) HD's main justification for the proposed PRH project was the need to meet the Government's policy pledge of 3-year average waiting time for allocation of PRH. There appeared to be no other strong planning justifications for the project. It would be a waste of land resources to build a PRH development with three blocks of only 816 units at the ex-KCPMQ site. Normally, one typical PRH block would have accommodated some 600 units. In addition, the market value of the site for private residential development was estimated to be some \$300 million while the value of each PRH would be about \$5 million. That indicated a waste of public money;
- (g) it was indicated in the TPB Paper that the utilization rate of study rooms was low. This was because the students were not aware of the locations of the study rooms rather than there was a low demand for study rooms. It should be noted that the utilisation rates of facilities in community halls (90%) and sports ground (100%) was very high;
- (h) the proposed building height of the PRH project was 10 to 20m taller than the ex-KCPMQ. Although it might not constitute wall effect, it would definitely create adverse air ventilation impacts on the surrounding developments, including New Kwai Fong Gardens and Kwai Fong Terrace;
- (i) he requested the Board to seek clarifications on the following matters before deciding on the representations:
  - (i) information about MTRC's proposed residential development at

Container Port Road;

- (ii) an update of the provision of community / public facilities taking into account the new PRH at Kwai Shing and Shek Lei Pui. The demand for public facilities by the transient population at Kwai Fong should also be provided; and
- (iii) HD should be asked to clarify whether the PRH would still be built at the ex-KCPMQ site if the PTI at Container Port Road site was not implemented; and
- (j) if the Board considered that it was unnecessary to defer a decision on the representations, the Board was requested to reject the PRH proposal at the ex-KCPMQ site. The site should be used for facilities that would improve the existing living conditions in Kwai Fong.

R411 (Chan So Yan)

134. Ms. Chan So Yan made the following main points:

- (a) the ex-KCPMQ site was too small and the provision of 800 units would not help much in meeting the Government's pledge of 3-year average waiting time for allocation of PRH;
- (b) LCSD should use the site for building a Kwai Fong municipal building to accommodate recreation facilities, facilities for the elderly and offices for payment of public service bills. This would be a win-win solution; and
- (c) PRH should be built at the vacant land at Gin Drinkers Bay.

R448 (Chan Lai Fun, Kwai Chung Community Development Concern Group)

135. Ms. Chan Lai Fun made the following main point:
- (a) the Secretary for Development had indicated in the recent press briefing on the 2011/2012 Budget that many pieces of land were included in the land sale programme for private housing development. Instead of building on the ex-KCPMQ site, the Government should consider using some of those land for land sales as PRH sites. Further, HD could develop PRH at Sha Tsui Road to revitalise that area;
  - (b) the estimated population figure of 2,236 provided by HD was not accurate. Assuming that there were 3 persons per unit and together with family visitors, the estimated population could be doubled to around 5,000;
  - (c) the pedestrian crossing between Kwai Fong Terrace and New Kwai Fong Gardens was always congested and caused safety concerns;
  - (d) TD should have prepared its own TIA to assess the traffic impacts of the proposed PRH, instead of relying on the TIA prepared by HD. Furthermore, it was doubtful that the proposed PTI at Container Port Road could solve the traffic problems in Kwai Fong;
  - (e) LCSD had not consulted the local residents and there was no basis for them to claim that there was no need for new community facilities. It was also inappropriate to include facilities at Tsing Yi and Upper Kwai Chung which served a wider district as community facilities serving Kwai Fong; and
  - (f) the Board was requested to reject the PRH proposal at the ex-KCPMQ

site.

R465 (Ko Yuet Chung, Vice-chairman of Kwai Chung Plaza Merchants' Association)

136. Mr. Ko Yuet Chung made the following main points:

- (a) they had consulted all their members about the proposed PRH at the ex-KCPMQ site, and 98 (out of the 100 members) objected for the reason that Kwai Fong Circuit area was already too congested; and
- (b) there were many existing PRH in Kwai Chung, that would soon reach their design span of 40 years, and would need to be redeveloped in the next ten years. Those included Kwai Ching West Estate and Lai King Estate. The after-use of the ex-KCPMQ site should take into account the need for community facilities of the future population after those housing estates were redeveloped.

[Ms. Julia M.K Lau returned to join the meeting and Ms. Maggie M.K. Chan left the meeting at this point.]

R519 (Ching Yuet Yin)

137. Ms. Ching Yuet Yin made the following main points:

- (a) the population in Kwai Chung was generally from the lower income group with a large proportion dependant on the on comprehensive social security assistance scheme. The ex-KCPMQ site should be used for developing a community college so that local residents could have an opportunity to upgrade themselves and the whole area could raise its status. Given that Kwai Fong was a major interchange for different rail lines, a community college could also benefit people in other districts such as Tuen Mun, Yuen Long and Tung Chung;

- (b) the PRH at the ex-KCPMQ site was planned to accommodate for 2 to 3 persons units. Eligible 2 to 3 persons families would normally comprise elderly and people with disabilities, who would unlikely need to live in such a central location; and
- (c) there was insufficient open space in the area and residents often need to compete for the limited space for different recreational needs.

R576 (Tsoi Wai Kwong)

138. Mr. Tsoi Wai Kwong made the following main points:

- (a) HD should not compete with the local residents for the last piece of land available in Kwai Fong. The ex-KCPMQ site should be used for building an integrated multi-purpose community centre with community hall, library, swimming pool, study room, elderly facilities and open space;
- (b) he had no objection to develop PRH to meet housing need. However, there was already too many PRH in the Kwai Tsing area. It was estimated that around 70% of the population was living in PRH. The imbalance in housing mix had led to a monotonous population profile. Hence, it was not appropriate to add further PRH development in the Kwai Tsing area; and
- (c) the Board was requested to reject the PRH proposal at the ex-KCPMQ.

R592 (Cheng Man Kwan)

139. Ms. Cheng Man Kwan made the following main points:

- (a) the use of the ex-KCPMQ site for PRH was a wrong allocation of public resources. The provision of only 816 units on the site was not effective to meet the needs of the large number of applicants on the waiting list for PRH; and
- (b) the site should be used for a purpose which could benefit more people, such as community / recreation facilities for local residents, or other types of housing, such as the “My Home Purchase Plan”.

R639 (Cheung Lai Fong)

140. Ms. Cheung Lai Fong made the following comments:

- (a) HD had not listened to the views of residents, and the 2010 Scheme was basically the same as the 2008 Scheme;
- (b) it was inappropriate for PlanD to disregard the problems and needs of the local community and agree to the PRH proposal only for the sake of helping HD to meet the Government’s policy pledge of around 3-year average waiting time for PRH; and
- (c) the information provided by DO to residents was mainly in English. They should provide Chinese documents in future.

R640 (Mak Chung Yan)

141. Mr. Mak Chung Yan made the following main points:

- (a) he was an owner of a sandwich class scheme in the Kwai Chung district. LCSD had not fulfilled its duties to ensure that there would be adequate recreation / community facilities in Kwai Tsing. The park at Gin Drinkers Bay and Central Kwai Chung Park were at remote and

inaccessible locations;

- (b) it was not cost effective to build a small scale PRH with only 816 units at the ex-KCPMQ site. According to the earlier presentation (R398), the market value of each PRH unit would be equivalent to around \$5 million, which was a waste of tax payers' money. The prime location adjacent to an MTR station should not be used for the building of PRH; and
- (c) as there was a high proportion of low income and elderly population in the Kwai Tsing district, there was a great need for community facilities.

142. As the presentations from the representers and their representatives had been completed, the Chairman invited questions from Members.

143. A Member asked PlanD about the original zoning of the ex-KCPMQ site and the time of relocation of the KCPMQ from the site. Mr. Wilson Chan, DPO/TWK, replied that the site was originally zoned "G/IC" and was rezoned to "R(E)1" on the current OZP to facilitate PRH development by HD at the site. He said that the ex-KCPMQ was demolished in 2008 but there was no available information on the time of its relocation.

144. As the representers and their representatives had finished their presentations and Members had no further questions, the Chairman said that the hearing procedures had been completed and that the Board would deliberate on the representations in their absence and inform them of the Board's decision in due course. The Chairman thanked them and the Government's representatives for attending the hearing. They all left the meeting at this point.

#### Deliberation Session

145. The Chairman invited Members to consider the representations taking into consideration all the written submissions, and the oral representations and materials

presented at the meeting.

146. After hearing the representers' presentation, a Member was concerned whether the provision of open space, GIC and transport facilities was sufficient in Kwai Fong. The Chairman said that the same concerns had been raised by representers/commenters at the earlier Board's hearing on 28.8.2009 and further information was submitted by HD to address such concerns. The further information provided had already been included in the TPB Paper. He further said that relevant departments, including TD and LCSD, had expressed no objection to HD's further submission.

147. After deliberation, Members generally agreed that as the representers and commenters' concerns on traffic, environmental, open space, community and social welfare facilities had been properly addressed, Representations No. R31 to R93, R95 to R182 and R184 to R762 should not be upheld. Members then went through the reasons for not upholding these representations as stated in paragraph 5.1 of the Paper and considered that they were appropriate.

148. After further deliberation, the Board noted the supportive views under Representations No. R1 to R17 and no comments of Representations No. R18 to R30, and decided not to uphold Representations No. R31 to R93, R95 to R182 and R184 to R762 for the following reasons:

- (a) the proposed "R(E)1" zoning for the ex-KCPMQ site was appropriate as the use and intensity of the site were similar to the previous development on the site;
- (b) the revised TIA had demonstrated that the proposed PRH development, subject to the implementation of the proposed traffic mitigation measures including junction improvement works and the implementation of a proposed PTI at Container Port Road, would cause no unacceptable adverse traffic impacts on the surrounding area;

- (c) as confirmed by the revised EAS, the proposed PRH development at the site would not be subject to unacceptable adverse air and noise impact; and
- (d) the existing and planned provision of open space, community and social welfare facilities in the Kwai Chung District were adequate to meet the needs of the existing and planned population.

149. The Board also agreed to advise the HD to:

- (a) continue liaising with the K&T DC, the transport trade, the stakeholders and the public to address their concerns on the design of the proposed PTI at Container Port Road and the relocation of some of the public transport services/facilities from the area around the Kwai Fong MTR Station and the adjoining PTI to the proposed PTI at Container Port Road;
- (b) seek planning permission from the Board for the proposed PTI at Container Port Road as it falls partly within an area designated as 'Road';
- (c) construct the proposed PTI at Container Port Road, which should be in operation one year prior to population in-take at the ex-KCPMQ site; and
- (d) liaise with TD on the provision of the two pick-up/drop-off bays for public transport services to help further reduce pick-up/drop-off activities in the Area.

