

**Minutes of 1030<sup>th</sup> Meeting of the  
Town Planning Board held on 8.3.2013**

**Present**

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

Chairman

Mr. Stanley Y.F. Wong

Vice-Chairman

Professor S.C. Wong

Mr. Timothy K.W. Ma

Professor Edwin H.W. Chan

Professor P.P. Ho

Professor Eddie C.M. Hui

Dr. C.P. Lau

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Ms. Anita W.T. Ma

Dr. W.K. Yau

Professor K.C. Chau

Mr. H.W. Cheung

Dr. Wilton W.T. Fok

Mr. Ivan C.S. Fu

Mr. Lincoln L.H. Huang

Miss Janice W.M. Lai

Mr. Dominic K.K. Lam

Mr. Patrick H.T. Lau

Mr. H.F. Leung

Mr. Stephen H.B. Yau

Mr. F.C. Chan

Director of Lands/Deputy Director of Lands  
Ms. Bernadette Linn/Mr. Jeff Y.T. Lam

Deputy Director of Environmental Protection  
Mr. C.W. Tse

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

Director of Planning  
Mr. K.K. Ling

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

Secretary

**Absent with Apologies**

Mr. Rock C.N. Chen

Mr. Maurice W.M. Lee

Mr. Roger K.H. Luk

Miss Bonnie J.Y. Chan

Mr. Sunny L.K. Ho

Ms. Christina M. Lee

Assistant Director (2), Home Affairs Department  
Mr. Eric K.S. Hui

**In Attendance**

Assistant Director of Planning/ Board  
Ms. Christine K.C. Tse

Chief Town Planner/Town Planning Board  
Mr. Edward W.M. Lo (a.m.)  
Miss H.Y. Chu (p.m.)

Senior Town Planner/Town Planning Board  
Mr. J.J. Austin (a.m.)  
Ms. Johanna W.Y. Cheng (p.m.)

**Agenda Item 1**

[Open Meeting]

**Confirmation of Minutes of the 1029<sup>th</sup> Meeting held on 22.2.2013**

[The meeting was conducted in Cantonese.]

1. The minutes of the 1029<sup>th</sup> meeting held on 22.2.2013 were confirmed without amendments.

**Agenda Item 2**

[Open Meeting]

**Matters Arising**

[The meeting was conducted in Cantonese.]

2. There was no matter arising.

**Agenda Item 3**

[Open Meeting]

Planning Study on Future Land Use at Anderson Road Quarry – Final Recommended Outline Development Plan

**(TPB Paper No. 9296)**

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[The meeting was conducted in Cantonese]

**Presentation Session**

3. The following representative of Planning Department (PlanD) and the study consultants were invited to the meeting at this point:

Mr. K.W. Ng - Chief Town Planner/Housing and Office Land Supply, PlanD

Ms. Carmen Chu - Ove Arup & Partners Hong Kong Limited  
Ms. Betty Ho - PlanArch Consultants Limited

4. The Chairman extended a welcome and invited the representative of PlanD and the study consultants to brief Members on the Paper.
5. Mr. K.W. Ng gave a short introduction and made the following main points:
  - (a) the Planning Study on Future Land Use at Anderson Road Quarry – Feasibility Study (the Study) was commenced in January 2011. The Stage 1 Community Engagement was conducted at the end of 2011;
  - (b) during the Stage 2 Community Engagement which took place from June to September 2012, the public was consulted on the draft Recommended Outline Development Plan (RODP) which was based on a proposed planned population of 23,000 persons and a private-to-public housing ratio of 80:20. The consultation activities included briefing sessions with various bodies including the Kwun Tong District Council (KTDC), the Town Planning Board (the Board), a public forum, a Design Ideas Competition, a roving exhibition, and site visits with Members of the Kwun Tong District Council;
  - (c) in view of the pressing need to increase housing land supply, PlanD undertook a review to examine the possibility of further increasing the planned population, without compromising the planning and design principles of the draft RODP that were generally welcomed and supported by the public and stakeholders; and
  - (d) it was considered technically feasible and sustainable in terms of traffic, environment and infrastructure provision to increase the planned population by 2,000 persons from 23,000 to 25,000, taking into account various development constraints identified at the earlier stages of the Study, different land use requirements, urban design considerations, as well as findings of the supplementary technical assessments.

[Professor P.P. Ho and Mr. Lincoln L.H. Huang arrived to join the meeting at this point.]

6. With the aid of a Powerpoint presentation, Ms. Carmen Chu made the following main points:

Main Views of the Stage 2 Community Engagement

- (a) the main development parameters of the draft RODP included a planned population of 23,000 persons, a private-to-subsidised housing ratio of 80:20, and a total flat production of 8,650 flats;
- (b) the views obtained from the Stage 2 Community Engagement could be summarised as follows:
  - (i) the planned population of 23,000 persons and the private-to-subsidised housing ratio of 80:20 were acceptable;
  - (ii) no objection to the use of proposed subsidised housing site for Home Ownership Scheme (HOS) development;
  - (iii) the proposal of a low-rise Civic Core and the concept of “living in the park” were generally agreed and supported;
  - (iv) the proposed Quarry Park with hiking trails, lookouts and vertical transportation system were well received;
  - (v) the Design Ideas Competition for the Quarry Park and Rock Face was welcomed with creative proposals received;
  - (vi) the cumulative traffic impacts of future developments arising from the Study and from the Development at Anderson Road remained the focus of concern;
  - (vii) there was no objection to the proposal of diverting more future

traffic to Tseung Kwan O Road upon completion of the Tseung Kwan O – Lam Tin Tunnel to free up part of the capacity of Tseung Kwan O Road; and

- (viii) the proposed road/junction improvement measures and pedestrian connection proposals were generally supported;

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

#### Main Refinements to the Draft RODP

- (c) the planned population was increased by 2,000 persons from 23,000 to 25,000 and the total flat production was increased by 760 flats from 8,650 to 9,410. The proposed private-to-subsidised housing ratio of 80:20 would be retained. The main refinements to the RODP included the following:
- (i) the land area of the proposed subsidised housing site was increased from 1.44 ha to 1.49 ha and the plot ratio was increased from 6.0 to 6.3;
  - (ii) the plot ratio of five private housing sites was increased by 0.8 to 1.0, mostly through relaxing the maximum building height by 5m;
  - (iii) a proposed primary school in the Northern Community was relocated to an undesignated Government, Institution or Community (G/IC) site in the south and the original school site was changed to private residential use with a plot ratio of 3.0; and
  - (iv) the average domestic plot ratio was increased from 4.2 to 4.5;

#### Key Land Use Proposals of the Final RODP

##### *Residential Communities*

- (d) two residential communities were proposed in the southern and northern parts of the area, linked by green pedestrian corridors running in the north-south direction. The Southern Community comprised four residential sites, three of which were designated for private housing and one site was designated for HOS development. Six G/IC sites were proposed in the area for the provision of a primary school, a secondary school, a fire station, a police station, a community hall cum social welfare facilities and a refuse collection point. The Northern Community comprised seven sites for private housing, a site for commercial use mainly to serve the local needs, and a G/IC site for a primary school;

*Quarry Park*

- (e) the Quarry Park covered a total area of about 17 hectares, including about 11 hectares on the platform and 6 hectares on the rock face. It was intended to be a regional park with a core park in the north, a recreational ground in the south and a green promenade linking up the two portions. Facilities to be provided included an amphitheatre, a rock climbing centre and sports facilities. Subject to funding and further study, it was proposed that an exhibition area/resource centre be included in a rock cavern for displaying materials and information on the quarrying history of Hong Kong, Hong Kong's geology or similar subjects;

*Rock Face*

- (f) the rock face, covering an area of about 38 hectares, would be provided with a network of hiking trails on the rock benches and connections to the Wilson Trail Stage 3 in Sai Kung. Lookouts would be provided at different levels, some of which had spectacular views of East Kowloon and the Victoria Harbour. One of the lookouts would be provided with commercial facilities such as restaurants or cafes in rock caverns. To enhance the accessibility of the rock face (particularly for the elderly and disabled), the feasibility of establishing a vertical transport system linking up the rock face and the platform (such as a funicular or an inclined lift) would be further explored;

### *Civic Core*

- (g) the Civic Core was mainly for low-rise commercial and government facilities, open space and a plaza serving the residents and visitors. A green pedestrian corridor linking the area with the Development at Anderson Road would be provided. Two commercial sites would be on the platform and one commercial site would be on the rock bench for uses like wine cellars and spa facilities in rock caverns. An indoor sports complex would be provided in the G/IC site;

### Supplementary Technical Assessments

- (h) supplementary technical assessments on various aspects including traffic, sewerage, drainage, environmental, geotechnical, visual, landscape, air ventilation, water supply utility provision and sustainability had been conducted and it was concluded that the proposed development and infrastructure for a planned population of 25,000 people was broadly feasible and sustainable, subject to appropriate improvement and mitigation measures;

### Traffic and Transport

- (i) the planned population increase of 2,000 persons was estimated to generate a traffic flow increase of about 9.1%. As the increased population would not significantly affect the traffic conditions in the area, the major recommendations of the original traffic assessment were still valid. They included the following:
  - (i) encourage future residents of the area to use the southern vehicular access to relieve the traffic burden on Kwun Tong town centre and Choi Hung Interchange;
  - (ii) undertake improvement measures for some major roads and junctions in the area;

- (iii) encourage residents in the area to use more public transport;
  - (iv) encourage future residents of the area to use Lam Tin and Yau Tong MTR Stations so as not to further overload the already congested Kwun Tong MTR Station at peak hours; and
  - (v) enhance the pedestrian connectivity between the area and Kwun Tong town centre;
- (j) to address the traffic impact, four large-scale road/junction improvement measures were proposed, as follows:
- (i) eliminate the existing traffic queue of right-turn movement at the signal junction of Lin Tak Road and Sau Mau Ping Road by constructing new slip roads to make the future junction operate in a free-flow movement;
  - (ii) widen Lin Tak Road near Hong Wah Court and Hing Tin Estate in Lam Tin to incorporate new bus bays with a passing lane for accommodating the on-street loading/unloading activities currently blocking the passing vehicles;
  - (iii) further improve the junction of Clear Water Bay Road and Anderson Road in addition to those measures for the Development at Anderson Road, such as providing a U-turn facility to the east of the junction to increase the weaving distance; and
  - (iv) widen the portion of New Clear Water Bay Road near Shun Lee Tsuen Road by increasing the Kowloon-bound lane from one to two to eliminate the existing traffic queue at this bottleneck location;

#### Pedestrian Connections

- (k) four footbridges with lift towers were planned to connect the area with Shun Lee Estate, Shun Tin Estate, Sau Mau Ping Estate and Po Tat Estate via the Development at Anderson Road. The planned pedestrian network would be further extended to connect with Kwun Tong town centre;

#### Visual Impact

- (l) the “building free zone” at the highest 20% of the Tai Sheung Tok ridgeline would still be protected under the Final RODP, while the existing visual corridor between the Tai Sheung Tok summit and Jordan Valley would be preserved;

#### Implementation

- (m) Phase I development would cover the Southern Community and part of the Civic Core. Individual sites were expected to be ready for development starting from 2019/20;
- (n) Phase II development would cover the Northern Community and the remaining part of the Civic Core. Its implementation would follow the Phase I development, subject to the prevailing market conditions;
- (o) the timing for the Quarry Park would be subject to the availability of funding for implementation by the Leisure and Cultural Services Department (LCSD);

#### Next Steps

- (p) Civil Engineering and Development Department (CEDD) had already commenced a follow-up engineering feasibility study based on the Final RODP, which was scheduled for completion in early 2014; and
- (q) PlanD would propose zoning amendments to the Kwun Tong (North)

Outline Zoning Plan to reflect the land use proposals of the Final RODP in due course.

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

### Discussion Session

7. Members had the following questions and comments:
- (a) there was concern on the proper protection of the 20% ridgeline and the adverse visual impact of the quarry, in particular, how the existing rock face at the quarry would be beautified. Moreover, education trails and local plant species should be considered/used for planning pedestrian links;
  - (b) there was an enquiry on the methodology to derive the increase in population and the agent for the design and implementation of the Quarry Park;
  - (c) the original use of the two G/IC sites and whether G/IC facilities could be incorporated into the future residential developments;
  - (d) there was a comment on the need for proper provision of the recreational facilities to be provided at the detailed design stage to meet community needs. There was also suggestion to make good use of the rock face and turn it into an attraction by providing special activities or features such as bungee jumping or a waterfall, etc;
  - (e) the proposal to turn an original G/IC site to residential use would result in a clustering effect of residential development in the North Community. It might be more appropriate to retain the original G/IC site for a school development and to use the G/IC site to the south of the school for residential purposes so as to create spaces in the residential cluster;

- (f) whether the winning design from the Design Ideas Competition had been incorporated into the Final RODP;
- (g) agreed with the proposal to encourage residents to use the Lam Tin and Yau Tong MTR stations as the Kwun Tong MTR station was already over-congested;
- (h) the residential sites should be provided with direct feeder buses to the MTR station;
- (i) the proposed green pedestrian corridors should be well-designed to be vehicle-free and to cater for the needs of the elderly, with suitable street furniture and seating areas;
- (j) given that residents nearby had long been affected by the noise generated by the operation of the Quarry, measures should be implemented to minimise the noise impact at the construction stage of the proposed development so that the residents nearby would not need to suffer from another noise nuisance after the closure of the Quarry;
- (k) the area was strategically located at the urban fringe, where the countryside was in close proximity to the urban area. The proposed link with the Wilson Trail was supported. However, a walking trail from the area to link up with Kwun Tong should be considered; and
- (l) there seemed to be capacity for a further increase in the planned population for the area, given that the current estimates were based on an assumed flat size of 50m<sup>2</sup> and an occupancy rate of 2.66 persons per flat. In view of the large amount of 1-person households currently on the Public Housing Waiting List, it was likely that the Housing Authority would build more 1-person flats in the area to cater for the demand.

