

**Minutes of 1072nd Meeting of the
Town Planning Board held on 7.11.2014**

Present

Permanent Secretary for Development
(Planning and Lands)

Mr Thomas T.M. Chow

Chairman

Mr Stanley Y.F. Wong

Vice-Chairman

Mr Roger K.H. Luk

Professor S.C. Wong

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Ms Anita W.T. Ma

Dr W.K. Yau

Ms Bonnie J.Y. Chan

Professor K.C. Chau

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Ms Janice W.M. Lai

Mr Patrick H.T. Lau

Ms Christina M. Lee

Mr H.F. Leung

Mr Stephen H.B. Yau

Mr David Y.T. Lui

Mr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Chief Engineer (Works), Home Affairs Department

Mr Frankie W.P. Chou

Deputy Director of Environmental Protection

Mr C.W. Tse

Director of Lands

Ms Bernadette H.H. Linn

Principal Assistant Secretary (Transport)

Transport and Housing Bureau

Miss Winnie M.W. Wong

Director of Planning

Mr K.K. Ling

Deputy Director of Planning/District

Mr Raymond K.W. Lee

Secretary

Absent with Apologies

Professor P.P. Ho

Mr Laurence L.J. Li

Mr H.W. Cheung

Mr Sunny L.K. Ho

Mr Lincoln L.H. Huang

Mr Dominic K.K. Lam

Mr F.C. Chan

Dr Eugene K.K. Chan

Mr Francis T.K. Ip

In Attendance

Assistant Director of Planning/Board

Miss Fiona S.Y. Lung

Chief Town Planner/Town Planning Board

Ms Lily Y.M. Yam (Agenda Items 1 to 4, 7, 11 to 14)

Mr Louis K.H. Kau (Agenda Items 5 to 6, 8 to 10 and 15)

Senior Town Planner/Town Planning Board

Ms Wendy W.L. Li (Agenda Items 1 to 4, 7, 11 to 14)

Mr K.K. Lee (Agenda Item 4)

Ms Doris S.Y. Ting (Agenda Items 5 to 6, 8 to 10 and 15)

Agenda Item 1

[Open meeting]

Confirmation of Minutes of the 1068th Meeting held on 6.10.2014

[The meeting was conducted in Cantonese.]

1. The minutes of the 1068th meeting held on 6.10.2014 were confirmed without amendments.

Agenda Item 2

[Open meeting]

Confirmation of Minutes of the 1071st Meeting held on 24.10.2014

[The meeting was conducted in Cantonese.]

2. The minutes of the 1071st meeting held on 24.10.2014 were confirmed without amendments.

Agenda Item 3

Matters Arising

[The meeting was conducted in Cantonese]

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

Tuen Mun & Yuen Long West District

Agenda Item 4

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in Respect of the Draft Tuen Mun
Outline Zoning Plan No. S/TM/32
(TPB Papers No. 9773, 9774 and 9775)

[The meeting was conducted in Cantonese and English.]

Presentation and Question Sessions

4. The Chairman briefly explained the hearing arrangements for the representations and comments in respect of the draft Tuen Mun Outline Zoning Plan (OZP) No. S/TM/32 (the Plan). He said that the representations and comments would be heard in three groups as previously agreed by Members, i.e. Group 1 for collective hearing of those representations relating to Amendment Items A1 to A5, D1, D2, E and F and one related comment (Tuen Mun North and Others), Group 2 for collective hearing of those representations relating to Amendment Items B1 and B2 and two related comments (Tuen Mun Central), and Group 3 for collective hearing of those representations relating to Amendment Items C1 to C13 and G and three related comments (Tuen Mun East). The meeting would first consider the oral submissions by the representers in Group 1, to be followed by a Question and Answer (Q & A) session. The same arrangement would apply to Groups 2 and 3, which were to follow Group 1 in sequence. As for Commenter C3, the only commenter who had provided comments covering all Amendment Items and had indicated attendance at the hearing of Group 3, his oral submission would be given before commencement of the Q&A session for Group 3. Deliberations for Groups 1 to 3 would follow after the Q&A session for Group 3 had finished.

[Ms Janice W.M. Lai arrived to join the meeting at this point.]

Group 1 - Tuen Mun North and Others

(Representations No. R1(Part), R3(Part), R4(Part), R5 to R56 (excluding R17 and R23), R57(Part) and Comment No. C3(Part))

5. The following Members had declared interests that were direct on the item for having business dealings/affiliation with Sun Hung Kai Properties Limited (Sun Hung Kai) which was the mother company of Pacific Good Investment Limited and Main Channel Limited (R5), or MTR Corporation Limited (MTRCL) (R57), or affiliation with the Hong Kong Housing Authority (HKHA) since four representation sites (i.e. Amendment Items A1 to A4) in Tuen Mun North (TMN) were to facilitate public housing developments by the HKHA:

- Mr Stanley Y.F. Wong - being a member of the HKHA and Chairman of the Subsidised Housing Committee of HKHA
- Professor P.P. Ho - being a member of the Building Committee of HKHA
- Mr H.F. Leung - being a member of the Tender Committee of HKHA and having business dealings with HKHA
- Mr K.K. Ling
(as Director of Planning) - being a member of the Strategic Planning Committee and Building Committee of HKHA
- Ms Bernadette H.H. Linn
(as Director of Lands) - being a member of HKHA
- Mr Frankie W.P. Chou
(as Chief Engineer (Works),
Home Affairs Department) - being an alternate member for the Director of Home Affairs who was a member of the Strategic Planning Committee and the Subsidised Housing Committee of 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 HKHA; and being an alternate Member of the Board of the MTRCL
- Ms Julia M.K. Lau - being a member of the Commercial Properties Committee and Tender Committee of HKHA and having business dealings with Sun Hung Kai

Ms Janice W.M. Lai) having business dealings with HKHA, MTRCL
Mr Dominic K.K. Lam) and Sun Hung Kai
Mr Patrick H.T. Lau)

Mr. Ivan C.S. Fu - having business dealings with MTRCL and Sun
Hung Kai

6. In addition, the following Members had declared remote or indirect interests on the item:

Dr C.P. Lau - owning a flat at Kwun Tsing Road, So Kwun Wat

Dr Eugene K.K. Chan - being the convenor of the Hong Kong Metropolitan Sports Events Association that had obtained sponsorship from Sun Hung Kai

Ms Christina M. Lee - being a committee member of the Hong Kong Metropolitan Sports Events Association that had obtained sponsorship from Sun Hung Kai

7. Members noted that as the property of Dr C.P. Lau was not located in proximity to the concerned amendment sites under Group 1, his interest was remote. Members agreed that the Members who had declared direct interests should be invited to leave the meeting temporarily and those who had declared remote or indirect interests should be allowed to stay in the meeting and participate in the discussion. Members noted that Professor P.P. Ho, Mr Dominic K.K. Lam and Dr Eugene K.K. Chan had tendered apologies for being unable to attend the meeting, while Ms Julia M.K. Lau, Mr H.F. Leung, Mr. Ivan C.S. Fu, Ms Christina M. Lee and Ms Bernadette H.H. Linn had not yet arrived to join the meeting.

[Mr Stanley Y.F. Wong, Mr K.K. Ling and Miss Winnie M.W. Wong left the meeting temporarily at this point. Ms Janice W.M. Lai, Mr Patrick H.T. Lau and Mr Frankie W.P. Chou left the meeting at this point. Mr. C.W. Tse joined the meeting at this point.]

Presentation and Question Sessions

8. As sufficient notice had been given to the representers and commenters 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 and commenters who had indicated that they would not attend or had made no reply to the invitation to the hearing.

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

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

Mr C.C. Lau - Senior Town Planner (STP)/TM, PlanD

Mr Ricky Ho - Senior Engineer/Housing and Planning/New Territories West, Transport Department (SE/HP/NTW, TD)

R4 - Leung Chi Ming

Mr Leung Chi Ming - Representer

R5 - Pacific Good Investment Limited and Main Channel Limited

Ms WU Wan Yin, Winnie]
Miss WAN Wai Yan, Vivian] Representer's representatives
Mr HUI Chak Hung, Dickson]
Mr. KWOK Man Hin, Ryan]

10. The Chairman extended a welcome and explained the procedures of the hearing. He said that the representatives of PlanD would first be invited to make a presentation. After that, the representer and the authorised representatives would be invited to make oral submissions. After the oral submissions, there would be a Q & A session. He then invited

Mr David Lam (DPO/TM&YLW) to brief Members on the background of the representations.

11. With the aid of a Powerpoint presentation, Mr Lam made the following main points as detailed in the Paper (No. 9773):

Background

- (a) as mentioned in the 2013 Policy Address, the Government had adopted a multi-pronged approach to increase land supply with a view to meeting Hong Kong's housing and other development needs. "Government, Institution or Community" ("G/IC") sites with no designated use and "Green Belt" ("GB") sites adjoining development areas without a high ecological value would be reviewed to assess their suitability for housing purpose. It was reaffirmed in the 2014 Policy Address that the Government would continue to review various land uses and rezone sites as appropriate for residential use. The development intensity of Government's unallocated residential sites would also be increased as far as allowable in planning terms;
- (b) the proposed amendments to the Plan involved rezoning of 14 sites for housing purpose including four in Tuen Mun North (Sites A1 to A4), two in Tuen Mun Central (Sites B1 and B2), and eight in Tuen Mun East (Sites C1 to C5, and C7 to C9). They can produce a total of about 10,400 residential units. There were also five technical amendments (Amendment Items D1, D2, E, F and G) reflecting approved applications or existing uses;

Sites of Amendment Items A1 to A5

- (c) the four sites which concerned Amendment Items A1 to A4 were all rezoned for public housing development to produce a total of about 2,800 residential units. Site A1, located west of Kei Lun Wai in Area 54, was rezoned from "G/IC" to "Residential (Group A)24" ("R(A)24") subject to

a maximum domestic/non-domestic plot ratio (PR) of 5/9.5 and a maximum building height (BH) of 120mPD. Site A2, located at Hing Fu Street in Area 54, was rezoned from “G/IC”, “GB” and an area shown as ‘Road’ to “R(A)25” subject to a maximum domestic PR of 5, a maximum non-domestic PR of 0.4 for provision of social welfare facilities, and a maximum BH of 120mPD. Site A3, located to the north-east of Leung King Estate in Area 29, was rezoned from “G/IC” and “R(A)” to “R(A)21” subject to a maximum domestic PR of 6, a maximum non-domestic PR of 2 for provision of a community health centre and GIC facilities, a maximum BH of 140mPD, and a non-building area (NBA) of 20m wide as breezeway. Site A4, located to the north-east of Shan King Estate in Area 2, was rezoned from “G/IC” to “R(A)23” subject to a maximum domestic/non-domestic PR of 6/9.5 and a maximum BH of 110mPD. There was a typographical error in paragraph 4.4 of the Paper in that the maximum domestic PR was stated as 5, which should be 6 as aforementioned. The PR of Site A4 was not the subject of any adverse representations received. Site A5, located next to Site A2, was rezoned from “G/IC” to “GB” to preserve the vegetated slope;

Sites of Technical Amendments

- (d) in respect of the technical amendments comprising Amendment Items D1, D2, E and F, Amendment Item D1 entailed the rezoning of a site to the south of Pui To Road in Area 12 from “Industrial” (“I”) to “Commercial(1)” (“C(1)”). The amendment was to reflect the approved planning application (No. Y/TM/9) relating to an existing commercial building on the site, and to allow planning application for an existing residential care home for disability (RCHD) use at the lower floors. Amendment Item D2 was for the rezoning of a site to the east of Lung Fu Road in Area 45 from “GB” and “Other Specified Uses” annotated “Public Recreation and Sports Centre” (“OU(PRSC)”) to “Recreation” (“REC”), which was mainly to reflect a partially approved planning application (No. Y/TM/11) for a proposed holiday camp development (by placing ‘Holiday Camp’ in Column 2 use of the “REC” zone to ensure adequate planning

control). Amendment Item E was for the rezoning of a site to the north of Lung Mun Road in Area 46 from “Other Specified Uses” (“OU”) annotated “Crematorium, Columbarium, Funeral Services Centre and Open Space” to “Undetermined” (“U”), as the proposed crematorium at the site was no longer required in view of a proposed alternative site in Tsang Tsui and its inclusion in the ‘Planning and Engineering Study for Tuen Mun Areas 40 and 46 and the Adjoining Areas’ to determine the future use. Amendment Item F involved rezoning of a site to the south of Fu Tai Estate in Area 52 from “Comprehensive Development Area” (“CDA”) to “Residential (Group B)16” (“R(B)16”) to reflect the completed residential development;

The Representations

- (e) out of the 54 representations received in respect of Amendment Items A1 to A5 and other technical amendments under Amendment Items D1, D2, E and F, 49 representations in support of Amendment Item A3 were received (R6 to R56 (excluding R17 and R23)), which were submitted by a Member of the Tuen Mun District Council (TMDC) Ms Ching Chi Hung (R45) and various other individuals. One representation providing views on Amendment Item A4 was submitted by the MTRCL (R57(Part)), while the remaining 4 representations opposed all the Amendment Items under Group 1 (R1(Part), R3(Part), R4(Part) and R5);

Grounds and Proposals of Representations and Responses

- (f) the major grounds of representations in Group 1 were detailed in paragraphs 5.1, 5.2 and 5.3 of the Paper. Concerned government bureaux/departments had been consulted on the representations and the responses were set out in paragraphs 6.2 and 10.5 of the Paper. They were summarised below:

Supportive Representations (R6 to R56 (excluding R17 and R23))

- (i) the proposed housing development under Amendment Item A3 would include medical, social welfare and community facilities and the Government would provide traffic management in the locality;

Representation Providing Views (R57(Part))

- (ii) Site A4 was situated adjacent to the Light Rail (LR). The proponent of Site A4 should assess and evaluate potential noise impacts from LR operations, and incorporate and implement adequate noise mitigation measures at the site at his own cost to the satisfaction of the Environmental Protection Department (EPD) before occupation. The requirement for the above should be stipulated in the relevant planning brief to be fulfilled by the proponent;

- (iii) the responses to the above grounds as detailed in paragraphs 6.2.8 and 12.1 of the Paper were:

- PlanD noted the grounds of the supporting representations;
- Environmental Assessment Study (EAS) had been conducted by the Housing Department (HD) to evaluate the potential environmental impacts and feasibility of the proposed public housing development with respect to the Hong Kong Planning Standards & Guidelines (HKPSG) for Site A4. The results indicated that no adverse air and traffic noise impacts would be caused with the inclusion of a 10m set-back from Shek Pai Tau Road. The Director of Housing advised that the potential LR noise had been assessed to the satisfaction of EPD and adequate noise mitigation measures would be provided where necessary to ensure full compliance with the statutory noise limits. The Director of Environmental Protection (DEP) had no comments

noting that sufficient buffer distances in accordance with the HKPSG, and mitigation measures identified in the EAS would be implemented;

Adverse Representations (R1(Part), R3(Part), R4(Part) and R5)