**Agenda Items 10 to 14**

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments to the Draft Sha Tau Kok Development Permission Area (DPA) Plan No. DPA/NE-STK/1, the Draft Lin Ma Hang DPA Plan No. DPA/NE-LMH/1, Draft Ta Kwu Ling North DPA Plan No. DPA/NE-TKLN/1, Draft Draft Man Kam To DPA Plan No. DPA/NE-MKT/1, Draft Ma Tso Lung and Hoo Hok Wai DPA Plan No. DPA/NE-MTL/1

(TPB Papers No. 8717, 8720, 8723, 8721 & 8718)

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[The hearing was conducted in Cantonese.]

150. Members noted that Heung Yee Kuk New Territories (HYKNT) had submitted comments in respect of the five DPA Plans and the following Members had declared interests on these items:

Mr Stephen Yip	-	Being an ex-officio Executive Councillor of HYKNT
Dr. W.K. Yau	]	Being a co-opted Councillor of HYKNT
Dr. C.P. Lau	]	

[Dr. W.K. Yau had left the meeting while Mr. Stanley Wong and Mr. Jimmy Leung returned to join the meeting at this point.]

151. Members noted that Mr. Stephen Yip had tendered apology for not able to attend the meeting while Dr. W.K. Yau and Dr. C.P. Yau had already left the meeting.

**Presentation and Question Session**

152. The Chairman said that sufficient notice had been given to invite the representers and commenters to attend the hearing, but other than those that were present at the meeting, the rest had either indicated not to attend the hearing or made no reply. As sufficient notice had

been given to these representers and commenters, Members agreed to proceed with the hearing in their absence.

153. The Chairman suggested and Members agreed that since all the five DPA Plans covering Sha Tau Kok (STK), Lin Ma Hang (LMH), Ta Kwu Ling North (TKLN), Man Kam To (MKT) and Ma Tso Lung and Hoo Hok Wai (MTL & HHW) areas were related to the Closed Area, and some representers and commenters were the same, a collective hearing should be conducted for the five DPA Plans. The Chairman also explained that under the Town Planning Ordinance, the DPA Plans were effective for a period of three years and would be replaced, within three years, by OZPs.

154. Members noted that some replacement pages of the Papers were tabled by PlanD, and the following documents from the respective representers and commenters and their representatives were also tabled at the meeting:

- (a) R3 (STK): Letter of 9.2.2011 by Mr. Lee Fong Ching (Manager of Li Kwok Kei Tso) in respect of the draft STK DPA Plan;
- (b) R1 (STK): Letter of 25.2.2011 by Mr. Marlon Cheung (Manager of Cheung Clan's Properties and indigenous villager of Tong To Tsuen/Tong To Ping section) in respect of the draft STK DPA Plan;
- (c) R2 (LMH): Letter of 25.2.2011 by Mr. Yip Wah Ching (Chairman of LMH Village Office and Indigenous Inhabitants Representative of LMH Village) in respect of draft LMH DPA Plan;
- (d) R1(TKLN): Letter of 25.2.2011 by Mr. Yick Wai Tung (Representative of Fung Wong Wu Village and representative of Mr. Yick Lok Kwun) in respect of TKLN DPA Plan;
- (e) R1 (MKT): Letter of 25.2.2011 by Mr. Yick Wai Tung (Representative of Fung Wong Wu Village) in respect of MKT DPA Plan; and

- (f) C3 (STK), C8 (LMH), C1 (TKLN), C1 (MKT) & C2 (MTL): Position Paper of 25.2.2011 by Mr. Lau Wong Fat (Chairman of HYKNT), Mr. Lam Wai Keung and Mr. Cheung Hok Ming (Vice-Chairmen of HYKNT) in respect of 5 Draft DPA Plans.

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

- Mr. W.K. Hui - District Planning Officer/Shatin, Tai Po and North (DPO/STN), Planning Department (PlanD)
- Mr. Ip Po Kwong - Senior Town Planner/FCA, PlanD
- Mr. Patrick Lai - Senior Nature Conservation Officer/North, Agricultural and Fisheries Conservation Department (AFCD)
- Miss Cynthia Chan - Nature Conservation Officer/North, AFCD

**All DPA Plans**

R14 (STK), R7 (LMH), R3 (TKLN), R6 (MKT), R8 (MTL&HHW)  
(World Wide Fund Hong Kong)

- Mr. Alan Leung - Representer's representative

R5 (LMH), R5 (MKT), R6 (MTL&HHW)  
(Designing Hong Kong Ltd.)

- Ms. Eva Tam - Representer's representative

C3 (STK), C8 (LMH), C1 (TKLN), C1 (MKT), C1 (MTL&HHW)

(Heung Yee Kuk New Territories)

Ms. Chan Ka Mun	]	
Mr. Chan Hon Kwan	]	
Mr. Chan Tung Ngok	]	Commenter's Representatives
Mr. Sit Ho Yin	]	
Mr. Chan Shui Man	]	
Mr. Wan Wah On	-	Commenter's Representative (also R6 (STK))
Mr. Pang Chun Sing	]	
Mr. Li Wai Yin	]	
Mr. Lau Yung Sau	]	
Mr. Lam Kam Kwai	]	
Mr. Pang Chun Sing	]	
Mr. Yiu Sun Choi	]	
Mr. Lam Chu Keung	]	
Mr. Lam Chu On	]	Commenter's Representatives
Mr. Choi King Ming	]	
Mr. Lam Chai	]	
Mr. Lam Wai Chuen	]	
Mr. Chan Wing Sze	]	
Mr. Man Tat Ming	]	
Mr. Man Yau Siu	]	
Ms. Ng Wai King	]	
Ms. Choi Siu Yee	]	
Mr. Hau Chi Keung	]	
Mr. Fung Chau Chuen	]	
Mr. Fung Wai Fai	-	Commenter's representative (also R3 (MTL&HHW))

R13 (STK), R4 (LMH), R5 (MTL&HHW)

(Kadoorie Farm & Botanic Garden Corporation)

Mr. Yip Sin Hang - Representer's representative

**Draft Sha Tau Kok DPA Plan**

R1 (Marlon Cheung – Manager of the Cheung Clan's Properties and Indigenous Inhabitat of Tong To Tsuen/Tong To Ping Section)

Mr. Marlon Cheung - Representer

R2 (Yau Man Ching – Indigenous Inhabitants Representative of Tong To Tsuen)

Mr. Wan Wo Fai - Representer

Mr. Ng Wai Man ]

Mr. Yau Man Tim ]

Mr. Yau Koon Hing ] Representer's representatives

Mr. Yau Sau Leung ]

Mr. Yau Kwong ]

R3 (Lee Fong Ching – Manager of Li Kwok Kei Tso and Indigenous Inhabitants Representative of Sheung Wo Hang Tsuen)

Mr. Lee Fong Ching - Representer

R5 (Wong Tin Seng, Mau Lap Sun – Indigenous Inhabitants Representatives of Shan Tsui Tsuen)

Mr. Mau Lap Sun - Representer

R7 (Nam Tin Sang – Indigenous Inhabitants Representative of San Tsuen)

Mr. Nam Ting Sang - Representer

Mr. Lee Cheong Hung - Representer's representative

R8 (Wan Wo Fai – North District Councillor)

Mr. Wan Wo Fai - Representer

R11 (Tsang Yuk On – Member of STK District Rural Committee)

Mr. Tsang Yuk On - Representer

C1 (Yau Man Ching– Village Representative of Tong To Tsuen)

Mr. Yau Man Ching - Commenter

C2 (Sha Tau Kok Farm Organic Co. Ltd)

Mr. Raymond Ng - Commenter's representative

R10 (Lee Tim Hei, Lee Joi Yu and Lee Joi Yin)

Mr. Lee Tim Hei - Representer

**Draft Lin Ma Hang DPA Plan**

R2 (Yip Wah Ching – Indigenous Inhabitants Representative of LMH Village and Chairman of LMH Village Office )

Mr. Yip Wah Ching - Representer

Mr. Yip Cheung Fung ]

Mr. Yip Yuk On ]

Mr. Lau Kwong Keung ]

Ms. Chan Fung Lin ]

Ms. Yip Cheung Nan ]

Ms. Yip Mei Fuk ] Representer's representatives

Ms. Yip Sun Kiu ]

Ms. Lee Hung Fung ]

Mr. Yip Yat Choi ]

Mr. Yip Shui Lam ]

Mr. Yip Chuen Hing ]

Ms. Chan Yuet Ying ]

**Draft Tak Kwu Ling North DPA Plan**

R1 (Yick Lok Kwun)

Mr. Yick Wai Tung - Representer's representative

**Draft Man Kam To DPA Plan**

R1 (Yick Wai Tung – Village Representative of Fung Wong Wu Village )

Mr. Yick Wai Tung - Representer

156. The Chairman extended a welcome and explained the procedures of the hearing. He then invited the representatives from the Government to brief Members on the background to the representations.

157. With the aid of a Powerpoint presentation, Mr. Ip Po Kwong made the following main points as detailed in the Papers:

- (a) in September 2007, the Study on Land Use Planning for the Closed Area (the Study) commenced to tie in with the recommendation of the Security Bureau (SB) to reduce the coverage of the Closed Area. A two-stage community engagement programme was adopted in the Study, in May 2008 and October 2009 respectively. A total of about 50 briefing sessions, public forums and site visits were arranged to consult a variety of stakeholders including district councils, rural committees and local villagers. Over a hundred written submissions were received and relevant suggestions were incorporated into the Recommended Development Plan of the Study;
- (b) to take forward the recommendations of the Study, five draft DPA Plans were prepared to provide an interim planning guidance for future

development pending preparation of Outline Zoning Plans (OZPs) and to enable enforcement action to be taken against any unauthorised developments;

- (c) on 30.7.2010, the five draft DPA Plans, covering STK, LMH, TKLN, MKT and MTL & HHW, were exhibited for public inspection under section 5 of the Town Planning Ordinance. During the two-month exhibition period, a total of 38 representations and 14 comments were received as follows:

DPA Plans	Representations	Comments
STK	14	3
LMH	7	8
TKLN	3	1
MKT	6	1
MTL & HHW	8	1

Grounds of Representations and Comments and their Proposals

- (d) the main grounds of representations and comments, and their respective proposals as detailed in paragraph 2 of the Papers were summarised as follows:

