

**Minutes of 1033rd Meeting of the
Town Planning Board held on 10.5.2013**

Present

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

Chairman

Mr. Stanley Y.F. Wong

Vice-chairman

Prof. S.C. Wong

Mr. Timothy K.W. Ma

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

Mr. Roger K.H. Luk

Ms. Anita W.T. Ma

Ms. Bonnie J.Y. Chan

Dr. Wilton W.T. Fok

Mr. Ivan C.S. Fu

Mr. Lincoln L.H. Huang

Ms. Janice W.M. Lai

Mr. Dominic K.K. Lam

Mr. Patrick H. T. Lau

Ms. Christina M. Lee

Mr. H. F. Leung

Mr. F.C. Chan

Principal Environmental Protection Officer (MA), Environmental Protection Department
Mr. Ken Y.K. Wong

Director of Lands

Ms. Bernadette H.H. Linn (pm)

Deputy Director of Lands (General)

Mr. Jeff Y.T. Lam (am)

Director of Planning

Mr. K.K. Ling

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

Secretary

Absent with Apologies

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Mr. Maurice W.M. Lee

Dr. W.K. Yau

Professor K.C. Chau

Mr. H.W. Cheung

Mr. Sunny L.K. Ho

Mr. Stephen H.B. Yau

Principal Assistant Secretary for Transport and Housing
Miss Winnie M.W. Wong

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

In Attendance

Assistant Director of Planning/Board
Ms. Christine Tse

Chief Town Planner/Town Planning Board
Miss H.Y. Chu (am)
Mr. Edward Lo (pm)

Senior Town Planner/Town Planning Board
Ms. Johanna W.Y. Cheng (am)
Mr. Jerry Austin (pm)

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1032nd Meeting held on 26.4.2013

[The meeting was conducted in Cantonese.]

1. The minutes of the 1032nd Meeting held on 26.4.2013 were confirmed without amendments.

Agenda Item 2

[Open Meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

(i) **New Town Planning Appeal Received**

Town Planning Appeal No. 4 of 2013

Proposed Columbarium and Residential Institution (Quarters) in Redevelopment Proposal of Gig Lok Monastery in “Government, Institution or Community” zone, Lot 2011 (Part) in D.D. 132 and Adjoining Government Land, Gig Lok Monastery, Tuen On Lane, Tuen Fu Road, Fu Tei, Tuen Mun, New Territories (Application No. A/TM/419)

2. The Secretary reported that an appeal was received by the Appeal Board Panel (Town Planning) on 19.4.2013 against the decision of the Town Planning Board (TPB) to reject on review an application for the proposed columbarium and residential institution (quarters) at the application site in the “Government, Institution or Community” (“G/IC”) zone on the Tuen Mun Outline Zoning Plan. The application was rejected by the TPB on 1.2.2013 for the following reasons:

- (a) the applicant failed to demonstrate any planning merits of the proposed development;
- (b) the proposed development with 4,900 niches would pose adverse traffic impact on the surrounding road network. There was doubt on the

implementability of the road layout in particular footpath widening on government land as proposed by the applicant. The applicant failed to demonstrate that the potential adverse pedestrian and vehicular traffic impacts associated with the proposed development could be satisfactorily addressed;

- (c) the applicant failed to demonstrate the effectiveness of the traffic management scheme to ensure that the proposed development would not create adverse traffic impact on the surrounding area, in particular during festival periods;
- (d) the proposed development, which involved trees felling was considered not acceptable. There was doubt on the implementation of the landscape proposal which involved planting of new trees on government land;
- (e) the applicant failed to demonstrate that the proposed development would not create conflict and cause nuisances to the residents in surrounding areas; and
- (f) approval of the application would set an undesirable precedent for other similar applications within the “G/IC” zone. The cumulative effect of approving such applications would aggravate the traffic congestion in the district and nuisances to the nearby residents.

3. The Secretary said that the hearing date of the appeal was yet to be fixed. The Secretary would act on behalf of the TPB in dealing with the appeal in the usual manner.

Town Planning Appeal No. 5 of 2013
Four Proposed House (New Territories Exempted House) in “Undetermined” zone,
Lot 757 in D.D. 115, Tung Shing Lei, Nam Sang Wai, Yuen Long
(Application No. A/YL-NSW/212)

4. The Secretary reported that an Appeal was received by the Appeal Board Panel (Town Planning) on 22.4.2013 against the decision of the TPB to reject on review an application for four proposed house (New Territories Exempted House) in the “Undetermined” zone on the Nam Sang Wai Outline Zoning Plan. The application was rejected by the TPB on 1.2.2013 for the following reason:

- As a land use review for the “Undetermined” zone was being undertaken by Planning Department, the approval of the application at this stage was considered premature and might jeopardize the overall land use planning of the area.

5. The Secretary said that the hearing date of the appeal was yet to be fixed. The Secretary would act on behalf of the TPB in dealing with the appeal in the usual manner.

(i) Town Planning Appeal Abandoned

Town Planning Appeal No. 2 of 2012
Temporary Private Garden ancillary to House for a Period of 3 Years
in "Green Belt" Zone, Government Land adjoining
Lot 761 in D.D. 249, Kai Ham, Sai Kung
(Application No. A/SK-HC/191)

6. The Secretary reported that on 19.1.2012, the appellant lodged an appeal to the Appeal Board Panel (Town Planning) (Appeal Board Panel) against the decision of the Board on 11.11.2011 to reject on review the planning application No. A/SK-HC/191 for temporary private garden ancillary to house for a period of 3 years.

7. The appeal site was zoned "Green Belt" on the Ho Chung Outline Zoning Plan. The appeal was part heard by the Town Planning Appeal Board on 25.3.2013 and the hearing had been scheduled for resumption on 9.5.2013. On 25.4.2013, the appeal was abandoned by the appellant on his own accord. On 2.5.2013, the Appeal Board Panel formally confirmed that the appeal was abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations.

Appeal Statistics

8. The Secretary reported that as at 10.5.2013, 19 cases were yet to be heard by the Appeal Board Panel (Town Planning). Details of the appeal statistics were as

follows:

Allowed	:	29
Dismissed	:	129
Abandoned/withdrawn/invalid	:	169
Yet to be heard	:	19
Decision outstanding	:	1
Total	:	347

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

Sai Kung and Islands

Agenda Item 3

[Open Meeting (Presentation and Question Session only)]

Further Consideration of the Draft Tai O Fringe Outline Zoning Plan No. S/I-TOF/C
(TPB Papers 9341)

[The meeting was conducted in Cantonese.]

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

- Mr. Ivan Chung - District Planning Officer/ Sai Kung and Islands,
Planning Department (DPO/SKIs, PlanD)
- Mr. Kenny Lau - Town Planner/SKIs, PlanD

10. The Chairman invited DPO/SKIs to brief Members on the Paper. With the aid of a powerpoint presentation, Mr. Ivan Chung made the following main points as detailed in the Paper:

Background

- (a) on 1.2.2013, the Town Planning Board (the Board) gave preliminary consideration to the draft Tai O Fringe OZP No. S/I-TOF/B (the draft OZP) (TPB Paper No. 9283) and agreed that the draft OZP, the land use

zonings of which follow those of the Tai O Fringe Development Permission Area (DPA) Plan in addition to the incorporation of building height restriction in “Government, Institution or Community” zone, was suitable for submission to the Islands District Council (IsDC) and the Tai O Rural Committee (TORC) for consultation;

- (b) the IsDC and the TPRC were consulted on 25.2.2013 and 7.3.2013 respectively. Upon request of the TORC, a meeting was held with Tai O residents on 9.4.2013. Comments were also received from individual landowners, local villagers and IsDC members on the draft OZP;

Major Comments received

- (c) the major comments received from the IsDC as summarised in paragraph 3.1 of the Paper were:
 - (i) the meeting passed a resolution to oppose the draft OZP for designating private land under conservation zonings;
 - (ii) the Government should revoke the draft OZP as it would affect the value and development potential of private land. All private land should be excised from the draft OZP;
 - (iii) the Board had not considered the local concerns and had not incorporated any amendments to zonings shown on the previous DPA plan;
 - (iv) the “Village Type Development” (“V”) zone could not cope with Small House demand; and
 - (v) local consultation was lacking, landowners had not been informed of the proposed conservation zonings of the private land and their interests had been neglected;
- (d) the major comments received from the TORC and Tai O residents as summarised in paragraph 3.2 of the Paper were:
 - (i) opposed the draft OZP and proposed to rezone the “Conservation Area” (“CA”) and “Green Belt” (“GB”) zones on

- private land to “Agriculture” (“AGR”) zone;
- (ii) the designation of conservation zonings for private land had deprived the rights of the land owners. Such deprivation of their development right violated Articles 6, 40 and 105 of the Basic Law;
 - (iii) the draft OZP would constrain the burial activities of deceased indigenous villagers and take away their burial right on their land. All the existing burial grounds should be excised from the draft OZP;
 - (iv) the previous Tai O Layout Plan (LP) allowed residential development on private land. The sudden change of zonings to “CA” and “GB” on the draft OZP without consultation aroused villagers’ doubts on Government credibility; and
 - (v) the draft OZP should not be submitted to the Board for further consideration if their requests had not been acceded to;
- (e) other major comments received from individual landowners, local villagers as well as IsDC members as summarised in paragraph 3.3 of the Paper were:
- (i) opposed the draft OZP;
 - (ii) the Government had not catered for the development need of Tai O where infrastructure or facilities to serve the locals was lacking;
 - (iii) it was unreasonable and illicit for the Government to cancel the previous Tai O Outline Development Plan (ODP) that permitted Small House development in the areas currently zoned “CA” and “GB” on the draft OZP; and
 - (iv) it was unfair to take enforcement action in the vicinity of Leung Uk Tsuen, by prosecuting the landowner instead of the person committing the unauthorised land filling activities;

PlanD’s Views

- (f) PlanD’s views on the points raised by IsDC, TORC and other members

of the public as summarised in paragraph 4 of the Paper were:

Against gazettal of the Draft OZP without amendments (as compared to zonings on the DPA Plan) and proposed revocation of the Draft OZP

- (i) the DPA Plan was effective only for a period of 3 years until 4.6.2013 pursuant to section 20(5) of the Ordinance. The preparation of the draft OZP to replace the DPA Plan was essential in maintaining statutory planning control over the Tai O Fringe area upon expiry of the DPA Plan;
- (ii) the statutory plan-making process would ensure that public views would be duly considered through the submission of representations and comments, and all the representations and comments would be heard by the Board. The draft OZP together with the representations and comments would be submitted to the Chief Executive in Council for final decision. There was no reason and no provision for revocation of a draft OZP;
- (iii) the draft DPA Plan was formulated based on the previous planning studies including the Study on Revitalization of Tai O, the Revised Concept Plan for Lantau and the Improvement Works for Tai O Facelift, for which public consultations had been conducted. The Board had considered all representations and comments on the DPA Plan on 3.12.2010 and decided not to uphold those representations. Both local concerns and departmental comments had been considered in undertaking the zoning review for preparing the draft OZP;
- (iv) the major local concerns included the expansion of “V” zone to meet Small House demand, the relaxation of development restrictions within “CA” zone, the claim for resumption and compensation for private land under the conservation zonings

and the proposal for construction of a coastal road linking Tai O and Tung Chung had been relayed to the Board at its meeting on 1.2.2013. As there was no change in circumstances, the Board had decided not to make any amendments to the zoning previously shown on the draft DPA Plan in the draft OZP;

Opposition to the Draft OZP designating private land under conservation zonings.

- (v) there was no private land within the “CPA” zone. There were six “CA” zones on the draft OZP, and private land was mainly concentrated in the “CA” zones covering the Tai O Reedbed and the area to the east of Lung Tin Estate;
- (vi) the DAFC confirmed that both the Tai O Reedbed and mangrove area to the east of Lung Tin Estate were recognized habitats of conservation importance and supported the “CA” zone;
- (vii) private lots within the “GB” zones generally comprised areas covered with natural vegetations, hillslopes and fallow agricultural land. These scattered private lots formed an integral part of the wider “GB” zones, which were worthy of protection so as to preserve the existing topography and natural vegetation;

TORC’s Proposal to rezone the private land from “CA” and “GB” to “AGR”

- (viii) due to the ecological value of areas zoned “CA” and “GB” as explained above, the proposal to rezone these areas to “AGR” was not supported by the Agriculture, Fisheries and Conservation Department (AFCD);

- (ix) according to the Notes of the draft OZP, “Agricultural Use (other than Plant Nursery)” and “Agricultural Use” were always permitted within the “CA” and “GB” zones respectively. Hence, both “CA” and “GB” zones would not deprive any landowners of the Old Schedule Agricultural Lots under Block Government Lease of their right for agricultural use;
- (x) the use of any land or building which was in existence before the publication of the draft DPA Plan was not affected;
- (xi) for development on a building lot which fell within the “GB” zone, application might be made to the Board under section 16 of the Ordinance;

Insufficient land for Small House development in “V” zone and there should be respect for indigenous villagers’ right

- (xii) the existing "V" zones, covering an area of 6.57 ha., had been reviewed in the course of preparing the draft OZP. Apart from the ‘VE’ of Leung Uk Tsuen, the local topography, the existing land use, the site constraints, the outstanding Small House applications, as well as Small house demand had also been considered;
- (xiii) as advised by DLO/Is, LandsD, the present outstanding number of Small House applications was six and the forecast 10-year Small House demand was 80, which had remained unchanged since the gazettal of the draft DPA Plan. It was estimated that about 2.18 ha of land (or equivalent to 87 Small House sites) was considered suitable for Small House development in the “V” zones. There was therefore sufficient land to meet the forecast demand and the outstanding applications for Small House;
- (xiv) there was no strong planning justification to expand the “V”

zone to the adjacent areas in the “GB” zone which were originally natural wetland habitats adjoining the Tai O Reedbed but were degraded by land filling and dumping incidents over the past years. These areas were considered suitable to serve as a buffer to protect the Tai O Reedbed and the Director of Agriculture, Fisheries and Conservation (DAFC) considered that the buffer area should be retained as far as possible to protect the reedbed from further loss. Otherwise, it would exemplify another example of “Destroy First, Build Later” incident and might arouse strong public criticisms;

- (xv) application for development of Small House outside the “V” zone might be made to the Board under sections 12A and 16 of the Ordinance;

Constraining the burial activities and taking away the burial right of indigenous villagers and locally based fishermen

- (xvi) to respect the villagers’ burial right, the Covering Notes of the draft OZP stipulated that burial activities within the existing permitted burial grounds (in "GB" zone) were always permitted;
- (xvii) although there was no need for the extension of the existing burial grounds at this stage, “Burial Ground” was suggested to be incorporated into Column 2 of the “GB” zone of the draft OZP to provide flexibility for further extension or provision of new burial ground through the planning application system. Paragraph 9.6.2 of the Explanatory Statement was proposed to be amended accordingly;

Insufficient Public Consultation

- (xviii) the preparation of the draft OZP was in accordance with the provisions of the Ordinance which ensured that the public would be duly consulted in the statutory plan-making process. Any

persons could make representations and comments to the Board, and be heard by the Board. The draft OZP would be submitted to the Chief Executive in Council for its final decision;

- (xix) the IsDC and the TORC were duly consulted on the draft OZP and a meeting with Tai O residents was held to listen to their views on the draft OZP;

Draft OZP violated the Basic Law

- (xx) Article 40 of the Basic Law was about protection of the lawful traditional rights and interests of the indigenous inhabitants of the New Territories. Insofar as the rights and interests embodied by the hillside burial policy and the Small House policy had already been qualified by the system of OZP before the Basic Law came into force on 1.7.1997, subjecting them to planning controls imposed by the draft OZP would not be inconsistent with Article 40 of the Basic Law;
- (xxi) Articles 6 and 105 of the Basic Law were about protection of private property rights and compensation for lawful 'deprivation' of property. Some Tai O residents argued for compensation for land owners affected by the draft OZP. However, the planning controls imposed by the draft OZP would not involve any formal expropriation of property nor would they leave the land concerned without any meaningful alternative use. As such, they would not constitute 'deprivation' of property for the purpose of Article 105 of the Basic Law (that would require payment of compensation);

Inadequate Infrastructure Planned for Tai O

- (xxii) there were comments that the Government had not catered for the development of Tai O and there was a lack of infrastructure or facilities to serve the locals;

(xxiii) the following infrastructure were planned:

- the Improvement Works for Tai O Facelift was being implemented by the CEDD. The Phase 1 works had been substantially completed in the first quarter of 2013 and the remaining improvement works were under detailed design stage;
- the Drainage Services Department was planning works to extend the public sewerage system to the unsewered areas of Tai O and the Water Supplies Department was planning for the expansion of water supplies facilities;
- as to TORC's proposal for a coastal road from Tung Chung to Tai O, the Commissioner for Transport (C for T) advised that there was no justification for the proposed road link considering the overall planning concept of Lantau with major economic infrastructure and urban development focused in North Lantau, and nature conservation and environmentally sustainable recreational and visitor uses in other parts of Lantau;

Affecting market value and selling price of private land and demand for compensation.

(xxiv) the designation of various land use zones on the draft OZP was based on relevant land use considerations in consultation with departments concerned. The anticipated market values and selling prices of the private land due to land use zonings were not material factors taken into account by the Board;

(xxv) as to the issue on compensation, it fell outside the purview of the Board;

Cancellation of Previous Tai O LP and Tai O ODP

(xxvi) the previous Tai O ODP and Tai O LP were departmental plans

prepared in the 1980s. As they no longer reflect the latest planning intention for Tai O, the ODP and LP were cancelled in 2001;

(xxvii) subsequently, the DPA Plan incorporating the recommendations of the revitalization strategy and the Improvement Works for Tai O Facelift – Feasibility Study completed in 2009 was gazetted in 2010 to provide an updated planning guidance for the Area and to facilitate development control within the Area.

Unfair Enforcement Action

(xxviii) under section 20(7) and (8) and section 21 of the Ordinance, any person who undertook or continued an unauthorized development (i.e. the occupier or person responsible for the unauthorized development) committed an offence and might be prosecuted. The enforcement and prosecution of the landowners for the subject case had been carried out by the Planning Authority, in accordance with the provisions of the Ordinance;

Advice Sought

- (g) Members were invited to note the results of the consultation with the IsDC, TORC and other public views on the draft Tai O Fringe Outline Zoning Plan (OZP) No. S/I-TOF/B and PlanD's responses on those comments; and
- (h) Members were invited to agree that the draft Tai O Fringe OZP No. S/I-TOF/C, its Notes and Explanatory Statement (as included in Appendices I to III of the Paper) were suitable for public inspection under section 5 of the Ordinance.

11. As the presentation was completed, the Chairman invited questions from Members.

12. The Chairman said that there were some structures in the Hang Mei area and asked why no “V” zone was designated there. In response, Mr. Ivan Chung (DPO/SKIs) explained that the “V” zones on the draft OZP were mainly designated for Leung Uk Tsuen, San Tsuen and Wan Hang. The Hang Mei area was outside any ‘VE’ and was occupied by temporary structures. In response to the Chairman’s question of whether it was possible to extend the “V” zone further southward into the areas zoned “GB”, Mr. Ivan Chung said that the areas to the south of Leung Uk Tsuen were steep slopes which were not suitable for Small House development.

13. The Chairman said that large areas had been put under conservation zoning and he asked DPO/SKIs to explain the rationale for such designations. Mr. Ivan Chung said that in response to the public concerns about the conservation value of the private land within the “CA” zone, PlanD had further consulted DAFC in particular about the “CA” zones covering the Tai O Reedbed and the mangrove area to the east of Lung Tin Estate. The DAFC re-confirmed support for the “CA” zones for those areas. In particular, the DAFC confirmed that the Tai O Reedbed was a recognized habitat of conservation importance, being one of the largest remaining reedbeds in Hong Kong and known to support various fauna of conservation interest. A few Four-spot Midget and over thirty other species including birds, dragonflies and butterflies were spotted by the AFCD at a recent site visit. The area to the east of Lung Tin Estate was mainly covered with mangroves, and had been identified as the densest and most homogenous patch of mangroves at Tai O. Such habitat provided important foraging and roosting sites for many wetland birds and was worth protecting to preserve the ecological integrity of the area.

14. Members noted the comments from and responses to the IsDC, the TORC and members of the public on the draft Tai O Fringe OZP No. S/I-TOF/B. After deliberation, the Board:

- (a) agreed that the draft Tai O Fringe OZP No. S/I-TOF/C (to be renumbered as S/I-TOF/1 upon gazetting) and its Notes (in Appendices I and II of the Paper) were suitable for exhibition for public inspection under section 5 of the Ordinance;

- (b) adopted the Explanatory Statement (in Appendix III of the Paper) as an expression of the planning intentions and objectives of the Board for various land use zonings of the draft Tai O Fringe OZP No. S/I-TOF/C; and
- (c) agreed that the Explanatory Statement was suitable for exhibition for public inspection together with the draft OZP and issued under the name of the Board.