Adverse Impact on Residents

- (iv) the rezoning proposals would seriously affect residents of surrounding areas;
- (v) the responses to the above grounds as detailed in paragraph 6.2.1 of the Paper were:
- to increase and expedite housing land supply in the short to medium term, the Government needed to optimise the use of developable land in the existing urban areas and new towns. With a view to identifying suitable sites for conversion to residential use, the Government had been carrying out various land use reviews, including reviews on “G/IC” sites, vacant government land (GL) and those under Short Term Tenancies (STTs) or short-term or Government uses, as well as the review on “GB” sites;
 - technical assessments including Air Ventilation Assessments, visual appraisals and traffic assessments etc. had been undertaken and the relevant departments had confirmed the technical feasibility of Sites A1 to A4 for public housing development. In terms of landscape impact, tree preservation and compensatory planting proposals would be provided for future housing developments in accordance with the Development Bureau Technical Circular (Works) No. 10/2013 for Government projects. Requirements for tree survey and submission of tree preservation proposals and landscaping

proposals/landscape master plan would be included in the planning brief;

- Amendment Items D1 and F were to reflect the existing commercial and residential developments respectively. They would unlikely generate additional impacts on the surrounding areas. For Item D2, it reflected an approved section 12A application for rezoning a “GB” area to “REC” at the major part of the site. The residual area of the previous “GB” zone (about 0.15ha) was also rezoned to rationalise the zoning boundaries;
- for Amendment Item E, a consultancy study (i.e. Planning and Engineering Study for Tuen Mun Areas 40 and 46 and adjoining area) was being conducted. The study findings would form the basis for the future zoning of the site. Zoning the site as “U” for the time being pending completion of the study was appropriate;

Inadequate Investigation Prior to Rezoning

- (vi) R3(Part) submitted that inadequate investigation by the Government prior to proposing rezoning was unacceptable. The unnecessary uncertainty arising from various detailed technical assessments with conflicting objectives should not be added to the future purchasers of the sale sites;
- (vii) the responses to the above grounds as detailed in paragraph 6.2.2 of the Paper were that the relevant departments had confirmed technical feasibility of Sites A1 to A4 for public housing development. The concern on uncertainty to future purchasers of the sale sites was not relevant;

Retention for GIC and Open Space Uses

- (viii) Sites A1 and A4 should be retained for GIC and open space uses;
- (ix) the responses to the above grounds as detailed in paragraph 6.2.3 of the Paper were that the planned provision of the major GIC facilities in the district was generally sufficient. There would also be a surplus provision of local open space and district open space;

“CDA” Zoning for Planning Control

- (x) the Board should consider rezoning Site A2 to “CDA” such that the Board could exercise full planning control on the future residential development;
- (xi) the responses to the above grounds as detailed in paragraph 6.2.4 of the Paper were that through the imposition of restrictions in PR and BH as well as the requirement of a planning brief, there should be sufficient control in the “R(A)” zone for Site A2 to ensure that the proposed public housing development at the site would not give rise to significant adverse impacts;

Lack of Sufficient Flexibility under Notes

- (xii) the amendment of the Notes for Site A2 specifying the planning intention of the site for public housing was against the long-established practice of allowing sufficient flexibility under the OZP;
- (xiii) the responses to the above grounds as detailed in paragraph 6.2.5 of the Paper were:
 - since Site A2 was identified as suitable and had been reserved for public housing, it was appropriate to spell out clearly the

planning intention in the Notes of the Plan;

- the site had been zoned for public purpose since 2000 to facilitate the then proposed development of a community hall (CH) and an indoor recreation centre (IRC) serving the local residents. With the relocation of these originally planned GIC uses, the site had subsequently been identified for public housing with the incorporation of GIC facilities. The proposal for rezoning the site for public housing development had been made known to the public through District Council consultations on 23.11.2012, 7.1.2014 and 27.1.2014;

Proposals from the Representers

- (g) the proposals put forward by the representers in Group 1 as detailed in paragraphs 5.1.3 and 5.2.3 of the Paper were summarised below:
- (i) to withdraw all amendment items (R1(Part));
 - (ii) to rezone Site A2 to “CDA” and not to specify in the planning intention of developing the site for public housing development (R5);
- (h) the responses to the above proposals were detailed in paragraphs 6.2 and 10.7 of the Paper. It was considered that withdrawal of the amendment items was not justified in the light of the assessments conducted for the various sites and that the “R(A)” zoning for Site A2 and specification of the planning intention were appropriate;

Comments on Representations

- (i) C3(Part), submitted by Green Sense, opposed all “GB” rezonings on the Plan (including Amendment Item A2 which involved 0.07 ha of land (9% in the “GB” zone) and also Amendment Item D2 prior to the carrying out of

a comprehensive consultation on the policy of a large-scale rezoning of “GB” sites in the territory. It stated that the original planning intention of the “GB” zone was to contain urban developments, conserve the nature of Hong Kong and strike a balance between developments and the environment. Partial consultation on rezoning of “GB” sites was not appropriate, and the “GB” sites were important for micro-environment;

- (j) it had been stated under paragraphs 6.2.6 and 10.6 of the Paper that the concerned portion of Site A2 was formed, without vegetation cover. Including this minor portion was only for minor boundary adjustment and would not affect the micro-environment. For Item D2, it reflected an approved section 12A application for rezoning a “GB” site to “REC” at the major part of the site;

PlanD’s Views

- (k) PlanD’s views on the representations as summarised in paragraph 12 of the Paper were:
 - (i) the supportive views of R6 to R56 (excluding R17 and R23) on Amendment Item A3 and the views of R57(Part) on Amendment Item A4 were noted; and
 - (ii) the representations No. R1(Part), R3(Part), R4(Part) and R5 were not supported, and the Plan should not be amended to meet the representations.

12. The Chairman then invited the representer and the representer’s representatives to elaborate on their representations. For the efficient conduct of the meeting, the Chairman asked the representer and representer’s representatives not to repeat unnecessarily the same points that had already been stated in the written representations already submitted but to focus on the main points raised in the representations.

R4 - Leung Chi Ming

13. Mr Leung Chi Ming made the following main points:

- (a) he generally had no major comments on the Amendment Items of the Plan except Amendment Items A1 and A4;
- (b) the character of the locality of Site A1 was somewhat rural in nature and transport wise, being some distance away from the large development of Siu Hong Court, Site A1 was not very conveniently located. The additional population to be brought about by the new housing development at Site A1 might impact on the local area in traffic terms and whether the local facilities such as malls and markets could meet their needs should be considered;
- (c) Site A4 was proposed to be subject to a maximum BH of 110mPD, similar to the height of the nearby Shan King Estate. As the site was located very near a building block of Shan King Estate i.e. King Lai House, the future development on Site A4 would have some impact on the surrounding environment;
- (d) since Site A4 could only accommodate one building block, whether the future residential development at the site could effectively meet the demand for housing supply came into question; and
- (e) facilities for use by the public were generally lacking in the local area. The “G/IC” zoning should be retained for Site A4 and the site should be developed as a park or to accommodate other facilities for use by the local residents.

R5 - Pacific Good Investment Limited and Main Channel Limited

14. With the aid of a Powerpoint presentation, Miss Vivian Wan, representative of R5, made the following main points:

- (a) the rezoning of Site A2, which was under single private ownership, from “G/IC”, “Green Belt” (“GB”) and an area shown as ‘Road’ to “R(A)25” for Home Ownership Scheme (HOS) development, not public rental housing, had contravened Article 6 of the Basic Law of the Hong Kong Special Administrative Region (The Basic Law), which protected the right of private ownership of property;
- (b) from the property market perspective, there was not much difference between residential units of HOS and those of the private sector, in terms of prices and types. Most sites for HOS developments were under Government land, while Site A2, a piece of land under single private ownership, was however identified by HD for HOS development;
- (c) against this background, it was not convinced that there were no other more suitable sites in the Tuen Mun area for HOS development. It was doubtful as to whether the Government was making the right decision in the allocation of land resources since many parcels of Government land would soon be released for sale in the market;
- (d) resumption of private land would have to go through a lengthy process and use tax payers’ money. If HD was to resume private land without sound grounds, it could possibly be subject to legal challenge, only to delay the supply of housing units for the Tuen Mun area;
- (e) private residential development at the site was a better option than HOS development since it would be devoid of land resumption and ownership issues, resulting in a quicker release of units to meet housing demand;
- (f) the Town Planning Board (the Board) should focus on whether a piece of land was suitable for residential development, not to decide on the executor for the development. In a recent approval of a planning

application for a proposed residential development (Application No. A/TM-LTYT/273) in Tuen Mun where HD wished to use the site for public housing development, it had been agreed by the Members of the Rural and New Town Planning Committee (RNTPC) of the Board that it was not for the RNTPC to decide whether a residential site should be used for public or private housing development, there were demands for both private and public housing, and that the concern of the RNTPC should not be on whether the site should be developed for public housing. The rezoning proposal concerning Ex-Lee Wai Lee Campus Site was another example where it was agreed that the role of the Board was to consider the appropriate zoning of the concerned site;

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

- (g) it was considered that the amendments to the Plan could be subject to judicial review. The rezoning application for Site A2 by the lot owner (i.e. the representer) was submitted in March 2014 before the Board's consideration of the amendment items to the Plan during April/May 2014. It was highly unreasonable and unfair to the applicant that the gazetting of the Plan with amendments was carried out before consideration of the subject rezoning application;
- (h) since social welfare facility was a Column 1 use under the "R(A)" zone, the incorporation of GIC facilities did not confine to HOS development; and
- (i) objection was raised against Amendment Item A2 as the planning intention of the "R(A)" zone, which stated that "R(A)25" was for public housing development, had included the planned HOS development by HD. This specification in the planning intention should be deleted.

15. As the presentations from R4 and R5's representatives had been completed, the Chairman invited questions from Members.

16. The Chairman asked the representatives of R5 if the developer had the intention to incorporate GIC facilities into his proposed development at Site A2. In reply, Ms Winnie Wu, a representative of R5, said that while there was no such intention in the subject rezoning application submitted, should the site be rezoned to “R(A)” and that social welfare facility remained a Column 1 use, the applicant would be willing to consider and discuss the matter with the concerned departments.

17. Members had no question to raise. The Chairman thanked the government representatives as well as R4 and R5’s representatives for attending the meeting. They all left the meeting at this point.

[Mr Stanley Y.F. Wong, Mr K.K. Ling and Miss Winnie M.W. Wong returned to join the meeting at this point. Mr H.F. Leung arrived to join the meeting at this point.]

18. The Chairman said that as the representers of Group 2 had yet to arrive, procedural matters under Agenda Items 11 to 14 and a request for deferment of a section 16 application under Agenda Item 7 could be dealt with first before proceeding to the hearing of Group 2 under Agenda Item 4. Members agreed.

[Ms Julia M.K. Lau and Mr Frankie W.C. Yeung arrived to join the meeting at this point.]

Procedural Matters

Agenda Item 11

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments on the Draft Cheung Sheung Development Permission Area Plan No. DPA/NE-CS/1

(TPB Paper No. 9782)

[The meeting was conducted in Cantonese.]

19. The Secretary briefly introduced the Paper. On 21.3.2014, the draft Cheung Sheung Development Permission Area (DPA) Plan No. DPA/NE-CS/1 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance.

20. During the two-month exhibition period, a total of eight representations (R1 to R8) were received.

21. R1 and R2, submitted by the Village Representative (VR) and Sai Kung North Rural Committee (SKNRC), mainly objected to the lack of “Village Type Development” (“V”) zone; insufficient infrastructure facilities in the area and proposed to incorporate Wong Chuk Long and Tai Hom into the Plan. R3 to R8, submitted by the green/concern groups and an individual, mainly supported the introduction of the Plan but objected to the designation of “Unspecified Use”. They also considered that the Ecological Important Stream (EIS) and its riparian area together with the major ecological interest of the area and freshwater habitats should be protected by conservation zonings and the area be ultimately included into the Sai Kung West Country Park; development should be limited to those existing built environment; and future designation of “V” zone was not supported.

22. On 20.6.2014, the representations were published for public comments for three weeks and one comment was received. C1 objected to the village development as construction activities might cause serious impact on the environment and affect the ecology of the area.

Meeting Arrangements

23. It was recommended that the representations and comment 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.

24. As the representations and the related comment were similar and closely related, it was suggested that the representations and comment be considered collectively in one group. The hearing was tentatively scheduled for December 2014.

25. After deliberation, the Board agreed that the representations and comment should be heard by the Board in the manner as proposed in paragraph 3 of the Paper.

Agenda Item 12

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments on the Draft Tai Po Kau Development Permission Area (DPA) Plan No.

DPA/NE-TPK/1

(TPB Paper No. 9783)

[The meeting was conducted in Cantonese.]

26. The Secretary briefly introduced the Paper. On 21.3.2014, the draft Tai Po Kau Development Permission Area Plan (DPA) No. DPA/NE-TPK/1 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance.

27. During the two-month exhibition period, a total of 49 representations (R1 to R49) were received.

28. R1 to R5, submitted by Village Representatives (VRs), Tai Po Rural Committee (TPRC) and Tai Po District Council (TPDC), mainly objected to the Plan for designating “Unspecified Use” covering private land. R6 to R49, submitted by the green/concern groups and individuals, largely supported the planning control under the Plan but considered that the areas, in particular the ecological sensitive areas, should be protected by conservation zonings and that the areas should ultimately be designated as Special Area or be incorporated into the Tai Po Kau Nature Reserve.

29. On 20.6.2014, the representations were published for public comments for three weeks and no comment was received.

Meeting Arrangements

30. It was recommended that the representations 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.

31. As the representations were similar and closely related, it was suggested that the representations be considered collectively in one group. The hearing was tentatively scheduled for December 2014.

32. After deliberation, the Board agreed that the representations should be heard by the Board in the manner as proposed in paragraph 3 of the Paper.

Agenda Item 13

[Open Meeting]

Submission of the Draft Ta Kwu Ling North Outline Zoning Plan No. S/NE-TKLN/1A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance (TPB Paper No. 9784)

[The meeting was conducted in Cantonese.]

33. The Secretary briefly introduced the Paper. On 19.7.2013, the draft Ta Kwu Ling North Outline Zoning Plan (OZP) No. S/NE-TKL/1 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of four representations were received. On 11.10.2013, the representations were published for public comments and, in the first three weeks of the publication period, one comment was received.

34. On 28.2.2014, after giving consideration to the representations and comment, the Board decided to meet two representations by amending the zoning of Heung Yuen Wai Stream and its 20m riparian area, and amending the Notes for the "REC" zone of the Plan to clearly reflect the planning intention for low-density recreational developments. On 16.5.2014, the proposed amendments to the Plan were considered and agreed by the Board.

On 13.6.2014, the proposed amendments to the Plan were published for three weeks for further representation. A total of 23 valid further representations were received. On 19.9.2014, the Board considered all the 23 further representations collectively, and considered that the Plan should be amended by the proposed amendments.