*Balancing Conservation and Development*

- (i) the DPA Plans failed to comply with the ‘well-balanced’ principle of the Study and there was an acute imbalance in the proportion of land uses. It was unfair to designate private land to “Green Belt” (“GB”) and “Conservation Area” (“CA”) while there was no land planned for residential and commercial uses. The Board should increase the land reserved for village development;

*Strategic Development Planning*

- (ii) long-term strategic development should be adopted in planning the Closed Area so as to complement the general trend of economic and trade development between the Mainland and Hong Kong and to support the commercial development area in Lok Ma Chau, Man Kam To, Liantang/Heung Yuen Wai Boundary Control Point (BCP) and New Development Areas (NDAs);

*Lack of well-planned Infrastructure and Road Facilities*

- (iii) the infrastructure and road facilities of the Closed Area were inadequate and imposed constraints on future development. A six-lane trunk road should be considered linking various trunk roads in Sha Tau Kok, Ta Kwu Ling, Fanling, Sheung Shui and Lok Ma Chau;

*Land Resumption and Compensation*

- (iv) if the private land of the villagers was zoned “CA”, the Government should resume the land and pay compensation to the villagers and landowners;

*Insufficient “V” Zones*

- (v) the land reserved for “V” zone was insufficient to cope with the Small House demand after the opening up of the Closed Area. It was anticipated that there would be a substantial increase in Small House applications. The 10-year Small House demand forecast should be revised to a longer time-frame of 30 to 50 years. It was

proposed that the “V” zones on the DPA Plans be extended to cope with future Small House demand covering the following villages:

- STK DPA Plan: Shan Tsui, Muk Min Tau/Tsiu Hang, Tong To Ping, Ha Tam Shui Hang and Sun Tsuen
- LMH DPA Plan: Lin Ma Hang;
- MKT DPA Plan: Fung Wong Wu;
- MTL & HHW DPA Plan: Liu Pok;

#### *Fung Shui Woodland*

(vi) as fung shui woodlands were formed by the ancestors of the villagers and they were the assets of the villagers and might include private land, they should not be zoned “CA”. This would restrict the villagers’ right to use these fung shui woodlands at the following sites:

- STK DPA Plan: the “CA” zone at Muk Min Tau and the “GB” zones at Tong To, Shan Tsui and Sheung Tam Shui Hang;
- TKLN DPA Plan: the “CA” zone at Heung Yuen Wai and the “GB” zone at Tsung Yuen Ha and Kan Tau Wai;
- MKT DPA Plan: the “GB” zone at Chow Tin Tsuen and Muk Wu;

#### *Heritage*

(vii) the former Residence of Ip Ting-Sz located at LMH village should be rezoned as “Other Specified Use” (“OU”) annotated “Heritage” or “OU” annotated “Historical Site Preserved for Government, Institution or Community”. The MacIntosh Forts located at Ma Tso Lung, Nam Hang and Nga Yiu should be zoned “OU” annotated “Heritage” or “Heritage Building”;

*“Site of Special Scientific Interest” (“SSSI”) Zoning*

- (viii) there was objection to the designation of LMH Stream and LMH Lead Mine as “SSSI” zone as it would forbid the villagers using the river for agricultural rehabilitation. There was also objection to the “CA” zoning covering LMH Stream buffer (including Fung Shui pool) and the Fung Shui woodland as it would deprive the villagers of their rights to build houses within their private land;

*Proposed Robin’s Nest Country Park (RNCP)*

- (ix) the proposed RNCP and its northern slope were ecologically sensitive areas with a diversity of species of conservation concern and should be rezoned to “CA”;

*Development of Eco-lodge*

- (x) the proposed eco-lodge was too close to the environmentally sensitive HHW area and created development density, sewage, effluent and sludge problems;

*Zoning for Hoo Hok Wai (HHW)*

- (xi) the fish ponds in HHW were of high ecological value. To provide a better protection to the existing wetland habitat, the zoning of the area should put more emphasis on conservation. There were objections to designate HHW as “Unspecified Use” (“U”) as it could not protect the wetland ecosystem of high conservation value;

*Development Restrictions in “Recreation” (“REC”) Zone*

- (xii) more stringent restrictions on filling/excavation of land and the requirement for drainage impact assessment (DIA) for development should be imposed in “REC” zone as land filling might cause adverse impacts on the environment and the “REC” sites were in proximity to Sham Chun River;

PlanD’s Responses

- (e) PlanD’s responses to comments as detailed in paragraph 4 of the Papers were summarised as follows:

*Balancing Conservation and Development*

- (i) the Study recommended achieving a proper balance between development and conservation under the principle of sustainable development. The land use zonings on the DPA Plans were based on the recommendations of the Study and had taken into consideration all relevant needs. Appropriate scale and form of developments were proposed at suitable locations, e.g. development corridors along major cross-boundary transport routes, low-density residential development, village development with commercial uses to complement the tourism, leisure and recreational uses;

*Strategic Development Planning*

- (ii) the Government had already taken into account the strategic locations and the development plan of the Pearl River Delta Region in preparing the land use zonings of the Closed Area,

Loop area and NDAs. The proposed Lok Ma Chau Development Corridor would provide commercial, shopping and entertainment facilities to cater for the Lok Ma Chau Loop Area development;

*Lack of Infrastructural and Road Facilities*

- (iii) the ongoing studies in the North East New Territories and Lok Ma Chau Loop Area aimed at concentrating future development and the provision of infrastructure in the NDAs. The relevant government departments would monitor the land supply to ensure that adequate land was reserved for various types of developments and the provision of necessary infrastructure to support the NDAs;
- (iv) improvement works to Man Kam To Road, Lin Ma Hang Road and some rural roads to meet the anticipated traffic needs and enhance safety had been recommended under the Closed Area Study. The Government would monitor the situation and adopt appropriate traffic improvement measures upon opening up of the existing Closed Area;

*Land Resumption and Compensation*

- (v) there was no provision under the Town Planning Ordinance for compensation to land affected by planning restriction imposed by a statutory plan. Resumption of the private land from the villagers was also outside the purview of the Board;

*Insufficient "V" Zones*

- (vi) the boundaries of "V" zone were drawn up having regard to the existing 'VE' ('Village Environ'), outstanding Small House applications, Small House demand forecast, local topography,

existing settlement pattern, ecologically important areas and other site specific characteristics;

- (vii) there was no policy backing to adopt a 30 to 50 year-planning horizon in making land reservation for Small House. The size of “V” zone would be kept under review to cater for changing circumstances and would be further refined wherever appropriate in the preparation of the OZP;
- (viii) there was sufficient land within the “V” zone to cater for Small House demand in the next ten years;

#### *Fung Shui Woodlands*

- (ix) the Study had recommended appropriate zonings for fung shui woodlands, abandoned agricultural land and fish ponds. In general, fung shui woodlands having low to moderate ecological value with low plant diversity were zoned “GB” in order to protect them from disturbance. As there was a general presumption against development within “GB” zone, there were sufficient means to control development within areas zoned “GB”;

#### *Heritage*

- (x) the MacIntosh Forts at Ma Tso Lung, Nam Hang and Nga Yiu were Grade 2 historic buildings. They were located within government land and currently occupied by radio and communication equipment for the use of the Hong Kong Police Force. The “G/IC” zone was to reflect its current use. Given the historic building status of the forts in the Closed Area, there was an established mechanism to consult the Antiquities and

Monuments Office (AMO) and the Commissioner for Heritage's Office of the Development Bureau on any development or redevelopment affecting this site and its immediate surrounding areas;

- (xi) given the broad-brush nature of zoning and the small scale of the DPA Plan, the site of the former residence of Ip Ting-Sz was too small to be reflected in a separate zone. According to AMO, the the subject Residence had been designated as a declared monument on 6.11.2009 and was protected under the Antiquities and Monuments Ordinance. The land use zoning for the secondary forest close to the subject Residence would be reviewed pending detailed investigation of the ecological value of the plant species therein during the preparation of the OZP;

*“SSSI” Zoning*

- (xii) the LMH Lead Mine and LMH Stream were designated as SSSIs in 1994 and 2007 respectively. The planning intention of the “SSSI” zone was to conserve and protect the features of special scientific interest and to deter human activities or development within the SSSI. There was a general presumption against development in this zone. A 20m wide riparian buffer including Fung Shui pool was mostly zoned “CA” with the intention to protect habitats for wildlife associated with LMH Stream and to serve as a buffer to separate the village area from the river ;

*Proposed Robin's Nest Country Park (RNCP)*

- (xiii) the exact delineation of the proposed RNCP boundary (covering both LMH and STK DPA Plans) would still be under further

refinement by the AFCD for the consideration of the Country and Marine Parks Board (CMPB) in the future. Although the Closed Area Study recommended the “CP” zoning designation on the Recommended Development Plan, the proposed RNCP was zoned “GB” on the DPA plans in the interim. Upon agreement of the boundary and completion of the necessary statutory procedures under the Country Parks and Marine Parks Ordinance, consideration would be given to include the proposed Country Park as “CP” under the future OZPs;

*Development of Eco-lodge*

- (xiv) the site for eco-lodge development at Ma Tso Lung was appropriate as it possessed extensive view over the environmentally sensitive fish ponds/wetlands of HHW and was accessible to high value ecological areas (including Ramsar site) and could be linked with recreational uses as well as cultural interest in the Closed Area. According to the Study, the off-site disturbance impacts on HHW due to the eco-lodge construction and its subsequent operation would be insignificant;
- (xv) according to the Notes of the DPA Plan, the development of eco-lodge required planning permission from the Board. Any potential impacts including indirect impacts on HHW would be further assessed and addressed in the technical assessments submitted in support of the eco-lodge development at the stage of s.16 planning application;

*Zoning for HHW*

- (xvi) in view of the ecological and conservation value of HHW, the area was designated as “Unspecified Use” area on the DPA Plan

in the interim pending further study and preparation of an OZP. It was premature to zone HHW as “CA” or “CDA” at this stage pending a follow-up study to ascertain the development content of HHW. In the interim, apart from a few uses which were permitted as of right, all other uses would require planning permission from the Board under the “Unspecified Use” designation;

*Restrictions on “REC” zone*

(xvii) the planning intention for “REC” zone was primarily for recreational developments for the use of the general public. It encouraged the development of active and/or passive recreation and tourism/eco-tourism;

(xviii) under “REC” zone, Column 1 uses such as ‘Holiday Camp’ and ‘Picnic Area’ were generally compatible with the environment and their development should not result in significant adverse drainage, landscape and ecological impacts. As “REC” was not a conservation-related zoning per se, it was not necessary to impose stringent restrictions on land-filling/ excavation. However, other forms of development that required careful scrutiny were included as Column 2 uses and required planning permission from the Board. These included ‘Golf Course’, ‘Eating Place’ or ‘Private Club’ which, given their scale of development, might have potential drainage, ecological and landscape impacts, on the adjacent area and hence would require planning permission from the Board;

(xix) to avoid adverse drainage impact on the adjacent areas, the “REC” zone stipulated that any diversion of streams or filling of pond would require planning permission from the Board.