15. The Chairman thanked the PlanD's representatives for attending the meeting. They left the meeting at this point.

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

Agenda Item 4

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comment to the Draft Yi O Development Permission Area Plan No. DPA/I-YO/1
(TPB Papers 9342)

[The meeting was conducted in Cantonese.]

16. The Chairman said that the representations would be considered under three groups. The Chairman said that the deliberation session would be held after the presentation and question sessions for all the three groups.

Group 1: R1 to R42 and R144

17. The Chairman said that sufficient notice had been given to the representers of Group 1 to invite them to attend the meeting. Members agreed to proceed with the hearing of the representations in Group 1 in the absence of the other representers who had indicated that they would not attend or had made no reply to the invitation for the meeting.

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

being one of the Country Park enclaves, had to be covered by a statutory plan;

- (c) the key chronology of events for the DPA Plan were:
- (i) on 8.11.2012, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(b) of the Ordinance, to prepare a draft plan designating Yi O and Nga Ying Kok as a DPA;
 - (ii) on 16.11.2012, the draft Yi O DPA Plan No. DPA/I-YO/C (to be re-numbered to No. DPA/I-YO/1) was agreed by the Board for exhibition for public inspection under section 5 of the Ordinance;
 - (iii) on 23.11.2012, the draft DPA Plan No. DPA/I-YO/1 was exhibited for public inspection under section 5 of the Ordinance; and
 - (iv) according to the Ordinance, the DPA Plan would be replaced by an OZP within three years. In the preparation of the OZP, land use zonings for the Area would be comprehensively reviewed subject to a more detailed analysis of the land use pattern, infrastructure provisions and local need.

Representations and Comments

- (d) the representation would be considered in three groups:
- (i) Group 1 representations (R1 to R42 and R144) were submitted by green groups and members of the public who supported protection of the natural habitats in Yi O;
 - (ii) Group 2 representations (R43 to R143) opposed the DPA Plan and were mainly concerned about agricultural and village rehabilitation in Yi O; and
 - (iii) Group 3 was for consideration of the comment (C1) that opposed some representations under Group 1;

Grounds of Representations

- (e) the 37 supportive representations in Group 1 (R1 to R37) were submitted by green groups and their main grounds as summarised in paragraph 2.3 of the Paper were:
- (i) supported the general planning intention of the DPA Plan and welcomed the introduction of statutory planning control to Yi O Area (the Area) (R1, R2, R3 to R6, R8 to R32);
 - (ii) the area had a wide range of natural habitats with high ecological value that should be protected. Excavation activities / vegetation clearance should be stopped and further environmental degradation should be prohibited (R1, R2, R5, R8, R9, R10, R11, R13 to R23, R26, R27, R28, R33, R34);
 - (iii) inclusion of long abandoned house lots in the Area into “V” zones was not justified as the houses were ruined and there was no population within the Area (R6);
 - (iv) major development plans including agricultural rehabilitation should include comprehensive assessment to address adverse impacts on the environment. Any “destroy first, build later” approach should not be tolerated as it would destroy the ecological value of the Area (R1, R2, R5, R25, R29, R30, R33 to R37); and
 - (v) there were large scale excavation and vegetation clearance activities which would have adverse ecological impact on the natural habitats (R1, R2, R4, R5, R11, R12, R21, R23, R24, R26 and R35);
- (f) the six adverse representations in Group 1 (R38 to R42 and R144), submitted by members of the public, opposed the DPA Plan on the grounds that the DPA Plan would affect the natural habitat and high ecological value of the Area. Their main grounds as summarised in paragraph 2.4 of the Paper were:
- (i) the DPA Plan was insufficient to protect the Area as it would later lead to development of Yi O and the development zonings

- would destroy the natural environment (R38 to R42 and R144);
- (ii) the DPA Plan would cause damage to wetland and sea shore marsh and destroy the natural environment (R41 and R42); and
- (iii) Yi O was a pristine natural habitat of endangered species which should be protected (R38, R39, R40 and R42);

Representer's Proposals

- (g) the main proposals of the representers as summarised in paragraphs 2.6 to 2.9 of the Paper were:
 - (i) the Area should be covered by conservation zonings so as to protect the environment while supporting genuine agricultural activities. The future zonings should not only reflect the conditions and characters of the Area but also facilitate the restoration of the natural habitats (R1 to R3, R5, R7, R10, R13 to R23, R25 to R32, R34 to R37, R40);
 - (ii) the natural habitat of Romer's Tree Frog, wetland, freshwater marsh, mangroves and the buffer zones along the stream courses in the Area should be designated with conservation zonings such as "Conservation Area" ("CA") and "Coastal Protection Area" ("CPA"). Designation of Yi O as a "Site of Special Scientific Interest" ("SSSI") was also suggested. The "Unspecified Use" designation did not form a sound basis for a sustainable plan, or ensure a quality urban design and living environment (R2, R4, R6, R7, R34 to R39 and R41);
 - (iii) effort to survey the ecological value of the "V" zone was necessary to ensure protection of species and habitats of conservation interest. The Agriculture, Fisheries and Conservation Department (AFCD) had to undertake a thorough baseline ecological assessment for Yi O (R6); and
 - (iv) as the DPA Plan would bring in more development, the Board was urged to refuse any application for change of use and immediate reinstatement of the Area was necessary (R144);

- (h) the main proposals of the representers that were not directly related to the DPA Plan as summarised in paragraph 2.13 to 2.15 of the Paper were:
- (i) in view of its abundant natural resources and high bio-diversity, Yi O should be included in a country park (R2, R5, R6, R34 to R38 and R41);
 - (ii) the Board was urged to immediately resume the preparation of village layout plans for all village zones and area where Small House developments were permitted, with priority accorded to the Frontier Closed Area, the 'enclaves' within or adjacent to Country Park, and all other areas with special landscape, geological or ecological value (R4); and
 - (iii) the Board was urged to prepare DPA Plans for all areas which were yet to be covered by plans (R4).

Public Consultation

- (i) the DPA Plan was presented to Tai O Rural Committee (TORC) on 6.12.2012. At the meeting, Village Representatives (VRs) of TORC expressed their concerns on the provision of insufficient land for Small House development; that the villagers' intention and plan to rehabilitate agricultural activities in Yi O should be reflected in the planning intention of the DPA Plan; the control on rehabilitation of agricultural activities in the DPA Plan was even more stringent than in a Country Park; the village 'environs' ('VE') of Yi O should be respected in the DPA Plan; and compensation should be provided if private lots were used for conservation purposes. The TORC submitted a representation (R51);
- (j) the Islands District Council (IsDC) was consulted by PlanD on 17.12.2012. The main concerns of the IsDC Members were that there was insufficient consultation with the local stakeholders; designation of land owned by the villagers as conservation area would infringe the rights of the land owners and their properties would be adversely

affected; the description in the Explanatory Statement of the DPA Plan (ES) that Yi O was abandoned and ruined was misleading and biased; and it would be unfair to land owners if private land was included in the DPA Plan with zonings that would restrict development uses. The Chairman concluded that the IsDC objected to the DPA Plan; and

- (k) during the meetings with TORC and IsDC, PlanD had explained that the DPA Plan was interim in nature and the “V” zone was provisionally drawn up to primarily reflect the existing village cluster. Agricultural use was an always permitted use in the Area and the agricultural rehabilitation plan proposed by the locals would not be pre-empted by the DPA Plan. Detailed zonings would be prepared at the OZP stage in consultation with departments concerned and relevant stakeholders;

Planning Considerations and Assessments

Representation Sites and their Surrounding Areas

- (l) the representation sites covered the whole area of the DPA Plan which was about 23.34 ha. Except for about 0.19 ha of land zoned “V”, the remaining areas (23.15 ha) had been designated as ‘Unspecified Use’ area;
- (m) the Area was rural in character and mainly covered by natural vegetation similar to that of the adjoining Lantau North and Lantau South Country Parks. There were a few abandoned dilapidated houses and ruins within Yi O San Tsuen;
- (n) according to the Director of Agriculture, Fisheries and Conservation (DAFC), the woodlands in the Area together with the streams nearby were important habitats for the protected Romer’s Tree Frogs which had been recorded in Yi O. The wooded areas at the periphery of the Area formed a continuous stretch of well-established vegetation with those located at the adjacent Lantau North and South Country Parks,

which were foraging and nursery grounds for mammals and butterflies. Floral species of the Area were mostly common and widespread. A protected species *Aquilaria sinensis* (土沉香) could be found in the Area. At the estuarine area of Yi O was a mature mangrove stand. Low-lying areas adjacent to the sea were occupied by inter-tidal water ponds, marshes, estuarine mangroves and reed-bed;

Planning Intention of the “Unspecified Use” Designation

- (o) owing to the urgency of preparing the DPA Plan, the Area had largely been designated as “Unspecified Use” area pending detailed analysis and studies to establish the appropriate land uses in the course of the preparation of replacement OZP;
- (p) any use and development other than “agricultural use” and some uses which were permitted under the covering Notes of the DPA Plan would require planning permission. As diversion of streams, filling of land/pond or excavation of land might cause adverse drainage impact on the adjacent areas and adverse impacts on the natural environment, permission from the Board was required for such activities except public works co-ordinated or implemented by Government;

Planning Intention of the “V” Zone

- (q) the “V” zones on the DPA Plan were drawn up provisionally around the existing village clusters taking into account the local topography and site characteristics. However, the boundaries of the “V” zones would be further defined during the preparation of OZP stage to take account of Small House demand and developments, and the results of relevant assessments/studies on various aspects including development need, conservation value, the environment, vegetation, topography, landscape character and infrastructure etc.;

Responses to Grounds and Proposals of Representations

(r) the responses to the grounds of the supportive representations were:

Protection and Conservation of the Natural Area and the Ecological Values of Yi O

(i) in response to the ground about the inclusion of abandoned house lots, it should be noted that the planning intention of the “V” zone was to reflect and respect the existing recognized village in Yi O. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. It was also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services (R6);

Concerns on “Destroy First, Build Later” and on Unauthorised Activities in the Area (R1, R2, R5, R25, R29 R30, R33 to R37)

(ii) to prevent haphazard developments and conserve the natural character of the Area, the DPA Plan had been prepared to cover the Area to provide planning guidance and development control pending preparation of an OZP and to enable enforcement actions to be taken against any unauthorized development and undesirable change of use. Any development within “Unspecified Use” area, except agricultural use, had to be submitted to the Board for consideration; and

(iii) one of the main objectives of the preparation of the DPA Plan was to empower the Planning Authority to undertake enforcement action against any unauthorised development and undesirable change of use in the Area. Should unauthorised development be identified in the future, enforcement action

would be instigated under the Ordinance;

Protect the Natural Habitat and High Ecological Value of the Area

- (s) in order to protect and conserve the existing and natural environment of the Area and to prevent haphazard and uncontrolled developments and associated engineering works, it was necessary to prepare a DPA Plan for the Area to ensure proper planning control and enforcement against any unauthorized development (R38 to R42 and R144);
- (t) the responses to the representer's proposals in Group 1 were:

New Conservation Zonings for the DPA Plan (R1 to R3, R5, R7, R10, R13 to R23, R25 to R32, R34 to R37, R39 to R41)

- (i) some representers put forth the suggestion that the Area should be covered by conservation zonings so as to ensure protection of species and habitats of conservation interest. At present, there were only "V" zone and area designated as "Unspecified Use" on the DPA Plan. As the DPA Plan was interim in nature and would be replaced by an OZP within 3 years, a more detailed study and analysis of the land use pattern, infrastructure provisions and local need would be carried out in proposing land use zonings for the Area at the OZP stage. Relevant stakeholders would be consulted during the process;

The Board Should Reject Any Application for Change of Use (R144)

- (ii) the DPA Plan was not intended to freeze all development but was to provide proper planning control and enforcement in the Yi O area. Under the DPA Plan, except uses which were always permitted as stipulated in the Notes of the DPA Plan, other uses required planning permission from the Board;

Proposals not Directly Related to the DPA Plan

- (iii) regarding the proposal to incorporate Yi O into Country Park, it should be noted that designation of Country Park was under the ambit of the Country and Marine Parks Authority (CMPA) governed by the Country Parks Ordinance (Cap. 208) which was outside the purview of the Board (R2, R5, R6, R34 to R38);

- (iv) regarding the proposal to resume the preparation of village layout plans, PlanD had prepared a number of village layout plans covering various recognized villages in the territory. For the existing village layout plans, PlanD would continue to monitor the situation and update them, if required. The preparation of new village layout plans for villages covered by existing OZPs would depend on a number of factors such as availability of resources for implementation, manpower and priority of works within PlanD. For the new DPA Plans which had just been completed such as the current DPA Plan, OZPs with specific land use zonings should be prepared before layout plans could be contemplated (R4);

- (v) regarding the proposal to prepare DPA plans for other areas, the Government's long-term target was to prepare OZPs for all areas of Hong Kong except areas covered by Country Parks. Such task would be undertaken having regard to development pressure and priorities, and resources availability. With regard to the protection of Country Park enclaves, the 2010-2011 Policy Address had also stated that the Government would either include the remaining 'enclaves' into Country Park, or determine their proper uses through statutory planning in order to meet conservation and social development needs (R4);

Comment (C1) and Response to Comment

- (u) one comment (C1) objecting to the views of R1, R2, R4 and R6 was received. C1, that would be considered under Group 3, considered that the DPA Plan would bring about adverse impacts on the rehabilitation to Yi O Villages. The actions of environmental protection and ecological conservation of green groups would infringe the development rights of the villagers in the Area;
- (v) the response to the C1 was that the general planning intention for the Area was to protect the natural landscape and the tranquil character from encroachment by unauthorized development and from undesirable change of use. The planning intention was also to reflect the existing recognized villages. Under the DPA Plan, agricultural activities were always permitted. The Plan would not deprive the owners of their right to carry out agricultural activities under the village rehabilitation. Moreover, there was provision under the planning application mechanism for changes of uses;
- (w) the government departments consulted were detailed in paragraph 7 of the Paper; and

PlanD's Views

- (x) based on the planning considerations and assessments in paragraph 6 of the Paper as summarised above, the PlanD considered that:
 - (i) the supporting representations and views on conservation of the Area were noted (R1 to R37);
 - (ii) the concerns about possible unauthorised developments in the Area and their proposals to undertake enforcement actions against unauthorised developments were noted (R1, R2, R5, R25, R29 R30, R33 to R37); and

- (iii) did not support the adverse representations (R38 to R42 and R144) as well as the proposals from all representers and considered that the adverse representations should not be upheld and the DPA Plan should not be amended to meet the representations.

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

R1 – WWF Hong Kong

Mr. Alan Leung

Mr. Chan Chung Ming

21. Mr. Alan Leung made the following main points:

- (a) they supported the DPA Plan that introduced statutory planning control in Yi O;
- (b) Hong Kong had joined the Convention on Biological Diversity and had a responsibility to protect bio-diversity of Hong Kong. The Yi O area had high ecological value worthy of preservation, in particular, the area was a recognised site for Romer's Tree Frog. Any development in Yi O should not affect its bio-diversity;
- (c) they had no in-principle objection to agricultural activities. However, any large scale activities that might affect the environment should be carefully planned;
- (d) during their site visits to Yi O, it was observed that land excavation activities had caused pollution in stream courses, and some tree felling activities were within or at the periphery of the Country Parks. These land excavation and tree felling activities had adversely affected the ecology and environment in Yi O; and

- (e) agricultural uses were also permitted within conservation zones. Hence, including some ecologically sensitive areas into conservation zones would not deprive agricultural activities in the Area.

R4 - Designing Hong Kong Limited

Ms. Debby Chan

22. Ms. Debby Chan made the following main points:

- (a) they supported the DPA Plan to protect Yi O;
- (b) before the DPA Plan was gazetted, Yi O was already destroyed in the name of 'fake farming'. The villagers used agricultural activities as an excuse to excavate the land and fell trees. This had destroyed the ecology and environment of Yi O. They also understood that some villagers had signed a 30-year contract with a developer to build a tourism centre with hotel at Yi O; and
- (c) the DPA Plan should not only designate the Area as 'Unspecified Use', the Board should consider other conservation zonings that would better protect the environment but would still allow agricultural activities.

R3 – Kadoorie Farm & Botanic Garden Corporation

Mr. Tony Nip

Ms. Woo Ming Chuan

23. With the aid of a powerpoint presentation, Mr. Tony Nip made the following main points:

- (a) Members were shown the locations of some natural stream courses in Yi O, including the Shui Lo Cho;
- (b) aerial photos taken in 2010 showed that the area was with dense vegetation, fallow agricultural land, wetland habitats and stream courses. However, the aerial photo taken in 2013 showed that

vegetation had been cleared on an extensive area, which included areas that appeared to be within Country Parks;

- (c) the Shui Lo Cho area should be zoned “CA” or even “SSSI” to ensure better protection to the Area. The AFCD was drawing up a list of stream courses with ecological value and they had recommended that Shui Lo Cho should be included; and
- (d) they did not object to ‘real’ agricultural rehabilitation. He said that agricultural activities were allowed within areas zoned “CA” and “CPA” and photos of a farm within “CPA” on Lantau Island was shown. From a nature conservation perspective, the area should not become concrete paved.

24. As the presentations were completed, the Chairman invited questions from Members.

[Ms. Julia M.K. Lau left the meeting temporarily at this point.]

DPA Plan Control on Agricultural Activities

25. In response to a Member’s question about the chronology of events leading to the gazettal of the DPA Plan, Mr. Ivan Chung (DPO/SKIs) explained that on 8.11.2012, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(b) of the Ordinance, to prepare a draft plan designating Yi O and Nga Ying Kok as a DPA. On 16.11.2012, the draft Yi O DPA Plan No. DPA/I-YO/C (to be re-numbered to No. DPA/I-YO/1) was agreed by the Board for exhibition for public inspection under section 5 of the Ordinance. On 23.11.2012, the draft DPA Plan No. DPA/I-YO/1 was exhibited for public inspection under section 5 of the Ordinance.

26. Mr. Ivan Chung said that before the gazettal of the draft DPA Plan, the Administration was already aware of tree felling, vegetation clearance and extensive excavation activities in the Area. The Central Enforcement and Prosecution Section of PlanD had conducted site investigations in the Area and had to-date found agricultural

activities in the Area. Some agricultural activities appeared to have been extended into the Country Park area and / or occupying some government land. Those matters had been referred to the District Lands Office (DLO) and AFCD for their necessary investigation and follow-up action.

27. Another Member asked whether land excavation was mainly found on private land. In response, Mr. Ivan Chung showed a plan of the land ownership pattern of the Area. He said that the DPA Plan covered about 23 ha of land and about 29% of Areas was under private land ownership. The agricultural activities observed were mainly carried out on private land with some areas appeared to have fallen onto government land, but this was subject to verification by the DLO. In response to the same Member's question, Mr. Ivan Chung said that some sections of the Lantau Trail, Yi O Kau Tsuen and the estuary area of Shui Lo Cho were on private land.

28. The Chairman asked whether R4 had any evidence about the 30 year-contract signed between a developer and the villagers for development of a tourism centre with hotels in the Area as mentioned in her presentation. In response, Ms. Debby Chan (R4) said that she did not have the evidence on hand but she could provide the information to the Board after the meeting.

29. As the representers and the representers' representatives of Group 1 had finished their presentations and Members had no further question to raise, the Chairman informed them that the hearing procedures had been completed and the Board would deliberate on the representations in their absence and inform the representers of the Board's decision in due course. The Chairman thanked the PlanD's representatives and the representers and their representatives for attending the hearing. They all left the meeting at this point.

[Mr. Clarence W.C. Leung, Mr. Timothy K.W. Ma and Ms. Janice W.M. Lai left the meeting temporarily and Ms. Anita W.T. Ma left the meeting at this point.]

Group 2 : R43 to R143

30. The Chairman said that sufficient notice had been given to the representers in

Group 2 to invite them to attend the meeting. Members agreed to proceed with the hearing of the representations in Group 2 in the absence of the other representers who had indicated that they would not attend or had made no reply to the invitation for the meeting.