35. As the representation consideration process had been completed, the draft Ta Kwu Ling North OZP No. S/NE-TKLN/1A was ready for submission to the Chief Executive in Council (CE in C) for approval.

36. After deliberation, the Board agreed:

- (a) that the draft Ta Kwu Ling North OZP No. S/NE-TKLN/1A and its Notes at Annexes I and II of the Paper respectively 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 Ta Kwu Ling North OZP No. S/NE-TKLN/1A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and
- (c) that the updated ES for the draft Ta Kwu Ling North OZP No. S/NE-TKLN/1A was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 14

[Open Meeting]

Submission of the Draft Cheung Chau Outline Zoning Plan No. S/I-CC/6A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance (TPB Paper No. 9785)

[The meeting was conducted in Cantonese.]

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

- | | |
|-----------------------|------------------------------------------------------------------------------------------------------|
| Mr Lincoln L.H. Huang | - being the shareholder and director of a company which owned a flat in Lung Tsai Tsuen, Cheung Chau |
| Dr W.K. Yau | - being involved in the operation of an education centre in Cheung Chau |

38. As the property owned by Mr Lincoln L.H. Huang and the education centre operated by Dr W.K. Yau were not located in the vicinity of the representation sites and the item was procedural in nature, the Board agreed that the above Members should be allowed to stay in the meeting. Members noted that Mr Lincoln L.H. Huang had tendered apologies for being unable to attend the meeting.

39. The Secretary briefly introduced the Paper. On 11.4.2014, the draft Cheung Chau Outline Zoning Plan (OZP) No. S/I-CC/6 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of two representations were received. On 27.6.2014, the representations were published for public comments and, in the first three weeks of the publication period, four comments were received.

40. On 24.10.2014, after giving consideration to the representations and comments, the Board decided not to propose any amendment to the Plan. As the representation consideration process had been completed, the draft Cheung Chau OZP No. S/I-CC/6A was ready for submission to the Chief Executive in Council (CE in C) for approval.

41. After deliberation, the Board agreed:

- (a) that the draft Cheung Chau OZP No. S/I-CC/6A and its Notes at Annexes I and II of the Paper respectively 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 Cheung Chau OZP No. S/I-CC/6A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and
- (c) that the updated ES for the draft Cheung Chau OZP No. S/I-CC/6A was suitable for submission to the CE in C together with the draft OZP.

[Ms Christine M. Lee arrived to join the meeting at this point.]

Agenda Item 7

[Open Meeting]

Request for Deferment of Review of Application No. A/TP/547

Proposed Religious Institution and Columbarium in “Green Belt” Zone,

Lots 6 RP, 54 RP, 56, 440 S.A RP, 441 RP, 443 S.A, 443 RP and 445 in D.D. 24 and adjoining Government Land, No. 43 Ma Wo Road, Tai Po

(TPB Paper No. 9777)

[The meeting was conducted in Cantonese]

42. The Secretary briefly introduced the Paper. He said that the application was for a proposed religious institution and a columbarium within the “Green Belt” (“GB”) zone on the draft Tai Po Outline Zoning Plan No. S/TP/25. On 13.6.2014, the Rural and New Town Planning Committee (RNTPC) rejected the application. On 3.7.2014, the applicant’s representative applied under s.17(1) of the Town Planning Ordinance for a review of the RNTPC’s decision to reject the application. Further information (FI) was submitted on 13.8.2014, which was published on 15.8.2014. The application and the FI had received a total of 3,535 public comments, including 3,278 adverse comments. The review application had been scheduled for consideration by the Board on 7.11.2014. On 13.10.2014, the applicant’s representative wrote to the Board and requested the Board to defer making a decision on the review application for two months in order to allow sufficient time for the applicant to address the departmental comments on the application. This was the first

request from the applicant for deferment of the review application.

43. Members noted that in view of the large number of adverse public comments on the proposed religious institution and columbarium, the application was a concern of the general public and should be submitted for consideration of the Board as early as possible. Nevertheless, the request for deferment was to address technical issues raised by government departments which were essential for the consideration of the application by the Board. As it was the first request for deferment, the applicant could be given the chance to address the departmental comments. Members also noted that the justifications for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications (TPB PG-No. 33) in that the applicant needed more time to prepare the supplementary information in response to departmental comments and the deferment period was not indefinite. PlanD had no objection to the request for deferment.

44. After deliberation, the Board agreed to defer a decision on the review application as requested by the applicant pending the submission of further information by the applicant. The Board also agreed that the review application should be submitted for its consideration within three months upon receipt of further information submitted by the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Board's consideration. The Board also agreed to advise the applicant that the Board had allowed a period of two months for preparation of the submission of further information and no further deferment would be granted unless under very special circumstances.

Agenda Item 4 (Continued)

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in Respect of the Draft Tuen Mun
Outline Zoning Plan No. S/TM/32
(TPB Papers No. 9773, 9774 and 9775)

[The hearing was conducted in Cantonese and English]

Group 2 – Tuen Mun Central

(Representations No. R1(Part), R3(Part), R4(Part), R57(part) to R59(Part), R60 to R812 and Comments No. C1(Part) and C3(Part))

45. The following Members had declared interests that were direct on the item for having business dealings/affiliation with MTRCL (R57) and Henderson Land Development Company Limited (Henderson) which was the mother company of the Hong Kong and China Gas Company Limited (HKCGC) (R59):

Mr Ivan C.S. Fu) having business dealings with MTRCL and
Ms Janice W.M. Lai) Henderson
Mr. Dominic K.K. Lam)
Mr. Patrick H.T. Lau)

Dr Eugene K.K. Chan - his spouse being an employee of a subsidiary company in the Henderson Land Group and being the convenor of the Hong Kong Metropolitan Sports Events Association that had obtained sponsorship from Henderson

Miss Winnie M.W. Wong - being an alternate Member of the Board of the
(as Principal Assistant MTRCL
Secretary (Transport),
Transport and Housing
Bureau)

46. In addition, the following Members had declared remote or indirect interests on the item:

Professor S.C. Wong - being an employee of the HKU which received donation from a family member of the Chairman of Henderson

- Mr Roger K.H. Luk
Professor P.P. Ho
Professor K.C. Chau
- being a Member of Council (Mr Luk) or employees (Professor Ho and Professor Chau) of the Chinese University of Hong Kong (CUHK) which received donation from a family member of the Chairman of Henderson
- Dr C.P. Lau
- owning a flat at Kwun Tsing Road, So Kwun Wat
- Mr. Clarence W.C. Leung
Dr W.K. Yau
-) being directors of non-government organisations
) that had received a private donation from a family member of the Chairman of Henderson
- Dr Wilton W.T. Fok
Mr. H. F. Leung
- being employees of HKU which received donation from a family member of the Chairman of Henderson
- Ms Christina M. Lee
- being a committee member of the Hong Kong Metropolitan Sports Events Association that had obtained sponsorship from Henderson

47. Members noted that as the property of Dr C.P. Lau was not located in proximity to the concerned amendment sites under Group 2 in Tuen Mun Central (TMC), his interest was remote. Members agreed that the Members who had declared direct interests above should be invited to leave the meeting temporarily and those who had declared remote or indirect interests should be allowed to stay in the meeting and participate in the discussion. Members noted that Professor P.P. Ho, Mr Dominic K.K. Lam and Dr Eugene K.K. Chan had tendered apologies for being unable to attend the meeting, while Ms. Janice W.M. Lai and Mr. Patrick H.T. Lau had left the meeting. Members also noted that Mr. Ivan C.S. Fu and Mr Clarence W.C. Leung had not yet arrived to join the meeting.

[Miss Winnie M.W. Wong left the meeting at this point.]

Presentation and Question Sessions

48. As sufficient notice had been given to the representers and commenters 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 and commenters who had indicated that they would not attend or had made no reply to the invitation to the hearing.

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

Mr David Lam - DPO/TM&Y LW, PlanD

Mr C.C. Lau - STP/TM, PlanD

Mr Ricky Ho - SE/HP/NTW, TD

R4 - Leung Chi Ming

Mr Leung Chi Ming - Representer

R61 - Lo Lai Ching

Ms Lo Lai Ching - Representer

R64 - Fok Pui Ming

Ms Fok Pui Ming - Representer

R66 - The Incorporated Owners of Nerine Cove

Mr Lau Man Chun - Representer's Representative

R75 – Chan Wai Leung

Mr Chan Wai Leung - Representer

R85 – Chan Cheung Wan

Mr Chan Cheung Wan - Representer

R97 - Poon Chi Keung

Mr Poon Chi Keung - Representer

R150 – Yuen Kwok Ping, Tony

Mr Yuen Kwok Ping, Tony - Representer

R262 - Chan Fung Har

Ms Chan Fung Har - Representer

R336 – Wu Heung Fun

Ms Wu Heung Fun - Representer

R501 - Lau San Mee

Ms Lau San Mee - Representer

R544 – Man Kwong Chi

Mr Man Kwong Chi - Representer

Mr Ng Chun Nin - Representer's Representer

R557 - Wong Kam Kuen

Mr Wong Kam Kuen - Representer

R558 - Chan Man Fong

Ms Chan Man Fong - Representer

R566 - Tsui Wai Shan

Ms Tsui Wai Shan - Representer

R567 - Lee Man Bong

Mr Lee Man Bong - Representer

R582 – Yeung So Man

Ms Yeung So Man - Representer

R595 - Wong Kin Leung

Mr Wong Kin Leung - Representer

R596 - Wong Kai Kwong

Mr Wong Kai Kwong - Representer

R658 - Wong Kai Ming

Mr Wong Kai Ming - Representer

R660 - Wong Wing Sze

Mr Ho Sai Lok - Representer's Representative

R667 - Li Kwong Ming

Mr Li Kwong Ming - Representer

R670 - Nip Kam Fong

Ms Nip Kam Fong - Representer

R673 - Yip Man Pan

Mr Yip Man Pan - Representer

R683 - Lee Man Wah

Lee Man Wah - Representer

R721 - Lo Man Hon

Mr Tang Chun To - Representer's Representative

R724 (Hon Ho Chun Yan)

Ms. Fong Lai Man - Representer's Representative

R735 - Ng Lai Fun

Ms Ng Lai Fun - Representer

50. The Chairman extended a welcome and explained the procedures of the hearing. He then invited Mr David Lam (DPO/TM&YLW) to brief Members on the background of the representations.

51. With the aid of a Powerpoint presentation, Mr Lam made the following main points as detailed in the Paper (No. 9774):

Amendment Items

- (a) Amendment Item B1 comprised the rezoning of a site at the junction of Hoi Wing Road and Hoi Wong Road in Area 16 from “G/IC” to “R(A)22” for high-density residential development, subject to a maximum domestic/non-domestic PR 6/9.5 and a maximum BH of 100mPD and a NBA of 15m wide. There was no designated G/IC use for the site. Under Amendment Item B2, a site at Castle Peak Road - Castle Peak Bay in Area 39 was rezoned from “G/IC” and “GB” to “R(A)22” for private/public housing development with the same PR and BH restriction as Amendment Item B1. Part of the site was occupied by the Hong Kong Christian Service Pui Oi School which had been relocated to a new school premises in Tuen Mun Area 16. There was no designated G/IC use for the site after the school relocation;

The Representations

- (b) the Group 2 hearing was for the consideration of 759 representations in respect of Amendment Items B1 and B2, submitted by individuals (R1(Part), R3(Part), R4(Part), R58(Part), R61 to R812 including eight members of the Legislative Council (LegCo)/Tuen Mun District Council (TMDC)), three Incorporated Owners/Owners’ Committees, MTRCL (R57(Part)) and HKCGC (R59(Part)). Out of 759 representations, one was a supportive representation, two provided views while the remaining (i.e. 756 representations) were adverse representations. The summary in terms of the two amendment items was as follows:

Amendment Item B1

- (i) 753 representations opposed Item B1 (R1(Part), R3(Part), R4(Part), R58(Part), R61 to R809), amongst them were a LegCo and TMDC member (Hon. Ho Chun Yan (R724)), six TMDC members (Beatrice Chu Shun Nga (R58(Part)), Chu Yiu Wah (R708), Chan Shu Ying (R720), Lo Man Hon (R721), Kong Fung Yi (R722), and Yim Tin Sang (R723)), Incorporated Owners (IO) of Nerine Cove (R66) and the Chairman of the Owners' Committee of Oceania Heights (R658);
- (ii) R57(Part), submitted by MTRCL, did not object to Amendment Item B1 but provided comments;

Amendment Item B2

- (iii) a total of 6 valid representations were received relating to Amendment Item B2. One representation (HKCGC of R59(Part)) provided view on it, while the remaining five adverse representations were submitted by a TMDC member Lam Chung Hoi (R812), The Incorporated Owners of Handsome Court (R811) and an individual (R810), and two individuals (R1(Part) and R3(Part)) who objected to all Amendment Items on the Plan;

Grounds and Proposals of Representations and Responses

- (c) the major grounds of the representations in Group 2 were detailed in paragraphs 5.2 and 9.2 of the Paper. Concerned government bureaux/departments had been consulted on the representations and the responses were set out in paragraphs 7.2 and 11.2 of the Paper:

Amendment Item B1

Supportive Representation (R60)

- (i) the community would be more vibrant with new development at Site B1;

Representation Providing Views (R57(Part))

- (ii) Site B1 was situated adjacent to the Light Rail (LR). The proponent of the site should assess and evaluate potential noise impact from LR operations, and incorporate and implement adequate noise mitigation measures at the site at his own cost to the satisfaction of the Environmental Protection Department (EPD) before occupation. Requirement for the above should be stipulated in the relevant lease to be fulfilled by the proponent;
- (iii) the responses to the above grounds as detailed in paragraph 7.2 of the Paper were:
- PlanD noted the grounds of the supporting representation;
 - regarding the concern on rail noise impact, the Director of Environmental Protection (DEP) had been consulted on the rezoning and had no objection to the rezoning proposal and advised that necessary noise mitigation measures should be incorporated into the proposed residential development to address any traffic noise impact. A Noise Impact Assessment (NIA) would be submitted by the developer under the lease to DEP for consideration;

Adverse Representations (R1(Part), R3(Part), R4(Part), R58(part), R61 to R809)

Inadequate in Meeting Housing Supply

- (iv) Site B1 was small and could not ease the prevailing pressure on shortage of housing supply. The Government should consider other sites and policy initiatives to ease the shortage, e.g. developing the adjacent bus depot and Tuen Mun Golf Course for housing development, or consider alternative measures;

[Professor S.C. Wong left the meeting temporarily at this point.]