Besides, the drainage system of this area was improved by the river training works at Ping Yuen River in 2006 and would be further improved by the drainage improvement works to Shum Chun River of Stage 4 scheduled for implementation in 2013. With the programmed improvements to the drainage systems in the area, DSD considered it not necessary to take DIA as a general requirement for all developments within “REC” zone.

- (f) PlanD’s views –
- (i) STK DPA Plan: did not support all representations;
  - (ii) LMH DPA Plan: noted R4 and R5’s support to conserve the LMH Stream buffer area but did not support R1 to R3, R6 and R7 and the remaining part of R4 and R5;
  - (iii) TKLN DPA Plan: noted concern of R1 and his views on the implementation of Liantang/Heung Yuen Wai BCP would be conveyed to SB and did not support R2 and R3;
  - (iv) MKT DPA Plan: did not support all representations; and
  - (v) MTL & HHW DPA Plan: noted R2’s support of the planning and development of HHW to protect the ecological value of fish ponds and did not support all other representations.

158. The Chairman then invited the representers, the commenters and their representatives to elaborate on their representations and comments.

**General – All 5 DPA Plans**

R14 (STK), R7 (LMH), R3 (TKLN), R6 (MKT), R8 (MTL&HHW) (World Wide Fund Hong Kong)

159. Mr. Alan Leung made the following points:

- (a) the Closed Area covered by the five DPA Plans was of high ecological value. There was concern that the area would be susceptible to adverse ecological impact upon the opening up of the Closed Area;
- (b) MTL & HHW DPA Plan - the wetland area covered by the plan was of high conservation value and should be rezoned to “CA”. The same zoning had been applied in other wetland areas in the territory. According to the Study on the Ecological Value of Fish Ponds in the Deep Bay Area, the HHW area was recommended to be zoned as “Wetland Conservation Area”. In view of the opening up of the Closed Area, the Board should review the scope of application of the Town Planning Board Guidelines for Application for Developments within the Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No.12B) to include the HHW area;
- (c) LMH DPA Plan - there were two SSSIs i.e. LMH Stream and LMH Lead Mine. LMH and Robin’s Nest also formed an important part of the ecological corridor between Pat Sin Leng and Wutongshan in Shenzhen. The habitat of the LMH stream was free from human disturbance and of high conservation value. To protect the habitat of the LMH stream and the adjoining flood plain and valley, the Government should consider identifying other suitable land for village development;
- (d) TKLN DPA Plan and MKT DPA Plan - the Government should consider imposing land filling restriction in the “REC” zone so as to prevent

proliferation of land filling activities upon the opening up of the Closed Area;

- (e) STK DPA Plan - there were two fish ponds of high ecological value where rare bird species were recorded and they should be rezoned from “AGR” to “CA”; and
- (f) in view of the increasing public concern that conservation area were under development threat since the Tai Long Sai Wan incident, the Government should seize the opportunity to resolve the conflict between development and conservation upon the opening up of the Closed Area.

R5 (LMH), R5 (MKT), R6 (MTL&HHW) (Designing Hong Kong Ltd.)

160. Ms. Eva Tam made the following points:

- (a) the former Residence of Ip Ting-Sz should be rezoned from “V” to “OU(Heritage)” with associated amendments to the Notes of the LMH OZP. Though the subject Residence was designated as a declared monument and protected under the Antiquities and Monuments Ordinance, it was considered necessary to impose planning control on this rural heritage. Many graded buildings in the urban area including Central Market and Wan Chai Police Office were zoned as “OU” with relevant building height and plot ratio restrictions; and
- (b) the HHW was an important part of the Deep Water Bay wetland habitat for foraging of migratory birds. The area should therefore be rezoned to “CA” in view of the high ecological value and the need to impose planning control on the future development. The current “U” designation would lead to inappropriate development within the area.

C3 (STK), C8 (LMH), C1 (TKLN), C1 (MKT), C1 (MTL&HHW) (Heung Yee Kuk New Territories)

161. Mr. Hau Chi Keung made the following points:
- (a) apart from the planned development in the Lok Ma Chau Loop area, the majority of the land within the Closed Area from STK to TKLN were zoned for conservation purpose on the five DPA Plans. The only development zone for eco-lodge was located on government land. The current land use zonings on the five draft DPA Plans only aimed to create a back garden for the development in the Mainland;
  - (b) the Government had not properly considered the housing need of the indigenous villagers. Many private lands were zoned “GB” instead of “V” on the DPA Plans and the land available for village development had been greatly reduced. The Government should consider extending the “V” zone on the DPA Plans to cater for the need of Small House development taking into account the potential increase in population in the Closed Area;
  - (c) the Government should take into account the impact of conservation-related zonings on private landowners. Under a free market mechanism in Hong Kong, it was unfair and unreasonable to freeze the development potential of private land by zoning them for conservation purpose, without providing cash compensation. As in the case of Long Valley wetland, it was planned for conservation but nothing had been done by the Government and the land had been frozen from development for more than ten years without paying any compensation to the private landowners. If the five DPA Plans were implemented as currently zoned without any compensation, all local villagers and private landowners would raise strong objections;

- (d) there was a need to provide a clear definition on the restriction imposed on land filling activities. While land filling of less than 1.2m was always permitted, enforcement actions were still taken by the Government against the land owners for carrying out land filling activities.

162. Ms. Chan Ka Mun made the following points:

- (a) in planning for the future land uses in the Closed Area, it was necessary to comply with the legislative intention of the Town Planning Ordinance to promote the health, safety, convenience and general welfare of the community, the principle of sustainable development as well as the need to protect private development rights as required under Basic Law;
- (b) HYKNT had conducted a number of meetings and consultations with local villagers on the land use proposals on the five draft DPA Plans and there were many objections against the DPA Plans. The consultation report produced by the Consultant of the Study did not truly reflect the views of the local villagers on the future development of the Closed Area. Hence, the local villagers would like to express their disappointment directly to the Board at the hearing;
- (c) after the Closed Area was designated in 1951 for security reason, many villagers had left the area due to controlled access and poor living condition. As a result, very few people lived in the Closed Area and the agricultural land was abandoned. The villagers welcomed the opening up of the Closed Area and had expected that the land would be released for development. They were disappointed by the proposed land use zonings on the draft DPA Plans which had deprived them of their private development rights. The need for planning application for development would impose high cost for indigenous villagers to carry out development and they might be forced to sell their land to large developers at a low cost;

- (d) as an indigenous villager in Tsing Yi, her experience showed that the current land policy was unfair to indigenous villagers who were often deprived of the development right at the expense of large property developers;
- (e) the Small House Policy introduced since 1972 was to cater for the housing need of indigenous villagers in the New Territories by delineating the 'VE' boundary based on a 300-foot criterion. Indigenous villagers were allowed to develop Small Houses within the 'VE' boundary. The current land use zonings on the draft DPA Plans did not respect the spirit of the Small House Policy. The villagers should be informed of the amount of land within 'VE' boundary that was not zoned "V". The Government should consider extending the "V" zone to cater for the future increase in population and Small House demand; and
- (f) the recommendations of the Study did not truly reflect the views of the villagers and the land use zonings of the five draft DPA Plans were unfair to private landowners. She requested PlanD to provide detailed information on the amount of private land zoned "CA" and "GB" on the five DPA Plans. Without sufficient information, the Board should set aside the consideration of the five DPA Plans at this meeting.

163. Mr. Chan Tung Ngok made the following points:

- (a) though there was no provision under the Town Planning Ordinance for compensation to land affected by planning restriction, the Board should not neglect the loss suffered by the villagers due to deprivation of their development rights by the planning restrictions. In particular, the restriction imposed on a "CA" zone would largely diminish the land value of the site. The Board should consider the possibility of land exchange or compensation;

- (b) in 1991, the Government had undertaken a study on compensation and betterment. The study report recommended that compensation should be provided to those parties affected by planning restriction imposed by a statutory plan. However, in the past 20 years, no amendment had been made to the Town Planning Ordinance on that aspect;
- (c) the need to compensate those affected by planning restriction had been clearly established by the Board in the case of King Yin Lei. In designating the King Yin Lei site under a preservation zoning, the Board had agreed to transfer the plot ratio to an adjacent site. The Board had demonstrated in this case that the development right of land affected by planning restriction had to be compensated;
- (d) he concurred with the views of the representative of WWF that village development should be undertaken in areas of lower conservation value;
- (e) since the aim of planning was to promote the health and welfare of the community, the Board should accord high priority to improving the overall planning of the old indigenous villages, in terms of the provision of transport and other infrastructural facilities;
- (f) the Small House Policy introduced in 1972 was intended to cater for the housing demand of the indigenous villagers in the New Territories. Even after the handover in 1997, the lawful traditional rights and interests of the indigenous inhabitants of the New Territories were protected under the Basic Law. In this regard, the traditional right of the villagers to develop Small House within the 'VE' should be respected;
- (g) it was improper for the Board to designate the LMH area as "SSSI" and "CA" without compensation to the affected landowners;
- (h) the Board should adopt a people-oriented approach in the planning process;

- (i) the preparation of the five draft DPA Plans was too rush and Government departments did not have enough time to undertake an in-depth study for the Closed Area. The Board should not approve the DPA Plans in a rush; and
- (j) the five DPA Plans at a scale of 1:7,500 was too vague to enable for villagers to identify their sites and the impact of the planning restrictions. Villagers were not able to understand if their land was affected and they could not afford the time and cost involved in acquiring professional service for appealing to the Board. In this regard, the consultation process was not proper and comprehensive enough.

164. Mr. Chan Hon Kwan made the following points:

- (a) the Government had already prepared survey map base and lot boundary plans in digital format at a scale of 1:1,000. Hence, it was not reasonable to prepare the draft DPA Plans at a scale of 1:7,500 and the villagers had difficulties in identifying if their sites were affected. He requested the Board to provide the DPA Plans at a scale of 1:1,000 with lot boundaries included;
- (b) to better gauge local comments, HYKNT suggested that PlanD consulted the respective land owners directly on the planning proposals affecting their sites by making use of the land owner records available at the Land Registry;
- (c) the Government should consider seeking approval from the Finance Committee of the Legislative Council for the setting up of a conservation fund to pay compensation to owners whose land was affected by conservation-related zonings. Green groups should be asked to provide assessment on the total cost required for conservation for the consideration of the Government. That would be a win-win-win situation; and

- (d) before the issue on compensation was resolved, he requested the Board to set aside the consideration of the five DPA Plans at this meeting.