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

8. In response to Members' questions and comments raised above, Mr. K.W. Ng and Ms. Carmen Chu made the following points:

- (a) on the recreational facilities to be provided, jogging trails, hiking trails and plenty of green areas were proposed in the Landscape Master Plan for the area. The Quarry Park would be constructed, managed and maintained by LCSD;
- (b) several proposals were received from the Design Ideas Competition to beautify the existing rock face of the Quarry and these proposals would be given further examination at the latter part of the Study. Meanwhile, the rock face would be gradually re-vegetated by the mining company as part of the rehabilitation plans under the current mining contract;
- (c) the proposed increase in the planned population by 2,000 persons was based on the result of detailed studies and assessments, including assessments on the traffic impact, environmental impact, visual impact, etc.;
- (d) the G/IC site which was proposed to be used for residential development was originally reserved for a school development while the other site was an undesignated G/IC site. As some of the G/IC facilities that were needed to support the population did not require specific sites, these facilities would be accommodated within the future residential developments;
- (e) it was considered more appropriate to turn the original school site to residential use rather than the undesignated G/IC site to the south because the undesignated G/IC site was adjacent to a proposed commercial centre. The overall design would be improved by placing the proposed school as a buffer to segregate the residential uses from the commercial use;
- (f) the current proposal was for the green pedestrian corridors to be provided with cycle tracks, seating benches and greenery to cater for the needs of

users of all ages;

- (g) some of the innovative ideas from the Design Ideas Competition would be incorporated into the design of the Quarry Park, such as the proposal to extend platforms from the rock face which could serve as special features, the proposal to increase the curvature of the rock face, and the proposal to add historical elements to the park;
- (h) the quarry was not the only source of noise pollution in the area as the construction of the public housing estate at Anderson Road also had noise impact. Nevertheless, the existing quarry would cease operation in 2016 and the noise levels would be much reduced by then. Moreover, to shorten the time for the construction works, the site formation works required for the future development would be carried out by the mining contractor as part of the remedial works of the quarry. This would have the merit of reducing the period of time that local residents were exposed to the noise impact created by the construction works;
- (i) the proposed traffic arrangements directed most of the traffic to the south via Po Lam Road and Tseung Kwan O Road. Although the Tseung Kwan O Road was currently quite saturated and operating at capacity, the Tseung Kwan O – Lam Tin Tunnel currently under active planning would provide an alternative route which would divert traffic from Tseung Kwan O Road. According to the traffic assessments, there would be spare capacity at Tseung Kwan O Road in future; and
- (j) the feeder buses serving the area were proposed to provide direct access to Lam Tin MTR station. This proposal was supported by the Kwun Tong District Council.

9. A Member considered that the night view of cities was a planning aspect which was receiving due attention in the international community but was not covered in the Study. The Consultants should give further consideration to this aspect as the Quarry area would brighten up once the proposed developments were completed and the rock face would

become much more prominent at night.

10. A Member commented that given the long time-span of the development programme, it was necessary to ensure that the assumptions adopted were robust and that adequate flexibility was built-in to accommodate changes in circumstances as development proceeded such as changes in the mix of 1-person households in the area, average flat size, etc.

11. The Chairman concluded the discussion and said that the comments and views expressed by Members would be useful to the study team for the next stage of the Study. The Chairman thanked the representative of PlanD and the study consultants for attending the meeting. They left the meeting at this point.

[Dr. W.K Yau and Ms. Anita W.T. Ma left the meeting at this point.]

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

#### **Agenda Item 4**

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments related to the Draft Sai Kung Town Outline Zoning Plan No. S/SK-SKT/5

**(TPB Paper No. 9297)**

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[The hearing was conducted in English and Cantonese.]

12. The following Members declared interests on this item:

- |                     |   |
|---------------------|---|
| Ms. Janice W.M. Lai | - spouse owned a shop in Sai Kung.  |
| Mr. Ivan C.S. Fu    | - had current business dealings with Masterplan Ltd., the consultant for representation R2. |
| Professor P.P. Ho   | - being a Member of Resurrection Church (R2)  |

13. As the property owned by Ms. Janice W.M. Lai's spouse was far away from the



**C35 (Susan Wilkins)**

Ms. Susan Wilkins - Commenter

**C36 (Freda Tong)**

Ms. Freda Tong - Commenter

**C38(Professor Mark Macalpine)**

Professor Mark Macalpine - Commenter

**C39 (Ms. Yeung Wai Ling)**

Ms. Yeung Wai Ling - Commenter

17. The Chairman extended a welcome and explained the procedures of the hearing. He then invited the representatives of PlanD to brief Members on the representations.

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

**Background**

- (a) on 24.8.2012, the draft Sai Kung Town Outline Zoning Plan (OZP) incorporating amendments relating to the rezoning of a site at Hong Tsuen Road from “Government, Institution or Community (4)” (“G/IC(4)”) to “Residential (Group B) 4” (“R(B)4”) (Amendment Item A) and a site at Hong Kin Road from “G/IC” to “R(B)5” was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance);
- (b) the rezoning of the sites was in line with the 2011 Policy Address to review “G/IC” sites so as to avoid the under-utilization of sites long reserved but without specific development plans;
- (c) during the two-month exhibition period, three representations were

received. On 2.11.2012, the representations were published and, in the first three weeks of the publication period, 42 public comments were received, all of which were related to representation R2;

- (d) as representation R3 only indicated his support for the development of eco-tourism and made a proposal to develop a rural railway to link up Sai Kung Town Centre with Tseung Kwan O, which was not related to the subject of amendments for the Plan, the Board agreed on 18.1.2013 that representation R3 should be considered as invalid under section 6(3)(b) of the Ordinance;

#### The Representations

- (e) R1 was submitted by the Residents' Association of the Tui Min Hoi Area, Sai Kung. It had no in-principle objection to Amendment Items A & B but raised concerns on the traffic impact arising from the two amendment items;
- (f) R2 was submitted by Resurrection Church who opposed the two amendment items;

#### Grounds of Representation

- (g) the grounds of representation were summarized as follows:

##### *Traffic Impact*

- (i) Sai Kung was very congested during the holidays, and residents in Tui Min Hoi would need 2 hours to reach Kowloon during daytime and 3 hours during night-time. While students and workers would normally need 20 minutes to reach Choi Hung during weekdays, it would take more than an hour during the peak hours. If accidents happened on the only access road from Sai Kung to Kowloon, it would take 4 to 5 hours for residents to return home. The existing international school and hotel developments in Sai Kung would

undoubtedly worsen the traffic situation (R1);

- (ii) the increase in traffic associated with the population increase arising from the rezoning would be unbearable. The Board should consider the traffic problem of Sai Kung first. Otherwise, the commuting time and hence the livelihood of Tui Min Hoi residents would be seriously affected (R1);

*Genuine Demand for G/IC Land in Sai Kung*

- (iii) the Resurrection Church had been in existence for over 20 years and had grown to become an established and integral part of the local community. It had made 9 unsuccessful attempts since 2003 to obtain a piece of land in Sai Kung for a permanent centre to better engage with the local community. The representer was currently exploring the possibility of using either of the two representation sites for the proposed church development. These attempts reflected a genuine demand for G/IC land in Sai Kung (R2);
- (iv) there was no research on the long-term demand/supply for G/IC land. Although the two representation sites were not being used for G/IC purposes, they should not be rezoned as it would be difficult and costly to resume land for G/IC uses later on (R2);

*Marginal Improvement to Housing Land Supply*

- (v) the development intensity of the two representation sites were restricted. The low-density residential development would result in negligible contribution to the land resources to meet the housing needs in Hong Kong. The insignificant expansion to housing supply at the expense of G/IC land reserve was not justified (R2);

*G/IC Use More Suitable than Residential Use*

- (vi) the Hong Tsuen Road site would be subject to industrial noise and emission from the China Paint Manufacturing Company Limited and traffic noise and emission from Hiram's Highway. Although the

residential use was considered acceptable at the site as the industrial area was undergoing transition, traffic noise mitigation measures such as setback and noise barrier were still required by the Environmental Protection Department (EPD) (R2);

- (vii) the Hong Kin Road site was located in proximity to the waterfront where sensitive building bulk and design was warranted (R2);
- (viii) the “G/IC” zoning of the sites were more compatible with the surrounding land uses having regard to the industrial interface, traffic noise and emissions, compatibility with the adjoining uses, and visual, traffic and landscape impacts (R2);

*No Prior Public Consultation*

- (ix) the zoning amendments had been made without any prior public consultation. PlanD should inform the public the intention to make the zoning amendments with the supporting technical assessments and should allow avenue for public comment before submitting the proposals to the Board for consideration (R2);
- (x) the gazettal of the draft OZP was not a genuine consultation, as stakeholders could only indicate support of or opposition to the amendments;

*No Alternative was considered*

- (xi) there was no evidence to prove that rezoning of other pieces of land had been considered to achieve the planning intention of accommodating more housing such that the rezoning of the two sites was necessary;

Representers’ Proposals

- (h) the representers’ proposals were summarized as follows:

- (i) R1 did not propose any zoning amendment;
- (ii) R2 proposed that either 1,000m<sup>2</sup> to 2,000m<sup>2</sup> of land within the Hong Tsuen Road site should be retained as “G/IC(4)” or that 1,000m<sup>2</sup> to 2,000m<sup>2</sup> of land within the Hong Kin Road site should be designated as “G/IC(4)”;

### The Comments

- (i) three comments (C1 to C3) were submitted by members of the Resurrection Church (R2) in the form of a standard email and 39 comments (C4 to C42) were submitted by individuals in the form of a standard letter. All 42 commenters opposed Amendment Items A & B on similar grounds as R2, which were summarized as follows:

- (i) agreed with the grounds of representation R2 and objected to the zoning amendments;
- (ii) representation R2 had been seeking a suitable site to build a church for 10 years but to no avail. It was currently accommodated in unsuitable premises in a commercial building. It was the only English-speaking church serving the Clear Water Bay/Sai Kung areas;
- (iii) there was considerable demand for but a scarcity/shortage in supply of suitable G/IC land in Sai Kung for community/social needs. The Government should retain G/IC land for the general well being of the population;
- (iv) the social implications of rezoning the G/IC land had not been adequately investigated; and
- (v) the rezoning was not justified as it would result in a negligible

contribution to the housing supply;

- (j) comments C1 to C42 requested the rezoning of the two sites back to “G/IC”;

PlanD’s Responses to the Grounds of Representation and Comments

- (k) the Government’s responses to the grounds of representation and comments were summarized as follows:

*Traffic Impact*

- (i) the Commissioner for Transport (C for T) advised that although Hiram’s Highway was working at or beyond its capacity during peak hours, traffic generated from residential development at the two representation sites was not expected to be high and would not have significant impact on the existing road network in the area. In the longer term, Hiram’s Highway would be upgraded and the traffic problem would be addressed. Stage 1 of Hiram’s Highway widening (from Clear Water Bay Road to Marina Cove) was gazetted and approved by the Chief Executive in Council in 2011 while Stage 2 of Hiram’s Highway Improvement (from Marina Cove to Sai Kung Town) was now under active planning by the Government;

*Genuine Demand for G/IC Land in Sai Kung and Social Implications of Rezoning the G/IC Land*

- (ii) regarding the representer’s failure to find a suitable site for the church, the Secretary for Home Affairs (SHA) advised that policy support was given in December 2006 from the religious point of view for “a place of worship for a resident church” at the former Sai Kung Fish Marketing Organization Primary School site. However, due to local objections, the representer had not pursued the proposed church development at the site previously identified. The site remained unallocated;

- (iii) concerning the long-term demand/supply for G/IC land, it should be noted that land reservations were made for the necessary G/IC facilities in the Sai Kung district in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG). Upon consultation with the concerned bureaux/departments, it was confirmed that the two sites were no longer required for G/IC use. Although there was no provision standard for religious facilities under the HKPSG, any request for church facilities would be assessed on an individual basis subject to policy support from the concerned bureau;

*Marginal Improvement to Housing Land Supply and No Alternative Site Considered*

- (iv) rezoning “G/IC” sites to avoid under-utilization of sites long reserved but without specific development plans was one of the measures adopted by the Administration to expand land resources. As the representation sites were suitable for housing development and were not required for G/IC development, it was considered appropriate to rezone the sites for residential use to meet the housing needs of the community. It was estimated that the two sites would contribute about 318 and 61 flats respectively to the territorial housing supply;

*G/IC Use More Suitable than Residential Use*

- (v) the Hong Kin Road site did not adjoin any industrial use or major road and was suitable for residential use;
- (vi) although the Hong Tsuen Road site was adjacent to a cluster of industrial uses (i.e. Four Seas Group Building, the China Paint Manufacturing Co. Ltd. and Pricerite), these industrial buildings (except China Paint Manufacturing Co. Ltd. some 140m away) did not involve manufacturing activities and were being used as godowns, warehouses, offices and shops. This industrial cluster was currently zoned “Residential (Group E) 1” (“R(E)1”) where the

planning intention was to phase out the industrial use for residential development. In this regard, the proposed “R(B)” zoning of the site would unlikely result in industrial/residential interface problem. Concerned bureaux/departments (including EPD and TD) advised that there was no insurmountable problem and the rezoning of the two sites to residential uses was considered appropriate;

*No Prior Public Consultation*

- (vii) the statutory plan-making process, which involved the exhibition of OZP amendments for public inspection and the hearing of representations and comments received, was itself a public consultation process under the Ordinance. The Board would take into account the relevant planning consideration and the representations and comments received before making a decision;
  
- (viii) under the current practice, the concerned District Council would be consulted either before or during the exhibition of the OZP amendments. The proposed amendments to the draft Sai Kung Town OZP was exhibited from 24.8.2012 to 24.10.2012 and the SKDC was consulted on 14.9.2012. The SKDC supported the proposed amendments in principle. The Sai Kung Area Committee was also consulted and had not provided any comments on the draft OZP; and

PlanD’s Responses to the Proposals of the Representations and Comments

- (1) in response to R2’s proposal to retain about 1,000m<sup>2</sup> to 2,000m<sup>2</sup> of land within either one of the two representation sites for church development, SHA advised that he was unable to give policy support for church development at the two representation sites in the absence of a proposal and he was not in a position to take into account or override other land use planning considerations. As concerned bureaux/departments confirmed no GIC requirement for these two sites and the proposed residential use would not cause insurmountable problems, it was considered appropriate

to retain the “R(B)” zoning for the two sites.