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

Mr. Ivan Chung	District Planning Officer/ Sai Kung and Islands, (DPO/SKIs), PlanD
Mrs. Margaret Lam	Senior Town Planner / SKIs, PlanD
Mr. Tony Tso	Town Planner/SKIs, PlanD

R43 (AN Agridev Company Limited)

Mr. Lee Lap Hong]	
Ms. Vince Cheung]	
Mr. Andrew Lam]	Representer's Representative
Ms. Sophia Wang]	
Mr. Patrick Lam]	
Mr. Wong Hong Yiu]	

R50 (Yu Hon Kwan)

Mr. Yu Hon Kwan	-	Representer
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R51 (Tai O Rural Committee)

Mr. Lee Chi Fung]	Representer's Representative
Mr. Lau Cheuk Wing]	

R53 (Kung Hok Shing – Indigenous Villagers Representative of Yi O)

Mr. Kung Hok Shing	-	Representer
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R56 (Wong Loi Mun – Fishermen's Representative in TORC)

Mr. Wong Loi Mun	-	Representer
Mr. So Kwong	-	Representer's Representative

R67 (Lau Cheuk Wing)

Mr. Lau Cheuk Wing - Representer

R74 (Kung Yee Ling)

(Ms. Kung Yee Ling) - Representer

R75 (See Shuet Mui)

Ms. See Shuet Mui - Representer

R78 (Kung Ka Wai)

Mr. Kung Ka Wai - Representer

R80 (Kung Wai Hing)

Mr. Kung Wai Hing - Representer

R81 (Kung Man Tak)

Mr. Kung Man Tak - Representer

R84 (Kung Kam Shing)

Mr. Kung Kam Shing - Representer

R85 (Cheng Oi Mei)

Ms. Cheng Oi Mei - Representer

R86 (Kung Chun To)

Mr. Kung Chun To - Representer

R89 (Kung Wing Lam)

Ms. Kung Wing Lam - Representer

R91 (Leung Kit Ying)

Ms. Leung Kit Ying - Representer

R92 (Kung Wai Ue)

Mr. Kung Wai Ue - Representer

R93 (Kung Hing Choi)

Mr. Kung Hing Choi - Representer

R94 (Nam Chi Yin)

Mr. Nam Chi Yin - Representer

R95 (Yau Siu Chun)

Ms. Yau Siu Chun - Representer

R98 (Nam Tsz Wai)

Mr. Nam Tsz Wai - Representer

R100 (Lee Yim Hung)

Ms. Lee Yim Hung - Representer

R101 (Kung Lok Yan)

Ms. Kung Lok Yan - Representer

R102 (Kung Lok Lam)

Ms. Kung Lok Lam - Representer

R103 (Cheng Fuk Chuen)

Mr. Cheng Fuk Chuen - Representer

R104 (Chu Yuk Ping)

Ms. Chu Yuk Ping - Representer

R105 (Cheng Chuen Tai)

Ms. Cheng Chuen Tai - Representer

R106 (Cheng Yung Kiu)

- Ms. Cheng Yung Kiu - Representer
Ms. Chu Yuen Man - Representers' Representative

R117 (Cheng Chi Ming)

- Mr. Cheng Chi Ming - Representer

R121 (Cheng Chi Wai)

- Mr. Cheng Chi Wai - Representer

R124 (Cheng Chi Wing)

- Mr. Cheng Chi Wing - Representer

32. The Chairman extended a welcome and explained the procedures of the hearing. The Chairman then invited the representatives of the PlanD to brief Members on the background of the representations. With the aid of a powerpoint presentation, Mrs. Margaret Lam (STP/SKIs, PlanD) made the following main points as detailed in the Paper:

- (a) the presentations regarding the background, public consultation, and planning considerations and assessments (regarding representation sites and their surrounding areas, planning intentions for "Unspecified Use" designation and "V" zone) were the same as that recorded in paragraphs 19(a), 19(i), and 19 (1) to 19(q) above;
- (b) the 101 adverse representations (R43 to 143) to be considered in Group 2 opposed the DPA Plan;

Grounds of Representations

- (c) the main grounds of the representations as summarised in paragraph 2.5 of the Paper were:

Agricultural Activities/Rehabilitation of Yi O Village Would Be Affected

- (i) there was a lack of positive message on whether the historic settlement would be salvaged. The requirement to seek planning permission for “any” diversion of streams, filling of land/pond or excavation of land for the agriculture use, was much more stringent than that in a Country Park. The rehabilitation of agriculture which was a beneficial use of land and provided a tranquil learning environment to bring about a simple living for the families and community had not been accorded with any weight during the plan preparation process (R43 to R49, R53 to R70);
- (ii) Yi O Old Village (Yi O Kau Tsuen) was ignored and excluded from the DPA Plan (R53). The Yi O New Village should not be separated from the Old Village. The overall needs and integrated planning of the two villages should not be ignored. The villagers of the two villages should not be polarised. There should be comprehensive planning for reinstatement of the villages and rehabilitation of agricultural activities (R53, R71 to R125, R126 to R143);

Opposing the “V” zone

- (iii) there was insufficient land available within “V” zone for development of New Territories Exempted Houses (NTEH). The village ‘environs’ (‘VE’) of Yi O should be respected in the DPA Plan. The Explanatory Statement of the DPA Plan (ES) regarding village houses in Yi O was misleading and biased because the village was described as abandoned and ruined. The local villagers had reflected their village rehabilitation intention to the District Office (Islands) but it seemed that the DPA Plan did not take this into account. The Plan was formulated from the perspective of urban dwellers rather than the views of the villagers of Yi O (R50, R51 and R53);

Opposing the Designation of Land as Conservation Areas

- (iv) conservation should not ignore the culture and history of this ancient village of more than 400 years. Designation of land as conservation areas was not appropriate and the interim nature of the DPA Plan was not convincing. Designation of land as conservation areas would affect the properties and infringe the rights of land owners (R50, R51, R52, R53, R71 to R125, R126 to R143); and

Insufficient/ No Consultation

- (v) the DPA Plan had been formulated without thorough public consultation. There was insufficient/no consultation with the concerned land owners/local stakeholders/villagers prior to the publication of the DPA Plan (R50, R51);

Representer's Proposals

- (d) the main proposals of the representations under Group 2 as summarised in paragraphs 2.10 to 2.12, 2.16 and 2.17 of the Paper were:
 - (i) the planning intention of the Area and restrictions regarding the rehabilitation of agricultural activities and Yi O Village should be clarified. Planning permission(s) for agricultural use and excavation should not be required. Relevant authorities should formulate an irrigation and drainage plan for the Area. The villagers' plan to rehabilitate agricultural activities in Yi O should be reflected in the planning intention of the DPA Plan (R43 to R49 and R53 to R143);
 - (ii) the boundaries of "V" zone should follow the 'VE' of Yi O and sufficient land should be reserved for Small House development. The "V" zone should meet the development needs of the village in the future 35 years. Besides, the Government should

compensate the villagers as the DPA Plan had severely affected the villagers and caused severe losses to them (R51, R53, R71 to R125);

- (iii) the DPA Plan should be shelved and withdrawn in order not to affect the reinstatement of the Yi O Village and the rehabilitation of agricultural activities (R50, R54 to R70, R126 to R143);

Proposals Not Directly Related to the DPA Plan

- (iv) different infrastructural facilities should be provided:
- the existing damaged jetties at Yi O should be reinstated to provide permanent piers for larger vessels (R53, R71 to R125). Road, water, electricity, fire services, street lighting, telecommunications, and sewerage facilities should be provided for Yi O (R53, R71 to R125). The existing footpath from Yi O should be diverted and trespassers should be prohibited from passing through and disturbing the reinstated village (R53, R71 to R125);
 - the existing streams should be dredged to facilitate irrigation and drainage of farmland (R53); and
 - village vehicles should be allowed to and from Tai O for transportation purpose (R53).
- (v) the Government should compensate the villagers as the conservation zoning of the DPA Plan would cause severe losses to them and the villagers' rights would be infringed (R53, R71 to R125).

Responses to the Grounds and Proposals of the Representations

- (e) the responses to the grounds of the representations as summarised in paragraph 6.7 of the Paper were:

*Agricultural Activities/Rehabilitation of Yi O Village Would Be Affected
(R43 to R49, R53 to R143 and C1)*

- (i) agricultural use was always permitted within the “Unspecified Use” area and the requirement to obtain planning permission for land filling, excavation and diversion of streams was to safeguard the natural environment of the Area. The majority of the private lots in the Area were demised for agricultural use under the lease, and the DPA Plan would not deprive the owners of their right to carry out agricultural activities. The AFCD had no objection to the agricultural rehabilitation proposal put forward by the representers but considered that more details would be required to assess the potential impact from the agricultural rehabilitation; and
- (ii) the DPA Plan had already zoned the existing village cluster of Yi O New Village as “V”. There was provision for section 16 planning application for Small House development outside the “V” zone. Hence, the rehabilitation of Yi O New Village would not be pre-empted by the DPA Plan. Yi O Old Village was outside the Area and fell within the South Lantau Country Park. Rehabilitation plan for this village was outside the Board’s ambit;

Opposing the “V” Zone (R50 to R51 and R53)

- (iii) the “V” zones on the DPA Plan were to reflect the existing village clusters of the recognized village. The boundaries of the “V” zones were provisionally drawn up around existing clusters, the site topography and local characteristics, and would be further reviewed and refined during the preparation of OZP stage to take account of the ‘VE’, Small House demand and developments, and the results of relevant assessments/studies on various aspects;

Opposing the Designation of Land as Conservation Areas (R50 to R53, R71 to R125, R126 to R143)

- (iv) owing to the urgency of preparing the DPA Plan, apart from the “V” zone, the Area had largely been designated as “Unspecified Use”. No conservation zoning had been designated on the DPA Plan. Appropriate land use zonings would be formulated pending detailed analysis and studies in the course of the preparation of replacement OZP;

Insufficient/No Consultation (R50 and R51)

- (v) in view of the confidential nature of the DPA Plan and the need to avoid creating undesirable fait accompli, the public and relevant bodies such as TORC and IsDC would be consulted only after the DPA Plan had been gazetted;
- (f) the responses to the representers’ proposals as summarised in paragraphs 6.10 to 6.12, 6.16 and 6.17 of the Paper were:

Planning Intention of Yi O to be Clarified (R43 to R49, R53 to R143)

- (i) as stated in the ES, the general planning intention for the Area was to protect the natural landscape and the tranquil character from encroachment by unauthorized development and from undesirable change of use. The representers’ request to reflect the planning intention for agricultural rehabilitation was noted and would be duly considered in formulating the land use zonings in the course of preparing the OZP. That said, under the current DPA Plan, agricultural use was an always permitted use and the agricultural rehabilitation contemplated by the representers would not be pre-empted by the DPA Plan;

Boundaries of “V” Zones (R51, R53, R71 to R125)

- (ii) the boundaries of “V” zone were provisionally drawn up and would be further reviewed and refined during the preparation of OZP stage to take account of Small House demand and developments, and the results of relevant assessments/studies;

The Plan Should be Shelved and Withdrawn (R50, R54 to R70, R126 to R143)

- (iii) the DPA Plan had been prepared according to the Government policy to protect the natural environment of the areas not covered by Country Parks or statutory plans. To meet conservation and social development needs, these Country Park enclaves would either be included into Country Parks or covered by statutory plans;
- (iv) the DPA Plan had been prepared by the Board for the Area pursuant to the Secretary for Development’s directive under the Ordinance to ensure proper planning control and enforcement. Detailed land use zonings of the Area would be worked out at the OZP preparation stage taking into account the results of relevant assessments/studies on various aspects etc.;

Proposals not Directly Related to the DPA Plan

- (v) regarding the proposal for provision of infrastructural facilities, the appropriateness to provide infrastructural and utility facilities in the Area required detailed consideration and assessments by relevant government departments. The representers’ proposals would be relayed to concerned departments for consideration (R53, R71 to R125);
- (vi) regarding the proposal to compensate villagers, it should be noted that compensation was beyond the purview of the Board. The

Plan would not deprive the owners of their right to carry out agricultural activities in the Area as agricultural activities were always permitted within the “Unspecified Use” area of the DPA Plan. Besides, the planning application mechanism provided channel under s.12A and 16 of the Ordinance for change of land uses (R53, R71 to R125);

- (b) the government departments consulted were detailed in paragraph 7 of the Paper; and

PlanD’s Views

- (c) based on the planning considerations and assessments in paragraph 6 of the Paper as summarised above, the PlanD did not support the adverse representations (R43 to R143) as well as the proposals from all representers and considered that the adverse representations should not be upheld and the DPA Plan should not be amended to meet the representations.

[Mr. Clarence W.C. Leung, Mr. Timothy K.W. Ma and Ms. Janice W.M. Lai returned to join the meeting during the presentation.]

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

R43 – AN Agridev Company Limited

Mr. Lee Lap Hong

Ms. Vince Cheung

Mr. Andrew Lam

Ms. Sophia Wang

Mr. Patrick Lam

Mr. Wing Hong Yiu

34. With the aid of a powerpoint presentation, Mr. Lee Lap Hong made the

following main points:

Background

- (a) the Yi O Village had existed since the late Qing Dynasty. The villagers began to move out of the village in the 1980's and the village had been abandoned. However, villagers would still visit Yi O regularly during holidays or festivals;
- (b) the incident in 2001 when the villagers blocked pedestrian access through the Yi O village showed that there was severe conflict and misunderstanding between green groups / urban dwellers and the villagers;
- (c) the DPA Plan should not only be concerned about land uses, it should take into account the history of the village and the villagers' intention for agricultural rehabilitation and village rehabilitation at Yi O;

The Rehabilitation Project

- (d) their company wanted to assist the villagers to carry out the agricultural rehabilitation and village rehabilitation plan. They were not planning for any large scale columbarium or housing developments. There was some 70,000m² of arable land in Yi O Kau Tsuen and Yi O San Tsuen and some 22,000m² of arable land was in Yi O San Tsuen;
- (e) they had only cleared some existing grass and weeds to re-instate the previous farmland in Yi O. Before gazettal of the DPA Plan, they had already started liaison, consultation and conducted site visits with relevant stakeholders. It was understood that the AFCD and green groups had no in-principle objection to agricultural activities in Yi O;
- (f) they needed the Government's support for the rehabilitation plan and had liaised with all relevant government departments, namely the IsDC,

DLO, District Office (Islands), Water Supplies Department, Food, Environment and Health Department, the AFCD and the Transport Department as well as IsDC;

- (g) they had also invited certification bodies to check the quality of the soil. They would build partnership with non-governmental bodies;

Type of Permissible Agricultural Activities not Clearly Defined

- (h) it was difficult to proceed with the rehabilitation plan as there was a lack of trust and misunderstanding between the Government, green groups and villagers. There was a presumption that the rehabilitation plan would destroy the ecology and natural environment;
- (i) they generally supported the planning intention for conservation and healthy development of Yi O. However, the DPA Plan did not have proper regard to the rural conditions of Yi O and the needs of modern agricultural activities. The rehabilitation plan was a large scale agricultural business that operated differently from small scale farms;
- (j) it was unclear what standard was adopted to conclude that Yi O had high conservation and landscape value (paragraph 7.2 of the Explanatory Statement of the DPA Plan (ES)). For example, they had not seen any Romer's Tree Frog in the Area. The DPA plan had effectively frozen development in Yi O. The villagers only wanted to move back to their home village and they should not be seen as having bad intentions;
- (k) it was unclear what elements in the rural environment (such as woodlands, shrublands, grasslands, wetlands and mangroves) should be protected when they carried out agricultural activities;
- (l) the Notes for 'Unspecified Use' area indicated that "diversion of streams, filling of land / pond or excavation of land ... shall not be

undertaken ... without the permission from the Town Planning Board". However, it was unclear how stream courses were defined. For example, after they cleared the vegetation, they had discovered a stream course that had dried up. If they were to divert water sources to re-instate the stream course for irrigation purpose, it would involve land excavation;

- (m) irrigation channels were necessary for agricultural activities but the design of the irrigation channels had to change with different weather conditions over the different seasons. It was unclear how they could apply to the Board for an irrigation system that involved different levels and extent of land excavation and land filling at different times of the year; and
- (n) farming required regular ploughing of the soil. It was unclear what the extent of ploughing that was permitted was as of right without the need for planning permission.

35. With the aid of a powerpoint presentation, Ms. Vince Cheung made the following main points:

- (a) there was some 22,000m² of arable land in Yi O San Tsuen. This was much larger than most of the leisure farms found in other parts of Hong Kong. To prepare for agricultural activities of such a scale, it was necessary to use ploughing machines;
- (b) there was a lack of labour resources in the farming industry. They had relied on the help of some volunteers to prepare the land for farming and clean up rubbish trapped in the mangroves. To prepare the land for farming, it was necessary to burn the vegetation on the farmland. However, this activity was being reported by the media as destruction of the natural environment;
- (c) there was no conflict between agricultural activities and conservation.

If the land was managed properly and farmed organically, it could enhance biodiversity of the farmland. Farmland could also provide a buffer from the adjoining Country Parks;

- (d) in Hong Kong, the Government lacked support to the agricultural industry. In Europe and the United Kingdom, the Government would provide subsidies to farmers when they achieved certain goals, such as bio-diversity, visual amenity, greening and organic farming; and
- (e) it was hoped that the uncertainties about what types of agricultural activities were permitted or would require planning permission could be clarified to facilitate them to proceed with the rehabilitation plan. A video about volunteers working on the farmland in Yi O was shown.

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

R50 – Yu Hon Kwan

Mr. Yu Hon Kwan

36. Mr. Yu Hon Kwan made the following main points:

- (a) he was born in Tai O and was a member of the IsDC and a consultant of the TORC. Many villagers had conveyed to him their opposition to the DPA Plan. He urged the Board to withdraw the DPA Plan;
- (b) the DPA Plan was drawn up without any consultation with local villagers and stakeholders. The DPA plan only reflected the views of the green groups and hikers;
- (c) despite that the TORC and IsDC opposed the DPA Plan and there were more than 100 representations opposing the DPA Plan, the PlanD still did not support their representations;

- (d) it was misleading for the ES to describe the Yi O village as abandoned and ruined. The village, with a history of more than 400 years, was worthy of preservation. Around the 1980's, as it was very difficult to continue farming in the Area, villagers moved out of Yi O;
- (e) since 2007, the villagers had already informed the District Office (Islands) of their intention to rehabilitate the village and agricultural activities in Yi O. However, this intention was not reflected in the DPA Plan;
- (f) from his personal opinion, what was worthy of preservation in Yi O was its over 400 years of history. Hence, the visual amenity in Yi O should comprise the village clusters, farmlands, fung shui woodland and the surrounding landscape;
- (g) it was agreed that the rural environment should be protected. However, the rehabilitation plan was only for agricultural purpose and for re-building the village, it was not for property developments;
- (h) sustainable development should take into account the environment, economic and social needs. Hence, the views of green groups were only one aspect of sustainable development. The Board should take a more balanced view;
- (i) in the 1979 when the Country Parks were being established, the then Government had promised indigenous villagers that any future plans for agricultural or village rehabilitation of the old villages located within Country Parks would not be affected. The Government should keep its promise;
- (j) for areas designated as 'Unspecified Use', even village office and public utility installations required planning application. However, the local villagers did not have the resources to submit planning applications. The 'Unspecified Use' areas should be rezoned "AGR"

to recognise the right for agricultural use on the agricultural lots;

- (k) only 0.19 ha of land was zoned “V” under the DPA Plan. This was contrary to the NTEH policy where Small Houses should be permitted within the ‘VE’. There was a lot of land in Yi O and there was room for a larger “V” zone; and
- (l) he cited the example of the Tai O Fringe DPA plan, where the representers (including himself) was advised that the DPA Plan was only an interim plan that would be replaced by an OZP in three years’ time and the zonings would be refined after further assessments. However, the draft Tai O Fringe OZP that was drawn up for consultation had shown the same zonings as those in the Tai O Fringe DPA plan. Hence, he did not trust that the DPA Plan was only an interim plan. He said that the Board should balance the environment, economic and social needs. The DPA plan should be withdrawn and the stakeholders and villagers should be consulted. However, if there was no provision to withdraw the plan, he would oppose to the DPA Plan.

R51 – Tai O Rural Committee (TORC)

Mr. Lee Chi Fung

Mr. Lau Cheuk Wing

37. Mr. Lee Chi Fung made the following main points:

- (a) he was the Chairman of the TORC and a member of the IsDC;
- (b) consultations were only held with the TORC and IsDC and the local villagers were not being consulted. This was unfair to the local villagers;
- (c) the DPA Plan violated the Basic Law which protected the traditional rights of indigenous inhabitants of the New Territories. Too little land

was zoned “V” and this would affect the villager’s future application for NTEH. The “V” zone should not be drawn up based on existing village cluster, it should take into account houses that were previously built in the village and such records were available in DLO. According to the Small House policy established in 1972, a ‘VE’ should be drawn up around a 300-ft radius from the house that existed before 1972. On that basis, there was insufficient land zoned “V” under the DPA Plan; and

- (d) the TORC and IsDC both opposed the DPA Plan and the Board should respect their views. The Board was urged to withdraw the DPA Plan and consult the villagers and stakeholders again.