- (v) the responses to the above grounds as detailed in paragraph 7.2 of the Paper were:
- to increase and expedite housing land supply in the short to medium term, the Government needed to optimise the use of developable land in the existing urban areas and new towns;
 - PlanD and other professional departments had assessed the proposed development to ensure that the development would comply with HKPSG, and no unacceptable impacts would be caused to the local community;
 - Site B1 was vacant without any designated GIC use. Located in a predominately residential area, it was considered suitable for residential use without generating unacceptable adverse impacts on the general area. The adjacent bus depot was under active planning for a proposed sports ground while the Tuen Mun Golf Course was currently under active use;

- technical assessments including an Air Ventilation Assessment (AVA), visual appraisal (VA), traffic review etc had been undertaken and relevant departments had confirmed the technical feasibility of the site for housing development;

Traffic Congestion and Safety Concerns

- (vi) traffic congestion currently occurred in the area along Tuen Mun Road. No traffic impact assessment (TIA) had been carried out to justify the subject amendment. Population increase would affect local traffic and lead to further aggravation of the limited public transport services in the area. The proposed development at Site B1 would also increase pedestrian flow and give rise to safety problems of the nearby areas, including the private housing estates like Oceania Heights leading to an increase in expenses in the maintenance of their communal facilities. The development might affect an existing footpath to the nearby LR stations which was already overcrowded during rush hours;
- (vii) the responses to the above grounds as detailed in paragraph 7.2 of the Paper were:
- according to the Commissioner for Transport (C for T), the traffic impact arising from the proposed development on the existing local roads was not unacceptable. He considered the existing public transport services in the vicinity of Site B1 sufficient and advised that local traffic improvement works to the existing pedestrian crossing facilities, including new signalized crossing at Hang Fu Street and Hang Kwai Street, would be carried out by the future developer of Site B1 under lease. C for T also advised that where public transport demand arose, the Transport Department (TD) would liaise with public transport operators to enhance the public transport service with a view to meeting the public transport demand.

The existing public transport services in the vicinity of Site B1 included franchised bus, green minibus, and LR and their service level, as observed, were sufficient;

- whether the public would be allowed to pass through private development would be governed by the lease of the private lot. A footbridge and a link to the footbridge for public use across Hang Fu Street and LR had been provided and maintained by the owners of Nerine Cove and Oceania Heights in accordance with their respective leases. An alternative public footpath was available from the subject Site B1 to the Yau Oi South Bus Terminus nearby;
- the existing footpath through Site B1 to the LR station was retained and would not be deleted. Local traffic improvement works to the existing pedestrian crossing facilities would be carried out by the future developer of the site under the lease requirements;

Environmental Concern

(viii) Site B1 was not suitable for residential development as it would be subject to noise and air pollution, odour problem generated by the traffic on Wong Chu Road, the Tuen Mun Public Cargo Working Area (PCWA) and Nim Wan Land Fill. Development at the site would also adversely affect the surrounding area, especially during construction. No environmental impact assessment has been carried out to assess the impacts;

(ix) the responses to the above grounds as detailed in paragraph 7.2 of the Paper were:

- noise and air impact assessments would be undertaken by the developer under the lease. Air quality and noise impacts

during the construction stage would be controlled under the relevant pollution control ordinances, such as Noise Control Ordinance and Air Pollution Ordinance;

- the preliminary feasibility of relocating the PCWA to Tuen Mun Area 40 would be reviewed under the “Planning and Engineering Study for Tuen Mun 40 and 46 and the Adjoining Areas - Feasibility Study”. No abnormal observation/reading or excessive noise level from the facility had been found by concerned departments;

Abandonment of Previous Housing Proposal

- (x) the Government had withdrawn a housing proposal which was about 100m from the adjacent Aegean Coast, but ignored over thousands of objections to Site B1 which was just about 20m from Nerine Cove;
- (xi) the responses to the above grounds as detailed in paragraph 7.2 of the Paper were:
 - on 27.1.2014, the Development Bureau announced that the site adjoining Aegean Coast would be retained for “G/IC” use. The site was to the immediately southwest of Aegean Coast and was about 10m to 60m away from the residential blocks. A narrow site in an elongated shape with the narrowest part measuring only about 13m wide, it was estimated to yield about 60 flats. Having considered the public opinions received, reviewed comprehensively the proposed housing sites in Tuen Mun East and balanced various relevant considerations, it was decided that the site would not be pursued for housing development;

Visual and Air Ventilation Concerns

- (xii) the proposed domestic/non-domestic PR of 6/9.5 and BH of 100mPD for Site B1 was too excessive. It was envisaged that two building blocks of 30 to 40 storeys would be built at Site B1. For those flats of Blocks 1 to 3 of Nerine Cove facing Site B1, views, sunlight and fresh air would be blocked affecting the health of the residents;
- (xiii) Site B1 was separated into the northern and southern portions by a NBA for air flow. Due to site constraints on the northern portion, development would be mainly on the southern portion resulting in excessive building bulk to facilitate the building of large-size residential units facing the sea;
- (xiv) the responses to the above grounds as detailed in paragraph 7.2 of the Paper were:
- land suitable for development in Hong Kong was scarce and there was a need to optimise the use of land more readily available to meet the pressing housing demand. Concerned departments had carried out technical assessments and confirmed the feasibility of the zoning amendment. The BH of the adjacent residential and commercial developments ranged from 92mPD to 129mPD. The maximum BH of Site B1 of 100mPD was compatible with the adjacent buildings;
 - a VA had been undertaken which indicated that for the vantage points at Tuen Mun Promenade where there were heavy pedestrian or visitors flow, the proposed development would be set against a background with neighbourhood developments of similar BHs and bulk. The separation between Site B1 and Nerine Cove (i.e. Hang Fu Street) was at least 20m, allowing a wide range of angles for natural daylight to penetrate into the

interior of the flats of Nerine Cove. In any event, the development proposal had to comply with the Building (Planning) Regulations, which comprised regulatory requirements in ensuring effectual provision of natural lighting. Building separation and penetration of sunlight would be governed by the Buildings Ordinance;

- the AVA (Expert Evaluation) (AVA(EE)) conducted by PlanD recommended a 15m-wide NBA in the middle of the site aligning with Hang Kwai Street. The recommendation had been incorporated into the Plan to enhance the permeability of the development, and that would be conducive to better overall air ventilation of the area;

Provision of GIC, Commercial and Recreational Facilities

(xv) there was a lack of community and recreational facilities in the area. Rezoning Site B1 for residential use would be a loss of land for GIC facilities. The development would impose an additional load on the communal facilities like hospital, school and community services and affect the quality of life of the residents. The area also already lacked shopping facilities and eating places. The Government had previously made a promise that open space facilities would be built at the site;

(xvi) the responses to the above grounds as detailed in paragraph 7.2 of the Paper were:

- the planned provision of major GIC facilities in the district was generally sufficient. There would also be a surplus provision of local open space and district open space in the planning scheme area of Tuen Mun. There was no deficit of the planned GIC facilities such as sports centre, sports ground/sports complex, swimming pool complex etc. in the

planning scheme area. Moreover, there were facilities that were premises based and could be catered for within the developments without requiring additional GIC land;

- at present, there were three clinics/polyclinics in Tuen Mun. To meet the long-term demand for healthcare services, the Government had reserved clinic sites in the Tuen Mun district for the future development of primary healthcare facilities. There was also plan for expansion of the Tuen Mun Hospital. The Government would continue to closely monitor the demand for primary care services in the district, with a view to providing adequate services for target users;
- the Director of Food and Environmental Hygiene (DFEH) advised that for new development areas, similar to other cases, should there be significant increase in population, the relevant developers could incorporate suitable markets and shopping facilities to meet the need of the residents. Retail and commercial facilities were always permitted on the lowest three floors of building within “R(A)22” zone;
- the planned provision of leisure and cultural facilities for the Tuen Mun District had already met the requirements under the HKPSG. A sports ground was planned to the west of Site B1. There were existing open spaces provided in this residential cluster including Hang Kwai Street Playground and Hoi Chu Road Playground;

Public Consultation

(xvii) Site B1 was put in the 2014/15 land sale programme (LSP) before rezoning and consultation with local residents. The residents living near the site had been completely by-passed. The TMDC on 13.5.2014 unanimously objected to the rezoning. The residents of

Nerine Cove and Area 16 were not consulted;

(xviii) the responses to the above grounds as detailed in paragraph 7.2 of the Paper were:

- it was the established practice of the Government to include all anticipated Government sites that were expected to become available in a certain year, including those pending completion of various processes and town planning procedures, into that year's LSP. The concerned sites would only be put up for sale after completion of the statutory planning process;
- the statutory and administrative procedures in consulting the public on the proposed zoning amendments had been duly followed. Prior to the submission of the proposed amendments to the Board, the TMDC were consulted on 7.1.2014 and 27.1.2014 and no objection was raised on Amendment Item B1 during these two meetings. During the exhibition period of the Plan, representatives of PlanD also consulted TMDC at its meeting held on 13.5.2014 on the gazetted amendments. Two meetings were also held with residents of Nerine Cove on 22.4.2014 and 30.4.2014 to explain and exchange views on the amendments;

Amendment Item B2

Representation Providing Views (R59(Part))

(xix) R59(Part) (HKCGC) had no objection to Amendment Item B2 among other sites, but commented that there might be new developments in close proximity to existing intermediate pressure pipeline. It requested the future developer to conduct a risk assessment for evaluating the potential risk and determining the necessary mitigation measures, and that the future developer should

consult them during the design and construction stages;

(xx) the responses to the above grounds as detailed in paragraph 11.2 of the Paper were:

- the Director of Electrical and Mechanical Services Department (DEMS) advised that while there were existing/planned intermediate pressure town gas pipelines in the vicinity of Site B2, a risk assessment for the site was not mandatory. The project proponent should maintain liaison/coordination with HKCGC in the development process;

Adverse Representations (R1(Part), R3(Part), R810 to R812)

High Development Intensity

(xxi) all the residential developments in Area 39 did not exceed 18 storeys. The amendment intended for high-density residential development allowing PR as high as 9.5 had contravened significantly the original comprehensive new town planning and ruined the harmonious geographical environment existing thereat;

(xxii) the responses to the above grounds as detailed in paragraph 11.2 of the Paper were that the proposed maximum domestic PR for Site B2 was 6. The site was at the eastern fringe of the Tuen Mun town centre. The maximum BH of 100mPD was the same as that of the “R(A)” zone to the west of the site across Castle Peak Road-Castle Peak Bay. It was not incompatible with the character of the town centre;

Visual and Air Ventilation Concerns

(xxiii) relaxing the BH restriction of Item B2 would cause blockage of view and air ventilation of Handsome Court;

(xxiv) the responses to the above grounds as detailed in paragraph 11.2 of the Paper were:

- the proposed development at Site B2 was about 40m to the north of Handsome Court. The photomontage produced by PlanD indicated that for the vantage point at Tai Lam Country Park where there was a popular hiking trail for the public and/or tourists, the proposed development would conform to the general building profile with Castle Peak as the backdrop. Although there would be partial blockage of the public view towards Castle Peak, the views towards most of the ridgeline could be maintained;
- the AVA(EE) conducted by PlanD recommended a 20m-wide NBA for the site, which, together with minimisation of podium and the requirement of building separation, would help minimise the impact on the wind environment of the surrounding area including Handsome Court;

Proposals from the Representers

- (d) the proposals put forward by the representers in Group 2 as detailed in paragraphs 5.3 and 9.3 of the Paper were summarised below:
- (i) to withdraw Amendment Items B1 and B2 and launch public consultation afresh;
 - (ii) to retain the original planned “G/IC” zone for Site B1 for the development of community/recreational/greening facilities;
 - (iii) to reduce the proposed PR and BH of Site B2 so as to permit the construction of residential buildings not exceeding 18 storeys;

- (iv) Site B2 should be developed as a bus terminus instead;

- (e) the responses to the above proposals were detailed in paragraphs 7.3 and 11.3 of the Paper. It was considered that these proposals were not justified in the light of the assessments contained in the responses to the representations;

Comments on Representations

- (f) C1(Part) supported R58(Part) which opposed, amongst others, Amendment Item B1. The commenter stated that the Government should carry out a comprehensive consultation and considered that the consultation carried out was not comprehensive and did not fully reflect views of the public, and the Board had been misled. The response to the representation grounds on public consultation was relevant;

- (g) C3(Part), submitted by Green Sense, opposed all “GB” rezonings on the Plan (as detailed in paragraph 11(i) in Group 1) and was applicable to Amendment Item B2 involving rezoning of some “GB” land. In response, it should be noted that the “GB” portion of Site B2 was only 0.04 ha and was a piece of formed Government land mainly for drainage reserve. Including this portion in the development site would optimise use of scarce land resource;

PlanD’s Views

- (h) PlanD’s views on the representations were summarised in paragraph 12 of the Paper. They were:
 - (i) the supportive views of R60, the views on Amendment Item B1 of R57(Part) and the views of R59(Part) on Amendment Item B2 were noted; and

- (ii) the representations No. R1(Part), R3(Part), R4(Part), R58(Part), R61 to R812 were not supported, and the Plan should not be amended to meet the representations.

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

R4 - Leung Chi Ming

53. Mr Leung Chi Ming made the following main points:

- (a) he objected to Amendment Item B1;
- (b) the additional population to be brought about by the new housing development at Site B1 would aggravate the current situation of limited bus service and commercial facilities in the area. The residents in the area were served mainly by buses and LR, the former of which was highly infrequent. Even if the new housing development could accommodate some markets and shopping facilities, it was doubtful if they could really meet the needs of the local residents;
- (c) public consultation for the proposed amendments was inadequate. A motion was passed by the TMDC objecting to the amendment. The Government should resolve all the problems before commencing residential development on the site;
- (d) as the area generally lacked GIC facilities and open space, the site should be retained for GIC use. Site B1 was simply put forward to meet housing needs although the Government had made a promise to provide GIC facility at such "G/IC" site. Provision of a community hall, open space or other facilities at Site B1 that could serve the local residents should be considered instead; and

- (e) if the Government could not address the problems he had raised, he requested Members to reject this amendment item.

R61 - Lo Lai Ching

54. Ms Lo Lai Ching made the following main points:

- (a) she objected to Amendment Item B1. The future buildings on Site B1, which were next to Nerine Cove, would jeopardise the views and lower the property price of her flat at Nerine Cove. A new building would also generate wall effect, affecting her health and the health of the other local residents;
- (b) she purchased her flat on the understanding that there was a “G/IC” site next to it. The Government should honour its plan for GIC use on the site and provide GIC facilities there to serve the local residents, which would enhance the cultural quality and social harmony in Tuen Mun; and
- (c) it was unreasonable that the site was chosen for housing development. The new housing development with the provision of about 600 units would adversely affect the living quality of the existing residents at Nerine Cove of about 400 units.

R64 - Fok Pui Ming

55. Ms Fok Pui Ming made the following main points:

- (a) she objected to Amendment Item B1; and
- (b) the Government should honour its promise of GIC use on Site B1 and respect the rights of the residents at Nerine Cove.