19. The Chairman then invited the representers and commenters to elaborate on their representations.

Representation No. R1

20. Ms. Lam Sik Kam made the following main points:

- (a) the two proposed residential sites together with other developments in Sai Kung such as the international school would create an increased burden on traffic flow in the area;
- (b) traffic congestion was already very severe in the area, particularly during the weekends and summer months;
- (c) the road network could not cope with the increased traffic flow. It could at times take two to three hours from Sai Kung to Kowloon when the sole access road from Sai Kung to Kowloon was congested; and
- (d) the Board should give careful consideration to the traffic situation before deciding on the proposed zoning amendments.

Representation No. R2

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

- (a) the church had been looking for a site in Sai Kung for about 10 years without success. Although policy support was given for the development of the church at the former Fish Marketing Organization Sai Kung Primary School site, the land grant for that site failed to materialize due to local objections;
- (b) while the church was actively liaising with DPO/SKIs and the District Lands Office/Sai Kung (DLO/SK) to identify a suitable site for church

development, it was incomprehensible why PlanD claimed that there was no known demand for G/IC uses at the two representation sites;

- (c) in order to ensure a sustainable development, there was a need to balance the economic, environmental and social requirements of the society. It should be noted that the perceived shortage of housing was not due to the lack of housing sites as there were 22 sites on the Land Sales Programme for residential purposes which were not sold last year;
- (d) before rezoning any G/IC site for residential use, the Board should examine the long term impact on the community as a whole and determine whether sufficient land was provided to support community and welfare services and for the provision of sports and recreational facilities, thus ensuring the quality of life for residents in the community;
- (e) as the rezoning of land from G/IC to residential use would affect services to be provided to the local community, the Board should have consulted the local people and service providers before embarking on the statutory planning process. It was inadequate to only consult the relevant Government departments as they were out of touch with the community service providers. Even the consultation with the Sai Kung District Council was only conducted after the zoning amendments were published;
- (f) while non-Government organisations (NGOs) and community service providers were in dire need of space to provide their services which were much needed by the community, most operators had no knowledge of the government procedures and had difficulty in going through the process of obtaining policy support for the use of certain sites and premises;
- (g) the rezoning of the representation sites was incompatible with the 2013 Policy Address where the Chief Executive indicated that there was a need to provide land not just for housing but also for the provision of social and community services such as elderly homes, students' hostels, and venues for sports, arts, cultural and religious uses;

- (h) although the representation related to both sites, the church preferred the Hong Tsuen Road site and would only need a portion of the site to accommodate its requirements. The Board could retain the Hong Kin Road site for residential development;
- (i) as the Hong Tsuen Road site was adjacent to industrial buildings and utility installations and was subject to noise impact from traffic on Hiram's Highway, it was considered more suitable to retain the site for G/IC uses such as a church development rather than for residential use;
- (j) making reference to the conceptual scheme that was tabled for Member's information, the proposed church development would require a site area of about 1,000m<sup>2</sup> to 2,000m<sup>2</sup> and would be developed into a 3-storey building with a total GFA of 1,200m<sup>2</sup>, providing a worship area, multi-purpose rooms, church office, pastor accommodation, and a kindergarten/youth centre;
- (k) the HKPSG which provided guidance for the provision of G/IC facilities in general, did not mention any need to reserve sites for religious activities, which was an important part of the social and community support system for society. Moreover, the HKPSG did not provide for the reservation of sites for many other facilities such as Home for the Elderly and Home for the Mentally Handicapped. PlanD failed to take into account the demand for such social and community services which were much needed by the community; and
- (l) as policy support for the church had been given in 2006, there was a good chance that it would be given again for church development at the Hong Tsuen Road site.

22. With the aid of a Powerpoint presentation, Mr. Peter Hurricks made the following main points:

- (a) Resurrection Church was established 25 years ago with a track record of reaching out to help people in need, such as the Vietnamese Boat people on High Island Refugee Camp. However, churches in Sai Kung could not expand their services to the community due to a lack of space to meet their requirements;
- (b) finding a suitable premises had been a problem. Since 2008, the church had been leasing office space in Pak Sha Wan which was expensive;
- (c) the church provided a wide range of services to the residents of Sai Kung, including helping people in personal crises or with family problems, providing parenting courses and marriage courses in both languages, providing a Teen Drop centre, youth groups, etc. Moreover, small community groups that did not belong to the church would often come to ask for space in the church's premises to carry out activities that were of benefit to the community; and
- (d) the Board should not rezone G/IC sites in Sai Kung as there was much demand for community services that needed to be accommodated.

23. With the aid of a Powerpoint presentation, Mr. Chris Hanselman made the following main points:

- (a) the church was a family church for the English speaking community. It had moved premises several times during its 25 years of existence. It needed a permanent home;
- (b) the church was not just a place for fellowship but was also an integral part of the Sai Kung and Clear Water Bay community. The social and community activities provided by the church included choirs, activities for cubs and scouts, and a kindergarten. The Sai Kung Christmas concert was one of its regular activities which was well-received by the community;

- (c) since 2003, the church had tried to acquire a site to build a church from both the Government and the private sector, but to no avail; and
- (d) the current premises was not entirely suitable for the church as the main entrance was narrow and constrained, with no access for the disabled.

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

24. Mr. Ian Brownlee concluded the presentation with the following main points:

- (a) the process of obtaining a G/IC site for community use was difficult and subject to much bureaucracy;
- (b) the Board should note that there was a need for the G/IC site to be retained in order for the church to provide its services which was much needed by the community. The internal departmental consultation without the involvement of NGOs and service providers in the community was not effective and was unable to recognise the needs of the community;
- (c) the Board should rezone the Hong Tsuen Road site back to “G/IC” while the Hong Kin Road site could be kept for residential development. Besides providing land for the church development, the remaining part of the site not required by the church could be used by other community organisations for the provision of other services; and
- (d) the church would also accept the Hong Kin Road site for its development if the Board considered it more suitable to rezone that site back to G/IC and to retain the Hong Tsuen Road site for residential development.

Comment No. C38

25. Professor Mark Macalpine made the following main points:

- (a) the Government departments were out of touch with the actual needs of

the community;

- (b) although it was indicated in the 2013 Policy Address that land was needed for elderly homes and that services in support of persons with disabilities needed to be strengthened, the Government departments failed to provide support for operators providing services to the disabled and the elderly;
- (c) the support of the community should be obtained before any rezoning of G/IC sites was carried out. It was inadequate merely to seek the support of the District Council as it did not give due effort in seeking views from the community;
- (d) it was inappropriate to conclude that there was no need for the two G/IC sites to serve the community; and
- (e) if there was an urgent need for housing land, the Government should consider developing the vacant site opposite Sha Kok Mei village which was large in size and had been left vacant for more than 10 years.

Comment No. C39

26. Ms. Yeung Wai Ling made the following main points:

- (a) she was a member of Resurrection Church;
- (b) she was responsible for providing various courses at the church including marriage courses for couples and parenting courses. These courses were not only for English speakers but were open to the community in general; and
- (c) these courses were providing services much needed by the community but not in the Government's standard list of services.

Comment No. C36

27. Ms. Freda Tong made the following main points:

- (a) the church had helped her a lot in parenting her children;
- (b) she noted that the young people in Sai Kung had a lot of potential but needed direction and help. She was currently helping the young people to organise events such as dancing classes and, in the process, helped the young people to communicate with others. As an international school was being developed in Sai Kung, the number of young people living in the area would be greatly increased and hence strong demand for similar kinds of services was expected;
- (c) the G/IC site could be used to provide services for the young people. There was a great need for the G/IC site to be developed for social and community uses; and
- (d) land supply in Hong Kong was not inadequate as a lot of land was still available for development. There was no need to develop this G/IC site for residential purposes.

28. As the representers and commenters had finished their presentation, the Chairman invited questions from Members.

29. In response to a Member's enquiry on the likely impact on the local traffic situation, Mr. Ivan Chung said that as the two representation sites were relatively small in size and located at the fringe of Sai Kung Town, C for T indicated that the rezoning of the sites for residential use would not cause much traffic impact. Besides, Government departments were actively working on the upgrading of Hiram's Highway which would be an effective long-term solution for improving the traffic situation in the area. In response to the same Member's enquiry on whether another piece of land was available to meet the shortfall in the provision by 9 primary school classrooms, Mr. Ivan Chung said that Education Bureau had confirmed that the shortage of 9 classrooms in Sai Kung would be addressed by surplus provision in other districts and that the Hong Tsuen Road site which was originally reserved for a primary school development was no longer required.

30. A Member enquired about the number of G/IC sites remaining in the area after the rezoning of the two representation sites. Making reference to a plan shown on the visualiser, Mr. Ivan Chung said that there were three other undesignated G/IC sites in the area, one site being the former Sai Kung Fish Marketing Organization Primary School, another being a temporary car park at Hong Kin Road and the third site being a temporary vehicle repair workshop at Hong Tsuen Road. Moreover, there were other G/IC sites available for the provision of community facilities in Sai Kung District as a whole. In response to the same Member's enquiry on policy support for the church development, Mr. Chung said that SHA gave policy support for the development of a church at the former Sai Kung Fish Marketing Organization Primary School site in 2006. He noted that SHA was still considering whether policy support should be given to the recent application submitted by the church.

31. In response to a Member's enquiry on the reason for the church's failure to get a land grant, Mr. Ian Brownlee said that there was no systematic process within Government for allocating G/IC sites to the service providers. LandsD did not provide comprehensive and conveniently available information on Government land that was available for G/IC purposes. Moreover, once a short term tenancy (STT) was granted by LandsD for the use of vacant government land, LandsD tended to be reluctant in terminating the tenancy. At first, the church tried to buy land from the private sector but it was too costly. The church then sought Government land and went through the process of getting policy support, submitting a conceptual design and securing the land grant. The former Sai Kung Fish Marketing Organization Primary School site suggested by the Government was in fact unsuitable for development as the site had access problems. In the end, even though the church received policy support and prepared a conceptual scheme, it failed to secure the land grant due to local objections. Mr. Chris Hanselman added that the Government procedures for obtaining a land grant was difficult and cumbersome. Taking another example, the church asked for the Sai Kung Central Primary School site at Ho Chung Road which was vacant in 2006 but was refused. Yet, the site was still left vacant up to this moment. Indeed, the failure for the church to find a site was not due to a lack of initiative by the church.

32. In response to a Member's questions in relation to how the availability of policy support would affect the allocation of land to NGOs, Mr. Ivan Chung said that given that

land resources were scarce, policy support from the relevant bureau had to be obtained for using Government land for the purpose as required by the NGO. The consideration of such a policy support would normally take account of the priority needs of such a use in the context of Government policies as well as the need in the community. If policy support was obtained, there might be concession of land premium at the land grant stage. The policy support could be site specific if a site had already been identified for the proposed use. If not, PlanD would embark on a site search exercise to identify a suitable Government site for a proposed use with policy support.

33. In response to the same Member's questions, Mr. Ian Brownlee said that the seeking of a site for the church development was a reiterative, trial-and-error process. The church had originally proposed to serve the community by providing a kindergarten, a social centre for the elderly and a church at the former Sai Kung Fish Marketing Organization Primary School site. However, as such a proposal would require policy support from three bureaux/departments, it was trimmed down to a church development so as to secure policy support from SHA. Nevertheless, due to local objections at the land grant stage, that proposal could not proceed any further. Last year, the church applied for the use of a site at Pak Sha Wan and was rejected due to other departmental needs. Recently, the church applied again for policy support for a site search to identify an appropriate site for the church. Mr. Ian Brownlee continued to say that the Government should assess the total G/IC requirements in a systematic way and should take into consideration not only those G/IC facilities set out in the HKPSG but all the social and community services required by the community.

34. Making reference to paragraph 2.1.5 of the Paper, a Member enquired which other departments were consulted and on what basis did they come to the conclusion that the G/IC site was not required. In response, Mr. Ivan Chung said that the relevant Government departments that had been consulted was given in paragraph 5 of the Paper. Normally, each Government department would consider whether they would need the site to provide the services or facilities under their purview. As no Government department indicated a need to use the site, it was concluded that the G/IC site was no longer required. In response to the same Member's further enquiry on whether the church was eligible to use the G/IC site, Mr. Ivan Chung said that as the church was a religious institution, it was a use always permitted on the G/IC site. Other services to be provided by the church would also

be permitted uses if such services were social welfare facilities supported by the relevant Government departments/bureaux.

35. In response to a Member's enquiry on the reason for the church's failure to get the land grant, Mr. Ivan Chung said that the former Sai Kung Fish Marketing Organization Primary School site was suitable for the proposed church development. The technical problem was the need to provide an emergency vehicular access (EVA) to the site which was objected to by the villagers in the vicinity. The proposed land grant could not be further processed due to the objection of the villagers. Mr. Ian Brownlee supplemented that the site was located on top of a hill without any vehicular access. As the proposed access road to the site would need to cut through a village nearby, the villagers objected to the proposal. Besides, it was technically difficult to build the access road up the hill.

36. Noting a representer's comment on STTs, the Chairman enquired and Mr. Jeff Y.T. Lam explained that LandsD would only grant STTs to those sites without any concrete development plans in the short term, in order to maximize the use of land. Once development plans for the sites concerned were firmed up, LandsD would terminate the STT and allocate the site to the appropriate department to enable the proposed development to proceed. There was no question of LandsD procrastinating the termination of STTs and delaying the development of sites to their planned uses.