R53 – Kung Hok Shing (Indigenous Villagers Representative)

Mr. Kung Hok Shing

38. Mr. Kung Hok Shing made the following main points:

- (a) the villagers of Yi O felt very disturbed by the new DPA plan;
- (b) the Yi O village had a long history of 400 to 500 years. He was born in Yi O. He understood that due to the very poor living conditions, villagers gradually moved away from Yi O around the 1970’s and 1980’s;
- (c) since 1995, he was elected as the indigenous villagers representative (IVR) of Yi O. He had always wanted to rehabilitate the Yi O Village so that villagers could move back to live. However, it was a difficult task. For example, he had spent a long time applying to the District Office for building a road to Yi O. However, only a section of the road that could only reach the outskirts of the village was approved. The Government opposed extension of the road because it would traverse areas within the Country Park. In fact, he was informed at a very late stage that Yi O Kau Tsuen was within the Country Park;

- (d) since 2001, the green groups had extensively planted mangroves in Yi O on the private land of the villagers without their consent. The presence of these mangroves, which were claimed to be of high ecological value, had now deprived them of their right to develop their own land. In fact, the mangroves trapped a lot of rubbish and were a source of pollution;
- (e) the DPA Plan had added burden on the villagers. Most of the villagers were unable to understand the requirements of the DPA Plan and might break the law without knowing it. Under the DPA Plan, all uses, other than agricultural uses, required planning permission from the Board. However, the villagers could not afford to employ professionals to make planning submissions to the Board. It was unfair that the Government had published the DPA Plan without first consulting the villagers; and
- (f) the Board was urged to withdraw the DPA Plan so that the villagers could proceed with their plan for agricultural and village rehabilitation.

R56 – Wong Loi Mun (Fishermen’s Representative in TORC)

Mr. Wong Loi Mun

Mr. So Kwong

39. Mr. Wong Loi Mun said that he was the Fishermen’s Representative in TORC. The villagers could not understand PlanD’s documents about the DPA Plan, and hence PlanD could not claim that the villagers had been truly consulted on the matter.

40. Mr. So Kwong said that he was a villager of Tai O. He was surprised to learn that the Tai O Fringe OZP was being finalised recently. It was unfair that the land owners had not been consulted on the OZP but some of their private land was zoned for greening or wetland purposes which deprived them of their development rights. He proposed that all private land should be excluded from the statutory plan.

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

R67 – Tai O Wing On Street (2) Representative

Mr. Lau Cheuk Wing

41. Mr. Lau Cheuk Wing made the following main points:

- (a) they were only being consulted once. They opposed and proposed withdrawal of the DPA Plan;
- (b) the Government's lack of support had made it difficult for villages, like Yi O and Tai O, to survive on agriculture. As a result, villagers were forced to leave the villages to work in the urban area and villages had become gradually abandoned over time;
- (c) agricultural activities should be allowed on their private land which were agricultural lots, and agricultural activities should not be subject to planning permission;
- (d) agricultural rehabilitation and organic farming were in line with the needs of the community. Farmland would also be suitable habitats for some animal species. Similar rehabilitation plans in other villages should also be encouraged and subsidised by the Government;
- (e) Members did not have a good understanding of the conditions of the villagers. The DPA Plan should be withdrawn and there should be further consultation with the local villagers and stakeholders.

R84 – Kung Kam Shing

Mr. Kung Kam Shing

42. Mr. Kung Kam Shing said that he was a villager of Yi O. Their village had existed since the Ming Dynasty. They returned to Yi O twice every year to pay tribute to their ancestors. The Area was overgrown with weeds and vegetation. The villagers had a consensus for agricultural and village rehabilitation of Yi O and the idea had been

contemplated for more than ten years. He urged the Board to allow the rehabilitation plan to go ahead so that they could have returned to live in Yi O.

R86 – Kung Chun To

Mr. Kung Chun To

43. Mr. Kung Chun To said that he did not agree that environmental protection meant doing nothing nor that agricultural activities would destroy the ecology. He asked whether the DPA Plan was for short, medium or long term planning of Yi O. He said the Government should consider how to protect the villagers' right to develop their own private land.

R89 – Kung Wing Lam

Ms. Kung Wing Lam

44. Ms. Kung Wing Lam made the following main points:

- (a) the villagers were only proposing agricultural and village rehabilitation, which would help to protect the ecology of the Area and allow the culture of the village to be passed on to future generations;
- (b) the Board should take a more balanced view and should not only listen to the views of green groups; and
- (c) she urged the Board to withdraw the DPA Plan so as to allow them to proceed with the rehabilitation plan.

[Mr. Clarence W.C. Leung returned to join the meeting and Timothy K.W. Ma left the meeting temporarily at this point.]

R 94 – Nam Chi Yin

Mr. Nam Chi Yin

45. Mr. Nam Chi Yin said that the village had a long history of more than 400

years. The DPA plan was published without any prior notice to the villagers. The DPA plan only aimed to protect the natural environment and stop any development in Yi O. The land in Yi O was their private properties and they only wished to farm on their own land. The Government should not just 'resume' their land.

R98 – Nam Tsz Wai

Mr. Nam Tsz Wai

46. Mr. Nam Tsz Wai said that his father was born in and had grown up in Yi O. His parents were aging and wished to retire in Yi O. He opposed the DPA Plan which affected their development rights and would adversely affect the agricultural and village rehabilitation plan. The Government had not consulted the land owners and this was a disrespect. The villagers were not planning large scale property development in Yi O and they only wished to build a pleasant farm, which might become a tourism spot.

R101 – Kung Lok Yan

Ms. Kung Lok Yan

47. Ms. Kung Lok Yan said that she was an indigenous villager of Yi O. They only wished to proceed with the agricultural and village rehabilitation plan. The Government should not impose unnecessary restrictions through the DPA Plan, which was not carefully thought out.

R103 – Cheng Fuk Chuen

Mr. Cheng Fuk Chuen

48. Mr. Cheng Fuk Chuen said that he was an indigenous villager of Yi O. He opposed the DPA Plan and they only wished to proceed with the agricultural and village rehabilitation plan.

R106 – Chu Yuen Man

Ms. Chu Yuen Man

49. Ms. Chu Yuen Man indicated that she opposed the DPA Plan.

R117 – Cheng Chi Ming

Mr. Cheng Chi Ming

50. Mr. Cheng Chi Ming indicated that he opposed the DPA Plan.

R121 – Cheng Chi Wai

Mr. Cheng Chi Wai

51. Mr. Cheng Chi Wai indicated that he opposed the DPA Plan.

R117 – Cheng Chi Wing

Mr. Cheng Chi Wing

52. Mr. Cheng Chi Wing indicated that he opposed the DPA Plan.

53. As the presentations were completed, the Chairman invited questions from Members.

DPA Plan Control – “Agricultural Use”

54. The Chairman asked DPO/SKIs to explain the statutory planning controls on agricultural uses under the DPA Plan. Another Member asked how the agricultural and village rehabilitation plan could be realised within the framework of the DPA Plan. In response, Mr. Ivan Chung (DPO/SKIs) said that under the DPA Plan, most of the Area was designated as ‘Unspecified Use’ area, within which “agricultural use” was an always permitted use. Within the ‘Unspecified Use’ area, land excavation and land filling might be permitted through a section 16 planning application. Mr. Ivan Chung further explained that the AFCD did not oppose agricultural rehabilitation in the Area but considered that there was insufficient information about the environmental impacts of the agricultural rehabilitation plan. The AFCD was co-ordinating inter-departmental meetings to liaise with the project proponent about the rehabilitation plan.

55. The Chairman asked DPO/SKIs to respond to Mr. Lee Lap Hong’s (R43)

query about the type / scale of land excavation and land filling that was permitted as of right under the DPA Plan. In response, Mr. Ivan Chung said that manual ploughing would be considered as agricultural activities that were permitted as of right under the DPA Plan. Large-scale land excavation and land filling activities using big machineries would require planning permission.

56. In response to another Member's question, Mr. Ivan Chung said that the gazettal of the DPA Plan would empower the Planning Authority to undertake enforcement actions against any unauthorised development in Yi O. Due to the urgent need to gazette the DPA Plan, most areas were designated as 'Unspecified Use' area. The DPA Plan would be replaced by an OZP in three years' time, and in the preparation of the OZP, the land use zonings for the Area would be comprehensively reviewed.

DPA Plan Control - "Village Type Development"

57. The Chairman asked DPO/SKIs to show Members the boundary of the 'VE'. Another Member asked how the proposed village rehabilitation could be realised under the framework of the DPA Plan. In response, Mr. Ivan Chung showed Members the boundary of the 'VE' of Yi O San Tsuen with the aid of a plan. He explained that three areas within the 'VE' was zoned "V" under the DPA Plan. The "V" zone was provisionally drawn up around existing village clusters and approved Small House applications in Yi O San Tsuen. The Small House applications had been approved for some time but the Small Houses had not been built. If there were new proposals for Small House development outside the "V" zone, they could be considered under the section 16 planning application system. The "V" zone boundary would be reviewed and refined during the preparation of the OZP in three years' time, taking into account the Small House demand, the landscape character, and the environmental and conservation value of the Area.

The Rehabilitation Project

58. The Vice-chairman asked R43 to elaborate about the rehabilitation project presented at the meeting, in particular, the background of AN Agridev Company Limited, the mode of operation and scale of the rehabilitation project, and whether there were

examples of similar rehabilitation projects in Hong Kong.

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

59. In response, Mr. Lee Lap Hong (R43) said that their company was engaged in agriculture business in Mainland China. Similar to their China experience, villagers would provide land and they would provide expertise to assist the villagers to develop an agricultural business. Profits were to be made and they would share the profits with villagers. The aim of their agricultural project was not for profit maximisation, but to assist farmers to rehabilitate their land.

60. Their company had explored the possibility of an agricultural rehabilitation project with villagers of Yi O for more than 10 years. He stressed that their project was only a village and agricultural rehabilitation project and not a property development. The Government had the responsibility to provide the basic infrastructure (including water, gas, road, communications) to facilitate the villagers' rehabilitation plan. He said that as there was no similar rehabilitation project in Hong Kong, they had to proceed step-by-step depending on the resources available and the overall scale of the project was yet to be determined at this stage. They started works in Yi O San Tsuen area and were exploring extension into Yi O Kau Tsuen area. He said that the DPA Plan had created uncertainties in the project as they were unsure what type / scale of land excavation or land filling was permitted as of right under the DPA Plan.

61. In response to another Member's question, Mr. Lee Lap Hong (R43) said that while they would seek a reasonable return on their project, their project was not of a speculative nature. They had formed a co-op with the villagers and the returns from farm produces as well as eco-tours would be shared between their company and the villagers.

62. A Member asked R43 to quantify the scale of their project, including the area of land that would be put to agricultural use and the number of farmers and villagers that they anticipated might move back to Yi O. This Member asked whether large scale land excavation and land filling was planned in the agricultural rehabilitation project. In response, Mr. Lee Lap Hong (R43) said that they had signed an agreement with the IVR who represented the villagers. Their plan was for a large scale agricultural business in Yi

O, which necessitated the need for land excavation or filling by large machines. Moreover, as the villagers who would be retiring to live in the village would be old, heavy farming machineries had to be used. Mr. Patrick Lam (R43) advised that farming could be quite labour intensive, and given the poor accessibility in Yi O, a large number of residing farmers was required to support the agricultural rehabilitation project. Mr. Lee Lap Hong (R43) continued to explain that they had applied to the Government for re-connection of the water supply system to support a population of 1000 residents in Yi O. The estimated population figure was based on an assumption of 250 4-person households. The houses would be built by the indigenous villagers in the village area and these houses would be used for the agricultural rehabilitation project. If the agricultural rehabilitation project proceeded smoothly, it was anticipated that the 1000 population would return to the village in about five years.

63. At this point, Mr. Andrew Lam (R43 – a member of the company’s management) gave an account of the rehabilitation project covering the following main points:

- (a) there were some 70,000m² of arable land in Yi O. According to the VR, most of the villagers’ land was involved;
- (b) their company had implemented a few agricultural projects in the Mainland where they operated as co-ops, with the villagers providing land for the project and their company providing technology, seedlings, fertilisers and sales platform;
- (c) the labour cost in Hong Kong was much higher than that in the Mainland. Agricultural business could no longer rely on manual labour as in the past. It would inevitably need to adopt machineries and semi-automation process in the agricultural rehabilitation project. As such, if planning application was required for land excavation and land filling involved in the project, the project proponent would like to know the criteria in assessing the planning applications and hence the preparation work they needed to put in. For example, it would be unreasonable to require the submission of a year-round ecological

survey;

- (d) their company had spent a lot of time discussing the project with the villagers and they had liaised with the AFCD over the past three years about the project;
- (e) he urged Members to consider the difficulties that the villagers were facing in Yi O. There was no place for shelter in Yi O and their employees / organisers and participants of eco-tours had to work under a very harsh environment. There was a lack of transportation link for delivery of agricultural produces; and
- (f) their company did not have resources to prepare very comprehensive plans. They also had to rely on the human resources of non-profit making bodies to conduct the eco-tours. He hoped that the Board would take a more understanding and accommodating attitude in considering planning for the rural areas.

64. In response to a Member's question, Mr. Kung Hok Shing (R53) confirmed that the project presented by R43 was the agricultural and village rehabilitation plan that was carried out in association with the villagers. He had started to discuss the project with the company since 2003 – 2004. With regard to the scale of their project, he said that the stringent control imposed by the DPA Plan and other regulatory regimes had already constrained the scale of the rehabilitation project and the number of Small House developments in future.

65. A Member asked about the relationship, if any, between the proposed village rehabilitation plan and proposed agricultural rehabilitation plan. According to R43, the proposed agricultural rehabilitation project would mainly have to use machinery with a limited amount of labour work. In that case, the Member asked whether the 250 households that might move back to the village would be engaged in farming activities or would they only share the returns of the agricultural business while living /working elsewhere. In response, Mr. Andrew Lam (R43) said that villagers as they so wished, could be engaged in on-site processing of fresh produces (such as preserving of vegetables)

or be tour guides for eco-tours. They hoped that villagers could be involved in the economic activities in Yi O. However, many villagers might only wish to move back to the village to retire and would not be engaged in farming or other economic activities.

Other Matters

66. A Member asked whether DPO/SKIs had the 1980's Census and the 2011 Census data for Yi O. Mr. Ivan Chung said that he did not have the 1980's Census data and according to the 2011 Census, there was no population in Yi O.

67. A Member asked whether there was information about the ecological conditions of Yi O around the 1980's when the Area was still inhabited by villagers. Mr. Ivan Chung said that he did not have the ecological assessment of the Area in the 1980's. However, during the preparation of the DPA Plan, the DAFC advised that important habitats for the protected Romer's Tree Frogs and protected species of vegetation could be found in the Area. The DAFC also advised that the wooded areas at the periphery of the Area formed a continuous stretch of well-established vegetation adjoining the Country Parks.

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

68. In response to two Members' question of whether there was any other known development projects in Yi O, Mr. Yu Hon Kwan (R50) said that he was not aware of any large scale property development project being planned in Yi O. He said that it was inevitable that machineries had to be used in modern agricultural activities. The Area should be rezoned to "AGR", within which on-farm domestic structure would not require planning permission.

69. As the representers and their representatives of Group 2 had finished their presentations and Members had no further question to raise, the Chairman informed them that the hearing procedures had been completed and the Board would deliberate on the representations in their absence and inform the representers of the Board's decision in due course. The Chairman thanked the PlanD's representatives, the representers and their representative for attending the hearing. They all left the meeting at this point.

Group 3 : C1

70. The Chairman said that Group 3 was for consideration of one comment (C1). The following representatives from the Planning Department (PlanD) and the commenter and his representatives were invited to the meeting at this point:

Mr. Ivan Chung	District Planning Officer/ Sai Kung and Islands, (DPO/SKIs), PlanD
Mrs. Margaret Lam	Senior Town Planner / SKIs, PlanD
Mr. Tony Tso	Town Planner / SKIs, PlanD

C1 – Joint comment from Mr Kung Hok Sing (Indigenous Villagers Representative of Yi O); Tai O Rural Committee; and Persons Objecting to the Draft Yi O DPA Plan No. DPA/I-YO/1

Mr. Kung Hok Shing (R53)	- Commenter
Mr. Lee Lap Hong (R43)]
Mr. Kung Man Tak (R81)]
Mr. Kung Kam Shing (R84)]
Ms. Leung Kit Ying (R91)] Commenter's Representative
Mr. Kung Wai Ue (R92)]
Mr. Kung Hing Choi (R93)]
Mr. Nam Chi Yin (R94)]
Mr. Nam Tsz Wai (R98)]

71. The Chairman extended a welcome and explained the procedures of the hearing. The Chairman then invited C1 to elaborate on his comment. Mr. Kung Hok Sing passed a copy of newspaper cuttings concerning the conflict between the green groups and Yi O villagers over the years to the Chairman. The Chairman said that the information received would not be considered by Members as the information could not be made available for the information or response of other representers and prospective representers/commenters. The information would only be kept as a record.

72. Mr. Kung Hok Sing made the following main points:

- (a) the green groups had planted mangroves on the private land of the villagers in Yi O since the 1990's. This was an infringement of their land and had caused severe conflict between the green groups and Yi O villagers;
- (b) over the past 10 to 20 years, the green groups had utilised the media to make a lot of false accusations against the villagers. The only reason for the green groups to create conflict was to allow them to gain more sponsorship and resources. The actions and commentaries by the green groups were unfair to the rural settlements;
- (c) as an example, he said that when they prepared their land for farming through burning of cleared vegetations, the green groups made up very nasty stories through the media. In fact, they had taken due diligence by informing the Tai O Fire Station every time before they burned up the vegetation. They were mindful of the need to observe requirements of the laws; and
- (d) the green groups were just creating conflict between the Government and residents of Hong Kong and Members should exercise careful judgement when considering their views.

73. The Chairman thanked the PlanD's representatives, the commenter and their representatives for attending the hearing. They all left the meeting at this point.

Deliberation

74. The Chairman invited Members to consider the representations and comment for the three groups, taking into consideration all the written submissions and the oral presentations at the meeting.

75. The Chairman asked Members to note the village and agricultural

rehabilitation plan presented in Group 2, in particular, R43's explanation that the villagers might not be directly involved in the agricultural activities nor reside in the village. The agricultural rehabilitation project would also involve large scale machineries for excavation that might give rise to ecological concerns. Noting that no details on the rehabilitation plan were available at this stage, Members would need to consider whether it was appropriate to rezone the Area to "AGR" as proposed by some representers such that such activities would be permitted without the need for planning application.

76. A Member considered that the intention of the agricultural and village rehabilitation plan was worthy of support. Nevertheless, the Member considered that the statutory planning controls stipulated under the DPA should be retained. The PlanD, the AFCD and the villagers could have further discussion so as to come up with a plan that was agreeable to all parties for submission to the Board for consideration. It would be necessary to demonstrate that the rehabilitation project had minimised its impact on the ecology and the environment. Through the section 16 planning application mechanism, a scheme that could gain the support of relevant government departments as well as the Board could act as a framework for the villagers to proceed with the rehabilitation plan. Taking into account the nature of the agricultural rehabilitation plan and the villagers' limited resources, the Administration should adopt a more flexible approach in its requirements, such as whether there was a need for the submission of ecological impact assessment.

77. Another Member was sympathetic with the villagers as Yi O was a village with a long history. The Member said that village rehabilitation was just a plan for villagers to move back to their place of origin, and there should not be doubts on the villagers' intention. While the Member considered that the DPA Plan needed not be amended to meet the representations, the Administration should try to assist the villagers to take forward the rehabilitation plan within the statutory framework of the DPA Plan. The project might have positive implications for other similar rural development schemes.

78. A Member considered that R43 had not provided adequate information on the rehabilitation project. The Member considered that the DPA would not prohibit agricultural activities. There were doubts on whether the proposed village rehabilitation would materialise, given that there was no inhabitant in Yi O according to the 2011 Census.

The Member considered that the DPA Plan should not be amended and any rehabilitation plan could be submitted to the Board for consideration under the DPA Plan.

79. Another Member also agreed that the DPA Plan would not stop the village and agricultural rehabilitation plan. The project proponent should submit more details of the rehabilitation plan for the Board's consideration to ensure that any possible adverse impacts on the environment were minimised.

80. One other Member also agreed that the DPA Plan should not be amended. The Member was in support of village and agricultural rehabilitation and certain modernized agricultural activities in Hong Kong. However, the Member considered that Yi O might not be the most suitable place to develop a large scale agricultural business. The AFCD should consider whether its agricultural policy was in support of some large scale agricultural business in Hong Kong and, if so, the Government should pro-actively identify sites for such purpose in suitable places in Hong Kong.