165. Mr. Sit Ho Yin made the following points:

- (a) there were diverse views on the draft DPA Plans. While the zoning proposals for conservation were welcomed and advocated by green groups, there were strong objections from local villagers as their development rights were deprived of;
- (b) since the DPA Plans were prepared by the Board, the Board should be responsible for considering the compensation of landowners affected by the planning restrictions, despite that there was no such provision under the Town Planning Ordinance;
- (c) according to Basic Law Article 105, “the Hong Kong Special Administrative Region (HKSAR) shall, in accordance with law, protect the right of individuals and legal persons to the acquisition, use, disposal and inheritance of property and their right to compensation for lawful deprivation of their property. Such compensation shall correspond to the real value of the property concerned at the time and shall be freely convertible and paid without undue delay”. The imposition of land use zonings under the draft DPA Plans had obviously affected the use, disposal and inheritance of the property of villagers and therefore their right should be protected or compensated by the Board;
- (d) the Board should assess the cost of conservation before considering the land use zonings on the draft DPA Plans. It was irresponsible for the Board to transfer the cost of conservation to the private landowners by zoning their land as “SSSI”, “CA” or “GB” without any compensation;
- (e) the Board should not only take into account sustainable development of the ecological or natural habitat but also the sustainable development of

the villages for the interest of the indigenous villagers who lived there;

- (f) there was insufficient land reserve in the “V” zone to cater for the need of the villagers. Besides, since not all the land within “V” zone were private land, the villagers had to make applications for the development of Small Houses and pay for the land and construction cost;
- (g) there was too much land zoned “AGR” on the draft DPA Plans. Agriculture was not one of the six pillar industries identified by the Government and there was no agricultural policy in Hong Kong. The agricultural activities found in the New Territories were mainly for recreational purpose and not for production;
- (h) even though the draft DPA Plans would be replaced by OZPs after three years and the land use zonings would be reviewed in the preparation of the OZPs, the previous experience indicated that it was difficult to change the land use zonings when the OZP was prepared. Noting that there were many outstanding issues, he requested the Board to set aside the consideration of the draft DPA Plans at this meeting;
- (i) the Town Planning Ordinance were largely based on the Town and Country Planning Act in United Kingdom which was very stringent on the compensation aspect;
- (j) the draft DPA Plans had statutory effect after they were published under the gazette. The land use zonings had intervened the legitimate expectation of the villagers and deprived them of their development rights. The Board should consider compensation or land exchange for the affected villagers; and
- (k) the Board should listen to the views of the local villagers, and not only the recommendations by PlanD. The responses made by PlanD in the TPB Papers were too broad, not substantiated by evidence. In view of the insufficient information available, he requested the Board to set aside the

approval of the five DPA Plans.

[Ms. Anna Kwong left the meeting at this point.]

166. Ms. Chan Ka Mun said that the position of HYKNT was consistent with the local villagers and a position paper by HYKNT covering all the five draft DPA Plans was tabled at the meeting. HYKNT requested the Board to set aside approval of the five DPA Plans.

167. Mr. Lau Yung Sau made the following points:

- (a) the STK villagers raised strong objection against their land being zoned “AGR” on the STK DPA Plan as that had deprived them of their development rights. He requested PlanD to review the zoning so that all land within ‘VE’ would be zoned “V”. The preparation of the draft STK DPA Plan was based on the wrong recommendations of the Study undertaken by the consultants who had not consulted the villagers;
- (b) the STK villagers welcomed the opening up of the Closed Area but were very disappointed that stringent planning controls were imposed by the draft DPA Plan on the development of the area. The STK villagers who had gone overseas would like to return to their villages but the land available for Small House development had been reduced;
- (c) the Government should respect the rights of the indigenous villagers under the Small House policy and such rights were protected under the Basic Law;
- (d) the village land was zoned “AGR” in the draft DPA Plan, under which planning application was required for Small House development. Even if the planning application was approved, the villagers had to bear the high cost of the professional services required in order to comply with the approval conditions to the satisfaction of relevant government departments;

- (e) though AFCD advised that agricultural rehabilitation should be undertaken in the “AGR” zone, the Government should not force the villagers to carry out agricultural activities which were not economically viable;
- (f) the Board should recognise the hardship of the ancestors of the STK villagers and the village land was an asset to their offspring. There was no public housing in the STK area and the villagers had to move out of the village to find a place for their accommodation. This was however unfair to the villagers who were also tax-payers; and
- (g) since the Closed Area had already been established for more than 50 years, he did not see the urgency for the preparation of the draft DPA Plans. He therefore requested the Board to defer the consideration of the STK DPA Plan and review the Plan.

168. Mr. Wan Wah On authorised Mr. Wan Wo Fai (R8 STK) to make a presentation on his behalf. Mr. Wan Wo Fai made the following points:

- (a) since the establishment of the Closed Area in 1951, the villagers in the Closed Area had been deprived of their rights for the interest and benefit of Hong Kong for about 60 years. Hence, the villagers welcomed the opening up of the Closed Area. However, they were very disappointed to find out that the five DPA Plans were prepared, the proposals of which would deprive them of their development rights and their assets;
- (b) the green groups and other visitors who advocated conservation-related zonings for the Closed Area only visited the area a few times each year. It was unreasonable and unfair for them to request zoning the land owned by the local villagers as “CA”. He also raised concern on the stringent restrictions on development imposed by government departments on his land;

- (c) the Board should consider the following views of the representers:
- (i) R6 & R8 (STK) opposed to the “GB” zoning of a small piece of land in the southern part of the Ha Tam Shui Hang Village abutting Sha Tau Kok Road and requested that it be zoned “V”. The site was a piece of agricultural land surrounded by houses near the entrance of the village. It was not the entrance of the Closed Area as claimed by PlanD;
  - (ii) R8 & R9 (STK) proposed to extend the “V” zone of Tsiu Hang and Muk Min Tau into the land currently zoned “AGR” as the land area zone was within the ‘VE’ boundary. The villagers would not carry out agricultural activities on their land as they were not economically viable. The “AGR” zoning would only result in abandoned agricultural land, creating hygiene and environmental problems. The proposed extension of the “V” zone was required to meet the increasing Small House demand of villagers returning from overseas;
  - (iii) R6, R8 and R9 (STK) proposed to rezone the coastal land south of Sha Tau Kok Road from “AGR” to “REC” so as to link up the “REC” zone south of Tong To Tsuen and to provide opportunities for tourism and places for recreation after the opening up of the Closed Area; and
- (d) he requested the Board to set aside the consideration of the draft DPA Plans at the meeting.

169. Mr. Lee Wai Yin made the following points:

- (a) he represented Tsiu Hang and Muk Min Tau Village to raise objection to the draft STK DPA Plan. The consultation period of the DPA Plan was too short and there was inadequate consultation with the villagers;

- (b) the STK villagers had been suffering from the lack of infrastructure, transport, school and other government, institution and community facilities. Access to the Closed Area was controlled through the issue of Closed Area permits. Many villagers had left the village due to the lack of employment opportunities and poor living environment;
- (c) the Government had the responsibility to plan for a better living environment for the STK villagers after the opening up of the Closed Area. The villagers were disappointed as the draft DPA Plans had deprived them of their development rights by zoning their land for conservation purpose; and
- (d) he requested the Board to set aside the consideration of the draft STK DPA Plan. The Government should ensure that the same treatment on compensation be provided to STK villagers as that for Choi Yuen Tsuen.

170. With the aid of a plan, Mr. Lam Kam Kwai made the following points:

- (a) he was the Vice-chairman of Ta Kwu Ling Rural Committee. In planning the Closed Area, PlanD should ensure that the proposals would benefit the economy, environment, community and people in the area and the development rights of land owners should be respected;
- (b) to facilitate the development of a new BCP, the existing Chuk Yuen Village would be relocated to a new site. The site was adjacent to some land zoned “AGR” with no road access. Given that there was no apparent demand for agricultural use in the area and agricultural use was always permitted in the “V” zone, he suggested extending the “V” zone for the new Chuk Yuen Village to cover the land currently zoned “AGR”;
- (c) he proposed to rezone the “AGR” zone to the east of the new BCP to “REC” so as to link up the two sites zoned “REC” to the northeast and

south of the BCP; and

- (d) the layout for the existing and planned roads, pedestrian ways and cycle track should also be shown on the DPA Plan.

171. Mr. Yiu Sun Choi made the following points:

- (a) on the draft STK DPA Plan, about 4.2 hectares of land zoned “V” was reserved for the development of the new Chuk Yuen Village. However, as about 2.6 hectares of land was required for the reprovisioning of the existing Chuk Yuen Village, the 2.6 hectares left would not be sufficient to meet the future Small House demand, noting that 35 and 65 indigenous villagers had submitted or planned to submit Small House applications and there were more than 120 indigenous villager applicants in the next 10 years. That number had not yet included villagers returning from overseas; and
- (b) the Board should consider rezoning the areas currently occupied by abandoned agricultural land to “V”.

[Mr. Benny Wong left the meeting at this point while Miss Annie Tam returned to join the meeting at this point.]

### **Draft Sha Tau Kok DPA Plan**

#### **R7 (STK) (Nam Tin Sang – Indigenous Inhabitants Representative of San Tsuen)**

172. With the aid of some plans, Mr. Nam Tin Sang made the following points:

- (a) there was a need to balance conservation with the development rights of the indigenous villagers. However, the Government had put more weight on the views of the green groups and neglected the views of the villagers.

PlanD should consult the local villagers before preparing the draft DPA Plans;

- (b) while the land within 'VE' was already insufficient to cope with the future Small House demand of San Tsuen, PlanD had further reduced the land available by excluding a large part of the 'VE' from the proposed "V" zone. An area to the north of the village was zoned "CA". There was no prior consultation with the villagers and no compensation was provided to them for the deprivation of their development rights. The same compensation arrangement as in the case of Choi Yuen Tsuen, which was not even an indigenous village, should be applied to San Tsuen, which was an indigenous village;
- (c) he requested extending the "V" zone of San Tsuen to cover all the land within 'VE' and the coastal area zoned "AGR" to the south of San Tsuen.