37. In response to a Member's enquiry, Mr. Ivan Chung confirmed that representation R2 was the only NGO that had submitted a representation on the two sites.

38. As Members had no further questions and the representers and commenters had nothing to add, the Chairman said that the hearing procedures had been completed, the Board would deliberate on the representations in their absence and would inform them of the Board's decision in due course. The Chairman thanked the representers, commenters and the PlanD representatives for attending the hearing. They all left the meeting at this point.

39. The meeting took a short break of 5 minutes.

[Mr. Cheung Hau Wai and Mr. Patrick H.T. Lau left the meeting at this point.]

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

### Deliberation Session

#### *Role and Powers of the Board*

40. The Chairman said that under the Town Planning Ordinance, the Chief Executive in Council (CE in C) was the fountainhead in the planning process and the Board should only prepare plans for such areas as the CE might direct. The Board was bound by the Ordinance when carrying out its duties. Government policies were one of the considerations that the Board was required to take into account when performing its planning functions. As set out in the Policy Address, besides providing land for social welfare facilities, the Administration planned to rezone 36 G/IC sites for residential use in order to address the current shortage in housing supply. The 36 G/IC sites were identified as surplus to G/IC requirements and were not needed by the relevant Government departments for the provision of G/IC facilities to serve the community.

41. A Member considered that the Board was required under the Ordinance to prepare plans to promote the health, safety, convenience and general welfare of the community. Should it be considered that there was a need to retain a site for G/IC use, the Board should so decide after giving due consideration to all relevant planning considerations and, if considered appropriate, to rezone the site from residential use back to G/IC use.

42. The Vice-Chairman said that the Board was responsible to the CE in C and that the Board needed to work within the policies of the Government. In the process of carrying out its duties, the Board was provided with powers under the Ordinance and it was the responsibility of the Board to consider each case independently and on its individual merits. In this regard, the role of the Board was similar to other statutory bodies such as the Independent Commission Against Corruption or the Equal Opportunities Commission in that they were expected to operate independently under the powers provided by their respective ordinances even though, in the end, they were responsible to the CE in C.

43. The Vice-Chairman added that the 36 G/IC sites mentioned in the Policy Address had been identified as suitable for residential use from land use planning considerations because these sites fulfilled three criteria viz. the sites were not required for the provision of G/IC facilities, the development of these sites would not generate adverse impact on their surroundings, and the residential use on these sites was suitable. Given that the sites identified could meet the above criteria, there should be a good chance for the Board to approve the rezoning of these sites for residential uses. Nevertheless, the Board must consider all relevant planning considerations. The Board's decision to rezone the proposed housing site at On Chun Street in Ma On Shan back to G/IC was a good example to show that the Board would give due consideration to the planning circumstances of each case independently and on its individual merits in the statutory planning process. For the subject representation, as the two sites under concern met the above criteria, both sites were suitable for residential development from land use planning considerations and there was no policy support for the church use proposed by the representer, he considered that the representation should not be supported.

44. Regarding the recent Land Sale Programme which included sites that were not yet rezoned or yet to complete the statutory planning procedures, the Chairman said that the main purpose of putting these sites into the Land Sale Programme was to allow more time for the developers to prepare for the bidding. This was in line with the established practice. There were instances in the past where sites that had not yet completed the statutory planning procedures were included into the Application List. In any case, the Secretary for Development had already explained that sites that had not yet completed all the relevant statutory planning procedures would not be put up for sale. The Chairman said that the Ma On Shan site was a typical case to show that the Board would give due consideration to the planning circumstances and the individual merits of each case in the representation hearing process, including the public views.

45. The Secretary said that the rezoning of the 36 G/IC sites should be put in their proper context as many other G/IC sites were still available. Only those sites that were suitable for residential development and were no longer required for G/IC use would be proposed to be rezoned for residential uses. As it was good planning practice to reserve an adequate amount of sites to meet unforeseen circumstances, there was still a pool of undesignated G/IC sites available to meet the needs of the community, when required.

*Policy Support and Land Grant procedures*

46. In considering whether policy support would be given, the Chairman noted that the relevant policy bureaux would consider whether the proposed use was acceptable and whether the site proposed was acceptable. He also pointed out that under the existing policy, any private treaty grant of land for religious uses on Government land with policy support were offered at two-third full market premium, which was a form of financial support.

47. The Chairman considered that the existing mechanism regarding request for Government land grant for social and community services was very clear. The proponent would need to obtain policy support from the relevant policy bureau for the proposed use, following which a suitable site would be identified for the purpose. Land grant procedures would then ensue following the established Government procedures. The proponent would need to go through all the necessary procedures in order to ensure that land, which was a scarce resource, was put to its appropriate use in the public interest.

48. A Member considered that representation R2 was worthy of sympathetic consideration as the church had tried hard to get a site for church development. Nevertheless, the Hong Tsuen Road site was much larger in size than that required by the church.

49. A Member held a different view. The Member considered that as the church understood the land grant procedures and knew that obtaining policy support was a pre-requisite. As the rezoning of the two sites to residential use had followed the proper statutory planning procedures, was supported by the District Council and served to address the shortage in housing supply, the Member considered that the representation should not be upheld.

50. A Member considered that R2's representation was largely to express their grievances in the process of finding a site for the development of a church in the area without strong justifications in planning terms. Other sites could be identified for the church, if necessary, and there was no reason to retain the representation site for church use.

51. While agreeing that the two representation sites should not be retained for G/IC uses, a Member was concerned about the lack of transparency on information of Government sites. In response, the Chairman noted that the Town Planning Board webpage had already provided information on sites that were zoned “G/IC” on OZPs while information on Government sites that were available for short term use could also be obtained from LandsD. The Secretary supplemented that the public could also visit PlanD’s Public Enquiry Counter or the District Planning Offices (DPOs) to obtain the relevant information. Indeed, it was part of the daily work of DPOs to handle the site search demand of various NGOs. Mr. Jeff Y.T Lam also indicated that a list of Government sites that were available for short term uses was available at both the District Lands Offices and the District Offices.

52. A Member suggested that PlanD should communicate more with the NGOs providing social welfare facilities to explain the land allocation procedures as this was a topic which NGOs were not familiar with. There could be a misunderstanding among NGOs that land for the provision of social welfare facilities was in shortage.

*Community Need for the Site*

53. A Member considered that the rezoning of the two sites was appropriate as they would not generate adverse traffic impact and the sites were not needed by any Government department. Although R2 claimed that there was genuine community need for the site, the relevant policy bureau had yet to support the proposed church use. Besides, no other NGO indicated the need to retain the site for the provision of community services.

54. A Member considered that Government’s policy to identify surplus G/IC sites that were suitable for residential use was clear and necessary for the benefit of the larger community whereas the representer’s need for a site for church development, even if established, was only the demand of one specific religious organization.

55. In response to a Member’s query on how to set the priority between providing land for housing and land for other community needs such as facilities for the elderly and the disabled, the Chairman said that it was indicated in the Policy Address that providing

land for housing was of prime importance at the present time. Hence, the need to satisfy the demand for housing sites should be given top priority. He noted that none of the relevant Government departments consulted indicated a need for the two G/IC sites to provide services under their policy purview. Besides, the church only needed a very small site which should not be difficult to identify if policy support was subsequently given by the relevant policy bureau.

56. A Member considered that the Board should not take into account the individual needs of the representer but should consider from an overall planning perspective whether the rezoning of the two representation sites was appropriate. Based on the representation submitted by the representers, there was no strong justification for the Board to revert the two sites to a "G/IC" zoning. The same Member, however, had reservation on the views of C for T that the proposed residential use of the two sites would not have an adverse traffic impact. In the same vein, as there was a shortfall of primary school classrooms in the planning area, the Member said that consideration should be given to retain the site for school use.

57. A Member considered that if it was subsequently established that there was a need for certain G/IC facilities, the facility provider could always apply for the use of a G/IC site. Moreover, the facility provider could propose to incorporate the G/IC facility within the future residential development.

58. At the request of the Chairman, Mr. Jeff Y.T. Lam explained that LandsD would sometimes require the future developer of a sale site to provide certain G/IC facilities within the development. However, the relevant Government department would need to submit the request to LandsD before the land sale and, upon completion of the development, to take up the management of the G/IC facility. Moreover, the proposed G/IC facility would need to be compatible with the future development. The Secretary supplemented that as part of the plan making process, PlanD would consult the relevant Government departments on their needs and requirements and determine whether certain G/IC facilities would need to be incorporated into future residential or commercial sites.

59. A Member raised concern on how to deal with similar cases in future where Government departments indicated that a site was surplus to requirements but was disputed

by NGOs claiming that the site was needed to provide necessary services. In response, the Chairman said that the representation hearing process would allow the relevant Government departments to take into account the representations received and consider whether the G/IC site needed to be retained. Making reference to the site adjacent to Classical Gardens in Tai Po which was originally reserved for an indoor recreation centre (IRC), the Secretary said that the representation hearing procedures enabled the public to submit their views to the Board and for the Leisure and Cultural Services Department (LCSD) to reconsider whether an IRC was still required to serve the community. After the hearing, the Board decided to retain the “G/IC” zoning of the site as LCSD ultimately required to retain the subject site for an IRC. The Chairman supplemented that it was important for a Government department to agree to take up the management of the G/IC facility, so as to avoid the situation where the premises provided in the private development for G/IC facility was subsequently left vacant after completion of the development.

#### *Marginal Improvement to Housing Supply*

60. On the comment that the two sites would only provide about 300 flats and that it would only result in a marginal improvement to the housing land supply situation, the Chairman considered that in view of the severe shortage in housing land, the provision of 300 flats was not a small amount as every bit would help given the present severe housing land shortage problem.

#### *Conclusion*

61. The Chairman concluded the discussion and said that Members agreed that the traffic impact of the two proposed residential sites, which was small in scale, was insignificant. Members also agreed that the two sites were not required by the relevant Government departments for the provision of G/IC facilities and should be rezoned to residential use to meet the pressing housing needs of the community.

62. Members agreed to note the views of representation R1 and not to uphold the views and proposals of representation R2. Members then went through the suggested reasons for not upholding the representation as detailed in paragraph 6 of the Paper and considered that they were appropriate.

Representation No. R1

63. After further deliberation, the Board noted the views of representation R1 and agreed to advise the representer that, as confirmed by the Commissioner for Transport (C for T), traffic generated from the proposed residential development at the two sites was not expected to be high and would not have significant impact on the existing road network in the area. The traffic condition of Sai Kung would be improved when Hiram's Highway was upgraded.

Representation No. R2

64. After further deliberation, the Board decided not to uphold representation R2 and that the Plan should not be amended to meet the representation for the following reasons:

- (a) the Hong Kong Planning Standards and Guidelines had stipulated the standards for provision of various G/IC facilities. Land reservations had been made in the Sai Kung district for the necessary G/IC facilities in accordance with the population build up. Concerned departments had confirmed that the two sites were not required for G/IC use. There was also no policy support to use the Hong Tsuen Road or the Hong Kin Road sites for church development;
- (b) the two sites were considered suitable for residential development and it was appropriate to zone the sites for residential use to meet the pressing housing needs of the community; and
- (c) the statutory plan-making process, which involved the exhibition of OZP amendments for public inspection and the hearing of representations and comments received, was itself a public consultation process under the Town Planning Ordinance.

[Professor P.P. Ho returned and to join the meeting at this point.]

[Miss Janice W.M. Lai, Miss Winnie M.W. Wong and Mr. Jeff Y.T. Lam left the meeting at

this point.]

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

**Agenda Item 5**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/I-CC/17

Proposed House in “Government, Institution or Community (4)” and “Green Belt” zones, 15 Fa Peng Road, Cheung Chau (Cheung Chau Inland Lot No. 11 and adjoining Government Land)

**(TPB Paper No. 9298)**

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[The hearing was conducted in English and Cantonese.]

65. The following Member declared interests on this item:

Mr. Ivan C.S. Fu - had current business dealings with Masterplan Ltd., the consultant for representation R2.

66. As Mr. Ivan C.S. Fu confirmed that he did not have direct involvement in this project, Members agreed that his interest was indirect and that he could stay at the meeting.

**Presentation and Question Session**

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

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

Mr. Ian Brownlee )

Ms. Kira Brownlee )

Mr. Tom Hall ) Applicant’s representatives

Mr. Nick Chappell )

Mr. Chih Ming Yuen )

68. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited DPO/SKIs to brief Members on the background of the application.

69. Mr. Ivan Chung informed Members that replacement pages 10 to 12 of the Paper had been tabled for Member's reference. With the aid of a Powerpoint presentation, Mr. Ivan Chung made the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for redevelopment of a 2-storey house at the application site. The proposal covered a site area of 2,867m<sup>2</sup> (including 466m<sup>2</sup> of private land and 2,401m<sup>2</sup> of Government land) with a total GFA of 422m<sup>2</sup> and a PR of 0.15. The PR would be 0.9 if only the private land was counted. The site fell mainly within an area zoned "G/IC(4)" (99%) and encroached upon an area zoned "Green Belt" ("GB") (about 1%) on the approved Cheung Chau Outline Zoning Plan (OZP);
- (b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 9.11.2012 and the reasons were:
  - (i) the proposed house development was not in line with the planning intention of the "G/IC" zone which was primarily for the provision of GIC facilities serving the needs of the local residents and/or a wider district. It was also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments;
  - (ii) the proposed house development was not in line with the "Town Planning Board Guidelines for Application for Development/Redevelopment within "G/IC" Zone for Uses other than GIC Uses"

(TPB PG-No. 16) in that the predominant use of the proposed development would be for non-GIC use; and

- (iii) approval of the application would set an undesirable precedent for other similar applications within “G/IC” zone on the OZP. The cumulative effect of approving such similar applications would jeopardize the planning intention of “G/IC” zone affecting the land available for GIC use;
- (c) the further justifications in support of the review application were summarized as follows:
- (i) the applicant considered that the reasons given for rejecting the application were not adequate;
  - (ii) having reviewed the reasons for rejection in the minutes of the RNTPC meeting held on 9.11.2012, it appeared that there was confusion over the development site area and the intention of the development;
  - (iii) the redevelopment proposal was only within the boundaries of Cheung Chau Inland Lot (CCIL) No. 11 and in accordance with the existing lease conditions. The application site included both the private land covered by CCIL No. 11 and Government land covered by Government Land Licence (GLL) No. 5623 because they were related by the previous ownership of the Site, and for completeness in terms of the section 16 planning application, but not for the intended redevelopment;
  - (iv) in terms of TPB PG-16, the proposed redevelopment (i.e. area of 466.428 m<sup>2</sup>) occupied only a small portion (19.6%) of the overall “G/IC” zone (i.e. 2,375m<sup>2</sup>) and was significantly lower than the 50% maximum site area considered acceptable for non-GIC uses. The predominant use within the “G/IC” zone was still for GIC purposes.