R66 - The Incorporated Owners of Nerine Cove

56. Mr Lau Man Chau, the representative of R66, made the following main points:

- (a) he objected to Amendment Item B1;
- (b) he said that PlanD had consulted TMDC in a rush on the amendment item on 7.1.2014 and 27.1.2014, stating that no objection to the amendment was raised. On 22.2.2014, PlanD conducted a public forum for which no residents of Nervine Cove were informed. The Incorporated Owners (IO) of Nervine Cove had subsequently lodged an objection in the form of a petition with over one or two thousand signatures, which was submitted to PlanD. The IO had also lodged a complaint to The Office of the Ombudsman (The Ombudsman) on the amendment. The Ombudsman had later replied that the matter had been investigated and the complaint was unsubstantiated;
- (c) on 30.4.2014, the IO attended a meeting with the officers of PlanD regarding Amendment Item B1. It was unreasonable that the meeting was considered as a form of consultation with the residents by PlanD. PlanD should follow the proper procedure of consultation; and

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

- (d) he requested that Amendment Item B1 be deleted since the site was originally planned for GIC use.

R75 – Chan Wai Leung

57. Mr Chan Wai Leung made the following main points:

- (a) he objected to Amendment Item B1;

- (b) the additional population to be brought about by the new housing development at Site B1 would aggravate the current situation of limited supporting transport infrastructure in the area;
- (c) photomontages using public viewpoints from the other side of Tuen Mun River, e.g. a residential development at Sun Tuen Mun Centre, should be considered and that a new round of consultation based on the new photomontages should be carried out;
- (e) taking into account that there should be an increase of about 50,000 people arising from the 10,400 new residential units for the Tuen Mun district, the figures as contained in the GIC and open space table in Annex IX of the Paper should be adjusted. Given the increase in population, more GIC facilities should be provided in the area; and

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

- (f) the Government had affirmed that a new rail station would be provided in Tuen Mun South as an extension to the West Rail Line. There might be residential development on top of the new station, and the location, though not yet confirmed, might be in the locality of Site B2. This would impact on the demand for GIC facilities in the area. Therefore, there should be further consideration on the amendment given the circumstances.

R97 - Poon Chi Keung

58. Mr Poon Chi Keung made the following main points:

- (a) he objected to Amendment Item B1;
- (b) the new housing development at Site B1 would aggravate the problem of transportation in the area; contravene town planning; and generate wall effect, adversely affecting views and sunlight penetration in respect

of his flat at Block 1 of Nerine Cove, which was only 15m away from Site B1;

- (c) public consultation for the proposed amendment was inadequate. The local residents were not consulted before gazetting of the Plan. Government officials had not answered the queries raised by TMDC nor the residents;
- (d) given that the plan for the proposed West Rail extension to Tsuen Wan had been abandoned, how the transport problems in Tuen Mun would be addressed;
- (e) his flat was purchased at a higher price for facing the “G/IC” site. The proposed amendment had already adversely affected the value of his flat; and
- (f) whether a NIA was carried out in support of the amendment.

R262 - Chan Fung Har

59. Ms Chan Fung Har made the following main points:

- (a) she objected to Amendment Item B1;
- (b) her flat at Nerine Cove was purchased at a high price in 2002 taking into account that the “G/IC” site in front would be subject to a BH of 3 storeys. The view from her flat would be seriously affected by the new building block at Site B1, which would only be 15m away. It would also block sunlight penetration into the flat and the findings of the visual appraisal conducted by PlanD did not apply to her; and
- (c) Site B1 was not suitable for residential development.

R336 – Wu Heung Fun

60. Mr Wu Heung Fun made the following main points:
- (a) he objected to Amendment Item B1;
 - (b) as a resident in Nerine Cove, he had not been consulted regarding the amendment; and
 - (c) the Government had paid no attention to public opinions.

R501 – Lau San Mee

61. Ms Lau San Mee made the following main points:
- (a) she objected to Amendment Item B1 and objected to the contents of the Paper which she considered to be untrue and had exaggerated the acceptability of the proposal;
 - (b) normal public consultation of proposals would take 3 months. However, the time between the first and second consultation meetings by PlanD at TMDC on 7.1.2014 and 27.1.2014 was merely ten days. Residents of Nerine Cove were not consulted. Members of TDMC were unaware of the items being consulted and Item B1 was not initially included. At the third consultation meeting on 22.2.2014, residents of Nervine Cove were also not informed. It was unreasonable for PlanD to consider the meeting on 30.4.2014 as a form of consultation with the residents and the legal and proper procedures of consultation should be strictly adhered to;
 - (c) Site B1 was considered suitable for residential development by PlanD as it had some existing infrastructure. However, it would not be sustainable. Large sites with comprehensive planning should be considered instead;

- (d) the Tuen Mun area had long been plagued by transportation problem. The issue was underplayed in the Paper. Residents had to get up early every day to get to work and the problem should be addressed now, not after the new residents had moved in;
- (e) as far as she understood, the future development at Site B1 would have about 50,000 residents. Hang Fu Street, a one-way narrow road between Nerine Cove and Site B1, would not be able to accommodate the resultant traffic; and
- (f) she put her trust in the Government when she purchased her flat at Nerine Cove at a high price, as it was next to the subject "GIC" site. With the future new buildings on the site, light penetration into her flat would be impossible. The rezoning amendment should be deleted and the site should be retained as "G/IC" to serve the local residents.

R544 - Man Kwong Chi

62. Mr Ng Chun Nin, the representative of R544, made the following main points:

- (a) he objected to Amendment Item B1;
- (b) residents of Nerine Cove and Area 16 had not been consulted by PlanD on the amendment item despite PlanD's claim that TMDC were consulted on 7.1.2014 and 27.1.2014. On 13.5.2014, TMDC unanimously objected to the rezoning proposed; and
- (c) the Government had ignored the views of TMDC and those of the residents at Nerine Cove and Area 16.

R558 - Chan Man Fong

63. Ms Chan Man Fong made the following main points:

- (a) she strongly objected to Amendment Item B1; and
- (b) Site B1 was for private not public residential development. Only the developer would benefit from the sale of this piece of Government land for residential use. Why should the ordinary residents in Tuen Mun suffer from the loss of views, sunlight, property value and the long-standing transportation problem only to help the developer receive more monetary gain?

[Mr Roger K.H. Luk left the meeting temporarily at this point.]

R566 - Tsui Wai Shan

64. Ms Tsui Wai Shan made the following main points:

- (a) she objected to Amendment Item B1;
- (b) as a retired person, she only wanted to have a home. The new development at Site B1 would affect her quality of life at Nerine Cove and she could not afford to move elsewhere. She had purchased her flat with her hard earned savings; and
- (c) the residents would resort to judicial review if needed.

[Mr Roger K.H. Luk returned to join the meeting at this point.]

R567 – Lee Man Bong

65. Mr Lee Man Bong made the following main points:

- (a) he objected to Amendment Item B1;
- (b) as the site boundary of Site B1 had included the existing LR, the actual

site area as such was smaller than what was presented in the Paper. In view of its elongated shape and size, Site B1 should be used for greening purposes. The distance between each residential estate should be at least two to three hundred metres, not 15m as in this case; and

- (c) the photomontages produced by PlanD were unrealistic and visual appraisal should include assessment from Hang Fu Street.

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

R595 - Wong Kin Leung

66. Mr Wong Kin Leung made the following main points:

- (a) he objected to Amendment Item B1;
- (b) he purchased the flat at Nerine Cove in 2011 on the understanding that the neighbouring site was of “G/IC” zoning. He would not have bought the flat if he knew the Government would change the zoning of it for residential use and he could not afford to move given the prevailing high property prices;
- (c) the withdrawal of the proposed housing site adjoining Aegean Coast illustrated the lack of consistent land-use objectives on the part of the Government; and
- (d) the bus depot site near Nerine Cove and the Tuen Mun Golf Course could be considered for housing development.

R596 - Wong Kai Kwong

67. Mr Wong Kai Kwong made the following main points:

- (a) he objected to Amendment Item B1;
- (b) there were many vacant sites along the LR line from Tuen Mun to Yuen Long currently occupied by temporary uses and village houses, which could be used for residential development;
- (c) there was only one bus stop to serve the local area, which was highly populated. As far as he knew, the future development at Site B1 would have about 50,000 residents. The additional population would aggravate the transportation problem further; and
- (d) his family could not afford to move given the prevailing high property prices.

R658 - Wong Kai Ming

68. Mr Wong Kai Ming made the following main points:

- (a) he purchased his flat at Oceania Heights in 2003 with his family's life savings;
- (b) the G/IC site was left vacant in the last eight years, but yet within a very short period of time PlanD was able to propose and rezone the site for residential use;
- (c) transportation in the area was not acceptable and the addition of new population would only aggravate the problem;
- (d) as the Chairman of the Owners Committee of Oceania Heights, he represented all owners who objected to Amendment B1. The residents of Oceania Heights were not consulted on the proposed amendment. The additional population would use the two footbridges of Oceania Heights and Nerine Cove, thereby increasing the costs of maintenance and repair to be borne by the residents there. The Government should

compensate and clarify the data on the number of people the two footbridges could support; and

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

- (e) Members should conduct site inspections to assess the impact of the new development at Site B1 on the surrounding environment. The area already suffered from severe noise pollution due to high traffic flow.

R670 - Nip Kam Fong

69. Ms Nip Kam Fong made the following main points:

- (a) she objected to Amendment Item B1; and
- (b) her flat at Nerine Cove was purchased after studying the planning for the area. The new development at Site B1 would affect her adversely due to its close proximity;

R673 - Yip Man Pan

70. Mr Yip Man Pan made the following main points:

- (a) he was the Community Officer of the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) and that he represented eight TMDC Members of DAB and three Members of the Legislative Council (LegCo) who were Hon Tam Yiu-chung, Hon Leung Che-cheung and Hon Chan Hun-pan, all objecting to Amendment Item B1;
- (b) while the “G/IC” site had long been left idle, the residents of the local area had longed for the provision of “G/IC” facilities on the site;

- (c) during March/April 2014, DAB had accompanied the local residents of Nerine Cove to hand in a petition objecting to Amendment Item B1 to the TMDC meeting, and held a meeting with PlanD officials to exchange views. Another petition was also submitted to the Board. At the TMDC meeting on 13.5.2014, many DC members of DAB had requested for retention of the “G/IC” site. In fact, DAB had been actively calling for the Government for more GIC facilities for the area since 2011, including at the meeting the Home Affairs Bureau on the development of a community hall and a library at Site B1;
- (d) the residents of Nerine Cove should not pay the price simply because some TMDC members had not consulted them regarding the subject amendment; and
- (e) Site B1 should be retained as a “G/IC” site and be developed with the planned Sports Ground in Area 16 so as to accommodate a community hall and a library to enhance the living quality of the local residents.

[Mr Peter K.T. Yuen left the meeting temporarily at this point.]

R721 - Lo Man Hon

71. Mr Tang Chun To, the representative of TMDC Member Mr Lo Man Hon (R721) made the following main points:

- (a) he was the Community Officer of the Democratic Party and he objected to Amendment Item B1;
- (b) the Government should honour its promises of the “G/IC” status for Site B1 and provide GIC facilities there;
- (c) the new housing development would worsen the problems associated with limited transport services and infrastructure in the local area.

Many sites in Tuen Mun East were set for redevelopment and Castle Peak Road would be even more congested; and

- (d) the Government had failed to consult the local residents on the subject site which had already been placed in the LSP. Regarding the previous housing proposal near Aegan Coast, each residential unit had received a letter from the Government concerning the proposal for consultation. This practice did not apply to Nerine Cove.

[Mr Peter K.T. Yuen returned to join the meeting at this point.]

R724 - Ho Chun Yan

72. Ms Fong Lai Man, the representative of LegCo Member Hon Ho Chun Yan (R724), made the following main points:

- (a) she objected to Amendment Item B1;
- (b) Site B1, being of a small size, could not help address the problem of housing shortage. There were many vacant sites along the LR lines from Tuen Mun and Yuen Long and the Government should consider utilising them instead. The rights of villagers to build village houses in the New Territories should be reviewed;
- (c) consultation by PlanD was not sufficient nor were the DC members respected. It was on the last day of 2013 that TMDC members were informed that a meeting would be held on 7.1.2014 to discuss the proposed amendments to the Tuen Mun OZP. As there were many issues discussed at the meeting, the concerned items were then referred to the concerned Working Group for discussion at its next meeting. It should not be said that the relevant TMDC members did not consult the residents;
- (d) the reasons for different kinds of consultation should be explained, e.g.

how come the residents of Aegan Coast received consultation letters but those of Nerine Cove did not; and

- (e) Site B1 should be retained for GIC use as there were local demands for facilities and that it could be used to accommodate disabled children from Pui Oi School in Tuen Mun which needed to be relocated due to structural problems of the existing school premises.

735 – Ng Lai Fun

73. Ms Ng Lai Fun made the following main points:

- (a) she objected to Amendment Item B1;
- (b) she purchased her flat at Nerine Cove with her life savings fourteen years ago, knowing that next to it was a “G/IC” site. The future development at the site, which would be very close to her estate, would seriously affect her quality of life and health; and
- (c) land was plentiful in Tuen Mun and Site B1 should be retained for GIC uses for accommodating facilities such as those serving children and the elderly.

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

75. The Vice-chairman asked DPO/TM&YWL to clarify three aspects of the proposed amendments, i.e. what the increase was in terms of residential units and population in respect of the amendments on the Plan and in terms of Amendment Items B1 and B2, whether the provision of GIC facilities could meet the needs of the existing and new population and how the public consultation exercise was carried out under the statutory requirements. In reply, Mr David Lam, DPO/TM&YWL, said that the proposed amendments to the Plan involving rezoning of 14 sites for housing purpose would produce a total of about 10,400 residential units. Site B1 and B2 were estimated to provide about 480

units and 400 units respectively. As a reference, an average domestic household size was 2.9 persons as provided by the Census and Statistics Department from 2011 by-census. Referring to the GIC table in Tuen Mun shown in the powerpoint presentation, he said that the table was prepared based on the population of the whole district of Tuen Mun including those from the new 10,400 residential units, and the GIC provision was considered generally sufficient. He continued to say that the statutory and administrative procedures in consulting the public on the proposed zoning amendments had been duly followed. Three rounds of public consultation on the proposed amendments were conducted by the Development Bureau (DEVB) and/or PlanD since January 2014. On 7.1.2014, DEVB and PlanD consulted TMDC at its full council meeting. As there were comments made by TMDC, DEVB and PlanD consulted its Working Group of Development and Planning (WGDP) on 27.1.2014, as detailed in Annexes V, VIa and VIb of the Paper. On 22.2.2014, a public forum was conducted by PlanD to solicit views from the residents of TME where there were eight proposed housing sites, and residents nearby the amendments sites in TME were invited to attend. The residents of Nerine Cove were present at the meeting and expressed their objections to Amendment Item B1. Their objections were subsequently submitted with the proposed amendments to the RNTPC of the Board for consideration on 25.4.2014. He added that the statutory town planning procedure for plan making had commenced with the gazetting of the Plan on 2.5.2014 at which point the statutory public consultation process began. In response to an enquiry from a Member about the letters sent to the residents of Aegean Coast, Mr Lam clarified that it was upon TMDC's request that letters were sent to the respective IOs, and it was possible that the IOs might have subsequently sent the letters to individual residents but he was not in a position to ascertain.