R5 (STK) (Mau Lap Sun – Indigenous Inhabitants Representatives of Shan Tsui Village)

173. With the aid of a plan, Mr. Mau Lap Sun made the following points:

- (a) he objected to the zoning of the northern part of the 'VE' for Shan Tsui Village to "GB". The land within 'VE' was already insufficient to cater for future Small House demand of the village. PlanD should not further reduce the land available for Small House development unless compensation was provided to the affected villagers; and
- (b) he requested the Board to set aside the consideration of the draft DPA Plans.

R1 (STK) (Marlon Cheung – Manager of the Cheung Clan’s Properties and Indigenous Inhabitant of Tong To Tsuen/Tong To Ping Section)

174. Mr. Marlon Cheung made the following points:

- (a) there were two villages in Tong To, namely Tong To Shan Tsuen (Yau clan) and Tong To Ping Tsuen (Cheung clan). Tong To Ping Tsuen was zoned “REC” on the DPA Plan for the reason that it was located outside the ‘VE’ of Tong To. Under the circumstances, the villagers of Tong To Ping Tsuen had no land to build their Small Houses;
- (b) PlanD asked the villagers of Tong To Ping Tsuen to build Small Houses within the “V” zone of Tong To San Tsuen. However, it should be noted that Tong To San Tsuen belonged to Yau Clan and there was also insufficient land to cater for the Small House demand of the villagers of Tong To San Tsuen; and
- (c) he had no objection to the “REC” zone but the Board should reserve some land zoned “V” for Tong To Ping Tsuen. Otherwise, the village would vanish after a few years.

R10 (STK) (Lee Tim Hei, Lee Joi Yu and Lee Joi Yin)

175. Mr. Lee Tim Hei made the following points:

- (a) he was a villager of Tsiu Hang Village and considered the proposed “V” zone for Tsiu Hang too small; and
- (b) he had no objection to the extension of “V” zone within or outside the ‘VE’. His main concern was the difficulty in acquiring land within the “V” zone for Small House development and the application process that

involved various government departments.

R3 (STK) (Lee Fong Ching – Manage of Li Kwok Kei Tso and Indigenous Inhabitants Representative of Sheung Wo Hang Tsuen)

176. With the aid of a plan, Mr. Lee Fong Ching made the following points:

- (a) he objected to the proposed “V” zone for Muk Min Tau Village as most of the land within the ‘VE’, which was in fact immediately next to the existing village cluster, was excluded. It was unreasonable to zone that area, which included his land at DD41 Lot 151, 156, 159, 163 and 164, as “AGR”; and
- (b) he requested the Board to consider rezoning the excluded area from “AGR” to “V”.

R11 (STK) (Tsang Yuk On – Member of STK District Rural Committee)

177. Mr. Tsang Yuk On made the following points:

- (a) he did not agree to the views of the WWF to conserve the LMH Stream and the two fish ponds in STK area. He said that it would be difficult to maintain the ecological value of the stream and ponds with the opening up of the Closed Area as more villagers would return to live in the area and the ecological environment would be disturbed;
- (b) with the opening up of the Closed Area, STK villagers who were living in different places would want to return to their homeland. They would apply for development of Small Houses; and
- (c) under the principle of sustainable development, there should be enough land for the villagers to live in. The Government should ensure that local

villagers were fully engaged in the planning process so as to avoid confrontation.

R2 (STK) (Yau Man Ching – Indigenous Inhabitants Representative of Tong To Tsuen)

178. Mr. Yau Man Ching made the following points:

- (a) he was an indigenous villager of Tong To Tsuen. Together with other villagers, he objected to the proposal put forward by Mr. Marlon Cheung. Mr. Cheung was not an indigenous villager of Tong To Tsuen and had no development right in Tong To Tsuen. The Cheung Clan had only moved to Tong To Village between 1914-1942 and there was no evidence that Mr. Cheung was the manager of Tong To Tsuen; and
- (b) he requested the Board to double the size of the “V” zone at Tong To Tsuen for Small House development by Yau Clan as there was insufficient land within the proposed “V” zone to meet the Small House demand.

R8 (STK) (Wan Wo Fai – North District Councillor)

179. Mr. Wan Wo Fai made the following point:

- (a) there was a piece of land zoned “GB” at the southern part of Ha Tam Shui Hang Village abutting Sha Tau Kok Road. He requested the Board to rezone the northern portion of the “GB” zone to “V” as it was private land. He had no objection to retain the “GB” zoning for the southern portion which was government land. The proposed rezoning would not create significant impact on the greenery and conservation in the surrounding area and there were already five approved Small House developments nearby.

C2 (STK) (Sha Tau Kok Farm Organic Co. Ltd.)

180. Mr. Raymond Ng made the following points:

- (a) he supported the “REC” zoning in Tong To Ping Tsuen but commented that the planning of the “REC” zone was not comprehensive enough. To promote eco-tourism in the STK area, he suggested that the coastal area facing STK Sea should also be included in the “REC” zone; and
- (b) more coordinated effort was required among government departments to ensure that adequate infrastructural and transport facilities would be provided to complement the development of eco-tourism in the area. In particular, there was a lack of pedestrian crossing facilities in Tong To Tsuen.

**The Draft Lin Ma Hang DPA Plan**

R2 (LMH) (Yip Wah Ching – Indigenous Inhabitants Representatives of LMH Village and Chairman of LMH Village Office)

181. Mr. Yip Wah Ching made the following points:

- (a) the LMH villagers strongly objected to the proposed “CA”, “GB”, “SSSI” and “CP” zonings on the draft LMH DPA Plan;
- (b) during the first stage of public consultation of the Study in 2008, PlanD had only arranged to consult the District Council and the rural committees instead of consulting LMH villagers directly. The villagers had organised several large-scale petitions and village meetings and had also expressed their strong objection to the planning proposals at the consultation forum. However, their views were not properly considered and it was also wrongly reflected in the second stage consultation report

that all public agreed to the planning proposals. The Government only adopted the views of the green groups but ignored the views of the villagers;

- (c) the Government had not adopted a people-oriented approach in planning the Closed Area. As shown in the recommendations of the Study, a majority of the 800 hectares of land, woodland, streams and reservoirs within the LMH Village were zoned “CA”, “GB”, “CP” and “SSSI” with only 1% of land to cater for the housing and development need of the villagers. About 20m wide of land along both sides of the LMH Stream was zoned “CA” and over a hundred of the existing village houses were not allowed to be redeveloped within this zone. The proposed “V” zone was inadequate to meet the future housing demand. The Government had not taken into account the potential increase in Small House demand of LMH Village and that of returned villagers after the opening up of the Closed Area;
- (d) the Government had deprived the villagers of their development rights in their homeland by way of wrong conservation policy. The LMH villagers strongly requested the Government to revise the conservation policy and ensure that private land affected by planning restriction should be resumed and compensated for or land exchange should be arranged. The same compensation and land exchange arrangement as in the case of Choi Yuen Village should be applied to LMH Village;
- (e) the designation of the Closed Area had hindered the development of the LMH village for more than 50 years. The Government should appreciate the contribution of the LMH villagers to the prosperity of the Hong Kong economy. It was unfair for the Government to deprive the villagers of their development rights after the opening up of the Closed Area. The deprivation of traditional development right of the indigenous villagers was also against Basic Law Articles 40 and 105;

- (f) on 29.8.2010, a motion had been passed at the village meeting that the villagers would spend all their efforts to protect their homeland against the Government. On 3.10.2010, nearly 1,000 villagers had participated in a petition to the Central Government Offices objecting to the land use planning of LMH Village. Today, there were about two hundred LMH villagers petitioning to the Board against the unfair treatment to the LMH villagers;
- (g) in 1991, the Government had established the Special Committee on Compensation and Betterment to review the need to pay compensation for the loss in land value caused by planning restrictions. However, for about 20 years, no amendment had been made to the Town Planning Ordinance on this aspect. LMH villagers therefore strongly requested the Government to review the Town Planning Ordinance, in particular in relation to the environment and conservation policy, and to set up a nature conservation fund. He also requested PlanD to put more emphasis on the views and livelihood of the local villagers in the planning process with a view to maintaining social harmony; and
- (h) the LMH villagers strongly requested the Board to set aside the consideration of the draft DPA Plan at this meeting.

### **The Draft Man Kam To DPA Plan**

#### **R1 (MKT)Yick Wai Tung – Representative of Fung Wong Wu Village)**

182. With the aid of a plan, Mr. Yick Wai Tung made the following points:

- (a) he was the representative of Fung Wong Wu Village and raised objection to the proposed “V” zone boundary of Fung Wong Wu Village on the draft MKT DPA Plan;

- (b) since the completion of the widening and improvement scheme of Ping Yuen River in 2007, the land available for Small House development in Fung Wong Wu Village had been largely reduced. Currently, the area of the river was even larger than the area of “V” zone. The land area left was insufficient to cater for the future Small House demand. Small House development was not permitted by LandsD within the 30m buffer along the river and on the adjacent government land covered by existing trees; and
- (c) he requested the Government to extend the “V” zone of Fung Wong Wu Village.

### **The Draft Ta Kwu Ling North DPA Plan**

#### R1 (TKLN) (Yick Kok Kwun)

183. Mr. Yick Wai Tung made the following point:

- (a) the Security Bureau should consider improving the traffic arrangement of the Liantang/Heung Yuen Wai BCP so that both vehicles and pedestrians could reach the BCP directly without using shuttle buses.

#### C3 (STK), C8 (LMH), C1 (TKLN), C1 (MKT), C1 (MTL&HHW) (Heung Yee Kuk New Territories)

184. Ms. Chan Ka Mun made the following points:

- (a) a good transport infrastructure network for the new BCP at Chuk Yuen was needed, with reference to the current arrangement for other BCPs, i.e. Lo Wu and Lok Ma Chau, where railway connections were provided at the BCP to link up with other parts of the Mainland.

185. As the presentations from the representers and their representatives had been completed, the Chairman invited questions from Members.

*“V” Zone and Small House Demand*

186. The Vice-Chairman had the following questions:

- (a) whether there was sufficient land in the “V” zone on the five DPA Plans to meet the future Small House demand; and
- (b) why Muk Min Tau Village fell outside the “V” zone on the draft STK DPA Plan, as claimed by the representer?