The proposed redevelopment would not adversely affect the provision of G/IC uses within Cheung Chau; and

- (v) the area covered by GLL No. 5623 was Government land held by another person who was not the applicant. The applicant was prepared to tidy up and maintain the existing landscape within the Licence Area. This would be carried out under a temporary arrangement, such as by new licence to the applicant to replace the existing licence if considered appropriate by LandsD;
- (d) departmental comments – the departmental comments were summarized in paragraph 5 of the Paper. District Lands Officer/Islands (DLO/Is) had no objection to the proposed redevelopment of CCIL No. 11. However, there was no guarantee that GLL No. 5623 could be terminated and that any short term tenancy or licence of any land surrounding CCIL No. 11 would be granted to the applicant. Chief Town Planner/Urban Design and Landscape had no objection to the application from the urban design, visual and landscape planning perspective;
- (e) public comments – out of ten public comments received, nine objected to the columbarium development at the site, which was related to a previous application. Their main reasons for objection included encroaching upon “GB” zone, not in line with the original land use planning for the Taoist Temple, no detailed impact assessments on the public hygiene, noise, air and pedestrian flow and serious transport pressure during festival days. The remaining comment raised concerns on the commercialization of the former religious site which would set an undesirable precedent; and
- (f) PlanD’s views – PlanD did not support the application based on the assessments as stated in paragraph 7 of the Paper, which were summarized below:
  - (i) the Taoist Temple at the site was in existence before the publication of the first OZP for Cheung Chau in 2004. In order

to reflect the Taoist Temple and its garden area, the application site was zoned “G/IC(4)” on the Cheung Chau OZP and the zoning had remained unchanged since then. The planning intention of the “G/IC” zone was primarily for the provision of GIC facilities serving the needs of the local residents and/or a wider district. It was also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments. The proposed house development was not in line with the planning intention of the “G/IC” zone;

- (ii) according to TPB PG-No. 16, the major portion of the proposed development for “G/IC” site should be dedicated to GIC and other public uses. If the development was predominantly for non-GIC uses (i.e. more than 50% of the total site area or gross floor area of the development), rezoning of the site to an appropriate zoning might be more appropriate;
- (iii) although the applicant clarified that the proposed development was only for house redevelopment within the private lot CCIL No. 11 (taking up about 19% of the “G/IC” zone) and the surrounding Government land under GLL No. 5623 would be kept as a garden on a temporary basis, the applicant had kept the original application site in the review application (i.e. the private lot CCIL No. 11 and the surrounding Government land under GLL No. 5623). The landscaped garden use on the Licenced Area still formed part of the proposed development scheme. The proposed development was considered not in line with the TPB-PG No. 16 in that 100% of the GFA (422m<sup>2</sup>) of the proposed development was for non-GIC use (i.e. for house development);
- (iv) although the proposed house development only occupied the private lot in the midst of the “G/IC” zone (466m<sup>2</sup> or 16% of the

site), the proposal under the application involved a large area of Government land (2,401m<sup>2</sup> or 84% of the site). The applicant had included the whole site for plot ratio and site coverage calculation purposes. Even though the proposed house development was considered not incompatible with the surrounding developments and the subject private lot (CCIL No.11) had a 'building land' status with no restriction for 'house' use, there was insufficient justification or planning/design merit to support the inclusion of such a large piece of Government land, which was zoned "G/IC", for private garden use as part of the house development;

- (v) DLO/Is advised that there was no guarantee that the existing GLL No. 5623 could be terminated nor any guarantee that LandsD would consider the grant of any licence or short term tenancy of any Government land surrounding the private lot CCIL No. 11 to the applicant. Besides, DLO/Is advised that the licensed area was for cultivation, cemented yard/open space, iron frame and kitchen use. While such area would be in connection with the religious institution (Taoist Temple) on the site, there was no strong planning justification submitted on why similar area was required for the subject application which was for private residential development;
- (vi) a small portion of the site (about 26m<sup>2</sup>) encroached upon a "GB" zone on the OZP, which was also Government land, where existing trees were found. There was a general presumption against development within "GB" zone. No strong justifications or exceptional circumstances were provided to warrant a departure from this planning intention or to justify the inclusion of the "GB" zone;
- (vii) approval of the application would set an undesirable precedent for other similar applications within "G/IC" zone on the OZP. The cumulative effect of approving such similar applications would

jeopardize the planning intention of “G/IC” zone affecting the land available for GIC use; and

(viii) should there be a strong case for changing the planning intention of the application site, it should be by way of a s.12A application for the consideration of the Board.

70. The Chairman then invited the applicant’s representatives to elaborate on the application.

71. Mr. Ian Brownlee informed Members that he had tabled information on GLL No. 5623 and the revised development parameters for Members’ reference. With the aid of a Powerpoint presentation, Mr. Ian Brownlee made the following main points:

- (a) the private lot CCIL No. 11 was for ‘house’ purposes and the proposed redevelopment as a private house conformed with the lease restrictions. The site had an area of about 466m<sup>2</sup>;
- (b) the lot was previously used as a Taoist temple and the land surrounding the private lot was Government land which was held by the previous owner of the lot under a Government Licence (GLL No. 5623). It had an area of 2,867m<sup>2</sup>. The licence was for cultivation, cemented yard/open space, iron frame and kitchen use;
- (c) although DLO/Is said that there was no guarantee that the GLL could be terminated, it was specified in the conditions of the licence (tabled at meeting) that the Director of Lands had absolute discretion to cancel the licence on giving three months’ notice;
- (d) one of the conditions also specified that the licensee should not allow the licence area to remain unused for a period of 6 consecutive months. As the licenced area had remained vacant and unused for more than six months, the licence should no longer be valid and should be cancelled;

- (e) as the private lot (CCIL No. 11) was bounded on all sides by the licenced area (GLL No. 5623), the private lot and the licenced area should be taken as one integral site in terms of use, ownership and occupation as the private lot could not be accessed without passing through the licenced area;
- (f) the proposed development of the new house would be confined within the private lot (CCIL No. 11). There was no intention to include the whole of the application site for the development of the house. The licenced area surrounding the house would still be available for G/IC purposes if required;
- (g) a set of amended development parameters was tabled to clarify that the development proposal only related to the private lot and that the licenced area would not be used for plot ratio and site coverage calculation purposes;
- (h) the applicant had no intention to include the licenced area for garden purposes. All the applicant wanted to do was to tidy up the landscaping of the area covered by the licence;
- (i) only 19.6% of the area under the “G/IC” zone would be used for the house development and the remaining 80.4% would be available for G/IC purposes;
- (j) a small portion of the licenced area was inadvertently included within the “GB” zone. This discrepancy should be regarded as a minor boundary adjustment; and
- (k) as the redevelopment proposal was only related to the private lot, any rezoning proposal should only need to be confined to the private lot. However, such a rezoning application would be illogical as the resultant residential zone would be completely surrounded by the “G/IC” zone pertaining to the licenced area.

[Mr. Clarence W.C. Leung left the meeting temporarily at this point.]

72. In response to the Chairman's enquiry on the reduction in the area of the application site after taking away the licenced area tabled by the applicant, Mr. Ivan Chung said that the proposed change in the site area of the application was a material change to the application which should require a fresh planning application. Otherwise, the public inspection process would be incomplete as members of the public did not have the opportunity to comment on the revised proposal. Moreover, PlanD would need to consult the relevant Government departments on the change in the site area and invite public comments before the application could be further processed. Mr. Ian Brownlee, however, clarified that the application site and the development parameters of the proposal had not been changed. As the house was surrounded by the licenced area, it was considered proper to include the entire area as the application site although the redevelopment was confined to the private lot. The tabled information showing the revised parameters was intended to clarify that the licenced area was not included for plot ratio calculation purposes.

73. The Chairman further enquired about the purpose of the area outside the house. In response, Mr. Ivan Chung said that according to the information in the original submission, the area was proposed to be a private garden whereas in the further information submitted, the area was a landscaped area. In any case, the area still formed part of the development and was included as part of the application site. In response, Mr. Ian Brownlee said that the area outside the house did not form part of the development as the development was confined to the house. The applicant only offered to clean up the vegetation on the area outside the house.

74. In response to the Chairman's enquiry, Mr. Ian Brownlee clarified that the applicant did not have any mandate to clean up the area which was Government land.

75. A Member noted from the Ground Floor Plan submitted by the applicant which showed that the store/maid room had to rely on the Government land for access. In response, Mr. Ian Brownlee said that the proposed access to the site had to pass through Government land. The currently proposed access could be further amended at the detailed design stage to address Member's concern.

76. Mr. Tom Hall explained that when the applicant bought the site, he did not realize that the garden area did not form part of the site. In any case, the applicant only wished to redevelop the house and had never intended to use the piece of Government land as a garden. In response to the Chairman's enquiry, Mr. Tom Hall said that the applicant would like to apply for a licence to use the Government land as a garden which would continue to be open to the public.

77. In response to a Member's enquiry, Mr. Tom Hall said that the licence holder was the mother of the previous owner of the private lot. When she passed away several years ago, the ownership of the licence was passed to her son, i.e. the previous owner of the private lot. The property was bought by the applicant some time last year.

78. As the applicant's representatives had no further comment to make and Members had no further question to raise, the Chairman informed them that the hearing procedures for the review had been completed and the Board would further deliberate on the application in their absence and inform the applicant of the Board's decision in due course. The Chairman thanked the applicant's representatives and DPO/SKIs for attending the meeting. They left the meeting at this point.

#### Deliberation Session

79. The Chairman noted that the further information tabled by the applicant, which amounted to a material change to the application, could not be accepted by the Board as part of the current application as the public did not have the opportunity to comment on the changes made by the applicant. Members agreed that the Board could only consider the application as originally submitted.

80. As the applicant had not addressed the concerns raised by the Committee at the section 16 application stage, the Chairman noted and Members agreed that the application should not be supported as the development was not in line with the planning intention of the "G/IC" zone, the predominant use of the proposed development within the "G/IC" site was for a non-G/IC use, and approval of the application would set an undesirable precedent for similar applications within the "G/IC" zone.

81. After further deliberation, the Board decided to reject the application on review. Members then went through the reasons for rejection as stated in paragraph 8.1 of the Paper and considered that they were appropriate. The reasons were:

- (a) the proposed house development was not in line with the planning intention of the “G/IC” zone which was primarily for the provision of GIC facilities serving the needs of the local residents and/or a wider district. It was also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments;
- (b) the proposed house development was not in line with the “Town Planning Board Guidelines for Application for Development/ Redevelopment within “G/IC” Zone for Uses other than GIC Uses” (TPB PG-No. 16) in that the predominant use of the proposed development would be for non-GIC use; and
- (c) approval of the application would set an undesirable precedent for other similar applications within “G/IC” zone on the OZP. The cumulative effect of approving such similar applications would jeopardize the planning intention of “G/IC” zone affecting the land available for GIC use.