76. In response to the questions raised by the Vice-chairman and some Members on the provision on transportation infrastructure and public transport services in Tuen Mun and if there were measures to address the local residents' concern, Mr Ricky Ho, SE/HP/NTW, said that traffic impact arising from the proposed developments arising from the major amendment items on the Plan on the existing local roads was not unacceptable, as revealed by the Traffic Impact Assessments conducted. As the proposed number of residential units on Sites B1 and B2 were not great, the impact on local roads would not be significant. Taking into account that the traffic volume so induced was comparatively small compared with the overall existing traffic volume on major external links such as Tuen Mun Road and Castle Peak Road, the traffic impact on these external links was considered not significant.

TD would continue to monitor and review the capacity of major strategic roads and would explore if new roads would be required. According to TD's observations, the existing public transport services in the vicinity of Site B1 were not insufficient. TD would continue to monitor the service level and where public transport demand raise, TD would liaise with public transport operators to enhance the public transport service as appropriate, e.g. increasing the frequency and number of buses and adjusting bus services during rush hours with a view to meeting the public transport demand. The existing public transport services in the vicinity of Site B1 included franchised bus, green minibus, and LR and their service level, as observed, was sufficient. He added that the public transport network and connecting services in Tuen Mun would be further examined in the planning of the Tuen Mun South Station under the Railway Development Strategy.

77. A member asked DPO/TM&YLW if the inclusion of Site B1 into the LSP before approval of the Board was a normal practice and whether a buffer distance of 15m between Nerine Cove and Site B1 as raised by the representers was correct. Mr David Lam responded that it was the established practice of the Government to include all anticipated land sale sites that were expected to become available in the coming year, including those pending completion of the town planning procedures, into that year's LSP. The concerned sites would only be put up for sale after completion of the statutory planning process. He continued to say, with the aid of a visualizer showing a Site Plan, that the distance between the site boundaries of Site B1 and Nervine Cove was about 20m. The future disposition and layout of the building at Site B1 would be subject to the control of various Ordinances.

78. The Chairman asked Ms Fok Pui Ming (R64) if she could clarify her claim that the Government had promised to provide GIC facilities at Site B1. Ms Fok said that she regarded the "G/IC" zoning a promise of the Government for provision of GIC facilities at the site. Ms Ng Lai Fun (R735) then added that she had heard from the previous Chairman of the IO of Nerine Cove that a letter was issued to them by a government department back in 2002/03, which stated that due to financial consideration, the plan for providing GIC uses at Site B1 had to be temporarily shelved. However, she could not produce the letter nor confirmed which department it was. The Chairman asked DPO/TM&YLW on the provision of community halls and retail facilities in the area. Mr David Lam said that while the provision for community hall was subject to local needs assessed by the Home Affairs Department under HKPSG, there were currently nine community halls in Tuen Mun and

there were plans for providing more GIC facilities including a community hall in Areas 54 and 14. As for retail facilities, Yau Oi Tsuen and On Ting Estate, located 500m away from Site B1, had retail and market facilities serving the local residents. Some shopping facilities were provided in the mall of Oceania Heights, while the future development at Site B1 under “R(A)” zone could also provide some retail facilities, which would be always permitted on the lowest three floors of the building or in the purpose-designed non-residential portion of the building according to the OZP. The existing retail facilities in the locality of Site B1 were considered generally sufficient.

79. The Chairman continued to ask whether information regarding the bus depot site next to Site B1, which was mentioned by one of the representers as having potential for housing development, could be used for residential development. Mr David Lam said that the site was zoned “G/IC” and was planned for a sports ground in accordance with the HKPSG. Another sports ground in Tuen Mun to meet the needs of the population was Tang Shiu Kin Sports Grounds. In response to the Chairman’s question on whether Site B1 could be used for the sports ground instead, Mr Lam clarified that Site B1, with an area of less than one hectare, would not be sizable enough to accommodate a sports ground, which would be around 3 hectares in area. Moreover, with its narrow shape, it could not accommodate the running track which was a standard feature.

[Mr Frankie W.C. Yeung left the meeting at this point.]

80. Members had no further question to raise. The Chairman said that the hearing for Group 2 had been completed and the meeting would take a 5-minute break after which the Group 3 hearing would commence. He then thanked the government representatives, representers and their representatives for attending the meeting. They all left the meeting at this point.

[Dr C.P. Lau left the meeting temporarily at this point.]

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

Group 3 Hearing – Tuen Mun East

(Representations No. R1(Part), R3(Part), R4(Part), R58(part), R59(Part), and R813 to R2055

and Comments No. C1(Part), C2, and C3(Part))

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

81. The following Members had declared interests that were direct on the item for owning a property in Tuen Mun; having business dealings with Henderson Land Development Company Limited (Henderson) which was the mother company of the Hong Kong and China Gas Company Limited (HKCGC) (R59); and/or Wheelock Properties Limited (Wheelock) which was the mother company of Wascott Property Limited (R1565); and/or Sun Hung Kai Properties Limited (Sun Hung Kai) which was the mother company of Fill Year Limited (R1566):

Dr C.P. Lau - owning a flat at Kwun Tsing Road, So Kwun Wat

Ms Janice W.M. Lai - having business dealings with Henderson and Sun Hung Kai

Mr. Dominic K.K. Lam) having business dealings with Henderson, Sun
Mr. Patrick H.T. Lau) Hung Kai, Wheelock and its consultants
Mr Ivan C.S. Fu)

Ms. Julia M.K. Lau - having business dealings with Sun Hung Kai

Dr Eugene K.K. Chan - his spouse being an employee of a subsidiary company in the Henderson Land Group and being the convenor of the Hong Kong Metropolitan Sports Events Association that had obtained sponsorship from Henderson and Sun Hung Kai

82. In addition, the following Members had declared remote or indirect interests on the item:

- Professor S.C. Wong - being an employee of the HKU which received donation from a family member of the Chairman of Henderson
- Mr Roger K.H. Luk
Professor K.C. Chau - being a Member of Council (Mr Luk) or employee (Professor Chau) of the CUHK which received donation from a family member of the Chairman of Henderson
- Professor P.P. Ho - being a employee of the Chinese University of Hong Kong (CUHK) which received donation from a family member of the Chairman of Henderson; and Wheelock had financially sponsored the School of Architecture of the CUHK, of which he was the Director of the MSc in Architectural Conservation and Design Programme
- Mr. Clarence W.C. Leung)
Dr W.K. Yau) being directors of non-government organisations that had received a private donation from a family member of the Chairman of Henderson
- Dr Wilton W.T. Fok -
Mr. H. F. Leung - being employees of HKU which received donation from a family member of the Chairman of Henderson
- Ms Christina M. Lee - being a committee member of the Hong Kong Metropolitan Sports Events Association that had obtained sponsorship from Henderson and Sun Hung Kai

83. Members agreed that the Members who had declared direct interests above should be invited to leave the meeting temporarily and those who had declared remote or indirect interests should be allowed to stay in the meeting and participate in the discussion.

Members noted that Professor P.P. Ho, Mr Dominic K.K. Lam and Dr Eugene K.K. Chan had tendered apologies for being unable to attend the meeting, while Ms Janice W.M. Lai and Mr Patrick H.T. Lau had left the meeting. Members also noted that Dr C.P. Lau left the meeting temporarily while Mr. Ivan C.S. Fu had not yet arrived to join the meeting.

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

Presentation and Question Sessions

84. As sufficient notice had been given to the representers and commenters to invite them to attend the meeting, Members agreed to proceed with the hearing of the representations in Group 3 in the absence of the other representers and commenters who had indicated that they would not attend or had made no reply to the invitation to the hearing.

85. The following representatives from PlanD, representers, representers' representatives and commenters were invited to the meeting:

Mr David Lam - DPO/TM&YLW, PlanD

Mr C.C. Lau - STP/TM, PlanD

Mr Ricky Ho - SE/HP/NTW, TD

R4 - Leung Chi Ming

Mr Leung Chi Ming - Representer

R58 – Chu Shun Nga

Ms Chu Shun Nga - Representer

R59 – HKCGC

Ms Jacqueline Hui - Representer's Representatives

R824 – Ng Ka Wah

R866 – Vicent Ng

R867 – Ellen Ng

R932 – Liu Ka Mei

- Representers' Representatives

Ms Fong Lai Man

R845 – Li Yau Mui

Mr Ma Ka Chun

- Representer's Representatives

R1113 – Chan Hai Chiu

Mr Chan Hai Chiu

- Representer

R1378 – Wong Fo Keung

Mr. Wong Fo Keung

- Representer

R1400 – Lui Chong Kit

Mr Lui Chong Kit

- Representer

R1565 – Wascott Property Limited

Ms Mabel Lam]

Ms YT Li]

Mr YT Chan]

Masterplan Limited

Mr Ian Brownlee] Representer's Representatives

Ms Anna Wong]

AEC Ltd

Dr Michael Leven]

Ms Grace Yang]

R1566 - Fill Year Limited

Ms. WU Wan Yin, Winnie]

Miss CHAN Sin Ting, Sandy] Representer's Representatives

Miss LAW Yuk Ling, Kirstie]

Mr. HUI Chak Hung, Dickson]

R1567 - Kwok Wah Cheong

R1568/C1 - Kwok Ming Chi

R1569 - Chan Suk Hing

Mr Kwok Ming Chi - Representer/Commenter/ Representers'
Representatives

R1570 – Wai Ying Kai

Mr Wai Ying Kai - Representer

R1572 – Wong Lai Ming

Mr Yeung Chi Bun - Representer's Representatives

R1596 – Lau Fook Fai

Mr Lau Fook Fai - Representer

R1648 – Yu Shui Chi

Ms Yu Shui Chi - Representer

R1689 – Li Ching Yee

Mr Li Ching Yee - Representer

R2055– Yau Yik Kwong

Mr Yau Yik Kwong - Representer

C3 - Green Sense

Mr Roy Tam - Commenter's Representatives

86. The Chairman extended a welcome and explained the procedures of the hearing. He then invited Mr David Lam, DPO/TM&YLW, to brief Members on the background of the representations.

87. With the aid of a Powerpoint presentation, Mr Lam made the following main points as detailed in the Paper (No. 9775):

Amendment Items

- (a) Amendment Item C1 comprised the rezoning of a site at Tsing Ha Lane from “R(B)8” to “R(B)2” with a maximum PR of 3.6 and a maximum BH of 80mPD;
- (b) Amendment Items C2, C3, C11, C12 and C13 consisted of the rezoning of the sites at Former Perwone Barracks opposite Hong Kong Gold Coast (Crossroads Site Cluster), which were previously zoned “Government, Institution or Community” (“G/IC”). The sites were not designated for any GIC uses and were proposed for two housing sites. Site C2 was rezoned from “G/IC” to “R(B)15” with a maximum Gross Floor Area (GFA) of 69,780m² and a maximum BH of 70mPD. Site C3 was rezoned from “G/IC” to “R(B)14” with a maximum GFA of 87,000m², a maximum non-domestic GFA of 2,000m² and a maximum BH of 70mPD and 85mPD. Amendment Item C11 involved the rezoning from “G/IC” to “GB” to reflect slopes included in the Reconstruction and Improvement of Tuen Mun Road Project. A new public road (Amendment Item C12) was to be built between Sites C2 and C3 connecting the Castle Peak Road – Castle Peak Bay (CPR-CPB) from Harrow International School and a residential development at Tuen Mun Town Lot (TMTL) 423 at Tsing Ying Road. The Gurkha Temple to the north of Site C2 was retained as “G/IC” zone for preservation and revitalisation for community uses, and the maximum BH restriction was amended from eight storeys to one storey (Amendment Item C13);
- (c) Amendment Items C4 to C8 comprised the rezoning sites at Kwun Chui Road and So Kwun Wat Road Area (So Kwun Wat Road Cluster). Site C4 was rezoned from mainly “R(B)” with minor portions of “GB”

and “Comprehensive Development Area” (“CDA”) to “R(B)17” with a maximum GFA of 72,960m², a maximum BH of 80mPD, and a 20m wide NBA. Site C5 was previously part of a larger “R(A)” zone for public housing development and a Light Rail (LR) reserve on the previous OZP No. S/TM/10 gazetted in 1997. With the Transport and Housing Bureau’s decision of not proceeding with the LR in Tuen Mun East (TME), the site was rezoned to “GB” in October 2009. The site was rezoned from “GB” with a minor portion zoned “R(B)” to “R(B)2” with a maximum PR 3.6, a maximum BH of 80mPD and a NBA of 20m wide. Amendment Item C6 was to reflect those existing vegetated slopes not suitable for development adjacent to Site C7 and involved the rezoning of 3 sites from “Open Space” (“O”) to “GB”. Amendment Item C7 involved the rezoning of a site at So Kwun Wat Road from “R(B)”, “O” and “GB” to “R(B)18” with a maximum GFA of 78,200m², inclusive of not less than 890m² for kindergarten, a BH of 90mPD and a NBA of 20m wide. There was a surplus in the overall provision of open space in Tuen Mun District, and there was no programme for development of the “O” portion of the site. Amendment Item C8 involved the rezoning of a site at So Kwun Wat Road from “R(B)” and “GB” to “R(B)2”, subject to a maximum PR of 3.6 and a maximum BH of 90mPD;

- (d) Amendment Items C9 and C10 involved a site at Cafeteria Old Beach in the former military site known as the Gordon Hard Camp, which was previously zoned “G/IC” without any designated GIC use. Site C9 was rezoned to “R(B)” with a maximum PR 1.3 and a maximum BH of 6 storeys. Site C10 was rezoned from “G/IC” to “O” to reflect the existing public beach use;
- (e) Amendment Item G was to reflect a s.12A application (No. Y/TM/6) approved by the RNTPC on 7.3.2014 for rezoning of a site at Lok Yi Street from “Other Specified Uses” (“OU”) annotated “Supermarket, Restaurant and Other Commercial and Recreational Facilities” to “R(B)19” for residential development with a GFA of 1,900m² for ten

houses of three storeys cum 100m² non-domestic GFA for shop and services;

The Representations

- (f) the Group 3 hearing was for consideration of 1,248 representations with respect to Amendment Items C1 to C13 and G and the related three comments (C1(Part), C2 and C3(Part)). In gist, they included:
- (i) two representations providing views were from HKCGC (R59(Part)) regarding Items C1, C2, C3, C9 and Item G and from an individual (R2055) regarding Item C8;
 - (ii) 1,246 representations opposed either all, or individual item(s) of the eight housing sites in different clusters (i.e. Crossroads Site Cluster (Items C2 and C3), So Kwun Wat Road cluster (Items C4, C5, C7 and C8), and other housing sites (Items C1 and C9)) and other items (C6, C10 to C13):
 - (i) 876 representations opposed all items or more than one cluster including a TMDC member (Ms. Beatrice Chu Shun Nga) (R58(Part)), Aegean Coast Owners' Committee (R1572), 82 individual submissions and 794 submissions in standard forms;
 - (ii) eight representations opposed the housing proposals in the So Kwun Wat Road Cluster (Amendment Items C4, C5, C7 and C8) which included two private companies, i.e. Wascott Property Limited (R1565) and Fill Year Limited (R1566), and 6 individual submissions;
 - (iii) six opposed the Crossroads Site Cluster including one private company, i.e. David Harilela Group (R1695), and 5 individual submissions;