81. In view of the above, Members agreed to note the supportive views of Representations No. R1 to R37. Members agreed not to uphold R38 to R42 and R144 as the DPA Plan was interim in nature and the detailed land uses and appropriateness to impose conservation zonings had to be carefully studied in the course of OZP preparation. Members also agreed not to uphold R43 to R143 noting that there was insufficient information and uncertainties concerning the agricultural and village rehabilitation plan and that there was mechanism for section 16 planning application under the DPA Plan if the villagers wished to take forward their proposal.

82. Members then went through the advice to the representers; the reasons for not upholding the representations; and the responses to the proposals of the representers which were not directly related to the DPA Plan as detailed in paragraphs 8.1 to 8.3 of the Paper and considered that they were appropriate.

Group 1 - Representation No. R1 to R37 and Group 3 – Comment No. 1

83. After further deliberation, the Board noted the support of R1 to R37.

84. The Board also agreed to advise R1 to R37 on the following:

- the general planning intention for the Area was to protect the natural landscape and the tranquil character from encroachment by unauthorised development and from undesirable change of use. The DPA Plan was an interim plan which would be replaced by an Outline Zoning Plan (OZP) within 3 years. In the preparation of the OZP, land use zonings for the Area would be comprehensively reviewed subject to a more detailed analysis of the land use pattern, infrastructural provisions, environmental and ecological values and local need. Relevant stakeholders including green groups, the concerned Government departments, Islands District Council and Tai O Rural Committee would also be consulted.

85. The Board also agreed to advise R1, R2, R5, R25, R29, R30, R33 to R37 on the following:

- (a) the issue of “Destroy First, Build Later” had been thoroughly discussed by the Board on 24.6.2011. The Board was determined to conserve the rural and natural environment and would not tolerate any deliberate action to destroy the rural and natural environment in the hope that the Board would give sympathetic consideration to subsequent development on the site concerned. Since then, the Board had adopted a practice to defer consideration of a planning application which might involve an unauthorised development (UD) so as to allow time for PlanD to carry out full investigation into whether there was UD on the site; and
- (b) the DPA Plan had been prepared to empower the Planning Authority to undertake enforcement action against any UD and undesirable change of use in the Area. Should UD be identified in the future, enforcement action would be instigated under the Ordinance.

86. After further deliberation, the Board decided not to uphold R38 to R42 and R144 for the following reasons:

- (a) to prevent any haphazard and uncontrolled development that might adversely affect the rural and natural character of the Area, it was necessary to prepare the DPA Plan covering the Area to provide interim planning guidance control for future development pending preparation of an OZP and to enable enforcement actions to be taken against any unauthorized developments and undesirable change of use to safeguard the Area's natural and rural character (R38 to R42 and R144);
- (b) the representers' proposal to impose conservation zonings to protect the natural character of the Area was noted. As the DPA Plan was interim in nature, the detailed land uses and appropriateness to impose conservation zonings would be carefully studied in the course of OZP preparation to ensure a balance between the rights of indigenous villagers of Yi O and nature conservation. Relevant assessments/studies on various aspects including ecology, environment, landscape, geology, etc. would be conducted in consultation with the Government departments concerned. Relevant stakeholders would be consulted during the process (R1 to R3, R5, R7, R10, R13 to R23, R25 to R32, R34 to R37, R39 to R41); and
- (c) under a DPA plan, except uses which were always permitted, other uses required planning permission. Every individual planning application would be considered by the Board on its own merits, taking into account the proposed use and the impacts on the surrounding areas (R144).

87. The Board also agreed to advise R2, R4, R5, R6, R34 to R38 on the following:

- (a) designation of Country Park was under the ambit of the Country and Marine Parks Authority (CMPA) governed by the Country Parks Ordinance (Cap. 208) which was outside the Board's purview (R2, R5, R6, R34 to R38);
- (b) the preparation of new village layout plans for villages covered by existing OZPs would depend on a number of factors such as availability

of resources for implementation, and manpower and priority of works within PlanD. For the new DPA Plans which had just been completed such as the DPA Plan, OZPs with definite zonings should be prepared before layout plans could be contemplated. Meanwhile, the “V” zones on the DPA Plan provided an interim control for the village type development. The boundaries of the “V” zone would be further reviewed and defined during the preparation of OZP stage. The need for preparation of new village layout plans for the “V” zones covered by these OZPs would then be reviewed as appropriate (R4); and

- (c) it had been the Government’s long-term target to prepare OZPs for all areas of Hong Kong except areas covered by Country Parks. Such task would be undertaken having regard to development pressure, priorities and resources availability. With regard to the protection of Country Park enclaves, the 2010-2011 Policy Address, had also stated that the Government would either include the remaining ‘enclaves’ into Country Park, or determine their proper uses through statutory planning in order to meet conservation and social development needs (R4).

Group 2 – Representations No. R43 to R143

88. After further deliberation, the Board decided not to uphold R43 to R143 for the following reasons:

- (a) the DPA Plan had clearly stipulated that agricultural use was an always permitted use and the representers’ agricultural rehabilitation proposal would not be pre-empted by the DPA Plan. Agricultural activities would be duly respected on the agricultural lots of the Area. The requirement for planning permission to carry out land filling/excavation, and diversion of streams within the “Unspecified Use” area was to safeguard the natural environment of the Area through appropriate planning control (R43 to R49, R53 to R143);
- (b) the “V” zones in the DPA Plan were to reflect the existing village

clusters of the recognized village. The boundaries of “V” zones were provisionally drawn up around existing clusters, the site topography and local characteristics. The “V” zone boundaries would be further reviewed and refined during the preparation of OZP stage in consultation with Government departments concerned to take account of Small House demand and developments, and the results of relevant assessments/studies on various aspects including development need, conservation value, the environment, vegetation, topography, landscape character and infrastructure; etc. Relevant stakeholders including green groups, Islands District Council and Tai O Rural Committee would be consulted. “V” zones had been delineated for Yi O New Village and would be reviewed at the OZP stage. Small House could be developed outside the “V” zones subject to the Board’s approval through the planning application system. The representer’s rehabilitation plan for New Yi O Village would not be frustrated by the DPA Plan. Yi O Old Village was within the Lantau South Country Park and the proposed plan for its rehabilitation was outside the Board’s purview (R50 to R51, R53 and R71 to R125) ;

- (c) apart from “V” zone for the recognized village, the Area had been largely designated as “Unspecified Use”. No conservation zoning had been delineated on the DPA Plan. Detailed land uses and the appropriateness to impose conservation zonings were pending further analysis and studies in the course of the preparation of replacement OZP. The public including the locals and relevant stakeholders would be duly consulted in the course of preparing the OZP (R50 to R53, R71 to R125, R126 to R143);
- (d) due to the confidential nature of the DPA Plan and the need to avoid creating *fait accompli*, consultation would not be carried out until it was gazetted. A DPA Plan was interim in nature and would be replaced by an OZP within 3 years. In the preparation of the OZP, land use zonings for the Area would be reviewed and a more detailed analysis of the land use pattern, infrastructure provisions and local need would be carried out

in making land use proposals and the public would be consulted as an integral part of the plan-making process (R50 and R51);

- (e) the general planning intention was to protect its high conservation and landscape value. Most of the DPA Plan area was designated as “Unspecified Use” as an interim arrangement pending detailed analysis and studies to establish the appropriate land use in the course of the preparation of OZP. The requirement of planning application for excavation, land filling or diversion of stream was to safeguard the natural environment from any works which would degrade the conservation and landscape value of the Area (R43 to R49 and R53 to R143); and
- (f) any haphazard and uncontrolled development would adversely affect the rural and natural character of the Area. The DPA Plan had been prepared by the Board under Secretary for Development’s directive pursuant to the Ordinance to provide statutory planning control and offer interim planning guidelines for the Area with enforcement and prosecution power against any unauthorized development. Detailed development guidelines and restrictions would be provided in terms of appropriate zonings in the course of the preparation of OZP (R50, R54 to R70, R126 to R143).

89. The Board also agreed to advise R53 and R71 to R125 on the following:

- (a) the appropriateness to provide infrastructural and utility facilities in the Area required detailed consideration and assessments by relevant government departments. The need for providing such facilities in the Area and designation of appropriate zonings, if required, would be further studied at the preparation of the OZP stage; and
- (b) compensation was beyond the Board’s ambit. However, agricultural activities had been duly respected on the agricultural lots of the Area whilst “V” zones had been delineated to reflect the existing village

clusters of the recognized village in the Area. There was also the planning application mechanism to allow change of land uses subject to the Board's approval.

90. The meeting was adjourned for lunch break at 2:00pm.

91. The meeting was resumed at 3:10 p.m.

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

Mr. Thomas Chow Chairman

Mr. Stanley Y.F. Wong Vice-Chairman

Professor S.C. Wong

Mr. F.C. Chan

Ms. Bonnie J.Y. Chan

Mr. Ivan C.S. Fu

Mr. Lincoln L.H. Huang

Ms. Janice W.M. Lai

Mr. Dominic K.K. Lam

Mr. Patrick H.T. Lau

Ms. Julia M.K. Lau

Ms. Christina M. Lee

Mr. H.F. Leung

Mr. Laurence L.J. Li

Mr. Roger K.H. Luk

Principal Environmental Protection Officer (Metro Assessment),
Environmental Protection Department

Mr. Ken Y.K. Wong

Director of Lands

Ms. Bernadette Linn

Director of Planning

Mr. K.K. Ling

Agenda Item 5

[Open Meeting]

93. As the morning session had overrun, Members agreed to defer the consideration of Agenda Item 5 to the next meeting.

94. As the applicants' representatives for the next two items had already arrived, the Chairman suggested and Members agreed to consider Agenda Items 7 and 8 before considering Agenda Item 6.

Agenda Item 7

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/YL-LFS/244

Temporary Open Storage and Sales of Construction Metals with Ancillary Workshop and Heavy Vehicle Park (Transportation for Metals) for a Period of 3 Years in "Commercial/Residential" zone, Lots 2182RP(Part), 2183RP, 2184RP, 2185RP, 2186, 2156RP(Part) in D.D. 129 and Adjoining Government Land, Lau Fau Shan, Yuen Long

(TPB Paper No. 9349)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

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

Mr. W.S. Lau	-	District Planning Officer/Tuen Mun & Yuen Long (DPO/TMYL), PlanD
Ms. Chan Yin Ping	-	Applicant
Mr. Wong Shing Tong	-	Applicant's representative

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

97. Mr. W.S. Lau informed Members that replacement page 5 of the Paper had been tabled for Members' reference. With the aid of a Powerpoint presentation, Mr. W.S. Lau made the following main points as detailed in the Paper:

- (a) the applicant applied for planning permission for temporary open storage and sales of construction metals with ancillary workshop and heavy vehicle park (transportation for metals) for a period of 3 years on the application site. The site fell within an area zoned "Commercial/Residential" ("C/R") on the Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP);
- (b) the application was rejected by RNTPC on 7.12.2012 for the following reasons:
 - (i) the development was not in line with the planning intention of the "C/R" zone, which was primarily for commercial and/or residential development. There was no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
 - (ii) the development was not compatible with the surrounding residential/tourism developments to its southwest, west and northwest; and
 - (iii) the development was not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that there were adverse departmental comments on the environmental aspect and the applicant failed to demonstrate that the development would not have adverse environmental impact on

the surrounding areas;

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

- (c) the further justifications in support of the review submitted by the applicant were set out in paragraph 2 of the Paper and summarised as follows:
 - (i) the applicant would plant 30 trees along the northern, southern and western boundaries of the site;
 - (ii) the western boundary along Deep Bay Road would be replaced by a new 2.5-metre tall boundary fence. The activities within the site were not visible from outside;
 - (iii) the residential dwellings were located beyond the fish market loading/loading area across Deep Bay Road which generated noise nuisances that were accepted by the residents;
 - (iv) the application site would not generate noise or environmental nuisances; and
 - (v) the nearest tourist attractions including Ha Pak Nai and Tsim Bei Tsui were located about 18 to 20 minutes away by car;
- (d) departmental comments – the departmental comments were summarised in paragraph 4 of the Paper. Director of Environmental Protection (DEP) did not support the application as there were sensitive uses (residential dwellings) in the vicinity of the site (the closest being less than 40m away) and along the access road (Lau Fau Shan Road). It was environmentally undesirable to allow such nuisances to begin or continue to affect residents. DEP also considered that the applicant's proposal to implement higher fencing and landscape works at the site was not for the

purpose of mitigation measures for noise control to the sensitive receivers and would not be effective even if they were for such purposes. Chief Engineer/Mainland North (CE/MN) of Drainage Services Department indicated that although he had no in-principle objection to the application, he noted that no drainage proposals were submitted. Commissioner for Transport (C for T) commented that sufficient manoeuvring space should be provided within the subject site and that no vehicles would be allowed to queue back to public road or reverse onto/from the public road;

- (e) public comments – during the statutory publication period of the review application, two public comments were received. The Chairman of the Corporate Owners of Deep Bay Grove (Phase II) objected to the application mainly on the grounds that it would cause noise, environmental and health nuisances. Designing Hong Kong Limited objected to the application on the grounds that the proposed use was not in line with the planning intention of “C/R” zone, it might cause adverse impact on the environment, landscape and traffic, and it might bring disharmony to the living environment of surrounding residents; and
- (f) PlanD’s view – PlanD did not support the application based on the assessment in paragraph 6 of the Paper, which were summarised below:
 - (i) the site fell within Category 2 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) where planning permission could be granted on a temporary basis subject to no adverse departmental comments and local objections. The application failed to meet the guidelines as there were adverse departmental comments on the environmental aspect, and the applicant had not submitted any environmental assessment to address the adverse comments from concerned departments or demonstrated that the applied use would not cause adverse environmental impacts on the surrounding areas;

- (ii) the planning intention of the “C/R” zone was primarily for commercial and/or residential development. The temporary open storage and sale of construction metals with ancillary workshop and heavy vehicle park was not in line with the planning intention of the “C/R” zone. No strong justification had been given in support of the review application for a departure from such planning intention, even on a temporary basis;

- (iii) the site was in close proximity to the residential settlements to its west and southwest (the closest being less than 40m away), as well as the tourist spot of Lau Fau Shan seafood market and the restaurants of Lau Fau Shan to its northwest. The temporary open storage and sale of construction metals with ancillary workshop and heavy vehicle park was not compatible with the surrounding residential/tourism developments to its southwest, west and northwest. Although there were open storage uses in the vicinity of the site in the subject “C/R” zone, they were either existing uses tolerated under the Ordinance or suspected unauthorised developments which would be subject to enforcement action by the Planning Authority;

- (iv) no other technical assessments had been submitted to demonstrate that the proposed development would not cause adverse environmental impact on the surrounding areas. In this regard, DEP did not support the application as there were sensitive uses in the vicinity of the site (the nearest residential dwelling being 40m to the west) and along the access road (Lau Fau Shan Road) and environmental nuisance was expected. DEP considered that there would still be noise nuisances to nearby residents upon the implementation of the proposed planting of trees and the 2.5-metre high boundary fence along Deep Bay Road which were not intended as mitigation measures for noise control; and

- (v) since 2001, the Board had rejected 6 previous applications for various open storage and workshop uses at the subject site. There had been no material change in the planning circumstances since the rejection of these applications. Rejection of the current application was in line with the Board's previous decisions.

98. The Chairman then invited the applicant's representative to elaborate on the application. With the aid of a set of photos that had been tabled for Members' reference, Mr. Wong Shing Tong made the following main points:

- (a) according to the latest aerial photos taken in 2012, the area surrounding the application site was mainly occupied by logistics centres, open storage uses and seafood distribution centres. Vehicles generated by those uses were the main source of noise nuisance affecting the residential dwellings;
- (b) the applicant had previously applied for workshop uses on the application site. However, upon receipt of the Enforcement Notice issued by the Planning Authority, the applicant had stopped the operation of the workshop at the site. The site would only be used for the storage of construction metals for retail sales with a trip generation rate of 2 vehicle trips per week;
- (c) Lau Fau Shan was not a genuine tourist spot. It was only a place with a concentration of seafood restaurants;
- (d) the two refuse collection points on both sides of Deep Bay Road and the car parks on the western side of Deep Bay Road, which were often fully utilised both at day and at night, would generate more adverse impact on the residential dwellings than the uses proposed by the applicant;
- (e) an open storage yard to the east of the application site was used for open storage and retail sales of construction materials; and

- (f) the applicant would submit the landscape, drainage and traffic proposals required by the relevant Government departments once planning permission was granted.

99. The Chairman requested the applicant's representative to clarify his claim that the site would only be used as a retail shop for construction metals, which differed from the uses as proposed in the application, i.e. temporary open storage and sales of construction metals with ancillary workshop and heavy vehicle park. In response, Mr. Wong Shing Tong said that the application site would only be used for the storage of construction metals for retail sales as the workshop had already been discontinued. The parking spaces for heavy goods vehicles were mainly to serve the retail shop use. The Chairman then enquired whether the applicant's proposal would constitute a material change to the application. In response, Mr. W.S. Lau said that the applicant's proposal presented at the meeting would constitute a material change to the subject application. A different proposal might have different impact and that would require the submission of a fresh application for the consideration of the Board. Mr. Wong Shing Tong, however, said that there was no material change to the application as the site would still be used for the storage of construction metals for retail sales. He added that part of the site would be used as a showroom for the construction metals on sale.

100. The Chairman enquired whether the open storage of construction metals for retail sales was in compliance with the "C/R" zone. In response, Mr. W.S. Lau said that the planning intention of the "C/R" zone was primarily for commercial and/or residential development and the proposed open storage of construction metals for retail sales was not compatible with the planning intention of the "C/R" zone. Mr. Wong Shing Tong, however, said that the retail sales of construction metals should be considered as a form of commercial use. Mr. Lau said that since the application had included a large area for open storage, the use could not be regarded as a commercial use. In this regard, the Secretary explained that according to the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E), any activity carried out on a site for which the greater part of the site (i.e. generally assumed to be more than 50%) was uncovered and used for storage or repair uses would be considered as 'Open Storage' use. As the major part of the application site would be used for open storage purposes and only a

small part of the site would be used for retail sales purposes, the proposed development would be considered by the Board as an 'Open Storage' use rather than 'Commercial' use.

101. Mr. Wong Shing Tong indicated that all activities carried out in the application site, including the use of machinery for moving construction metals, would cease operation at night. The proposed development would not cause any adverse impact on the residential development nearby, in particular Deep Bay Grove.

102. In response to the Chairman's enquiry on whether the open storage yards in the vicinity were "existing uses", Mr. W.S. Lau made reference to Plan R-2a of the Paper and said that sites that were marked with an asterisk on the plan were sites with uses that had been in existence before the first publication in the Gazette of the Lau Fau Shan and Tsim Bei Tsui Development Permission Area Plan. No action would be required to make those uses conform to the OZP. The remaining open storage yards shown on the plan were unauthorized developments that were subject to enforcement action to be carried out by the Planning Authority.

103. The Chairman enquired about the tubes shown in the photo in Plan R-4b of the Paper. In response, Mr. Wong Shing Tong said that they were concrete piles on top of which construction metals would be placed. The piles were to facilitate the lifting of construction metals.

104. In response to a Member's enquiry on whether there were plans to relocate the open storage uses and to improve the environment of the area zoned "C/R", Mr. W.S. Lau said that PlanD had recently completed a 'Study on the Enhancement of Lau Fau Shan Rural Township and Surrounding Areas' covering the area to the west of the application site. The study recommended proposals to improve the area so as to make it more compatible with the existing tourist activities found in the vicinity. The application site also fell within the on-going 'Hung Shui Kiu New Development Area Planning and Engineering Study'. Phasing out incompatible uses would help improve the general environment of the area.

105. Mr. Wong Shing Tong, however, did not consider that the planning studies were

of relevance as the proposals would take a long time to implement. He had previously submitted an application for a tourism development in the Lau Fau Shan area which was rejected by the Board. Making reference to the 2013 Policy Address, he said that the logistics industry in the Lau Fau Shan area had an important role to play in Hong Kong and the proposed development at the application site would also help to provide employment in that field.

106. As the applicant and her representative 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 her representative and DPO/TMYL for attending the meeting. They left the meeting at this point.

Deliberation Session

107. The Chairman said that, based on the submission of the applicant, the proposed use on the application site was 'Open Storage' use rather than 'Commercial' use as claimed by the applicant. A Member agreed and said that the applicant's claim that the proposed development was similar to a conventional commercial retail use was quite inappropriate, given the nature and operational requirements involved in the trading of construction metals.