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

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

### **Agenda Item 6**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/I-MWF/20



- (b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 4.5.2012 and the reasons were:
- (i) the development was not in line with the planning intention of the “G/IC” zone which was primarily for the provision of Government, institution or community facilities serving the needs of the local residents and a wider district. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis;
  - (ii) no relevant technical assessments had been included in the submission to demonstrate that the development would not generate adverse environmental and landscape impacts on the surrounding areas, and there were adverse departmental comments on and local objections to the application. The development was also not compatible with the residential uses located to its immediate east and southeast and in the vicinity and with the rural character of the area; and
  - (iii) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications in the “G/IC” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area;
- (c) on 31.8.2012, the Board considered the review application and Members generally considered that the proposed recycling yard should be supported in view of its contribution to recycling business and that the Board would be in a better position to consider the review application if technical proposals had been submitted to demonstrate that the proposed development would not generate adverse impacts on the surrounding areas. The Board decided to defer making a decision on the subject application pending submission of the further information by the applicant. The Board also agreed to request PlanD to help the applicant identify an

alternative site for the applied use;

- (d) an alternative site (about 655m<sup>2</sup>) which fell within the same “G/IC” zone as the application site and was located about 100m away from Ngan Wan Estate was subsequently identified by PlanD. As the alternative site had no vehicular access, an additional area of about 325m<sup>2</sup> for vehicular access to the alternative site was required for the proposed development. On 20.11.2012, the applicant was informed of the alternative site for consideration of submitting a fresh planning application for the proposed development. The applicant was also briefed on the requirements of concerned Government departments on submission of the technical proposals to demonstrate that the proposed development would not generate adverse impacts on the surrounding areas;
- (e) on 28.11.2012 and 11.12.2012, the applicant submitted further information for the review application in support of the proposal at the application site, including a statement clarifying the operation and environmental mitigation measures of the proposed development and a landscape proposal. The use and parameters of the proposed development remained unchanged. On 25.1.2013, the applicant further clarified that he would not pursue the alternative site as it would occupy substantial amount of Government land for provision of vehicular access and would require a long time to obtain the Short Term Tenancy (STT) for the proposed use;
- (f) the further information submitted by the applicant were summarised as follows:
  - (i) the proposed development aimed to collect recycling materials in Mui Wo for promoting environmental protection and improving the local environment. The materials collected were limited to cardboard, scarp plastic, paper and metals excluding electrical appliances and their parts. Any polluted or watered recycling materials would not be accepted, thereby avoiding any pollution or

odour that might be generated on the site;

- (ii) the proposed development would have the following temporary structures : structures with a total area of about 55.74m<sup>2</sup> (i.e. about 600 ft<sup>2</sup>), including 3 containers (one office, one common room and one store room) and a toilet; and a porch with an area about 240m<sup>2</sup> and a height of about 4m where the compressing machines were located;
- (iii) the operation hours of the proposed development were from 9:00 a.m. to 6:00 p.m., Mondays to Saturdays except public holidays. The recycling materials would be collected from local residents by trolleys and temporarily stored on the site (stacking up to a height not exceeding 2m). The frequency of using goods vehicles for disposal of recycling materials was about 5 times a month;
- (iv) the operation of the recycling yard only involved small-scale compacting, packing and temporary storage of the recycling materials without further processing. The compressing machine would be operated under the proposed porch. Moreover, the applicant would have the sewage treatment generated from the site in accordance with the Government's requirements;
- (v) the site would be surrounded by 1.5m high-steel-boarding to screen noise and dust generated from the proposed development. According to the landscape proposal, the existing tree near the southern corner of the site would be preserved and 23 trees were proposed to be planted along the roadside and entrance to serve as a landscape screen; and
- (vi) the Board should give favourable consideration to the review application as the proposed development had obtained policy support and the applicant had submitted information to confirm the operation of the proposed use as required;

- (g) departmental comments – the departmental comments were summarized in paragraph 4 of the Paper. The relevant government departments consulted had no objection to or adverse comments on the application;
  
- (h) public comments – 72 public comments were received, with three comments supporting the application and 69 comments opposing the application. The three supportive comments made by individuals supported the proposed development for community recycling which was an environmental friendly business that would benefit the society. One commenter also proposed to provide recycling facilities for glass bottles and jars in Mui Wo. The opposing comments were made by individuals, residents of Ngan Wan Estate, local organisations and concern groups, and operators of the kindergarten and elderly care centre at Silver View Centre. There were also 34 comments received from DO/Is opposing the review application. The main grounds of objection included the proposed development was incompatible with the residential developments, the “G/IC” site should be reserved for development of community facilities, suitable sites for recycling yard use were available in southern Mui Wo, and the proposed development would have adverse environmental (air, noise and water), ecological, fire safety, public safety, traffic and visual impacts to the surroundings; and
  
- (i) PlanD’s views – PlanD had no objection to the application based on the assessments as stated in paragraph 6 of the Paper, which were summarized below:
  - (i) the site fell within an area zoned “G/IC” on the OZP, which was reserved for the development of a possible sports ground. Director of Leisure and Cultural Services (DLCS) advised that there was no programme to develop the sports ground and had no comment on the review application. The current application for the proposed temporary recycling yard, which aimed to collect recycling materials in Mui Wo for promoting environmental protection and improving

the local environment, would contribute to the recycling industry in the community. Environmental Protection Department (EPD) had given policy support to the proposed use and had no adverse comment on the application. In this regard, approval of the application on a temporary basis would not jeopardise the long-term planning intention of the “G/IC” zone;

- (ii) although the application site was in close proximity to Ngan Wan Estate which was about 60m to the east, the applicant had submitted further information to clarify the proposed mitigation measures and substantiate the claim that the proposal would unlikely generate heavy traffic and cause adverse environmental and noise impacts to the sensitive receivers nearby. DEP and other concerned departments had no adverse comment on the application;
- (iii) the applicant had submitted a landscape proposal planting 23 new trees around the site to minimise the adverse impact on the surrounding environment. The visual impact arising from the proposed development could also be mitigated by the measures proposed by the applicant; and
- (iv) as regards the adverse public comments, EPD had confirmed that the small scale operation of the proposed recycling yard would unlikely cause adverse environmental impact to the surrounding areas. The applicant had also undertaken to provide mitigation measures to mitigate the potential adverse environmental, landscape and visual impacts to the surroundings. Nevertheless, in view of the public concerns about the possible impacts of the proposed development, a shorter validity period of the planning permission, i.e. 2 years instead of the 3 years sought, and appropriate approval conditions were recommended to monitor the situation on the site.

85. In response to the invitation of the Chairman, Ms. Leung Yin Fun said that she hoped the Board would support the application. She had no further points to raise.

86. In response to the Chairman's enquiry, Ms. Leung Yin Fun confirmed that the applicant would be able to comply with the proposed mitigation measures and the restricted operating hours set out in the Paper.

87. In response to a Member's enquiry about the letter that was tabled at the meeting, Mr. Ivan Chung confirmed that the application site was entirely on Government land and the site mentioned in the letter was a separate site not related to the current application.

88. As the applicant and his representatives had no further comment to make and Members had no further question to raise, the Chairman informed them that the hearing procedures for the review had been completed and the Board would further deliberate on the application in their absence and inform the applicant of the Board's decision in due course. The Chairman thanked the applicant and his representatives and DPO/SKIs for attending the meeting. They left the meeting at this point.

#### Deliberation Session

89. The Chairman noted that Members generally considered the application to be acceptable as the relevant Government departments had no objection to the application and the mitigation measures proposed by the applicant were acceptable to DEP.

90. After further deliberation, the Board decided to approve the application on review on the terms of the application as submitted to the Town Planning Board. The permission should be valid on a temporary basis for 2 years until 8.3.2015, instead of the 3 years sought, so as to monitor the situation on the site. The permission was subject to the following conditions:

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no heavy goods vehicles exceeding 24 tonnes, including container

tractor/trailer, as defined in the Road Traffic Ordinance were allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;

- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activity, except compacting of recycling materials, was allowed on the site at any time during the planning approval period;
- (e) no handling (including loading and unloading) of used electrical appliances, electronic and computer wastes was allowed on the Site at any time during the planning approval period;
- (f) no operation of pressing machines outside the covered area of the Site was allowed during the planning approval period;
- (g) the provision of hoarding, as proposed by the applicant, within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 8.9.2013;
- (h) the submission and implementation of landscaping proposal, as proposed by the applicant, within **9** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 8.12.2013;
- (i) the submission and implementation of drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 8.12.2013;
- (j) the submission and implementation of fire service installations and water supplies for firefighting proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services (D of FS) or of the Town Planning Board by 8.12.2013;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not

complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

- (l) if any of the above planning conditions (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

91. The Board also agreed to advise the applicant on the following:

- (a) shorter approval period was allowed to monitor the situation of the site and shorter compliance period were given correspondingly. Should the applicant fail to comply with the approval conditions resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Board to any further application;
- (b) to note the comments of District Lands Officer/Islands, Lands Department (DLO/Is, LandsD) that there was no guarantee that the site, which was entirely Government land, would be made available for the proposed development;
- (c) to note the comments of Director of Environmental Protection (DEP) that the proposed recycling yard should be planned in accordance with the guidelines stipulated in the Hong Kong Planning Standard and Guidelines (HKPSG);
- (d) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that the details of the existing trees (such as location, tree schedule, tree preservation method, etc.) should be provided to demonstrate no adverse impact due to the construction of the

proposed hoarding;

- (e) to note the comments of Director of Leisure and Cultural Services (DLCS) that:
  - (i) shrubs such as *Chrysakidocarpus lutescens* (散尾葵) could be considered as an alternative plant for screening effect; and
  - (ii) the guideline of Tree Management Office should be followed to protect the existing trees. Certified arborist (CA) should be arranged to conduct tree inspection. Subject to the recommendation of the CA, the applicant should bear the cost and arrange a landscape contractor to carry out tree remedial work whenever necessary. In time of typhoon, the applicant should remove any tree debris at his own cost;
- (f) to note the comments of Chief Engineer/Hong Kong and Islands, Drainage Services Department (CE/HK&I, DSD) that public sewerage system and stormwater system were available for connection along Ngan Kwong Wan Road;
- (g) to note the comments of D of FS to submit certificate(s) under Regulation 9(1) of the Fire Service (Installations and Equipment) Regulations (Chapter 95B) to his department for compliance of condition. Moreover, if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were to be erected within the Site, provisions of FSIs were also required. Under such circumstances, unless relevant building plan was circulated to the Centralized Processing System of Building Department, the tenant was required to submit the relevant layout plans to Fire Services Department (FSD) for approval that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and the locations of the proposed Fire Service Installations (FSIs) and the access for emergency vehicles should be clearly marked on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from the

relevant licensing authority. The applicant would need to subsequently provide such FSIs according to the approved proposal;

- (h) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
  - (i) all building works were subject to compliance with the Buildings Ordinance;
  - (ii) Authorized Person had to be appointed to coordinate all building works;
  - (iii) the granting of planning approval should not be construed as an acceptance of any unauthorized structures on the Site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future; and
- (i) to note the comments of Director of Electrical and Mechanical Services (DEMS) that the applicant and/or his contractors should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the Site. Prior to establishing any structure within the Site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

92. The meeting was adjourned for lunch break at 1:00 p.m.

93. The meeting was resumed at 2:30 p.m.

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

Mr. Thomas T.M. Chow Chairman

Mr. Stanley Y.F. Wong Vice-chairman

Professor S.C. Wong

Mr. Timothy K.W. Ma

Professor Edwin H.W. Chan

Dr. C.P. Lau

Ms. Julia Lau

Mr. Clarence W.C. Leung

Prof. K.C. Chau

Mr. Ivan C.S. Fu

Mr. Lincoln L.H. Huang

Ms. Janice Lai

Mr. Dominic K.K. Lam

Mr. H.F. Leung

Mr. Stephen H.B. Yau

Mr. F. C. Chan

Deputy Director of Environmental Protection

Mr. C.W. Tse

Director of Lands

Ms. Bernadette Linn

Director of Planning

Mr. K.K. Ling

Sai Kung and Islands District

**Agenda Item 7**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/SK-HH/53

Proposed House in "Green Belt" zone, Lot No. 1052 S.A (part) in D.D. 217 and its adjoining Government Land, Ta Ho Tun, Sai Kung

(TPB Paper No. 9300)

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[The meeting was conducted in Cantonese.]

95. The following representative from the Planning Department (PlanD), and the applicant and her representatives were invited to the meeting at this point:

Mr. Ivan Chung	- District Planning Officer/Sai Kung and Islands, PlanD (DPO/SKIs)
Ms. Chan Wai Yee	- Applicant
Mr. Kim Chan	]
Miss Anita Wong	]
Mr. Ted Lam	] Applicant's representative
Ms. Lydia Lam Ka Po	]
Mr. Wong Woon Ping, Henry	]
Mr. Fan Yeung Ling	]

96. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited DPO/SKIs to brief Members on the application.

97. With the aid of a powerpoint presentation, DPO/SKIs presented the application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission to develop a house on the site. The site fell within an area zoned "Green Belt" ("GB") on the approved Hebe Haven Outline Zoning Plan (OZP) No. S/SK-HH/6.

The planning intention of the “GB” zone was to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within the “GB” zone;

- (b) the site had an area of 2,123 m<sup>2</sup>, with 1,270m<sup>2</sup> (59.8%) being private land and 853m<sup>2</sup> (40.2%) being government land. The proposed house had a GFA of about 444.5m<sup>2</sup>, a building height of two storeys (6m) and a site coverage of not more than 12%. In addition, two sitting-out-gardens (each with a site area of about 50.2m<sup>2</sup>) for public use were proposed on government land within the site;
- (c) the site was on a slope covered with trees and shrubs. To the immediate north-west was a two-storey structure which was a former candy factory, and further northwest were two-storey warehouses and domestic structures. There was an existing vehicular access road in the north-east of the site (northern access road) and the Ta Ho Tun Road to the immediate south of the site;
- (d) on 9.11.2012, the Rural and New Town Planning Committee (the RNTPC) of the Town Planning Board (the Board) rejected the application and the reasons were:
  - (i) the proposed residential development was not in line with the planning intention of the “GB” zone. There was no strong justification in the submission for a departure from the planning intention;
  - (ii) the proposed residential development did not meet the TPB Guidelines No. 10 for ‘Application for Development within “Green Belt” Zone under section 16 of the Town Planning Ordinance’ (TPB PG-No. 10) in that there were no exceptional circumstances to justify the application and the applicant failed

to demonstrate that the proposed development would have no adverse landscape impact on the surrounding areas;

- (iii) the approval of the application would set an undesirable precedent for other similar applications within the “GB” zone;
- (e) the applicant had not submitted any written representation in support of the review application;
- (f) departmental comments - comments from relevant government departments were detailed in section 4 of the Paper. The main comments were:
  - (i) the Chief Town Planner / Urban Design and Landscape, PlanD (CTP/UD&L) maintained his previous view of having strong reservation on the application from the landscape planning point of view, as the proposed house would affect the existing trees on the site and would set an undesirable precedent for similar applications within the “GB” zone. There were also doubts on the practicability of enforcement and long-term maintenance of the proposed sitting-out-gardens on the government land;
  - (ii) the Director of Agriculture, Fisheries and Conservation (DAFC) maintained his previous view of not supporting the application as the site included a large area of natural vegetation with a number of mature trees that would be affected by the proposed development;
  - (iii) the District Lands Office/Sai Kung (DLO/SK) indicated that the site was restricted for agricultural use under the lease. There was no guarantee that the government land (which comprised 40% of the area of the site) would be granted to the applicant. The DLO/SK also indicated that if the proposed

sitting-out-gardens (about 100m<sup>2</sup> of government land) were to be granted by way of Short Term Tenancy as proposed by the applicant, the area of the sitting-out-gardens had to be excluded from the re-grant lot and hence should not be counted towards GFA and site coverage calculation;

- (iv) the Commissioner for Transport (C for T) had reservation on the application as such type of development should be confined within the relevant residential or village zones as far as possible. Nevertheless, as the application only involved construction of one house, it could be tolerated unless it was rejected on other grounds; and
- (v) other Government departments maintained their previous views of having no adverse comment or no objection to the planning application;
- (g) previous application - the site was the subject of a previous application No. A/SK-HH/48 covering only the private land at the site. The previous application was for a proposed house with a GFA of 278m<sup>2</sup>, a building height of 2 storeys (6m) and a site coverage of 10%. The previous application was rejected by the Board upon review on 21.1.2011 on similar grounds as the subject application;
- (h) public comments - four public comments were received on the review application. They were submitted by Kadoorie Farm and Botanic Garden Corporation, Designing Hong Kong Limited and the village representatives of a local village. All public comments objected to the application and the grounds were related to the planning intention of the “GB” zoning, ecological impacts, undesirable precedent, fung shui effect, suspected columbarium proposal, lack of sustainable layout for the area and traffic impact; and

[Professor Edwin H.W. Chan and Mr. C.W. Tse returned to join the meeting at this point.]