- (iv) 356 representations opposed Item C5;

Grounds and Proposals of Representations and Responses

- (g) the major grounds of representations in Group 3 were detailed in paragraph 5.2 of the Paper. Concerned government bureaux/departments had been consulted on the representations and the responses were set out in paragraphs 7.3 of the Paper:

Representation Providing Views (R59(Part) & R2055)

- (i) R59(Part) submitted by HKCGC had no objection to the proposed Amendment Items C1 to C3, C9 and G, but commented that there might be new developments in close proximity to the existing intermediate pressure pipeline, and requested the future developers to conduct risk assessment for evaluating the potential risk and determining the necessary mitigation measures, and that the future developer should consult them during design and construction stages;
- (ii) R2055 submitted by an individual claimed that he had deep sentiment for the valuable fruit trees and vegetation within Site C8 and that since a large portion of the “GB” site was steep, the costs for site formation for residential use would be high;
- (iii) the responses to the above grounds as detailed in paragraphs 7.3 of the Paper were:
- the Director of Electrical and Mechanical Services Department (DEMS) advised that while there were existing/planned intermediate pressure town gas pipelines in the vicinity of Sites C1 to C3, C9 and G, a risk assessment for the proposed sites was not mandatory;

- Site C8 consisted of a formed platform previously zoned “R(B)” with a smaller portion zoned “GB” to the west. The “GB” portion had been disturbed with temporary structures on slopes. Trees affected would be governed by tree preservation and compensatory planting proposals provided for housing developments in accordance with Lands Department Lands Administration Office (LAO) Practice Note No. 7/2007. Requirements for submission of tree preservation proposals and landscaping proposals/landscape master plan, where appropriate, would be included in the lease conditions. Slope works would be considered at the detailed design stage;

Adverse Representations (R1(Part), R3(Part), R4(Part), R58(part), R813 to R2054)

Specific Grounds on Amendment Items C2, C3, C11, C12 and C13 (Crossroads Site Cluster)

- (iv) the current use by Crossroads was suitable as it served the community and was compatible with the character of the site. It should be retained to be used by Crossroads Foundation;
- (v) the site had archaeological importance and should be preserved. The two graded heritage buildings within the site should be retained for use by the community. The mature trees within Sites C2 and C3 should be preserved;
- (vi) the responses to the above grounds as detailed in paragraphs 7.3 of the Paper were:
 - the proposal of reverting the sites of amendment Items C2, C3 and C12 to “G/IC” zone was considered not appropriate. PlanD and other professional departments had assessed the proposed developments to ensure that all the developments

would comply with the HKPSG, and no unacceptable impacts would be caused to the local community;

- the Antiquities and Monuments Office (AMO) of the Leisure and Cultural Services Department (LCSD) had advised that the So Kwun Wat Perowne Barracks Site of Archaeological Interest was situated within the Crossroads site. If disturbance of the site of archaeological interest or other areas of archaeological potential was unavoidable, a detailed Archaeological Impact Assessment (AIA) conducted by a qualified archaeologist would be required;
- the Gurkha Temple and the Kesarbahadur Hall of the former Perwone Barracks were Grade 3 buildings. As advised by AMO, Grade 3 historic buildings, by definition, were buildings of some merits and preservation in some form would be desirable and alternative means would be considered if preservation was not practicable. In this regard, it was agreed among departments that the Kesarbahadur Hall would be included in Site C3 and would be preserved and revitalised as part of the development. For the Gurkha Temple to the north of Site C2, it was retained for preservation and revitalisation for community uses;
- two large mature trees situated adjacent to the Gurkha Temple were proposed to be retained in-situ and would remain within the “G/IC” zone;
- a detailed tree survey was recommended to identify any trees that were required to be retained for inclusion under the lease conditions. The requirement to preserve significant trees had been incorporated into the Explanatory Statement (ES) of the OZP, while the requirement for submission of a Master Layout Plan and a Tree Preservation and Landscape Master Plan would

be included under the lease conditions;

Specific Grounds on Amendment Items C4, C5, C7 and C8 (So Kwun Wat Road Cluster)

- (v) rezoning of Sites C4 to C8 in this cluster had drastically increased the GFA by more than five times and the number of flats by 3,000, totally ignoring the character of the area with a PR of 1.3 and BH of ten storeys;
- (vi) the amendments to the Plan failed to consider other readily available development sites in Area 56;
- (vii) the responses to the above grounds as detailed in paragraphs 7.3 of the Paper were:
 - the increase in development intensity was feasible and the amendments would not cause insurmountable problems on traffic and other infrastructural capacity as well as on environmental aspects;
 - the AVA by Expert Evaluation conducted by PlanD had assessed the sites from air ventilation viewpoint and had recommended NBA where appropriate. Subject to the incorporation of NBAs together with the minimisation of podium and other requirements for building separation, the rezoning of Sites C4, C5, C7 and C8 was unlikely to impose significant impacts on the surrounding sites from the air ventilation perspective;
 - subject to completion of the rezoning process, Sites C4, C5, C7, and C8 would be ready for development. The site claimed by R1566 as readily available for development would require a s.12A application for PR increase for the Board's consideration. The same representer of R1566 had already submitted a s.12A

application (No. Y/TM/16) for rezoning of the site with a higher PR of 2.6 and maximum BH of 79mPD. The application had been deferred by the RNTPC until the Board had considered the representations and comments on the OZP;

Specific Grounds on Amendment Item C5

- (viii) Site C5 acted as a buffer for the three development sites nearby including the Avignon, TMTL 427 and TMTL 500 (i.e. Site C4). Should the site be developed, there would be blockage of views and the proposed PR of 3.6 was not compatible with the existing low to medium-density developments in TME;
- (ix) the adjacent TMTL 427 was purchased by R1565 in 2013 and the lease required the purchaser to undertake slope stabilisation within Site C5 and reprovision of an existing access for villagers which reinforced expectation of Site C5 to remain as it was. The rezoning would result in wastage of unnecessary slope and road works. As TMTL 427 was restricted to a PR of 1.3 and BH of 10 storeys, severe adverse visual impact on the site due to rezoning of C5 would result;
- (x) visual assessments were taken from viewpoints far away from So Kwun Wat area, ignoring those nearby developments that were severely affected;
- (xi) the Policy Address only mentioned rezoning “GB” sites which were devegetated, deserted or formed, instead of “GB” sites with lower ecological value as mentioned in the RNTPC paper on Amendment Item C5. Low to moderate ecological value was shown in the Ecological Impact Assessment (EcoIA) undertaken by R1565. There were inadequate assessments to support the amendments as no tree survey and ecological assessments were carried out. The Board had been misled. The rezoning of “GB” would destroy the natural

ecology and adversely affect the living environment of nearby residents including indigenous villagers;

(xii) the tree appraisal carried out by R1565 for amendment Item C5 found that there were 486 trees covering 43 species. Assuming that all trees would be felled, it was impossible to compensate for them. The EcoIA also recorded an overall of 146 plant species and a number of fauna species and considered that the site provided an ecological linkage to its east and west. It was not an area with no ecological value as claimed. Species of conservation interest included the Luofushan Joint-fir (*Gnetum luofuense*) and Pallas's Squirrel (*Callosciurus erythraeus*). Ecological sensitive areas in the vicinity included a lowland water course under Kwun Chiu Road and a marsh with freshwater ditch east of So Kwun Wat Road;

(xiii) R1565 had submitted an evaluation on traffic issue and found that the estimated two-way traffic flows generated by the gazetted amendments in So Kwun Wat area would increase substantially. The RNTPC paper only included a simple assessment of the likely traffic impact of the amendments of the OZP;

(xiv) the responses to the above grounds as detailed in paragraphs 7.3 of the Paper were:

- the Visual Appraisal (VA) undertaken to substantiate the OZP amendments in respect of Site C5 was in line with Town Planning Board Guidelines No. 41 (TPB PG-No. 41), which included the selection of Tai Lam Country Park as a key viewpoint;
- Site C5 was mainly Government land. The requirements under the lease for purchaser of TMTL 427 to carry out slope works within Site C5 as well as to reprovide access for people living in squatters within Site C5 were land matters. There were time

limits specified in the lease for completion of various requirements, and should Site C5 be sold before completion of these various requirements under the lease of TMTL 427, it would be dealt with separately in the lease of Site C5;

- the Director of Agriculture, Fisheries and Conservation (DAFC) advised that Site C5 was not considered to be of high ecological value and that according to the information submitted by the representer, the trees at the site were largely fruit trees and trees of common species. Luofushan Joint-fir (*Gnetum luofuense* 羅浮買麻藤) was listed as "Near Threatened" in the International Union for Conservation of Nature (IUCN) Red List of Threatened Species. However, this species was rather common in Hong Kong as recognised by the representer. Should it be found within the site, the future developer would be advised to preserve the species concerned as far as practicable. While Pallas's Squirrel (*Callosciurus erythraeus* 赤腹松鼠) was a protected species under the Wild Animals Protection Ordinance of Cap. 170, it was a common species with fairly wide distribution in Hong Kong. The watercourse included in representer's EcoIA appeared to be the watercourse located between Kwun Chui Road and Tuen Mun Road, which was channelised and located within disturbed areas with observable human disturbance and therefore DAFC did not consider the watercourse to be of particular high ecological value. The "marsh and associated ditch" appeared to be developed from abandoned agricultural land and irrigation canal. Noting the presence of disturbing features between the site and the "marsh and associated ditch", the rezoning of Site C5 would unlikely result in significant ecological impact on the habitats concerned;
- tree preservation and compensatory planting proposals would be provided for future housing developments in accordance with

LandsD LAO Practice Note No. 7/2007 for private projects. Requirements for submission of tree preservation proposals and landscaping proposals/landscape master plan, where appropriate, would be included in the lease conditions;

- as for the traffic evaluation submitted by R1565, in accordance with TD's comments, the representer's projection on future traffic forecast was considered not representative as different values of design parameters had been adopted;

Proposals from the Representers

(h) the proposals put forward by the representers in Group 3 as detailed in paragraphs 5.3 of the Paper were summarised below:

- (i) to withdraw the amendment plan;
- (ii) to rezone all amendment sites to "G/IC" and "O" and to carry out public consultation afresh;
- (iii) to preserve the rural character of TME and retain the original PR;

Specific Proposals on Amendment Items C2, C3, C11, C12 and C13 (Crossroads Site Cluster):

- (iv) to revert the sites of Amendment Items C2, C3 and C12 to "G/IC" zone and to allow Crossroads to continue to use the site;
- (v) to rezone Sites C2 and C3 to "R(B)" zone with a PR of 2.5 with provision of a market, sports centre and community hall for public use;
- (vi) to consider developing cultural and community facilities at the Crossroads Site Cluster;

- (vii) to realign the proposed road (Amendment Item C12) along the edge of the Crossroads Site Cluster;

Specific Proposals on Amendment Items C1, C4, C5, C7 and C8 (So Kwun Wat Road Cluster):

- (viii) to rezone Sites C1, C4, C5, C7 and C8 to “R(B)” and to lower the PR to 1.56 (an increase by 20% from the current PR of 1.3);
- (ix) to revert Amendment Item C5 to “GB”, or alternatively, retaining Item C5 as “GB” and slightly increase the PR of C4, C7 and C8 to 3.7 to maintain flat production;
- (x) to increase the maximum PR and BH, with minor relaxation clause, of other suitable development sites in Area 56;

Specific Proposals on Amendment Item C9

- (xi) to rezone Site C9 for hotel use;
 - (xii) to provide a performance stage at Site C9;
- (i) the responses to the above proposals were detailed in paragraph 7.4 of the Paper. It was considered that these proposals were not justified in the light of the assessments contained in the responses to the representations;

Comments on Representations

- (j) C1(Part) supported R58(Part) which opposed, amongst others, housing developments in TME. The commenter indicated that consultation conducted was not comprehensive and did not fully reflect the views of the public, and the Board had been misled. It also supported R1567’s proposal to rezone Amendment Item C9 to hotel use as it could support

tourism. C1(Part), however, opposed R1565 and 1566 as they involved a proposal to increase the PR of Amendment Items C4, C7, C8 and other development zones in Tuen Mun Area 56;

- (k) C2, submitted by Designing Hong Kong Limited regarding Amendment Items C4, C5, C7 and C8, indicated that public consultation on rezoning “GB” in the territory as a whole should have been conducted first and the public should have been given alternative locations for evaluation;
- (l) C3(Part), submitted by Green Sense, opposed all “GB” rezonings (including a “GB” Site C5, and Sites C4, C7 and C8 involving minor portions of “GB”) on the Plan prior to conducting a comprehensive consultation on the policy of large scale rezoning of “GB” by the Government. It stated that the original planning intention of “GB” zone was to contain urban developments, conserve the nature of Hong Kong and strike a balance between developments and the environment. C3(Part) indicated that partial consultation on rezoning of “GB” sites was not appropriate, and “GB” sites were important for micro-environment;

PlanD’s Views

- (m) PlanD’s views on the representations were summarised in paragraph 9 of the Paper. They were:
 - (i) the views on Amendment Items C1 to C3, C9 and G from R59(Part) and R2055’s views on Amendment Item C8 were noted; and
 - (ii) the representations No. R1(Part), R3(Part), R4(Part), R58(Part), R813 to R2054 were not supported, and the Plan should not be amended to meet the representations.

[Mr David Y.T. Lui left the meeting at this point.]

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

R4 - Leung Chi Ming

89. Mr Leung Chi Ming made the following main points:

- (a) he objected to all amendment items in TME;
- (b) TME area was low-density in nature, with not many GIC facilities and Castle Peak Road was the only road serving the area. There was a lack of public car parking spaces for visitors. Introducing new population into the area would impact adversely on the living quality of local residents and worsen traffic congestion along Castle Peak Road, the expansion scheme of which would not be completed until 2019;
- (c) Crossroads Foundation should remain the user of the Crossroads Site Cluster as it would be difficult to find a sizable site to continue the use. Tree felling to make way for redevelopment was unjustified; and
- (d) Site C9, planned for a low-density development of luxury flats, would not help meet the acute demand for public housing. The “G/IC” zoning of the site should be retained for other suitable uses; and
- (e) the problems relating to accessibility and facilities in the locality should be addressed before introducing new residents to the area.