108. Noting the "C/R" zoning of the site and the shortage of housing supply, a Member enquired why the site had not been developed for residential use. In response, the Secretary said that the main obstacle was the fragmented ownership of land in the area. One of the objectives of the two planning studies conducted for the area, i.e. the Study on the Enhancement of Lau Fau Shan Rural Township and Surrounding Areas and the Hung Shui Kiu New Development Area Planning and Engineering Study, was to examine a feasible implementation mechanism to encourage the transformation of the area. Members would be briefed on the proposals of the Hung Shui Kiu New Development Area Planning and Engineering Study at a later stage.

109. The Chairman concluded the discussion and noted that Members generally considered that the use was actually ‘open storage’ use rather than ‘commercial’ use and, in this regard, the proposed development was not compatible with the surrounding residential/tourism developments.

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

- (a) the development was not in line with the planning intention of the “Commercial/Residential” zone, which was primarily for commercial and/or residential development. There was no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the development was not compatible with the surrounding residential/tourism developments to its southwest, west and northwest; and
- (c) the development was not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that there were adverse departmental comments on the environmental aspect and the applicant failed to demonstrate that the development would not have adverse environmental impact on the surrounding areas.

Agenda Item 8

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/NE-TKL/422

Proposed 3 Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” zone, Lot 1113 S.A in D.D. 82, Ping Che Road, Ta Kwu Ling, New Territories

(TPB Paper No. 9344)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

111. The following representative of Planning Department (PlanD) and the applicant's representative were invited to the meeting at this point.

Ms. Maggie Chin - District Planning Officer/Shau Tin, Tai Po and North (DPO/STN), PlanD

Mr. Sit Kwok Keung - Applicant's representative

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

113. With the aid of a Powerpoint presentation, Ms. Maggie Chin made the following main points as detailed in the Paper:

- (a) the applicant sought planning permission to build 3 New Territories Exempted Houses (NTEHs) on the application site which fell within an area zoned "Agriculture" ("AGR") on the Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP);
- (b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 25.1.2013 and the reasons were:
 - (i) the proposed development was not in line with the planning intention of the "AGR" zone in the Ta Kwu Ling area which was primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes; and

- (ii) approval of the application would set an undesirable precedent for other similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area;
- (c) the further justifications in support of the review submitted by the applicant were set out in paragraph 3 of the Paper and summarized as follows:
- (i) the Building (Planning) Regulations (B(P)R) required a domestic floor to have a minimum headroom of 2.5m. The height of 5.18m for on-farm domestic structure as stipulated in the Definition of Terms would restrict the headroom of the upper floor to 2.005m ($5.18\text{m} - 2.5\text{m} - 0.225\text{m} \times 3 = 2.005\text{m}$). The low headroom would breach the B(P)R requirement;
 - (ii) since neither the Lands Department nor the PlanD had the authority to relax the building height of an on-farm domestic structure, the application for 3 NTEHs was submitted in December 2012;
 - (iii) the application for 3 NTEHs was rejected mainly because of the reason to retain the agricultural land for cultivation purposes;
 - (iv) the 3 proposed NTEHs, each with a built-over area of 37.16m^2 (400ft^2), were 2-storey farm houses that would provide on-farm accommodation for farmers. It would be an incentive to promote agricultural activities and facilitate the rehabilitation of the sites for the planned agriculture use; and
 - (v) the proposed NTEHs were ancillary to agricultural activities being reinstated on the sites. The application should be approved in order to meet the planning intention of the “AGR” zone;

- (d) part of the application site was involved in a previous application (A/NE-TKL/347) submitted by the same applicant for a proposed farm house with dimensions that had exceeded those specified for an 'On-Farm Domestic Structure' under the Definition of Terms Used in Statutory Plans (DoT). On the other hand, no information was provided by the applicant to confirm whether the proposed development was an NTEH. On 22.7.2011, the RNTPC decided to advise the applicant that as the proposed development was neither an 'On-Farm Domestic Structure' nor an NTEH, there was no provision under section 16 of the Ordinance for the RNTPC to consider the proposed development which was neither a Column 1 nor a Column 2 use under the "AGR" zone;
- (e) departmental comments – the departmental comments were summarized in paragraph 5 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural development perspective as agricultural life in the vicinity of the site was active and the site was of high potential for agricultural rehabilitation. DAFC considered that the proposal to use the void area underneath the building for agricultural use was not practical from the perspective of cost and benefit as artificial lighting might be required. DAFC also considered the applicant's claim that the proposal would promote agricultural activities and facilitate agricultural rehabilitation to be unconvincing. Chief Town Planner/Studies and Research (CTP/SR) of PlanD and Project Manager/New Territories North and West (PM/NTN&W) of Civil Engineering and Development Department did not support the application as the site was earmarked as an area for "Other Specified Uses (Special Industry)" use under the Recommended Outline Development Plan for the Ping Che/Ta Kwu Ling New Development Area. The District Lands Officer/North (DLO/N) of Lands Department (LandsD) advised that the roofed over area and the height of each proposed house were within the limits under Part 1 of the Schedule to Cap. 121, which were for NTEHs. DLO/N advised that the applicant should confirm whether the proposed houses were NTEHs. District

Officer/North (DO/N) advised that the Vice-Chairman of Ta Kwu Ling District Rural Committee and the Resident Representative of Tong Fong raised objection to the proposal while the incumbent North District Council Member and the Indigenous Inhabitant Representative of Tong Fong had no comment on the application;

- (f) public comments – three public comments were received during the statutory publication period. One comment submitted by a Member of the North District Council supported the application on the grounds that it was good for the villagers. Two comments submitted by Designing Hong Kong Limited and the Kadoorie Farm and Botanic Garden Corporation objected to the application on the grounds that the proposed development was not in line with the planning intention of the “AGR” zone and the area of agricultural land in Hong Kong should not be further reduced; and
- (g) PlanD’s views – PlanD did not support the application based on the assessment as stated in paragraph 7 of the Paper, which were summarized below:
 - (i) while the applicant claimed that the current application was for NTEH development, DLO/N of LandsD advised that the applicant should confirm whether the proposed developments were NTEHs under Part 1 of the Schedule to Cap. 121 and should ensure that the proposed developments would comply with all the requirements under Cap. 121. The applicant, however, had not submitted any further information to respond to DLO/N;
 - (ii) the proposed development was not in line with the planning intention of the “AGR” zone which was primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural

purposes;

- (iii) the site was located far away from the village cluster of Tong Fong. No similar application had been approved in the vicinity of the application site within the same “AGR” zone. Approval of the application would set an undesirable precedent and encourage other similar applications for NTEH spreading into the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area and loss in agricultural land in the New Territories;
- (iv) active/fallow agricultural land was found to the immediate west of the site. DAFC did not support the application as agricultural life in the vicinity of the site was active, the site was of high potential for agricultural rehabilitation and the proposed development would take up potential arable land in the “AGR” zone; and
- (v) DAFC considered the applicant’s claim that the proposed development would promote agricultural activities and facilitate agricultural rehabilitation to be unconvincing. DAFC also considered that it was not practical to grow crops on the ground underneath the building as artificial lighting might be required. No detailed information had been provided by the applicant to demonstrate how the NTEHs and the raised ground floor design would facilitate the agricultural use on the site.

114. The Chairman then invited the applicant’s representative to elaborate on the application.

115. By referring to the Paper, Mr. Sit Kwok Keung read out the different paragraphs in the Paper and made the following main points:

- (a) one of the justifications submitted by the applicant (Annex D of the Paper)

was not mentioned in paragraph 3 of the main Paper. The point was that the proposed NTEHs would occupy a very small portion of land on the application site and the provision of on-farm accommodation would be an incentive to promote agricultural activities;

- (b) the previous application (A/NE-TKL/347) for a proposed farm house on part of the application site submitted by the applicant was also missing from the main Paper;
- (c) the applicant was not in a position to respond to DLO/N's comments in paragraphs 5.2.1(a) and (b) of the Paper on the lack of information on the carving out of the site and the request to confirm whether the proposal was an NTEH under Part 1 of the Schedule to Cap. 121, given that the proposed development was only at the planning application stage;
- (d) the applicant did not agree to TD's comments on adverse traffic impact given in paragraph 5.2.2(a) of the Paper as the traffic generated by a farmer living on the farm would be less than that for a farmer who was not provided with on-farm accommodation and was required to travel to the farm on a daily basis; and
- (e) Buildings Department and Drainage Services Department had no comments on the application as detailed in paragraphs 5.2.3 and 5.2.4 of the Paper.

116. At this point, the Chairman reminded Mr. Sit not to read from the Paper as Members had already read the Paper before the meeting. He requested Mr. Sit Kwok Keung to focus his presentation on the reasons why he disagreed with RNTPC's reasons for rejecting the application as set out in paragraph 1.2 of the Paper.

117. Mr. Sit said that he was making a response to the various points raised in the Paper as it was the first time that he read the Paper. He continued with his presentation and made the following main points:

- (a) as the applicant would use the application site for agriculture use, it was difficult to understand why DAFC did not support the application;
- (b) the Director of Fire Services and Chief Town Planner/Urban Design and Landscape had no objection to the application as detailed in paragraphs 5.2.8 and 5.2.9 of the Paper;
- (c) making reference to paragraphs 5.2.10 and 5.2.11 of the Paper, the Board should take into account the current OZP when considering the application and should not take into account the planned uses proposed in the RODP which was yet to be confirmed and did not have any legal status;
- (d) provision of on-farm accommodation at the application site for farmers would be an incentive to promote agricultural activities and facilitate the rehabilitation of farming activities on site. It was difficult to understand why the commenters objected to the application; and
- (e) the current application was not for 'On-Farm Domestic Structure' use and the assessment given in paragraph 7.1 of the Paper had caused confusion on the use that was applied for.

118. At this point, a Member requested Mr. Sit Kwok Keung to focus his presentation on the new points he wanted to raise in response to RNTPC's reasons for rejecting the application instead of reading out the Paper which would be a waste of time. Noting that Mr. Sit had stated at the meeting that it was the first time he read the Paper, a Member said that the applicant's representative was actually reading the Paper to himself. The Chairman said that as the item was a review application, the applicant's representative should focus his presentation on the reasons why he disagreed with the RNTPC's reasons for rejecting the application.

119. Mr. Sit Kwok Keung continued with his presentation and made the following

points:

- (a) most of the land in the surrounding area were fallow agricultural land as shown in Plan R-2 of the Paper. Should the application be approved, the agricultural land on the application site would be rehabilitated for agricultural use and the planning intention of the “AGR” zone could be fulfilled; and
- (b) the proposal to provide on-farm accommodations would facilitate farmers to carry out agricultural activities and rehabilitate agricultural land that had been laid fallow. This should not give rise to any undesirable precedent. Besides, the on-farm accommodations proposed were of minimal standard.

120. Noting that the applicant was aware of the fact that the on-farm accommodations had exceeded the dimension specified for an ‘On-Farm Domestic Structure’, the Chairman asked why the applicant would still claim that the on-farm accommodations proposed were of minimal standard. In response, Mr. Sit Kwok Keung said that the on-farm accommodations proposed were not ‘On-Farm Domestic Structures’ as LandsD had informed the applicant separately that licences for ‘On-Farm Domestic Structures’ would only be issued for cases involving resite of agricultural land and would not be issued for new applications. Besides, the building height restriction of 5.18m of an ‘On-Farm Domestic Structure’ was inadequate for a 2-storey building as the B(P)R required a minimum headroom of 2.5m for each domestic floor. Therefore, the applicant had to apply for a 2-storey NTEH as the on-farm accommodation. The on-farm accommodations proposed by the applicant with a raised ground floor level for agricultural use would minimize the loss of agricultural land.

121. In response to a Member’s enquiry on whether the applicant owned other agricultural land in the surrounding area, Mr. Sit said that he did not know.

122. In response to the Chairman’s enquiry on whether the application was for ‘On-Farm Domestic Structures’ or NTEHs, Mr. Sit said that the application was for on-farm

accommodations use. Upon approval of the Board, the applicant would submit an application to LandsD for building licences for NTEH developments.

123. In response to the applicant's comment that DLO/N should not have requested for his confirmation on whether the proposal was an NTEH at the planning application stage, Ms. Bernadette Linn said that confirmation was required at this stage in order to ascertain whether the application was for an agricultural use with ancillary domestic accommodation or a domestic use with ancillary agricultural activities. Should the applied use be predominantly agricultural with ancillary domestic accommodation, the specified dimension of an 'On-Farm Domestic Structure' should be adequate for such purpose. Should the use be predominantly domestic with ancillary agricultural activities, the proposal would be processed by LandsD as an application for NTEH. Ms. Linn asked the applicant to confirm his intention. In response, Mr. Sit Kwok Keung said that the use of the site under application was predominantly agricultural with ancillary domestic accommodation. The main purpose was to enable farmers to live on the farm and minimize the need for travelling.

124. In response to a question from the Chairman, Mr. Sit Kwok Keung said that the proposal to build the houses on stilts was an adaptation of a similar proposal made by the Government in the North East New Territories New Development Area Study where houses were proposed to be built on stilts on a slope to improve air ventilation.

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

Deliberation Session

126. The Chairman said that under the current agricultural policy, a farmer could apply to LandsD for the construction of an 'On-Farm Domestic Structure' on the farm up to

the specified dimensions and there would be no need to submit a planning application. The applicant had not provided sufficient justifications on why he needed to build accommodations exceeding the dimension of an 'On-Farm Domestic Structure'.

127. A Member was concerned that the applicant's representative had not studied the Paper before coming to the meeting and had to read out the Paper at the meeting, gave casual responses to the points raised in the Paper without focusing on the rejection reasons. This would be a waste of the Board's time and would not be useful for the Board to deliberate the case.

128. In response to a Member's enquiry, Ms. Bernadette Linn said that licences for 'On-Farm Domestic Structures' should not only be issued to agricultural resite cases. However, DAFC's confirmation had to be sought on whether a person was a genuine farmer when he applied to LandsD for a licence to build an 'On-Farm Domestic Structure'. Ms. Linn added that there was a great difference in payment between an 'On-Farm Domestic Structure' and an NTEH as waiver fee would be charged for the former whereas a non-indigenous villager would have to pay full premium for the latter.

129. The Secretary supplemented that there were specific dimensions for an NTEH and 'On-Farm Domestic Structure'. The applicant's proposed on-farm accommodations had exceeded the dimension of 'On-Farm Domestic Structure', and hence the application for NTEH. Though the size of the houses he proposed was smaller than the normal dimension of an NTEH, Members would have to consider whether the applicant had provided sufficient justification for an NTEH development on the application site which was zoned "AGR" on the OZP.

130. Noting that there was a number of recent planning applications which involved land suitable for agricultural rehabilitation, a Member enquired whether it was necessary for a comprehensive study on the subject to enable the Board to consider whether a site was suitable for agricultural rehabilitation. The Chairman said that the Food and Health Bureau was carrying out a review on the agricultural policy and the Board would make reference to the review when it was available.

131. 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 development was not in line with the planning intention of the “Agriculture” (“AGR”) zone in the Ta Kwu Ling area which was primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes; and
- (b) approval of the application would set an undesirable precedent for other similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

[Mr. Laurence L.J. Li and Mr. Patrick H.T. Lau left the meeting at this point.]

Agenda Item 6

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-ST/417

Temporary Public Vehicle Park (for Private Cars Only) for a Period of 3 Years in “Green Belt” and “Undetermined” zones, Lots 207 RP (Part), 208 S.B RP in D.D. 99 and Adjoining Government Land, Lok Ma Chau Road, San Tin, Yuen Long

(TPB Paper No. 9348)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

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

Mr. W.S. Lau - District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), PlanD

133. The Chairman extended a welcome and explained the procedures of the review hearing. As the applicant had decided not to attend the hearing, the Chairman indicated that the Board would proceed with the review hearing in the absence of the applicant. He then invited DPO/TMYL to brief Members on the background of the application.

134. With the aid of a Powerpoint presentation, Mr. W.S. Lau made the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for temporary public vehicle park (for private cars only) for a period of 3 years at the application site which was partly zoned “Green Belt” (“GB”) (about 53.18%) and partly zoned “Undetermined” (“U”) (about 46.82%) on the San Tin Outline Zoning Plan (OZP);
- (b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 23.11.2012 and the reasons were:
 - (i) the development was not in line with the planning intention of the “Green Belt” (“GB”) zone. The applicant failed to provide strong planning justification for departing from the planning intention, even on a temporary basis;
 - (ii) the development was not in line with TPB PG-No. 10 as there were no exceptional circumstances that warranted approval of the application. The encroachment into the “GB” zone had degraded the natural landscape of the affected area. The applicant also failed to demonstrate that temporary public vehicle park would not have adverse landscape, traffic and drainage impacts on the surrounding area;

- (iii) the development did not comply with the TPB PG-No.13E in that no previous planning approval had been granted for the applied use at the extended “GB” portion of the site and there were adverse comments from government departments and objections from public; and
 - (iv) the approval of the application, even on a temporary basis, would set an undesirable precedent for other similar applications within the “GB” zone to the north of the Chau Tau West Road. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area;
- (c) the further justifications in support of the review submitted by the applicant were set out in paragraph 3 of the Paper and summarized as follows:
- (i) the applicant submitted a photo about the site condition in around 2010, which showed that the site was unpaved and vacant. There was no sizable tree within the site. There were a number of trees with extended crowns along the eastern boundary of the site. They were mature common species and their crowns were big enough to cover the air space of the site;
 - (ii) the applicant submitted a proposed tree preservation and landscape plan in support of the application and agreed to upkeep and enhance the landscape environment upon obtaining planning approval; and
 - (iii) the Board had approved a number of public car parks within the same “GB” zone in order to tap the geographical advantage of the location to meet the parking demand generated by cross-boundary activities. There were 8 similar applications approved previously by the RNTPC/Board in the “GB” zone. The current application should not be regarded as a bad precedent. Application Nos.

A/YL-ST/337, A/YL-ST/347 and A/YL-ST/410 were some recent examples where planning permissions were granted;

- (d) departmental comments – the departmental comments were summarized in paragraph 5 of the Paper. Commissioner for Transport (C for T) supported the temporary public vehicle park from the traffic viewpoint to address the existing parking demand arising from cross boundary traffic. However, the applicant was still required to submit a parking layout plan for approval. District Officer/Yuen Long (DO/YL) considered that encroachment of the southern part of the site onto designated burial ground No. YL/3 might arouse local objection from indigenous villagers. Chief Engineer/Mainland North (CE/MN) of Drainage Services Department commented that the applicant should submit a drainage submission to demonstrate how to collect, convey and discharge rain water onto or flowing to the site. Chief Town Planner/Urban Design and Landscape (CTP/UD&L) of PlanD had reservation on the application as there was a general presumption against development within the “GB” zone. Director of Agriculture, Fisheries and Conservation (DAFC) noted that while aerial photos taken on 1.9.2010 revealed that the site was densely covered with vegetation and trees, site inspection conducted in 2011 found that the site had become hard-paved. DAFC considered that the history of the site and the planning intention of the “GB” zone should be taken into account when considering the application;

- (e) public comments – five public comments were received during the statutory publication period. Kadoorie Farm & Botanic Garden Corporation submitted two comments raising concern that there was suspected vegetation clearance and site formation at the site and that any “destroy first, built later” activities should not be tolerated. Designing Hong Kong Limited (DHKL) objected on the grounds that the review application did not comply with TPB PG-No. 10, there was no overriding need, approval of the application would set an undesirable precedent, and the development might adversely affect the rural quality, landscape and

traffic. DHKL also requested for a holistic approach to parking space provision. The San Tin Rural Committee and a Village Representative of Lok Ma Chau Tsuen objected on the grounds that too many ingress/egress abutting Lok Ma Chau Road would severely affect the safety of villagers and traffic and that permitting more car parks would cause severe traffic congestion and accidents; and

(f) PlanD's views – PlanD did not support the application based on the assessment as stated in paragraph 7 of the Paper, which were summarized below:

- (i) the application site straddled two zones, “U” to the north and “GB” to the south. The “U” zone was intended for development of the Sheung Shui to Lok Ma Chau Spur Line and the land use in this area was being reviewed in the Lok Ma Chau Loop Study. The “GB” part was almost entirely Government land and should be for the enjoyment of the public as per the planning intention of the “GB” zone;
- (ii) the entire site was currently occupied by a public vehicle park. While there was less concern in using that part of the site zoned “U” for public vehicle park purposes on a temporary basis as a similar application had been approved before, there was concern on using the “GB” portion for the proposed use. Although the applicant claimed that the site was unpaved and vacant at around 2010, the aerial photos taken in 2010, 2011 and 2012 showed that the southern portion of the site was in a natural state covered with vegetation/trees until 2011. By 2012, the vegetation/trees/tree crowns had disappeared and the site had become paved and used as a vehicle park. The site might be a “destroy first, develop later” case. In this regard, the application should be assessed based on the original state of the site, i.e. an area of natural character with vegetation/trees, rather than its current state as a vehicle park;

- (iii) the proposed use on the “GB” part of the site was not in line with Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that it fell within the Category 4 areas and open storage and port backup uses would normally be rejected. There was no previous permission covering the larger part of the “GB” area in the current application;

- (iv) the temporary public vehicle park did not fulfil the criteria set out in the Town Planning Board Guidelines for Application for Development within Green Belt Zone (TPB PG-No. 10) where there was a general presumption against development. The applicant had not provided strong planning justification to justify a departure from the planning intention of the “GB” zone, even on a temporary basis. Moreover, the applicant failed to demonstrate that the temporary public vehicle park would not have adverse landscape, drainage and traffic impacts on the surrounding area. There were no exceptional planning circumstances that warranted the approval of the application;

- (v) the site also fell within the Wetland Buffer Area (WBA) as set out in the Town Planning Board Guidelines for Application for Developments within Deep Bay Area (TPB PG-No. 12B) where the planning intention was to protect the ecological integrity of the fish ponds and wetland within the Wetland Conservation Area and to prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds. DAFC noted that the site was densely covered with vegetation and trees in 2011 but was subsequently found to be hard-paved with only a few trees preserved. Although the ecological value of the site was limited, any development involving tree felling within “GB” zone in the site was undesirable from the ecological perspective. Approving the application might set undesirable precedent effect that might lead to

further degradation of the wooded areas there;

- (vi) since 2004, the Committee had approved a total of 16 applications for temporary car park or vehicle park (excluding container vehicle), 11 of which were within the same “U” zone and 5 applications were in the nearby “GB” zone to the south of Chau Tau Tsuen. These applications were approved mainly on the consideration that similar applications in the vicinity within the project limit of the Spur Line had been approved and the temporary vehicle park use was not incompatible with the surrounding land uses. It should be noted that the Board had not approved any application for public vehicle park within “GB” zone in the area to the north of Chau Tau West Road which was generally in a natural green state; and
- (vii) although a previous application (A/YL-ST/400) at the site had been approved, the encroachment onto the “GB” in that application was very minor (about 18.4m² or 5.5% of the site area) and the “GB” part of the site would be used as a landscaped area. In the current application, the “GB” part of the site (except a strip along the southern site boundary for planting trees) would be used for vehicle parking.