- (i) PlanD's view - PlanD did not support the review application based on the planning considerations and assessments set out in paragraph 6 of the Paper, which were summarised below:
  - (i) the proposed 2-storey house development was considered not in line with the planning intention of the "GB" zone. There were no strong justifications provided in the submission to warrant a departure from this planning intention;
  - (ii) according to the TPB PG-No. 10, there was a general presumption against development in "GB" zones and new developments would only be considered in exceptional circumstances and must be justified with very strong planning grounds. Such developments should not cause any adverse visual and landscape impacts on the surrounding environment. However, there were no exceptional circumstances to justify the subject application;
  - (iii) the site was a slope covered with trees ranging from semi-mature to mature sizes, which provided good quality greenery and landscape screening to the surrounding areas. The proposed development would involve site formation works and the proposed 2-storey house would be developed atop stilted structures with a height of 4m amidst a densely vegetated green belt area. The proposed house would have significant impact on the existing trees on the site. In this regard, CTP/UD&L had strong reservation and DAFC did not support the review application;
  - (iv) the applicant proposed two sitting-out-gardens on the

government land within the site for public use. However, the proposed sitting-out-gardens would involve vegetation clearance and site formation works, which would affect the primary function of the existing “GB” zone as landscape buffer. Hence, the proposed sitting-out-gardens could not be regarded as a planning gain that could merit an exceptional consideration of the application. Besides, CTP/UD&L and DLO/SK raised doubts on the feasibility, maintenance and land administrative arrangement of the sitting-out-gardens proposed on government land in the site; and

- (v) in the “GB” zone in which the site was located, no new residential development had been approved by the Board since the publication of the DPA plan on 12.7.1991. The approval of the review application would set an undesirable precedent for similar applications in this “GB” zone in future and would result in a general degradation of the environment and bring about adverse landscape impact on the area.

98. The Chairman then invited the applicant’s representatives to elaborate on the review application. With the aid of a powerpoint presentation, Mr. Kim Chan (the applicant’s planning consultant) made the following main points:

- (a) the site was located within an existing residential cluster and bounded by Ta Ho Tun Road in the south and the northern access road in the north;
- (b) according to the TPB PG-No.10, the main planning criterion in paragraph 2(c) stated that “applications for New Territories Exempted House (NTEH) ... may be approved if the application sites are in close proximity to existing villages and in keeping with the surrounding uses, and where the development is to meet the demand for indigenous villagers”. This criterion should be applicable to any private residential developments and not only for

NTEH. The Board was urged to consider the subject application based on this criterion as the site was located adjacent to existing residential developments and was in keeping with the surrounding uses;

*Exceptional Circumstances of the Application*

- (c) the application was in line with the main planning criterion in paragraph 2(b) of TPB PG-No. 10 which stated that “any application for new development in a “GB” zone will only be considered in exceptional circumstances”. The exceptional circumstances of the application that warranted special consideration by the Board were:
  - (i) the application site had a special history as shown by a series of aerial photos of the site and its vicinity in the meeting. The 1968 aerial photo showed that there were a candy factory, the northern access road and temporary road connections in the area. The 1978 aerial photo showed that the surrounding residential cluster was gradually developed; the candy workshop was demolished and there were some temporary structures in the area. The 1989 aerial photo showed that the site was left abandoned. The 2001 aerial photo showed that Ta Ho Tun Road was being constructed. The conditions of the site shown in the 2010 aerial photo were similar to the existing conditions of the Site;
  - (ii) in the past 40 years, part of the site had been traversed by a public road but the Government had not offered any compensation to the land owners. Trees were planted on the site during the construction of Ta Ho Tun Road without notifying the site owner. As there was no drainage channel along the northern access road, heavy rainwater runoff had caused severe problems of constant soil loss and fallen trees on the site and its vicinity. This had caused public safety

concern and there was an urgent need to improve the situation;

- (iii) the site was an 'island' site, which was surrounded by existing roads and residential development, and segregated from the surrounding "GB" areas. As the site only had an area of 2,123m<sup>2</sup> with 60% being private land, it was different from the surrounding areas zoned "GB" in terms of the land ownership pattern. The private land was located in the central portion of the site and the government land, which constituted 40% of the site, was separately located at three corners of the site; and
- (iv) as there was a lack of management of the both the private and government land on the site, there were fallen trees, overgrown grass and dumping of domestic and construction wastes on the site. Moreover, the conditions of trees on the site were poor. The site was also partly occupied by local residents for car park use. As such, there was an urgent need for adopting a suitable and reasonable land use on the site, such as the proposed house, to allow for long-term sustainable conservation and management of the site;

*Compliance with other Main Planning Criteria in the TPB PG-No. 10*

- (d) the application was also in line with a number of other main planning criteria in the TPB PG-No.10, these were:
  - (i) the main planning criterion in paragraph 2(b) of the TPB PG-No.10 stated that "with the exception of NTEH, a plot ratio up to 0.4 for residential development may be permitted'. In this regard, the plot ratio of the proposed house was only 0.35 (calculated based on the area of the private lot) or 0.21 (calculated based on the total site area including the private lot and government land);

- (ii) the main planning criterion in paragraph 2(g) of the TPB PG-No.10 stated that “the design and layout of any proposed development should be compatible with the surrounding area. The development should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, or cause any adverse visual impact on the surrounding environment”. In this regard, the applicant proposed to build the house on the part of the site (about 546m<sup>2</sup> in area or 43% of the private land) which was located on a slope and not suitable for tree growth. The remaining 57% of the private land that was relatively flat was proposed for long-term landscaping and tree preservation. The proposed development would achieve a total green coverage area of 1,685m<sup>2</sup> (or 79.4% of the total site area). The proposal under application would improve the quality of landscaping on the site and enhance its “GB” function;
  
- (iii) the main planning criterion in paragraph 2(i) of the TPB PG-No.10 stated that “the proposed development should not overstrain the capacity of existing and planned infrastructure such as sewerage, roads and water supply. It should not adversely affect drainage or aggravate flooding in the area”. In this regard, the proposed development of one two-storey house would not have adverse impacts on the existing and planned infrastructure. With regard to the drainage aspect, when the proposed house was built, the applicant would install drainage channels along the northern access road to reduce rainwater runoff from the north. Drainage proposals would be submitted to the relevant government department for agreement upon approval of the planning application; and
  
- (iv) the main planning criterion in paragraph 2(m) of the TPB PG-No.10 stated that “any proposed development on a slope or

hillside should not adversely affect slope stability.” In this regard, the proposed house would be constructed on a stilted platform that would minimise impacts on the existing topography of the site. The Civil Engineering and Development Department had no comment on the application from geotechnical impact perspective; and

- (e) in view that the application was in line with all the above main planning criteria of the TPB PG-No. 10, the Board should approve the application.

99. With the aid of a powerpoint presentation, Mr. Ted Lam (the applicant’s landscape consultant) continued with the presentation and made the following main points:

- (a) there were trees on about 60% of the site, including some areas on slope. The central part of the site, which was relatively flat, was mainly grown with grass and there was rubbish dumping. The flat area of the site could have been used for growing more trees. Hence, the existing state of the site had not fully utilised its function as a “GB”;
- (b) the 94 trees identified on the site were semi-mature and were not species of high landscape value. There were five *Litsea monopetala* (假栉樹), 43 *Macaranga tanarius* (血桐), seven *Mallotus paniculatus* (白楸) and 39 trees of other species. These tree species were not indigenous trees, and were common planting included during slope enhancement projects and might have been planted during the construction of Ta Ho Tun Road;
- (c) due to the lack of long-term maintenance, the health and conditions of the existing trees were not satisfactory. Some of the trees were planted on the slope and some trees had fallen. It was highly

doubtful whether the site could continue to serve the function of a green buffer in the long term;

- (d) from landscape planning perspective, it was more appropriate to locate the proposed house on the sloping area near the existing residential developments. The relatively flat part of the site was proposed for growing of trees;
- (e) the proposed location of the house had minimised the impacts on existing trees. The proposal would involve felling of 27 trees on private land. The other 30 trees on private land and all of the 37 trees on government land were proposed to be preserved and would be maintained by the applicant in future;
- (f) to compensate for felling of 27 trees, 82 new trees would be planted. The proposed compensatory tree planting ratio of 1:3 was more than the requirement of a ratio of 1:1 under the LAO Practice Note No. 7/2007 – Tree Preservation and Tree Removal Application for Building Development in Private Project. The new trees were proposed to be planted on relatively flat land and there would be more standard sized new trees to provide better landscape quality. The new trees and the existing tree clusters would together form an eco-corridor. The applicant would undertake the future maintenance of the trees;
- (g) 55 numbers of the compensatory trees would be planted on private land and the other 27 numbers would be planted on government land. Hence, sufficient compensatory planting (for the felling of 27 trees) would already be provided on the private land within the site; and
- (h) the application would set a good precedent for developments in areas zoned “GB”. As the government land was separately located at three corners of the site, it had posed problems for the Government to properly manage the government land on the site. If the

application was approved, the long-term management of the subject government land would be undertaken by the applicant. The proposed sitting-out-gardens would be open for use by the surrounding residents.

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

100. With the aid of a powerpoint presentation, Mr. Kim Chan continued with the presentation and made the following main points regarding key responses to comments from government departments:

*Responses to Comments of DLO/SK, LandsD*

- (a) the responses to DLO/SK, LandsD's comments in paragraph 4.2.1 of the Paper were:
  - (i) while the applicant proposed to help manage the government land (about 40% of the site) on the site, the applicant had no objection if it was considered that the government land should be directly managed by the Government;
  - (ii) the applicant was fully aware of the risks associated with the future land exchange and payment of premium;
  - (iii) if the application was approved, the applicant agreed to surrender the small portion of the private lot where the northern access road was located to the Government so as to ensure the continuous provision of vehicular access to other users of the northern access road;
  - (iv) the two sitting-out-gardens were located on the part of government land that were relatively flat with no trees. The purpose of the sitting-out-gardens was to allow the public to enjoy the natural environment without affecting the functions of

the “GB” zone. The management details could be worked out in the detailed design stage; and

- (v) the applicant had no intention to include the two proposed sitting-out-gardens for the purposes of GFA and site coverage calculations. The applicant would further liaise with LandsD regarding the arrangement for the three pieces of government land. The land administration matters were not relevant planning considerations for the subject application;

*Responses to Comments of other Government Departments*

- (b) the responses to comments of the following government departments in paragraphs 4.2.2 to 4.2.4 were:
  - (i) with regard to CTP/UD&L, PlanD’s comment that there were insufficient justifications for the application, the applicant had explained the exceptional circumstances of the application and the reasons why the application was considered to be in line with the main planning criteria in TPB PG-No. 10 in the earlier part of the presentation. With regard to the reasons for not supporting the application from the landscape planning perspective, the applicant’s landscape consultant had provided detailed responses in his presentation;
  - (ii) the DAFC did not support the application based on similar grounds as CTP/UD&L, PlanD and the applicant’s responses had already been explained in the earlier part of the presentation;
  - (iii) the C for T had reservation on the application from the traffic impact perspective but indicated that the application could be tolerated as it only involved one proposed house;
- (c) the other government departments had no objection or no comment

on the application;

*Responses to Planning Considerations and Assessments*

- (d) the responses to the planning considerations and assessments in section 6 of the Paper were:
  - (i) there were exceptional circumstances of the case that warranted special consideration by the Board as explained in the earlier part of the presentation;
  - (ii) 57% of the private land, which was relatively flat, would be reserved for long-term landscaping purpose. Unless the Government would resume the private land or the Board had better options for the site, the existing site conditions would continue to deteriorate;
  - (iii) there was no other private land in the vicinity of the site. Given the planning merits of the case, approval of the application would set a desirable precedent; and
  - (iv) the applicant did not want the site to be used only for agricultural purpose; and
- (e) the Board was urged to approve the application so as to allow full utilisation of the greening function of the site.

101. Ms. Chan Wai Yee, the applicant, said that she was already 81 years old. She had always wanted to build a house on the site for use by her own family. She urged the Board to approve the application. She said that if the Board did not approve the application, she might have no choice but to rent out the land for agricultural use.

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

102. As the presentations were completed, the Chairman invited questions from Members. The Chairman said that there was a presumption against development in "GB" zone and developments would only be considered under exceptional circumstances. He said that there were existing mechanisms under Cap. 132 (Public Health and Municipal Services Ordinance) to require land owners to clean up rubbish on private land and Lands Department had a responsibility to look after unleased government land. Hence, the construction of a house might not be the solution to the problems cited. He said that the consultant's focus was the public benefit of the proposal but it seemed to him that the lot owner's objective was solely to build a house for her own use.