187. Mr. W.K. Hui, DPO/STN, replied that under the recommendations of the Study, about 95 hectares of land for the area under the coverage of the five DPA Plans were proposed to be zoned “V” to cater for future Small House demand based on a 10-year demand forecast available at the time of the Study. He said that under the five draft DPA Plans, there was a total of 98 hectares of land zoned as “V” and therefore the land available for Small House development was adequate. However, after the gazetting of the draft DPA Plans, he noted from LandsD that there was a substantial increase in the 10-year demand forecast for Small Houses. If the latest demand forecast was taken into account, there would be a shortfall in the supply of land within “V” zone in meeting the future Small House demand. On the representers’ claim that the boundary of the “V” zone should be the same as that of the ‘VE’, he said that in preparing the DPA Plans, the ‘VE’ was only one of the considerations in drawing up the boundary of the “V” zone while other factors including the topography, environmental constraints and the landscape character were also taken into account. He said that the planning intention of the “V” zone was to designate both existing recognised villages and areas of land suitable for village expansion. It was expected that Small House development would be concentrated within “V” zone in an orderly development pattern. He said that the 98 hectares of “V” zone amounted to about 80% of land within the ‘VE’ (i.e. about 120 hectares).

188. For Tsiu Hang/Muk Min Tau Village, Mr. W.K. Hui noted that part of land within

the 'VE' was not included in "V" zone but was zoned "AGR". As explained in the TPB Paper No.8717 (para. 4.21), there were some on-going agricultural activities in the area and the Study indicated that the area had good potential for agricultural activities and rehabilitation of cultivation. Besides, there was sufficient land within the proposed "V" zone on the DPA Plan to meet the 10-year Small House demand forecast for Tsiu Hang/Muk Min Tau Village.

189. Mr. Wan Wo Fai (R8 STK) pointed out that according to the TPB Paper, LandsD advised that the 10-year Small House demand forecast was only a broad estimate not supported by evidence. The estimate had not taken into account returned villagers after the opening up of the Closed Area. Hence, he did not agree to use those figures in assessing the land required for "V" zone for the Tsiu Hang/Muk Min Tau Village. In particular, he objected that a major part of land within the 'VE' boundary of Tsiu Hang/Muk Min Tau Village was excluded from the proposed "V" zone in the draft STK DPA Plan.

190. Mr. Sit Ho Yin (C3 STK) said that he was not aware of the practice of using 10-year Small House demand forecast in drawing up the "V" zone boundary and the HYKNT had not been consulted on this matter. He doubted if it was reasonable to apply such practice to villages of over a hundred years. Besides, he said that the Government should take into account the implication on population increase and land development as a result of the opening up of the 2,400 hectares of the Closed Area. The proposed provision of 98 hectares of "V" zone based on 10-year demand forecast was a short-sighted approach. Moreover, the Government should take into account the large number of outstanding Small House applications submitted but not yet approved in the past twenty years and the difficulty for villagers to obtain grant for Small House development on government land within "V" zone.

191. Mr. Lau Yung Sau (C3 STK) said that the Government had failed to consider the implication of the opening up of the Closed Area and the potential increase in the number of villagers returning from overseas. Though a major part of land within the 'VE' boundary of Tsiu Hang/Muk Min Tau Village was zoned "AGR", the villagers would not use the land for agricultural activities as they were not economically viable. That would only lead to abandoned agricultural land creating environmental and hygiene problem. He said that as agricultural use was always permitted in "V" zone, the land with 'VE' should be zoned "V" to

allow for Small House development. He said that the preparation of the DPA Plans should not be based on the wrong recommendations of the Study.

192. Mr. Yick Wai Tung (R1 MKT) said that some of the land within 'VE' of Fung Wong Wu Village was taken up by two existing rivers and hence there was a reduction of land available for Small House development. The proposed "V" zone of Fung Wong Wu Village should be extended to compensate for the loss.

193. Mr. Chan Tung Ngok (C3 STK) raised the following points:

- (a) the Government had never consulted HYKNT on the adoption of 10-year Small House demand forecast as an assumption in drawing up the "V" zone boundary. This was also not discussed at the PlanD and HYKNT Liaison Meeting. According to Basic Law Article 105, the Government shall, in accordance with law, protect the right of individuals and legal persons to the acquisition, use, disposal and inheritance of property and their right to compensation for lawful deprivation of their property. In this regard, the adoption of this assumption without proper consultation with HYKNT was improper;
- (b) according to the Small House policy established in 1972, the 'VE' was drawn up to reserve land to meet the housing demand of indigenous villagers. It was not proper for PlanD to draw up the "V" zone without following the 'VE'; and
- (c) PlanD's approach which indicated that the total amount of "V" zone of 98 hectares on the five DPA Plans was adequate to meet the total Small House demand of 95 hectares for all the villages in the Closed Area was incorrect. The demand and supply of Small House development at each village should be assessed individually in deciding whether the size of the "V" zone for each village was appropriate. As the assumption (10-year demand forecast) used was not proper, the Board should set aside the consideration of the five

DPA Plans and re-assess the Small House demand again;

194. The Chairman clarified that the 10-year Small House demand forecast was one of the considerations in drawing up the “V” zone boundaries and there would be reviews on the boundary of the “V” zone to cater for changing demand from time to time. Mr. Chan Tung Ngok (C3 STK) however considered that the DPA Plans had immediate statutory effect after publication and it would be very difficult to introduce amendments to the statutory plans afterwards. In this regard, it would be more proper to ensure that adequate land be zoned “V” on the DPA Plans to cater for future expansion of village development. Besides, the Government should also consult HYKNT properly on the adoption of the 10-year Small House demand forecast as an assumption in drawing up the “V” zone.

195. Mr. Sit Ho Yin (C3 STK) said that it had been very difficult for villagers to find land within “V” zone to build Small Houses. In view of the competing land uses upon opening up of the Closed Area, it was important that sufficient land for “V” zone was designated on the DPA Plans to cater for future Small House development. According to Basic Law Article 40, the lawful traditional rights and interests of the indigenous inhabitants of the New Territories shall be protected by the Government. However, he was of the view that the DPA Plans, which carried statutory effect, had deprived the indigenous inhabitants of their lawful traditional rights. In forecasting future Small House demand, he suggested that a longer time frame up to 2047, in accordance with that of the Basic Law, instead of the current 10-year period should be adopted. He objected to the use of the 10-year demand forecast which was against the principle of sustainable development.

196. Ms. Chan Ka Mun (C3 SKT) said that the “V” zone currently shown on the five DPA Plans did not clearly indicate if the 300-foot criterion adopted in deriving the ‘VE’ was respected. She requested PlanD to provide information on the amount of “V” zone which fell within the ‘VE’ for Members’ consideration.

197. Mr. Wan Wo Fai (R8 STK) requested the Board to consider rezoning a small piece of private land currently zoned “GB” in the southern part of Ha Tam Shui Hang Village to “V” or otherwise, the right of the villagers would be affected. He considered that the proposed

rezoning would have insignificant impact on the overall greenery and conservation of the area.

*Consultation Arrangement*

198. A Member asked PlanD about the details of the consultation programme and arrangement for the five DPA Plans. Mr. W.K. Hui, DPO/STN, said that the North District Council and the rural committees of STK, TKL and Sheung Shui had been consulted on the draft DPA Plans during the statutory plan publication period. He said that before the preparation of the DPA Plans, a two-stage public consultation programme was undertaken during the course of the Study in 2008 and 2009 respectively, in which a series of briefing sessions and public forums were arranged to consult the stakeholders including the District Council, rural committees and local villagers.

199. Mr. Lau Yung Sau (C3 STK) said that he had raised strong objection to the draft STK DPA Plan during PlanD's consultation at the District Council and rural committee meetings. However, his view was not clearly reflected in the TPB Paper for Members' consideration. Given that the consultation was not successful and he did not see any urgency to make a decision on the DPA Plans at the meeting, he asked Members to set aside the consideration of the DPA Plans so as to avoid conflict with stakeholders. He requested that a more open and transparent public consultation should be conducted by PlanD for the STK area.

200. In response to a Member's question on the appropriate time for consultation, Mr. Lau Yung Sau (C3 STK) said that it would depend on the programme and scope of the consultation to be conducted by PlanD, i.e. whether there would be collective or individual consultation with each village. He advised that the Sha Tau Kok DPA Plan currently covered about 40 villages and assuming that one day was required for one village, about 40 days would be necessary.

201. Ms. Chan Ka Mun (C3 STK) considered that a further consultation period of about six months would be reasonable. She emphasised that a two-way approach should be adopted in the consultation process so as to hear the views of the local villagers and to allow exchange of information between the Government and stakeholders (e.g. amount of private land involved

and the outstanding and future Small House demand). She said that HYKNT would be pleased to engage in the next round of consultation.

202. Mr. Tsang Yuk On (R11 STK) said that the schedule of the further consultation should be determined after the appointment of the new term of membership for the Rural Committees in April 2011. Besides, he appreciated the earlier consultation undertaken by DPO/STN with the So Lo Pun Villagers and considered that the same approach could be adopted in the next round of consultation for the Closed Area.

203. Mr. Sit Ho Yin (C3 STK) said that under the HYK Ordinance, HYKNT was a statutory advisory body. The Government was required under the law to consult HYKNT on matters relating to the New Territories. Hence, it was improper for PlanD to consult HYKNT only after the publication of the five DPA plans. If HYKNT was consulted earlier, the conflict with the villagers could be reduced.

204. As the representers, commenters and their representatives had finished their presentations and Members had no further questions, the Chairman said that the hearing procedures had been completed and that the Board would deliberate on the representations in their absence and inform them of the Board's decision in due course. The Chairman thanked them and the government's representatives for attending the hearing. They all left the meeting at this point.

#### Deliberation Session

205. The Chairman invited Members to consider the representations taking into consideration all the written submissions and the oral representations and materials presented at the meeting.

206. A Member expressed appreciation to DPO/STN's effort in preparing the five draft DPA Plans for the Closed Area. Other Members echoed this. On the Small House demand, that Member considered that the current practice of adopting the 10-year Small House demand forecast was appropriate and should continue to be adopted as guidance for delineating the "V"

zone boundary in the plan-making process. However, that Member acknowledged the special circumstances of the villages in the Closed Area as some villagers might wish to return to their villages after the opening up of the Closed Area and hence it was difficult to work out the 10-year demand forecast. That Member considered that DPO/STN should obtain more information on that aspect and the Board should defer consideration of the representations and comments on the five draft DPA Plans. Yet, that Member did not consider another round of public consultation necessary.

207. A Member considered that there was an imminent need to prepare the five DPA Plans before the opening up of the Closed Area so as to provide statutory planning control on the land within the Closed Area. That Member also appreciated DPO/STN's effort in the preparation of the five DPA plans. While that Member considered that it might not be appropriate to accept the ad-hoc proposals put forward by some of the representers and commenters, that Member said that there was room for improvement in the consultation process. That Member suggested deferring consideration of the representations and comments on the five draft DPA Plans and inviting HYKNT to coordinate views of the villagers, the outcome of which would then be reported back to the Board for further consideration.