135. In response to the Chairman’s enquiry, Ms. W.S. Lau said that the land use in the “U” zone would be reviewed pending the finalization of the alignment of the Northern Link and the recommendations of the Lok Ma Chau Loop Study.

136. Noting that the proposal was for a temporary use for a period of three years only, the Chairman enquired in what way the proposed temporary use would jeopardize the long term planning of the “U” zone, the future land use of which was under review. In response, Mr. W.S. Lau said that PlanD would have no objection to the proposed temporary public vehicle park if it was confined within the “U” zone. However, the current proposal had extended beyond the “U” zone, with more than 50% falling within the “GB” zone, thus causing an adverse impact on the “GB” zone.

137. As Members had no question to raise, the Chairman said that the hearing procedures for the review had been completed and the Board would deliberate on the application and inform the applicant of the Board's decision in due course. The Chairman thanked DPO/TMYL for attending the meeting. He left the meeting at this point.

Deliberation Session

138. The Chairman noted and Members generally agreed that the proposed temporary public vehicle park was an incompatible use and that no strong planning justifications had been given to justify a departure from the planning intention, even on a temporary basis. Members also noted that the application did not comply with TPB-PG No. 10 and TPB-PG No. 13E.

139. 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 development was not in line with the planning intention of the "Green Belt" ("GB") zone. The applicant failed to provide strong planning justification for departing from the planning intention, even on a temporary basis;
- (b) the development was not in line with TPB PG-No. 10 as there were no exceptional circumstances that warrant approval of the application. The encroachment into the "GB" zone had degraded the natural landscape of the affected area. The applicant also failed to demonstrate that temporary public vehicle park would not have adverse landscape, traffic and drainage impacts on the surrounding area;
- (c) the development did not comply with the TPB PG-No.13E in that no previous planning approval had been granted for the applied use at the extended "GB" portion of the site and there were adverse comments from

government departments and objections from public; and

- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for other similar applications within the “GB” zone to the north of the Chau Tau West Road. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

[Ms. Julia M.K. Lau left the meeting temporarily at this point.]

Agenda Item 9

[Open Meeting]

Review of Application No. A/NE-TK/410

Proposed House (New Territories Exempted House – Small House) in “Agriculture” and “Green Belt” zones, Government Land in D.D. 15, Shan Liu Village, Tai Po

(TPB Paper No. 9345)

[The hearing was conducted in Cantonese.]

140. The Secretary reported that on 8.5.2013, the applicant wrote to the Secretary of the Board and requested the Board to defer making a decision on the review application. A copy of the letter had been tabled for Members’ reference. The applicant pointed out that during the consultation on the review of the “Village Type Development” (“V”) zone for Shan Liu, the Tai Po District Council (TPDC) and the Tai Po Rural Committee (TPRC) had requested Planning Department (PlanD) to further extend the “V” zone to include an area to the south-east of Shan Liu. In this regard, the applicant requested that the review application should be deferred until PlanD had responded to the request. Upon receipt of the request for deferral, the Secretariat had invited the applicant to attend the meeting to explain to the Board the reasons for his deferral request. However, the applicant decided not to attend the meeting.

141. The Secretary continued to say that PlanD was of the view that the planning application should not be deferred as the processing of the planning application and the “V”

zone review exercise were two separate matters. Should TPDC and TPRC's proposal on the extension of the "V" zone boundary be subsequently agreed by the Board, the proposed Small House development under application would be permitted as of right within the extended "V" zone.

142. The Secretary then invited the Board to consider whether or not to accede to the applicant's request for deferment. Should the Board decide not to agree to the request for deferral, the Board might consider to proceed with the consideration of the review application at the meeting.

143. Making reference to 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), the Chairman said that the reason provided by the applicant in his deferral request did not fit into any of the criteria set out in paragraph 3.1 of TPB PG-No. 33.

144. After deliberation, the Board decided not to agree to the request for deferral. The Board also decided to proceed with the consideration of the review application at the meeting as scheduled.

145. The following representative of PlanD was invited to the meeting at this point.

Ms. Maggie Chin - District Planning Officer/Sha Tin, Tai Po and North (DPO/STN), PlanD

146. The Chairman extended a welcome and explained the procedures of the review hearing. As the applicant had decided not to attend the hearing, the Chairman indicated that the Board would proceed with the review hearing in the absence of the applicant. He then invited DPO/STN to brief Members on the background of the application.

147. With the aid of a Powerpoint presentation, Ms. Maggie Chin made the following main points as detailed in the Paper:

- (a) the applicant sought planning permission to build a proposed house (New Territories Exempted House (NTEH) – Small House) on the application site which fell within an area zoned “Agriculture” (“AGR”) (about 95%) and “Green Belt” (“GB”) (about 5%) on the Ting Kok Outline Zoning Plan (OZP);
- (b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 19.10.2012 and the reasons were:
 - (i) the proposed development did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (Interim Criteria) as the site was entirely outside the “Village Type Development” (“V”) zone and the village ‘environs’ (‘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;
- (c) the further justifications in support of the review submitted by the applicant were set out in paragraph 3 of the Paper and summarized as follows:
 - (i) as the existing “V” zone was wrongly planned on hill slopes or woodlands, land available for construction of Small Houses was very limited. Although the site was situated completely outside the “V” zone and ‘VE’ and did not fulfil the criteria, the applicant had no alternative but to propose to construct a Small House at the subject site;
 - (ii) PlanD had proposed to extend the “V” zone to meet the Small House demand. Although Drainage Services Department (DSD) had already constructed trunk sewer for the village, which was

expected to be completed in 2013, Water Supplies Department (WSD) still objected to the proposed Small House on the ground that there might be adverse impact on the water quality in the WGG. As the site was just some 20m from the inlet of the trunk sewer, the waste water and sewage generated from the Small House would be discharged to the public sewerage system via connecting sewers. The applicant would engage approved professionals to design the connecting sewers to the satisfaction of the DSD; and

- (iii) regarding Chief Town Planner/Urban Design and Landscape (CTP/UD&L)'s objection to the application from the landscape planning perspective, it should be noted that Small House application on Government land covered 65.03m² only, i.e. just enough to build a standard Small House. In this regard, all measures of landscape planting could only be done on Government land surrounding the site. It was unreasonable to reject the application on the ground that an approval condition on landscape planting could not be imposed as there was no space for landscape planting;

- (d) departmental comments – the departmental comments were summarized in paragraph 6 of the Paper. District Lands Officer/Tai Po (DLO/TP) of Lands Department (LandsD) did not support the application as the site fell wholly outside the “V” zone and ‘VE’ of Shan Liu. Chief Engineer/Development (2) (CE/Dev(2)) of WSD raised objection as the site was located within the lower indirect WGG. The applicant failed to provide information to demonstrate that the proposed development would not cause adverse impact on the water quality in the area. Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as the site had high potential for agricultural rehabilitation. CTP/UD&L of PlanD raised objection from the landscape planning perspective as approval of the application might set an undesirable precedent leading to urban sprawl

and degradation of the existing landscape quality;

- (e) public comments – two public comments were received from Kadoorie Farm & Botanic Garden Corporation and Designing Hong Kong Limited objecting to the application on the grounds that the proposed development was not in line with the planning intention of “AGR” and “GB” zones; some suspected site formation work might have been conducted at the village; any “destroy first, build later” activities should not be tolerated; any effluent/runoff from the development would have the potential to affect the water quality in WGG; the approval of the application would set a precedent for other similar applications in the area; and there was a lack of sustainable layout of infrastructure and development for the area; and
- (f) PlanD’s views – PlanD did not support the application based on the assessment as stated in paragraph 8 of the Paper, which were summarized below:
 - (i) according to the DLO/TP’s record, the total number of outstanding Small House applications for Shan Liu Village was 45 while the 10-year Small House demand forecast for the same village was 250. Based on the latest estimate by PlanD, about 0.41 ha (or equivalent to about 16 Small House sites) of land was available within the “V” zone of Shan Liu. In this regard, the land available could not fully meet the future Small House demand of about 7.38 ha (or equivalent to about 295 Small House sites);
 - (ii) although there was a general shortage of land in meeting the future Small House demand in Shan Liu Village, 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. In this regard, DLO/TP did not support the application. Approval of the application would set an undesirable precedent for other similar applications in the area. There was no exceptional

circumstance or strong justification provided by the applicant that would merit sympathetic consideration of the application;

- (iii) while Director of Environmental Protection and Director of Drainage Services had no objection to the application as a trunk sewer was being constructed to serve the Small House development within “V” zone of Shan Liu, CE/Dev(2) of WSD objected to the application as the site was within the lower indirect WGG and fell outside the “V” zone and ‘VE’ of Shan Liu. The applicant had failed to provide information to demonstrate that the proposed development located within the lower indirect WGG would not cause adverse impact on the water quality in the area;
- (iv) CTP/UD&L, PlanD objected to the application from the landscape planning point of view as approval of the application would set an undesirable precedent to other similar Small House applications in the area resulting in urban sprawl and further degradation of landscape quality. DAFC also did not support the application from the agricultural point of view as the site had high potential for agricultural rehabilitation; and
- (v) PlanD had undertaken a land use review of Shan Liu (the Review) and submitted a proposal to expand Shan Liu’s “V” zone to the RNTPC. On 7.12.2012, the RNTPC noted the findings of the Review and agreed in-principle to the proposed land use zonings. Under the Review, about 1.03 ha of flat and abandoned agricultural land was proposed to be rezoned from “AGR” and “GB” to “V” whilst those areas on hill slopes and at the edge of woodland were proposed to be rezoned from “V” and “AGR” to “GB” (about 0.31 ha). The total area of the proposed extended “V” zone was about 1.44 ha. It was noted that the subject site was located about 135m away from the existing “V” zone, 80m away from the proposed extended “V” zone and 40m away from the ‘VE’.

148. Ms. Bernadette Linn said there was an error in paragraph 6.2.1(c) of the Paper as the number of outstanding Small House applications should be 38 instead of 45.

149. Noting that the proposed “V” zone as agreed by RNTPC on 7.12.2012 would cover a total area of 1.44 ha, the Chairman enquired whether the application site fell within that proposed “V” zone. Ms. Maggie Chin replied in the negative.

150. In response to a Member’s enquiry, Ms. Maggie Chin said that out of 59 similar applications for Small House development in the vicinity, 20 applications were approved mainly on the consideration that the application sites fell within the ‘VE’, there was shortage of land to meet the Small House demand, and the proposed Small House developments could be connected to the planned sewerage system in the area. In response to the Chairman, Ms. Chin said that according to the Interim Criteria, sympathetic consideration might be given if not less than 50% of the proposed Small House/NTEH footprint fell within the ‘VE’ of a recognized village and there was a general shortage of land in meeting the demand for Small House development in the “V” zone. Moreover, if more than 50% of the footprint of the proposed Small House/NTEH was located outside the ‘VE’, favourable consideration could be given if not less than 50% of the proposed Small House/NTEH footprint fell within the “V” zone, provided that there was a general shortage of land in meeting the demand for Small House development in the “V” zone and the other criteria could be satisfied. The Interim Criteria would also take into account technical considerations such as whether there was any adverse impact on water quality.

151. As Members had no question to raise, the Chairman said that the hearing procedures for the review had been completed and the Board would deliberate on the application and inform the applicant of the Board’s decision in due course. The Chairman thanked DPO/STN for attending the meeting. She left the meeting at this point.

Deliberation Session

152. The Chairman noted and Members agreed that the proposed development did not comply with the Interim Criteria as the site was entirely outside the “V” zone and ‘VE’

of any recognized villages. Members also agreed that the applicant had failed to provide information to demonstrate that the proposed development located within the lower indirect WGG would not cause adverse impact on the water quality in the area.

153. A Member enquired whether the applicant had been informed that the Board would proceed to consider the application if his request for deferral was not accepted. In response, the Secretary said that in accordance with TPB PG-No. 33, if the request for deferral was without reasonable grounds, the request would be submitted together with the relevant TPB Paper to the Board for consideration and the applicant would be invited to explain the reasons for deferment. Should the Board consider that a deferment was not warranted, it might proceed to consider and make a decision on the application. If the applicant failed to attend the scheduled meeting, the Board might proceed with the meeting in the absence of the applicant. For the subject case, the applicant had indicated that he would not attend the meeting and the request for deferral was only received after the TPB Paper had been issued. Upon receipt of the applicant's request for deferral, the applicant was invited again to attend the meeting to explain to the Board the reasons for the deferral request, if he so wished. He was also informed that the Board might proceed with the consideration of the application at the meeting if the deferral request was not acceded to. Notwithstanding this, the applicant decided not to attend the meeting.

154. After further deliberation, the Board decided to reject the application on review. Members then went through the reasons for rejection 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 NTEH/Small House in 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.

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

[Mr. Dominic K.K. Lam and Mr. Lincoln L.H. Huang left the meeting at this point.]

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

Agenda Item 10

[Open Meeting]

Review of Application No. A/ST/804

Proposed Office in “Industrial” Zone, Workshop 1-4, 8/F, Shing Chuen Industrial Building,
25-27 Shing Wan Road, Sha Tin, New Territories

(TPB Paper No. 9346)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

156. The following Member had declared interests on this item:

Professor Eddie C.M. Hui - owned a flat in Sha Tin

157. Members noted that Professor Eddie C.M. Hui had already left the meeting.

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

Ms. Maggie Chin)	District Planning Officer/Shah Tin, Tai Po and North (DPO/STN), PlanD
Mr. Francis Choi)	
Mr. Tang Chung Ming)	
Ms. Isabella Shum)	Applicant’s representatives
Mr. Lau Ying Kit)	
Ms. Lee Lai Yin)	

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

160. With the aid of a Powerpoint presentation, Ms. Maggie Chin made the following main points as detailed in the Paper:

- (a) the applicant sought planning permission to regularize the office use at the application premises which fell within an area zoned “Industrial” (“I”) on the Sha Tin Outline Zoning Plan (OZP);
- (b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 25.1.2013 for the reason that the proposed development did not comply with the ‘Town Planning Board Guidelines for Use/Development within “Industrial” Zone’ (TPB PG-No. 25D) in that it would attract persons who could be exposed to fire risk, which they would neither be aware of nor prepared to face. The proposed use was therefore unacceptable from fire safety point of view;
- (c) the applicant had not submitted any justification in support of the review application;
- (d) departmental comments – the departmental comments were summarized in paragraph 5 of the Paper. District Lands Officer/Shan Tin (DLO/ST) of Lands Department (LandsD) commented that the subject lot should not be used for any purpose other than industrial and godown purposes and that office use was not permitted under the lease. According to a recent site inspection conducted by LandsD, the premises was being used as a religious institution. The applicant should clarify whether the premises was intended for office use or religious institution use. Director of Fire Services (D of FS) objected to the application as it was obvious from the activities carried out in the premises that the proposed use was a religious institution instead of an office. The application deviated from TPB

PG-No. 25D in that partial conversion of an industrial building for religious institution should not be allowed due to fire safety considerations. Director of Environmental Protection (DEP) did not support the application as the proposed office cum workshop use for pottery and handicraft making, song writing and music practice was similar to an educational/training institution, which would be subject to potential adverse air quality and noise impacts from the surrounding industrial activities;

- (e) public comments – five public comments were received during the statutory publication period. Two comments submitted by a Member of the Sha Tin District Council and the Chairman of the Sha Tin Rural Committee indicated no comment on the review application. One comment submitted by an individual indicated support for the review application while two comments submitted by individuals were against the review application on the grounds that the applicant had not submitted any justifications for the regularisation of the illegal use of the subject premises and the fire safety concerns had not been resolved; and
- (f) PlanD's views – PlanD did not support the application based on the assessment as stated in paragraph 7 of the Paper, which were summarized below:
 - (i) pure office buildings within the “I” zone might be permitted on application to the Board based on individual merits and in accordance with the planning assessment criteria set out in the Town Planning Board Guidelines for Use/Development within “Industrial” Zone (TPB PG-No. 25D). In case of a partial conversion, it had to be demonstrated that the proposed use would be acceptable in terms of fire safety, land use, traffic and environmental considerations;
 - (ii) the application was for partial conversion of four units on 8/F of an existing industrial building for office use. Site inspection revealed

that the premises was being used as a church for holding assembly or gatherings, i.e. a religious institution. Whether the application premises was being used as an office or a religious institution might need to be clarified. Although the application was for office use, it was considered that the current use on site was more akin to a religious institution, which was not acceptable from fire safety and environmental points of view;

- (iii) according to TPB PG-No. 25D, FSD should be satisfied on the risks likely to arise or increase from the application under concern. Partial conversion of an industrial building for religious institution should not be allowed due to fire safety concern. As the proposed use was more akin to a religious institution, it would attract persons who could be exposed to fire risk which they would neither be aware of nor were prepared to face. These persons include the old, infirm, children and those whose nature of work was unrelated to the activities in an industrial building. In this regard, the application was not in line with the Town Planning Board Guidelines; and

- (iv) the applicant claimed that a workshop area would be provided within the application premises for training or production activities including pottery, handicraft making, song writing and music practice. In this regard, DEP did not support the application as the occupants engaging in these activities were similar to that of an educational institution and would become air and noise sensitive receivers within an existing active industrial building. There was no technical information to demonstrate that the occupants would not be subject to adverse air quality and noise impacts.

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

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

162. With the aid of a Powerpoint presentation, Mr. Francis Choi made the following main points:

- (a) the premises was owned by a religious body and was previously used as an office and for religious activities. However, on the advice of DLO/ST that such uses were not allowed under the lease, the unauthorised uses had been terminated pending the outcome of the planning application and the subsequent waiver application to LandsD;
- (b) the current application was for an office use rather than for religious institution use. The routine worship and assembly activities of the religious body would not be held at the application premises but in the school hall of a secondary school nearby (the Lok Sin Tong Young Ko Hsiao Lin Secondary School) on Sundays;
- (c) Fire Services Department (FSD)'s comments were not valid as they were made on the assumption that the application premises was used as a religious institution. FSD should comment on the fire risk situation based on the application for an office use;
- (d) noting that an educational institution was defined as 'any place or premises used for post-secondary education such as studies, training and/or research in technology, science, commerce art or any other subject of learning', the proposed uses at the application premises were in no way similar to an educational institution. The premises would only be used as a design and production workshop and office for religious-related products;
- (e) if the occupants at the application premises were considered as air and noise sensitive receivers that would be subject to adverse air quality and noise impacts from the surrounding industrial activities, DEP should tackle the source of the pollutants and control these uses instead of

controlling the sensitive receivers;

- (f) the proposed office use was compatible with other uses within the building as at least 50% to 60% of the occupiers of the subject industrial building were office users;
- (g) the maximum number of persons staying at the application premises at any one time would not exceed 20 persons;
- (h) the proposed activities would provide practical opportunities for people who were socio-economically deprived to understand and experience how knowledge-based industries worked and to help cultivate entrepreneurship;
- (i) it was difficult to find suitable premises in the locality for the proposed use that was financially affordable to a non-profit-making body;
- (j) approving the application would facilitate the revitalization of existing industrial space in the neighbourhood, address the demand for activities that were much-needed by the community, and help foster a sense of belonging and harmony in the community. The proposed uses at the application premises would offer many benefits to the community; and
- (k) the applicant would emphasize that the application was for office use and not for a religious institution nor an educational institution.