103. In response to the Chairman's question, Mr. Kim Chan said that the application would serve dual purposes of allowing a house development on the site as well as providing landscape enhancement proposals for the benefit of the public. He said that if the application was not approved, the applicant would not dedicate 57% of the private land on the site for long-term landscaping purpose. The problem with rubbish dumping would continue if there was no long term and sustainable land use on the site. Hence, the application was a win-win solution. The site conditions would further deteriorate if the site was left abandoned. Even though the applicant said that the site might be rented out for agricultural purpose, it was doubtful whether agricultural purpose would serve the function of a "GB" zone.

104. A Member asked the applicant when the site was bought and whether she knew that the site was for agricultural purpose. In response, Ms. Chan Wai Yee said that she and a few business partners had previously operated a ginger candy factory in Wong Tai Sin. Upon resumption of the candy factory site in Wong Tai Sin by the Government, they relocated the factory to the site and carried on the factory operation for some time. The site was originally co-owned by a few parties but she later bought the entire site. Her wish was to build a house on the site for her own use. In response to a Member's question, Mr. Kim Chan said that according to DLO/SK, LandsD's comment in paragraph 4.2.1 of the Paper, the site was first transacted in 1963. It was likely that the applicant had bought the site around that time.

105. In response to a Member's question, Mr. Ivan Chung (DPO/SKIs) said that in the Interim Development Permission Area Plan gazetted in 1990, the site was designated as an 'Unspecified' use area. In the Development Permission Area Plan gazetted in 1991, the site was zoned "GB" and the same zoning remained in the subsequent OZPs.

106. Ms. Bernadette Linn (D of Lands) said that the site was for agricultural purpose under the lease and was zoned "GB" under the OZP. She asked the applicant why the proposed house development under the subject application was considered of more public benefit than for agricultural use, noting that the latter use would comply with both the lease and the OZP. Mr. Kim Chan said that the interest of private land owners should also be considered by the Board, and allowing the proposed house development on the site with the planning gains proposed would be a win-win solution. The Board should take into account the changing circumstances when considering applications within "GB" zone, instead of assuming that no change could be made to the land zoned "GB". Mr. Ted Lam supplemented that the private land in the northern part of the site was on steep slope with mature trees, which was not suitable for agricultural use. Any agricultural use might require tree felling that would affect the "GB" function of the site.

107. As the applicant's representatives had no further comment to make and Members had no further question, the Chairman informed them that the hearing procedures for the review application had been completed. The Board would further deliberate on the review application in their absence and inform the applicant of the Board's decision in due course. The Chairman thanked DPO/SKIs and the applicant and her representatives for attending the meeting. They all left the meeting at this point.

#### Deliberation

108. The Chairman asked Members to deliberate on the review application, taking account of the presentations at the hearing. A Member said that despite the points made about public benefits of the planning application in the applicant's consultant's presentation, it was quite obvious in the applicant's presentation that she

only wished to build a house on the site for her own use. Given that the proposed use was not in line with the planning intention of the “GB” zone and there was no new justification nor change in circumstances since the RNTPC rejected the application, the Member considered that the application should be rejected. Another Member said that in general, natural landscaping would serve the “GB” function better than artificial planting and landscaping proposals.

109. After discussion, Members agreed that the application for review should be rejected as it was not in line with the planning intention of the “GB” zone and there were no exceptional circumstances to justify a departure from the Town Planning Board Guidelines (TPB PG-No.10).

110. After deliberation, the Board decided to reject the application on review. Members then went through the reasons for rejection of the review application as stated in paragraph 7.1 of the Paper and considered that they were appropriate. The reasons were:

- (a) the proposed residential development was not in line with the planning intention of the “GB” zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. There was no strong justification in the submission for a departure from the planning intention;
- (b) the proposed residential development did not meet the TPB Guidelines No. 10 for ‘Application for Development within “GB” Zone’ in that there were no exceptional circumstances to justify the application and the application would involve clearance of natural vegetation and affect the existing natural slope. The submission failed to demonstrate that the proposed development would not have adverse landscape impact on the surrounding areas; and

- (c) the approval of the application would set an undesirable precedent for other similar applications within the “GB” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment and bring about adverse landscape impact on the area.

Shatin, Tai Po and North District

**Agenda Item 8**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/NE-TK/414

Proposed House (New Territories Exempted House – Small House) in "Agriculture" and “Green Belt” zones, Lots 646 S.K ss.2, 652 S.C RP, S.D ss.2 and S.H in D.D. 15 and Adjoining Government Land, Shan Liu, Tai Po

(TPB Paper No. 9301)

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[The meeting was conducted in Cantonese.]

111. The Vice-chairman declared interest on the item as he co-owned a flat and two car parking spaces with his spouse in Deer Hill Bay at Pak Shek Kok. Noting that Pak Shek Kok was far away from the application site, Members agreed that the Vice-chairman’s interest was indirect and he should be allowed to stay in the meeting and participate in the discussion.

112. The Chairman informed Members that the applicant had indicated that he would not attend the meeting. Ms. Jacinta Woo, District Planning Officer/Shatin, Tai Po and North, PlanD (DPO/STN) was invited to the meeting at this point.

113. The Chairman invited DPO/STN to brief Members on the application. DPO/STN said that two replacement pages for the Paper had been tabled for Members’ reference. With the aid of a powerpoint presentation, DPO/STN 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 site. The site had an area of about 78.3m<sup>2</sup>, including about 28.9m<sup>2</sup> of government land. The site fell within an area zoned “Agriculture” (“AGR”) (about 98%) and “Green Belt” (“GB”) (about 2%) on the approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/17;
- (b) the planning intention of the “AGR” zone was primarily to retain and safeguard good quality agricultural land / farm / fish ponds for agricultural purposes. The planning intention of the “GB” zone was to define the limits of urban and suburban development areas by natural features and to contain urban sprawl. There was a general presumption against development within the “GB” zone;
- (c) the site was located outside the “Village Type Development” (“V”) zone and village ‘environs’ (VE) of any recognised villages. The site was located within the lower indirect water gathering ground (WGG). The site was covered with weeds and was accessible via a local track leading to Shan Liu Road off Ting Kok Road. The site was located outside the proposed extension area of the “V” zone of Shan Liu that was agreed by the RNTPC on 7.12.2012;
- (d) on 23.11.2012, the Rural and New Town Planning Committee (the RNTPC) of the Town Planning Board (the Board) rejected the application and the reasons were:
  - (i) the proposed development did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories (Interim Criteria) as the site was entirely outside the “Village Type Development” (“V”) zone and the ‘VE’ of any recognized villages; and
  - (ii) the applicant failed to demonstrate that the proposed

development located within the lower indirect water gathering ground (WGG) would not cause adverse impact on the water quality in the area;

- (e) the justifications put forth by the applicant in support of the review application were summarised in paragraph 3 of the Paper. The main grounds were:
  - (i) most of the areas within the “V” zone were planned on slopes or within woodland. There was a serious lack of land for Small House development in Shan Liu. The land within the ‘VE’ of Shan Liu covered an area of about 36,311m<sup>2</sup>, while the area zoned “V” was just 5,164m<sup>2</sup> (i.e. less than 15% of the area of the ‘VE’); and
  - (ii) the Drainage Services Department (DSD) had already constructed a trunk sewer for the village, which was expected to be completed in 2013. The waste water and sewage generated from the Small House could be discharged to the public sewerage system via connecting sewers;
- (f) departmental comments - comments from the relevant government departments were detailed in section 6 of the Paper. In particular:
  - (i) the District Lands Officer/ Tai Po (DLO/TP) maintained his previous view of not supporting the application as the site fell wholly outside the “V” zone and the ‘VE’ of Shan Liu;
  - (ii) noting that an extension of trunk sewers to Shan Liu was planned for completion in 2013, the Director of Environmental Protection (DEP) and the Chief Engineer/Mainland North (CE/MN, DSD) had no objection on the application;
  - (iii) the Chief Engineer/Development (2), Water Supplies

Department (CE/Dev(2), WSD) maintained his previous view of objecting to the application as the site was within the lower indirect WGG and less than 30m away from the nearest stream and the applicant failed to provide information to demonstrate that the proposed development would not cause adverse impact on the water quality in the area;

- (iv) the Director of Agriculture, Fisheries and Conservation (DAFC) maintained his previous view on the application of not supporting the application from agricultural point of view as the site had high potential for agricultural rehabilitation;
- (v) the Chief Town Planner / Urban Design and Landscape, PlanD (CTP/UD&L) maintained his previous view of having reservation on the application from the landscape planning point of view as approval of the application would alter the landscape character of the “AGR” zone; and
- (vi) other Government departments maintained their previous views of having no adverse comment or no objection to the planning application;
- (g) previous application - a small area in the western portion of the site was the subject of a previous application (No. A/NE-TK/349) for Small House development submitted by a different applicant. The application was approved by the RNTPC on 15.4.2011. The details of this previous application would be explained in the latter part of the presentation;
- (h) similar applications – as detailed in paragraphs 5.12 to 5.20 of the Paper, there were 55 similar applications for Small House development in the “AGR” and/or “GB” zones on the Ting Kok OZP. 16 of them were approved and 39 of them were rejected. The main reasons for rejection of these similar applications were

similar to those of the subject application;

- (i) public comments - two public comments from Kadoorie Farm & Botanic Garden Corporation and Designing Hong Kong Limited were received objecting to the review application. The commenters objected to the application on the grounds that the proposed development was not in line with the planning intention of “AGR” zone; some suspected site formation work might have been conducted at the village; the proposed development might cause adverse water quality impact in the WGG; the approval of the application would set an undesirable precedent; and there was a lack of sustainable layout of infrastructure and development for the area.
- (j) PlanD’s view - PlanD did not support the review application based on the planning considerations and assessments set out in paragraph 8 of the Paper, which were summarised below:
  - (i) although there was a general shortage of land to meet the future Small House demand in Shan Liu, the proposed development did not comply with the Interim Criteria as the site was entirely outside the “V” zone and the ‘VE’ of any recognized villages. DLO/TP, LandsD did not support the application. Approval of the application would set an undesirable precedent for other similar applications in the area;
  - (ii) the CE/Dev(2) of WSD maintained his objection to the application as the site was within the lower indirect WGG and less than 30m away from the nearest stream and the applicant had failed to demonstrate that there would be no adverse impact on the water quality within the lower indirect WGG;
  - (iii) the DAFC did not support the application from the agricultural point of view as the site had high potential for agricultural rehabilitation. The CTP/UD&L, PlanD maintained his

reservation on the application from landscape planning point;  
and

- (iv) a small area in the western portion of the site was the subject of a previously approved application (No. A/NE-TK/349). Under the approved application, more than 50% of the site and almost the entire footprint of the proposed Small House fell within the 'VE' and complied with the Interim Criteria. For the current application, the site and the footprint of the proposed Small House were both entirely outside the "V" zone and the 'VE' of any recognized villages and thus the proposed development did not comply with the Interim Criteria.

114. As Members had no question to raise, the Chairman thanked DPO/STN for attending the meeting and she left the meeting at this point.

#### Deliberation

115. Members considered that the application should be rejected as the proposed development was not in line with the planning intentions of the "AGR" and "GB" zones, the application was not in line with the Interim Criteria in that the site was entirely outside the "V" zone and 'VE' of any recognised village, WSD had concerns on the adverse impact on the water quality in the WGG, and the DAFC did not support the application from the agricultural point of view as the site had high potential for agricultural rehabilitation.

116. After deliberation, the Board decided to reject the application on review. Members then went through the reasons for rejection of the review application as stated in paragraph 9.1 of the Paper and considered that they were appropriate. The reasons were:

- (a) the proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories as the site was entirely outside the “Village Type Development” zone and the village ‘environs’ of any recognized villages; and
- (b) the applicant failed to demonstrate that the proposed development located within the lower indirect water gathering ground would not cause adverse impact on the water quality in the area.

### **Agenda Item 9**

[Open Meeting]

Request for Deferral for Review of Application No. A/YL-NSW/204

Proposed Columbarium in "Government, Institution or Community" and "Undetermined" zones, Lots 879, 880 S.A ss1, 880 S.B ss1, 881 to 885, 889 RP (Part), 891 (Part), 1318, 1326 and 1344 (Part) in D.D. 115 and Adjoining Government Land, Au Tau, Nam Sang Wai, Yuen Long  
(TPB Paper 9302)

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[This item was conducted in Cantonese]

117. The following Members declared interests on the item:

- Mr. Ivan C.S. Fu - had current business dealings with the consultants (Environs and Urbis) of the captioned application.
- Professor S.C. Wong - one of the consultants of the captioned application (CKM Asia Limited) sponsored some activities of the Institute of Transport Studies in the University of Hong Kong which he was the director.
- Mr. Dominic K.K. Lam - had current business dealings with the consultants (Urbis and China Point

Consultants Ltd.) of the captioned application.

118. Members noted that the above Members were not involved in the subject planning application and agreed that their interests were indirect and they should be allowed to stay in the meeting.

119. The Secretary said that on 13.12.2012, the applicant submitted further information to address the comments of the public and the Hospital Authority. On 14.12.2012, the Board decided to defer consideration of the application for one month as requested by the applicant so as to allow time for the applicant to address public and departmental comments. On 19.2.2013, the applicant wrote to the Board and requested the Board to defer consideration of the application for a period of two months in order to allow more time for the applicant to undertake further assessments to address the Hospital Authority's comments. This was the applicant's second deferral request.

120. Members noted that the applicant's justifications for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33) in that the applicant needed more time to address the comments of the Hospital Authority, the deferment period was not indefinite, and that the deferment would not affect the interest of other relevant parties.

121. After deliberation, the Board agreed to defer consideration of the review application as requested by the applicant. The Board agreed that the review application should be submitted for its consideration within 3 months upon receipt of further submission from the applicant. The Board agreed to advise the applicant that a further two months were allowed for preparation of submission of further information, and since a total of three months had been allowed, no further deferment would be granted unless under very special circumstances.

**Agenda Item 10**

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

122.       There being no other business, the meeting closed at 3:45pm.