208. Another Member did not consider that another round of consultation would satisfactorily resolve all the conflicting views between the Government and local villagers on the DPA Plans, particularly on the compensation issue. However, subject to further study by DPO/STN, that Member agreed that there might be scope to review the coverage of the "V" zone of some villages to address the concerns of the villagers. That Member opined that even if another round of consultation were to be undertaken, PlanD should perform a leading role in consulting the villagers.

209. In view of Members' comments and concerns of the representers and comments, the Secretary clarified the following points:

- (a) public consultation - during the course of the Study, adequate consultation had already been conducted by PlanD with HYKNT and local villagers on the land use proposals of the Closed Area and the recommendations were drawn

up after balancing the needs for development and conservation. However, some views of the villagers might not have been taken on board in the preparation of the DPA Plans. In addition, the publication of the draft DPA Plans under the Ordinance for representation and comment was itself a public consultation process and all the representations and comments received would be duly considered by the Board before making a decision;

- (b) Small House demand - since 1990s, it was an established practice of the Board to take the outstanding Small House applications and the 10-year Small House demand forecast into account in drawing up “V” zone boundaries and the matter had also been discussed in the previous PlanD and HYKNT Liaison Meetings. The method used in drawing up “V” zone boundary had been clearly indicated in the TPB Papers which were open documents available to the public;
- (c) statutory procedure – if Members considered that there was a need to obtain further information on the latest 10-year Small House demand forecast, the Board could consider deferring decision on the representations and comments on the five draft DPA Plans and ask PlanD to provide the necessary information. Since the draft DPA Plans were subject to the 9-month statutory deadline for submission to the Chief Executive in Council for approval, the deferral should not be indefinite; and
- (d) LMH Village – there had been dispute concerning the designation of LMH Stream as SSSI. While a 20m wide riparian buffer on both sides of the SSSI was mainly zoned “CA” to protect the SSSI, some areas within the buffer area had been zoned “V” taking into consideration the existing land use condition adjacent to the stream so as to meet the local needs. However, the concern of the villagers on compensation was outside the purview of the Board.

210. The Vice-chairman considered that there was an imminent need to prepare the DPA Plans to ensure statutory planning control in view of the opening up of the Closed Area.

Therefore, it would not be preferable to undertake another round of public consultation. However, having noted the views of the representatives and commenters on the proposed “V” zone, he agreed to defer consideration of the draft DPA Plans pending PlanD’s review of the “V” zone boundaries taking into account the latest update on the 10-year Small House demand forecast and the views of the representaters and commenters.

211. Mr. Jimmy Leung, Director of Planning, considered that some fallow agricultural land which was not of high rehabilitation value might be considered for rezoning to “V”.

212. Miss Annie Tam, Director of Lands, said that the Small House policy was promulgated in 1972. Under the policy, male indigenous villagers could apply to build Small Houses on land falling within the ‘VE’ of their villages. She said that PlanD might wish to make reference to ‘VE’ in drawing up “V” zone.

213. The Secretary said that the “V” zone was drawn up having regard to not only to the ‘VE’ but other factors such as the local topography, the existing land use, the site constraints, the outstanding Small House applications, as well as the Small House demand forecast. Ms. Annie Tam, Director of Lands, considered that it would be quite difficult to estimate the demand for Small Houses following the opening of the Closed Area.

214. A Member also agreed to defer consideration of the representations and comments on the five DPA Plans, noting that there was a change in the 10-year Small House demand forecast. That Member agreed that the compensation issue was outside the purview of the Board.

215. Noting the views of the representers and commenters on the consultation arrangement, a Member considered that there might be room for improvement in the consultation with the stakeholders and local villagers on the draft DPA Plans. Some Members however were of the view that adequate consultation had been undertaken by PlanD and further consultation might not be able to build consensus among the various stakeholders.

216. A Member agreed that with the opening up of the Closed Area, the villages covered

by the five DPA Plans warranted special consideration. That Member agreed to defer consideration of the representations and comments of the DPA Plans pending further review by PlanD on the “V” zone boundaries. That Member however did not agree to any cash compensation as proposed by the representers and commenters, and also considered that another round of consultation was not necessary.

217. After a lengthy discussion and deliberation, Members decided to defer the consideration of the representations and comments of the five draft DPA Plans pending further review by PlanD on the land use proposals, in particular on the “V” zones, taking into account the views of the representers and commenters and any other relevant planning considerations. Members also agreed that the revised proposals, if any, should be submitted to the Board for further consideration and all the concerned representers and commenters should be invited to attend the meeting.

### **Agenda Item 15**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Cheung Sha Wan Outline Zoning Plan No. S/K5/32  
(TPB Paper No. 8749)

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[The meeting was conducted in Cantonese.]

218. The Secretary introduced the Paper. On 30.9.2010, the draft Cheung Sha Wan Outline Zoning Plan No. S/K5/32 was exhibited for public inspection under section 5 of the Town Planning Ordinance. A total of 5 representations and no comment were received. All the 5 representations were mainly related to the imposition of building height (BH) restrictions, non-building area (NBA), building gap and building setback requirements. As the amendments had attracted much public interest, it was recommended that the representations should be considered by the full Board in two groups:

- (a) Group 1: Representation submitted by CLP Power Hong Kong Limited opposing to the imposition of BH restrictions and setback requirement for various electricity substation; and
- (b) Group 2: Collective hearing for the remaining 4 representations, including 1 representation supporting the stipulation of BH restrictions and the other 3 representations objecting to the imposition of BH restrictions and NBA/building gap/setback requirements in general and on specific sites/zones (i.e. “R(A)6” and “R(A)7”).

219. After deliberation, the Board agreed to the proposed hearing arrangement for the consideration of representations as detailed in paragraph 2 of the Paper.

#### **Agenda Item 16**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Hoi Ha Development Permission Area Plan No. DPA/NE-HH/1 (TPB Paper No. 8740)

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[The meeting was conducted in Cantonese.]

220. The Secretary introduced the Paper. On 30.9.2010, the draft Hoi Ha Development Permission Area Plan No. DPA/NE-HH/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance. A total of 18 representations and no comment were received. Since the representations were mainly related to the conservation of the natural landscape of the Area and the land use zonings to be designated in future OZP, it was recommended that the representations should be heard collectively in one group by the full Board.

221. After deliberation, the Board agreed to the proposed hearing arrangement for the consideration of representations as detailed in paragraph 2 of the Paper.

**Agenda Item 17**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to Draft So Lo Pun Development Permission Area Plan No. DPA/NE-SLP/1  
(TPB Paper No. 8741)

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[The meeting was conducted in Cantonese.]

222. The Secretary introduced the Paper. On 30.9.2010, draft So Lo Pun Development Permission Area Plan No. DPA/NE-SLP/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance. A total of 14 representations and 5 comments were received. Since the representations were mainly related to the conservation of the natural landscape of the Area and the land use zonings to be designated in future OZP, it was recommended that the representations should be heard collectively in one group by the full Board.

223. After deliberation, the Board agreed to the proposed hearing arrangement for the consideration of representations as detailed in paragraph 2 of the Paper.

**Agenda Item 18**

[Open Meeting]

Submission of the Draft Stonecutters Island Outline Zoning Plan No. S/SC/9A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance  
(TPB Paper No. 8450)

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[The meeting was conducted in Cantonese.]

224. As the proposed amendments were related to Environmental Protection Department's proposed underground biological treatment plant at Stonecutters Island, Mr. Benny Wong, being the Deputy Director of Environmental Protection, had declared interest in this item. As the item was on procedural matter, Members agreed that he should be allowed to stay at the meeting.

225. The Secretary introduced the Paper. On 23.7.2010, the draft Stonecutters Island Outline Zoning Plan (OZP) No. S/SC/9 incorporating the amendments mainly to rezone a site from “Other Specified Uses” (“OU”) annotated “Container Related Uses” and “OU” annotated “Petrol Filling Station” (“OU(PFS)”) to “OU” annotated “Container Related Uses and Underground Sewage Treatment Works with Ancillary Above Ground Facilities”, “OU(PFS)” and “Government, Institution or Community” was exhibited for public inspection under section 5 of the Town Planning Ordinance. One supportive representation and no comment were received. On 21.1.2011, the Board considered and noted the representation.

226. After deliberation, the Board agreed:

- (a) that the draft Stonecutters Island OZP No. S/SC/9A and its Notes were suitable for submission under section 8 of the Ordinance to the Chief Executive in Council for approval;
- (b) to endorse the updated Explanatory Statements (ES) for the draft Stonecutters Island OZP No. S/SC/9 as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and
- (c) that the updated ES was suitable for submission to the CE in C together with the draft OZP.

**Agenda Item 19**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Further Representations to the Draft Aberdeen & Ap Lei Chau Outline Zoning Plan No. S/H15/25  
(TPB Paper No. 8751)

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[The meeting was conducted in Cantonese.]

227. The following Members had declared interest on this item:

- Mr. K. Y. Leung - His mother owned a flat in Ap Lei Chau and his employer, the University of Hong Kong intended to acquire a piece of land in the Aberdeen & Ap Lei Chau area for its development
  
- Mr. Laurence L.J. Li - Owned an industrial building in Wong Chuk Hang (WCH) area
  
- Mr. Roger K.H. Luk - Being an Independent Non-Executive Director of Wheelock Properties Limited which had a property in Heung Yip Road
  
- Mr. Rock C.N. Chen - Being a member of the Aberdeen Marina Club (R8)

228. As the item was on procedural matter, Members agreed that the above Members should be allowed to stay at the meeting.

229. The Secretary introduced the Paper. On 22.10.2010, the Board considered the 13 representations and the 502 comments relating to the draft Aberdeen & Ap Lei Chau OZP No. S/H15/25. Upon further consideration of one of the representations (R10) on 21.1.2011, the Board decided to propose amendments to partially meet the representation by revising the building height (BH) restrictions covering the Hong Kong Ice and Cold Storage site. Two further representations (F1 & F2) were received. F1 was against the amended BH restrictions for the Hong Kong Ice and Cold Storage site while F2 objected to the inclusion of the “Residential (Group A)” (“R(A)”) site opposite to Sham Wan Towers in the Application List. Since the “R(A)” site was not covered by any proposed amendments, it was considered that F2 should be regarded as invalid. As the original representations were considered by full Board, it was suggested that the further representation should also be considered by the full Board.

230. After deliberation, the Board agreed that F2 should be considered as invalid and

agreed to the proposed hearing arrangement for the consideration of the representation F1 as detailed in paragraph 3 of the Paper.

**Agenda Item 20**

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

231.           There being no other business, the meeting closed at 10:40 p.m.