163. The Chairman then invited questions from Members.

Application Premises

164. Making reference to the site photos shown in Plan R-4b where a large amount of chairs were found and noting the large size of the application premises (417m² in area), the Vice-Chairman considered that those were inconsistent with the applicant's claim that a

maximum of 20 persons would stay at the premises at any one time. He also enquired about the location of the office serving the church before it was relocated to the application premises.

165. In response, Mr. Francis Choi said that the applicant bought the application premises in October 2010 in the hope of using the premises as a permanent location for the church. At that time, the applicant thought that the use of industrial premises would be further relaxed to allow religious institution use in view of the Government policy to revitalize industrial buildings. The applicant only realized after the purchase that religious institution use was not permitted. Hence, the photos in Plan R-4b showed the facilities for the previous church activities that had taken place. All those activities had been terminated and the applicant only wished to use the premises as their headquarters and office, but they did not need all the space in the premises for their office use. Mr. Choi said that the applicant would like to explore if planning approval could be obtained for some other uses. There was a possibility that they would sell part of the premises.

166. Regarding the large amount of chairs found at the premises, Mr. Tang Chung Ming supplemented that the chairs were acquired before the applicant knew that the premises could not be used for religious activity. In view of the large amount of space available, the applicant used it for storage purpose. The current planning application was for office use in support of the religious activities and community services provided by the church.

167. In response to a Member's enquiry on the amount of space that was actually required by the church, Mr. Tang Chung Ming said that the church did not require all the space that was available at the application premises and, if planning permission was granted, the applicant would rent out about half of the premises to other organizations for office use. In response to a Member's enquiry, Ms. Maggie Chin said that planning permission ran with the application site/premises. In this regard, the applicant could let/sell the premises to another party provided that the uses complied with the planning permission granted.

The Church Activities

168. Noting from the applicant's submission that the applicant had been using a secondary school for its worship and assembly activities since 2005, the Chairman asked if the applicant's claim that the religious activities were later relocated from the application premises to the school hall was correct.

169. In response, Mr. Tang Chung Ming said that when the applicant bought the subject premises, it was expected that the wholesale conversion of the subject industrial building would be successful as most of the owners agreed with the proposal of wholesale conversion. The application premises was then converted for church use. Even that was done, the applicant still intended to continue using the secondary school as the main premises for the Sunday worship and other religious activities.

Educational Institution Use

170. Noting that the applicant would provide education, training and practices for the disadvantaged groups at the application premises, a Member asked why the applicant said that the application was not for an educational institution use. In response, Mr. Francis Choi said that while the activities to be provided at the application premises would provide educational services, it did not mean that the premises would be used as an educational institution. In this regard, the applicant did not agree that the applied use should be regarded as an educational institution. In response to the same Member's follow-up question, Mr. Choi confirmed that a maximum of 20 persons would stay at the premises at any one time.

Activities at the Application Premises and the Participants

171. The Chairman noted that Annex I of the Application Form had indicated that the proposed activities within the application premises included pottery and handicrafts making, artwork design, song writing and music composition, and practicing of musical instruments. As the Board had concern on the fire safety, the Chairman asked the applicant to clarify whether the 20 persons visiting the premises would be the same group of people and would they include children, the elderly and the infirm. The Chairman also asked the consultant for the applicant why he considered that the activities mentioned above could be regarded as

‘office’ uses. In response, Mr. Francis Choi said that he had already advised the applicant that the subject premises could only be used for office and whether the proposed activities would be acceptable was entirely up to the Board. The applicant had honestly included all the activities that were planned to be provided at the subject premises into the submission for the consideration of the Board. Mr. Choi said that he had already advised the applicant that they might need to find alternative premises for their activities if planning permission was not granted.

172. A Member said that the applicant had to put up a proposal for the Board’s consideration. The Chairman said that the consultant should have knowledge on the definition of office use adopted by the Board but none of the activities proposed fell within the “office” definition. He asked why the applicant had still applied for office use. Mr. Choi reiterated that he wished to help the applicant to obtain approval and had therefore included all the proposed activities into the application. In response to the Chairman’s enquiry on Mr. Tang’s submission that part of the application premises was used as a band room for practicing musical instruments, Ms. Maggie Chin said that a band room was not considered as an ‘Office’ use.

173. A Member enquired about the number of church members and whether the participants of the design and production workshops included volunteers. In response, Mr. Tang Chung Ming said that the church had about 120 regular members. As most of the participants of the education and training classes could only attend the classes on Sundays, most of the classes were held at the secondary school. In this regard, the number of members attending the education and training classes at the application premises during the week would not be more than 20 persons. Mr. Tang said that the attendees of the education and training classes were either members of the church or people who were applying to be members, most of them being adults.

174. In response to the Chairman’s enquiry, Mr. Tang said that members participating in one type of activity such as the handicrafts making activity might be different from those participating in another activity such as song writing, but no children were involved. The activities for children were mostly held on Sundays in the secondary school as they needed to be accompanied by adults. Nevertheless, members might

occasionally bring their children to the office.

175. In response to the questions raised by Mr. Ken Wong of EPD, Mr. Tang Chung Ming said that there were very few activities at the application premises during weekdays. Normally, there would only be one activity taking place at any one time, and it was very seldom to have two activities taking place in parallel. Regarding the number of activities, Mr. Tang said that the church would organize 7 to 8 kinds of activities at the application premises. Nevertheless, the maximum number of persons participating in the activities at any one time was about 20 persons, mostly on Saturday afternoons.

Compliance with Town Planning Board Guidelines

176. In response to a Member's enquiry on whether the application was in line with criteria (a) of TPB PG-No. 25D, Ms. Maggie Chin said that criteria (a) was about the need to demonstrate that there was a shortfall in the provision of office and commercial floor space to serve the industrial activities. On this aspect, no shortfall was envisaged as office use was permitted as of right on a number of zonings on the OZP including the "Other Specified Uses" annotated "Business" zone and the lower three floors of buildings within the "Residential (Group A)" zone. Ms. Chin also highlighted that according to criteria (e) of TPB PG-No. 25D, for partial conversion of an industrial building to any use requiring planning permission, it had to be demonstrated that the proposed use would be acceptable in terms of fire safety, land use, traffic and environmental considerations. In response, Mr. Francis Choi said that the current application was for office use and, according to a similar application for office use in the same industrial building (Application No. A/ST/811), FSD did not raise any objection to that proposed use.

177. Noting that there were office uses on several floors in the subject building but only one application (A/ST/811) for office use was received by the Board, a Member enquired whether those office uses were unauthorized developments. In response, Ms. Maggie Chin said that under the "Industrial" zone, any premises where the activities of the firm were in direct support of and complementary to an associated industrial operation (i.e. 'Office Related to Industrial Use') would be always permitted. With regard to application No. A/ST/811, it was for office and storage use and FSD had no objection to that

application as the office use was related to the storage use.

178. 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/STN for attending the meeting. They left the meeting at this point.

Deliberation Session

179. Noting the applicant's confirmation that some of the activities would be "training classes", Members generally agreed that the proposed activities to be provided at the application premises could not be regarded as office use. As industrial activities were still found within the subject industrial building which had not been wholly converted, there was potential fire risk on the church users. Members were also concerned that children who might occasionally visit the application premises would be exposed to fire risk.

180. In response to a Member's enquiry, the Secretary said that each planning application would be considered on the terms of the application as submitted to the Board. For the subject application, although the application was for office use, the applicant had included non-office uses including workshop for training or production, pottery and handicrafts making, artwork design, song writing and practicing of musical instruments. If the applicant decided that the application premises would be used purely for office purposes excluding the workshop activities, they would need to submit a fresh planning application.

181. A Member considered that fire safety concern was fundamental and the applicant had not provided any justifications to address the Board's concerns on this aspect. The Secretary supplemented that according to the applicant, the 20 participants were local members of the church residing in the neighbourhood. In this regard, they were not workers in the industrial building and were not in line with the safety requirements as set out in TPB PG-No. 25D.

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

the proposed development did not comply with the 'Town Planning Board Guidelines for Use/Development within "Industrial" Zone' (TPB PG-No. 25D) in that it would attract persons who could be exposed to fire risk, which they would neither be aware of nor prepared to face. The proposed use was therefore unacceptable from fire safety point of view.

Agenda Item 11

[Open Meeting]

Request for Deferral of Review of Application No. A/FSS/210

Proposed Minor Relaxation of Non-Domestic Plot Ratio Restriction for Permitted Commercial/Residential Development in "Commercial/Residential (3)" zone, Junction of Ma Sik Road and Sha Tau Kok Road, Fanling (FSST Lot No. 177)

(TPB Paper No. 9347)

[The meeting was conducted in Cantonese.]

183. The Secretary reported that on 14.12.2012, upon the request of the applicant, the Board had deferred making a decision on the review application for two months in order to allow time for preparation of further information.

184. On 22.2.2013, the applicant submitted further information including a case study of GFA exemption for elevated pedestrian walkways in Singapore in support of the proposed minor relaxation. On 17.4.2013, the applicant wrote to the Secretary of the Board and requested the Board to defer the consideration of the review application in order to allow two months' time to undertake further study and research for pedestrian walkway. This was the second deferral request submitted by the applicant.

185. Members noted that the justifications for deferment met the criteria set out in the

Town Planning Board Guidelines No. 33 in that the applicant needed more time to prepare documentation for the review, the deferment period was not indefinite, and that the deferment would not affect the interests of other relevant parties.

186. After deliberation, the Board agreed to defer consideration of the application as requested by the applicant and the application should be submitted to the Board for consideration within three months upon receipt of further submission from the applicant. The Board also agreed to advise the applicant that the Board had allowed a further period of two months for preparation of the submission of further information and that a total of four months had already been allowed. No further deferment would be granted unless under very special circumstances.

Agenda Item 12

[Open Meeting]

Submission of the Draft Ma On Shan Outline Zoning Plan No. S/MOS/17A
to the Chief Executive in Council for Approval
under Section 8 of the Town Planning Ordinance

(TPB Paper No. 9351)

[The meeting was conducted in Cantonese.]

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

Mr. Dominic K.K. Lam	-	spouse owned a flat in Ma On Shan
Mr. Eric K.S. Hui	-	owned a flat and a car parking space in Ma On Shan

188. As the item was procedural in nature, Members agreed that the above Members could stay at the meeting. Members noted that the above Members had already left the meeting.

189. The Secretary briefly introduced the Paper. On 24.2.2012, the draft Ma On

Shan Outline Zoning Plan (OZP) No. S/MOS/17, incorporating amendments mainly to rezone the sites at Whitehead for recreational and residential developments and a site at On Chun Street for residential development, was exhibited for public inspection under section 5 of the Town Planning Ordinance. During the 2-month exhibition period, a total of 1,079 representations were received. On 18.5.2012, the representations were published for public comments and in the first three weeks of the publication period, 61 public comments were received.

190. On 31.8.2012, after giving consideration to the representations and comments, the Board decided not to uphold the representations related to Whitehead but decided to defer a decision on the representations related to the On Chun Street site pending a review of “Government, Institution or Community” (“G/IC”) sites in Ma On Shan which might also be suitable for residential development.

191. Although the Board decided not to uphold the representations related to Whitehead, the Board noted the concerns of some representations over the need to preserve the natural shoreline of the proposed “Recreation” (“REC”) zone and agreed that the requirement for shoreline preservation could be reflected in the Explanatory Statement of the OZP. In this regard, paragraph 9.8.1 of the Explanatory Statement had incorporated the above requirement.

192. On 1.2.2013, the Board gave further consideration to the representations and comments related to the On Chun Street site and decided to propose amendments to the OZP to meet the 1,074 representations related to that site. On 22.2.2013, the proposed amendments to the OZP to rezone the On Chun Street site for GIC use, to rezone two sites at Hang Kwong Street and Ma Kam Street from “G/IC” to “Residential (Group B)3” (“R(B)3”) and “Residential (Group B)4” (“R(B)4”) respectively for residential development, and to amend the building height restriction of a “G/IC” site at On Luk Street, were published under s. 6C(2) of the Ordinance. During the first three weeks of the publication period, 28 further representations were received.

193. On 26.4.2013, after giving consideration to the further representations and the related representations and comments, the Board decided to amend the draft OZP by the

proposed amendments under section 6F(8) of the Ordinance. As the plan-making process had been completed, the draft Ma On Shan OZP No. S/MOS/17 was ready for submission to the Chief Executive in Council (CE in C) for approval.

194. After deliberation, the Board agreed:

- (a) that the draft Ma On Shan OZP No. S/MOS/17A together with its Notes at Annex I and Annex II of the Paper were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) to endorse the updated Explanatory Statement (ES) for the draft Ma On Shan OZP No. S/MOS/17A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for various land-use zones on the draft OZP and issued under the name of the Board; and
- (c) that the updated ES for the draft Ma On Shan OZP No. S/MOS/17A was suitable for submission to CE in C together with the draft OZP.

Agenda Item 13

[Open Meeting]

Submission of the Draft Sha Tin Outline Zoning Plan No. S/ST/27A

to the Chief Executive in Council for Approval

Under Section 8 of the Town Planning Ordinance

(TPB Paper No. 9354)

[The meeting was conducted in Cantonese.]

195. As the representations were concerned with the proposed public rental housing and Home Ownership Scheme developments in Fo Tan by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA), the following Members had declared interests on this item:

- | | |
|---|--|
| Mr. Clarence W.C. Leung | - owned a flat in Fo Tan |
| Professor Eddie C.M. Hui | - owned a flat in Sha Tin |
| Professor K.C. Chau | - owned a flat in Fo Tan |
| Mr. Stanley Y.F. Wong | - being a member of the HKHA and Chairman of the Subsidized Housing Committee of the HKHA |
| Ms. Julia M.K. Lau | - being a member of the Commercial properties Committee and Tender Committee of the HKHA |
| Professor Edwin H.W. Chan | - being a member of the Building Committee of the HKHA |
| Mr. Dominic K.K. Lam | - had business dealings with the HKHA |
| Mr. H.F. Leung | - had business dealings with the HKHA |
| Ms. Janice W.M. Lai | - had business dealings with the HKHA |
| Mr. K.K. Ling
as Director of Planning | - being a member of the Strategic Planning Committee and the Building Committee of the HKHA |
| Ms. Bernadette Linn
as Director of Lands | - being a member of the HKHA |
| Miss Winnie M.W. Wong
as Principal Assistant Secretary (Transport), Transport and Housing Bureau | - being the representative of the Secretary for Transport and Housing who was a member of the Strategic Planning Committee of the HKHA |
| Mr. Eric K.S. Hui
as Assistant Director, Home Affairs Department | - being a representative of the Director of Home Affairs who was a member of the Strategic Planning Committee |

196. As the item was procedural in nature, Members agreed that the above Members could stay at the meeting.

197. The Secretary briefly introduced the Paper. On 26.10.2012, the draft Sha Tin Outline Zoning Plan (OZP) No. S/ST/27, incorporating amendments to rezone two sites in Fo Tan to facilitate public rental housing and home ownership scheme developments and

other amendments to reflect the latest land use proposal, as-built situation and minor boundary adjustments, was exhibited for public inspection under section 5 of the Ordinance. During the 2-month exhibition period, a total of 6 representations were received. On 11.1.2013, the representations were published for public comments and in the first three weeks of the publication period, one public comment was received.

198. On 22.3.2013, after giving consideration to the representations and comments, the Board decided not to propose any amendment to the draft OZP to meet the representations. As the plan-making process had been completed, the draft Sha Tin OZP No. S/ST/27 was ready for submission to the Chief Executive in Council (CE in C) for approval.

199. After deliberation, the Board agreed:

- (a) that the draft Sha Tin OZP No. S/ST/27A together with its Notes at Annex I and Annex II of the Paper were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) to endorse the updated Explanatory Statement (ES) for the draft Sha Tin OZP No. S/ST/27A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for various land-use zones on the draft OZP and issued under the name of the Board; and
- (c) that the updated ES for the draft Sha Tin OZP No. S/ST/27A was suitable for submission to CE in C together with the draft OZP.

Agenda Item 14

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Tsim Sha Tsui Outline Zoning Plan No. S/K1/27

(TPB Paper No. 9352)

[The meeting was conducted in Cantonese.]

200. The Secretary briefly introduced the Paper. On 11.1.2013, the draft Tsim Sha Tsui Outline Zoning Plan (OZP) No. S/K1/27 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The proposed amendments were mainly related to the rezoning of the Middle Road Multi-storey Car Park (MRCP) site from “Government, Institution or Community” (“G/IC”) to “Commercial (11)” (“C(11)”) and an area shown as ‘Road’. During the 2-month exhibition period, 573 representations were received. On 22.3.2013, the representations were published for public comments and, in the first three weeks of the publication period, 26 public comments were received.

201. As all the representations and comments were related to the rezoning of the MRCP site and the concerned amendments had attracted wide interest/concern of the locals as well the general public, it was considered more efficient and appropriate for the full Board to consider the representations and comments. The hearing could be accommodated in the Board’s regular meeting and a separate hearing session would not be necessary. It was also recommended that the Board should consider the representations and comments collectively in one group.

202. After deliberation, the Board agreed to the proposed hearing arrangement for the consideration of the representation and comment as detailed in paragraph 3 of the Paper.

Agenda Item 15

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Fanling/Sheung Shui Outline Zoning Plan No. S/FSS/17

(TPB Paper No. 9353)

[The meeting was conducted in Cantonese.]

203. The Secretary briefly introduced the Paper. On 5.1.2013, the draft Fanling/Sheung Shui Outline Zoning Plan (OZP) No. S/FSS/17 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The

proposed amendments were mainly related to the rezoning of a group of sites at Choi Yuen Road to “Residential (Group A)1” (“R(A)1”) and area shown as ‘Road’ and another group of sites to the south of Yung Shing Court to “R(A)2” and “Green Belt” (“GB”). During the 2-month exhibition period, 4 representations were received. On 5.4.2013, the representations were published for public comments and, in the first three weeks of the publication period, 2 public comments were received.

204. As all the representations and comments were related to the rezoning of the site at Choi Yuen Road and the concerned amendments had attracted much public interest, it was recommended that the representations and comments should be considered by the full Board. The hearing could be accommodated in the Board’s regular meeting and a separate hearing session would not be necessary. It was also recommended that the Board should consider the representations and comments collectively in one group.

205. After deliberation, the Board agreed to the proposed hearing arrangement for the consideration of the representation and comment as detailed in paragraph 2 of the Paper.

Agenda Item 16

A.O.B.

[The meeting was conducted in Cantonese.]

(i) [Closed Meeting]

206. This item was recorded under confidential cover.

(ii) Proposed Amendments to the the Approved Wan Chai North Outline Zoning Plan
No. S/H25/2 (MPC Paper No. 11/13)

[Open Meeting]

207. A Member raised concern on the traffic impact generated by the proposed top-side development of the Exhibition (EXH) Station site of the Shatin to Central Link (SCL) which was considered by the Metro Planning Committee (MPC) on 3.5.2013.

While Transport Department (TD) considered that the proposed development would not cause adverse traffic impacts on the surrounding area, the Member noted that a traffic impact assessment would still be required from the future project proponent. The Member said that the provision of convention and exhibition facilities in the future development might cause traffic problem.

208. In response, the Secretary said that the proposed topside development of EXH station would be primarily for convention and meeting facilities and other commercial related uses and no exhibition use would be included. TD considered that the proposed convention and meeting facilities would generate less traffic and pedestrian flow than those of exhibition use. Moreover, as the proposed topside development would only be completed after the completion of the Central-Wan Chai Bypass (CWB) and the other road improvement works in the area, TD considered that the proposed development would not cause significant traffic impacts on the surroundings. Besides, it was proposed that the site would be zoned "Comprehensive Development Area" on the OZP so that all the relevant technical assessments would need to be submitted to the Board for consideration before planning permission would be granted. In this regard, any traffic impact arising from the proposed topside development of EXH station would be adequately addressed.

209. There being no other business, the meeting closed at 6:20 p.m.