90. The meeting was adjourned for lunch break at 1:05 p.m.

91. The meeting was resumed at 2:00 p.m.

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

Permanent Secretary for Development
(Planning and Lands)

Mr Thomas T.M. Chow

Chairman

Mr Stanley Y.F. Wong

Vice-Chairman

Mr Roger K.H. Luk

Professor S.C. Wong

Professor Eddie C.M. Hui

Dr C. P. Lau

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Ms Anita W.T. Ma

Dr W.K. Yau

Ms Bonnie J.Y. Chan

Professor K.C. Chau

Mr Ivan C.S. Fu

Mr Peter K.T. Yuen

Deputy Director of Environmental Protection

Mr C.W. Tse

Director of Lands

Ms Bernadette H.H. Linn

Director of Planning
Mr K.K. Ling

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

Secretary

Tuen Mun & Yuen Long West District

Agenda Item 4 (cont'd)

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in Respect of the Draft Tuen Mun
Outline Zoning Plan No. S/TM/32

(TPB Papers No. 9773, 9774 and 9775)

[The hearing was conducted in Cantonese and English]

Group 3 Hearing – Tuen Mun East

(Representations No. R1(Part), R3(Part), R4(Part), R58(part), R59(Part), and R813 to R2055
and Comments No. C1(Part), C2, and C3(Part))

Presentation and Question Sessions

R58 - Chu Shun Nga

93. Ms Chu Shun Nga made the following main points:
- (a) she objected to all amendment items in TME and was a TMDC member. She had collected and submitted 652 representations from the local residents objecting to the proposals;
 - (b) there had been a drastic change in the planning concepts for TME. A consultancy study was undertaken by PlanD on TME from 2008 to 2010, which had proposed to develop TME as a leisure area and that the future residential developments would be of low to medium-density

with plot ratios (PRs) ranging from 0.4 to 1.3 while the maximum building height (BH) should not exceed ten storeys. This was in strong contrast to the current proposals, increasing the proposed number of residential units from 2,000 to 7,000. Private housing land would however not meet the housing demand of those in need;

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

- (c) the consultancy study with the then proposed housing developments had included the widening scheme for Castle Peak Road. PlanD's claim that the widening scheme for Castle Peak Road would address the traffic increase from the current proposals was not acceptable;
- (d) Harrow International School had already caused unbearable traffic impact on Castle Peak Road, which was the result of inappropriate planning and that the mitigation measures to minimise traffic generated by the school had not been enforced;
- (e) amendment items under C1 and C2, and those in So Kwun Wat Cluster would have, including the existing residential developments there, 8,800 units, and there would be only one bus stop to serve them. TD had not been successful in obtaining more bus services for the local area which was devoid of LR service;
- (f) it would be highly unfair for the local residents to bear the adverse impacts arising from additional people living in the area; and
- (g) it was requested that the PR for TME should not exceed 1.3, the Sites C2, C3 and C9 be maintained as "G/IC" to accommodate a secondary school, retail facilities, clinics and leisure facilities, Crossroads Foundation be remained as user at the Crossroads Site Cluster, and the original "GB" zoning for Sites C5 and C8 be maintained. She also requested that DEVB should honour its commitment to develop a park on the "G/IC" site fronting Aegean Coast.

[Ms Bonnie J.Y. Chan and Ms Anita W.T. Ma left the meeting at this point.]

R824 – Ng Ka Wah R866 – Vicent Ng R867 – Ellen Ng

R932 – Liu Ka Mei

94. Ms Fong Lai Man, the representers' representative, made the following main points:

- (a) TME would have a population of 73,000 upon redevelopment of the sites under the subject amendments. The existing transport infrastructure would not be able to absorb the increase;
- (b) the Government had passed on its responsibility of providing facilities such as open space to private developers while TME had no GIC nor retail facilities;
- (c) TME had ecological value and the land located between Tuen Mun and Yuen Long should be explored for providing housing. The policy of Small House should be reviewed; and
- (d) TD should address the transport problems for TME and the provision of a direct railway line to TME should be considered.

R1378 – Wong Fo Keung

95. Mr Wong Fo Keung made the following main points:

- (a) the widening of Castle Peak Road would not resolve traffic congestion along the road, which served to relieve traffic from Tuen Mun Road. Congestion along Castle Peak Road would be detrimental for TME residents, most of them relied on buses as a form of transportation;
- (b) introducing population to TME would only serve to adversely affect the local residents. Even if there were future housing developments in the area, the inconvenient transport facilities and the lack of accessibility

might lead to high vacancy in residential units, which was not good planning; and

- (c) it was requested that the existing PRs of TME be kept and that the previous “G/IC” zoning of the sites be retained.

R1565 – Wascott Property Limited

96. With the aid of a Powerpoint presentation, Mr Ian Brownlee, representative of R1565, made the following main points:

- (a) TMTL 427 was purchased through public tender in 2013. The lot was zoned “R(C)”, subject to a maximum BH of ten storeys and a maximum PR of 1.3. The planned development of the lot involved five residential towers of ten storeys and 60 houses of two to three storeys. Site formation had been completed and general building plans were approved;
- (b) under the lease requirements there was a need to carry out some slope works and access road alignment within the adjacent Government Land zoned “GB” i.e. Site C5. The area to the northwest of Site C5 was largely covered with trees and acted as a visual and physical buffer between the lot and the adjacent development of Avignon;
- (c) there was no need to remove the “GB” zone to achieve the flat production targets, and that there was inadequate justification provided to support the rezoning from “GB” to “R(B)2” for Site C5;
- (d) the So Kwun Wat area had been a relatively low-density area with open space and green belt. The proposed amendments, if implemented, would change the character of the whole area;
- (e) the Policy Addresses of both 2013 and 2014 had stated that “GB” areas which were devegetated, deserted or formed would be rezoned for

residential use. This did not apply to Site C5. The site was stated to be “GB with no ecological value”. No assessment was carried out by PlanD in support of the rezoning proposal;

- (f) the tree survey and Ecological Impact Assessment undertaken by the representer had concluded that the site was heavily vegetated and had ecological value. It should therefore be retained as “GB”;
- (g) the Visual Impact Assessment (VIA) carried out by PlanD did not comply with the TPB Guideline No. 41, and RNTPC Members were not provided with any VIA of the proposed changes to the site and their impact from public views in the vicinity of the site. The proposed development on Site C5 would be visually intrusive and completely change the character of the area. No VIA was undertaken in the vicinity of the site;
- (h) this change in planning intention for the site to “R(B)” had not been adequately justified;
- (i) the ecological characteristics of the site should be considered within the context of the “United Nations Convention on Biological Diversity”;
- (j) the Tree Assessment Report of the representer had identified a total of about 486 trees covering 43 species, the majority of which were woodland species. The “GB” site was unsuitable for rezoning for development, as it was clearly not de-vegetated, deserted or formed;
- (k) housing development on the site would require massive site formation and tree removal. To compensate for all the felled trees on the site in the ratio of 1:1 in both quantity and quality, an area of 12,150m² would be needed, rendering no room for any development. The site was not suitable for development;

- (l) while retaining Site C5 as “GB”, the gross floor area (GFA) might be redistributed to Sites C4, C7, and C8 by increasing the development density of these sites to maintain flat production;

97. With the aid of a Powerpoint presentation, Dr Michael Leven, representative of R1565, made the following main points:

- (a) Site B5 possessed wooded habitats of low to moderate ecological value. The plants and mammals species found on the site included the climber, *Gnetum loufense*, Pallas’s Squirrel (a protected, woodland-dependent species), birds such as woodland-dependent Crested Goshawk and Hair-crested Drongo, and butterflies including Gram Blue, which were considered as “Uncommon” by AFCD;
- (b) the loss of the woodland in Site C5 and disturbance impacts to associated wildlife and nearby wetlands might lead to the reduction in ecological carrying capacity of area as a whole. This issue had still not been addressed by PlanD;
- (c) the site provided an ecological linkage between wooded habitats, creating a movement corridor for woodland fauna; and
- (d) Hong Kong was committed to the Strategic Plan for Biodiversity 2011-2020 and to meeting the Aichi Biodiversity Targets. The proposed rezoning directly breached three out of the 20 Targets.

R1566 - Fill Year Ltd.

98. With the aid of a Powerpoint presentation, Ms Winnie Wu, representative of R1566, made the following main points:

- (a) the representer’s site was the only “Comprehensive Development Area” (“CDA”) on the landward side of Tuen Mun Road with potential for upzoning;

- (b) the site was readily available and should be considered as the most suitable site for increasing the development intensity in the area to meet the housing demand. It could help address strong public objections to rezoning “GB” and “Open Space” (“O”) sites for residential use;
- (c) increasing the PR of the site from 1.3 to 2.6 would be technically sustainable and compatible with other proposed sites. 800 additional flats could be provided as a result;
- (d) under the new revised scheme which was designed based on the approved Master Layout Plan, breezeway for air ventilation and other requirements of the approved scheme would be fully incorporated. The BH of 79mPD would be compatible with the surrounding buildings. Impact assessments had been conducted and no adverse environmental, visual and traffic impacts would be created and the scheme was technically feasible;
- (e) there would be sufficient planning control since the “CDA” status would remain; and
- (f) she requested that the proposal be considered as part of the proposed amendments to the Plan for comprehensive planning in the area.

R1567 - Kwok Wah Cheong R1568/C1 - Kwok Ming Chi

R1569 - Chan Suk Hing

99. With the aid of a Powerpoint presentation, Mr Kwok Ming Chi, a representer and a commenter and representative of R1567 and R1569, made the following main points:

- (a) he objected to Amendment Items C1 to C9;
- (b) the development density of Kai Tak area should be further upwardly adjusted to increase flat supply while TME should be kept as a low-density area;

- (c) TME was remote with poor communication network as it had no mass transit railway service. It lacked community facilities. The current amendments would give rise to 73,000 population, with potential for increasing to 100,000 which was close to that of Tung Chung and Kai Tak;
- (d) PlanD had stated that the GIC provision in Tuen Mun was sufficient. It referred to the town centre area only and other areas of Tuen Mun remained short of GIC facilities;
- (e) Sites in TME were covered with dense vegetation and trees worthy of preservation;
- (f) as a compromised solution to meet housing demand, it was considered acceptable if the PR stipulated for Sites C1, C4, C5, C7 and C8 was 1.56 while the PR for Sites C2 and C3 was 2.5 with the provision of a market, a sports centre, etc. For Site C9, it should be for hotel use with the provision of a performance stage; and
- (g) the corresponding decrease in residential area as a result of the proposed reduction in development intensity in TME could be compensated at Kai Tak. High density should be confined in the urban areas.

R1570 – Wai Ying Kai

100. Mr Wai Ying Kai, the representer, made the following main points:

- (a) the Government had been inconsistent in its land-use planning, an example of such was the site near Aegean Coast, which was planned for park use but was then proposed for housing purposes;
- (b) PlanD should review the beautification work of Tuen Mun river which was previously aborted;

- (c) Tuen Mun lacked identity and planning vision. The problems of traffic congestion should not be addressed in a piecemeal manner;
- (d) Site C9, located at the beach, was not suitable for housing development. It should be used to accommodate a youth recreation centre to take advantage of its location; and
- (e) no amendment should be made to the Crossroads Site, which had a unique scenery and should not be destroyed for the sake of housing development. He envisioned that the Crossroads Site should be used for art, educational, exhibition and cultural purposes.

101. The Chairman asked if there was any more representer who had registered to submit oral submission but had not done so. Ms Chu Shun Nga (R58) informed the meeting that she was requested by Mr Lau Fook Fai (R1596) to convey his message to the meeting that he had to leave the meeting earlier due to the poor transport in Tuen Mun. The Chairman thanked her and said that the meeting would take a five-minute break.

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

[Mr Roger K.H. Luk left the meeting at this point.]

C3 – Green Sense

102. With the aid of a Powerpoint presentation, Mr Roy Tam, the commenter's representative, made the following main points:

- (a) Green Sense objected to the large-scale rezoning of "G/IC" and "GB" sites for development of luxury housing including the proposals for in-fill developments;

Planning Policy on Rezoning "GB"

- (b) the Government was proposing large-scale rezoning of "GB" sites in Hong Kong which, was a major policy change in town planning. As admitted by the Secretary for Development (SDEV), over 70 "GB" sites

needed to be rezoned. Such a rezoning exercise had already affected the Tuen Mun, Tai Po, Kwai Tsing, Sham Shui Po and South districts. However, the environmental groups and the general public were not consulted on the policy change. PlanD only consulted individual District Councils on the proposals within each district so as to dilute the territorial impact of the policy change. This was against procedural fairness;

- (c) on other issues of territorial significance, e.g. Tung Chung New Town Extension and Reclamation outside the Victoria Harbour, the Government had followed proper procedure to consult the general public and made refinements to the proposals in response to the public views to some extent. Although PlanD's representative in his early presentation indicated that it had consulted the public on the current rezoning proposals in Tuen Mun East, the consultation conducted by PlanD on 22.2.2014 was only for the local residents, Tuen Mun District Council members and some local residents' organisations but not for the general public. It could not be regarded as a public consultation;
- (d) in the current large-scale "GB" rezoning exercise which was under the directive of the Chief Executive (CE), the Government had not consulted the public on the policy itself. The "GB" rezoning was not agreed and supported by the public. The some 70 "GB" sites identified for rezoning were only based on internal technical studies and assessments by the Government, the results of which had never been made public. The locals were only consulted at a late stage when the proposals had been decided. It was already too late for any public views to be incorporated in the proposals in a meaningful way and, as such, the local people were often feeling aggrieved by the rezoning proposals. Green Sense, like the general public, could only voice out their views when the amendments to the OZP were published after the rezoning proposals were agreed by the Board;

- (e) for proper public consultation, the Government should consult the public on the changes in policy first to build consensus on the direction and principles. The sites identified for rezoning should be based on the results of ecological impact assessment and the agreed principles with a view to minimising the environmental impacts. Local consultation on the rezoning proposals should then be carried out, and the rezoning proposals accepted by the public could subsequently be submitted to the Board for consideration;
- (f) Green Sense generally had no objection to the sites identified for rezoning in the first stage of the “GB” rezoning exercise which mainly covered sites that had been devegetated, deserted or formed, as pledged by CE and SDEV on many occasions. However, most of the “GB” sites identified for rezoning in the second stage of the exercise were densely vegetated and some were even with nearly 100% green coverage. No tree survey information and assessment results could be obtained from the Government. The review of the rezoning proposals was site-based rather than on a district basis for assessing the cumulative impacts;
- (g) LandsD’s LAO Practice Note No. 7/2007 on “Tree Presentation and Tree Removal Application for Private Projects” (PN 7/2007) which aimed at preservation of trees in-situ was not able to protect the trees on those “GB” sites densely covered with vegetation. To facilitate development, the developers would inevitably need to fell most of the trees within these sites. There should be a major revision to the requirements of the PN to cater for sites which were densely vegetated;
- (h) contrary to many people’s perception, the designation of “GB” zones on the OZP was based on the ecological value of the concerned areas, but to serve as buffers between the built-up areas and the vegetated areas such as country parks. It was therefore wrong to think that the vegetation within the “GB” zones could be removed merely because they

did not have significant ecological value and it was against the planning intention of “GB” zone;

- (i) the current shortage of housing units in Hong Kong was attributable to many reasons, e.g. some residential flats in the urban area were allowed to be converted to hotel use for serving Mainland visitors, and the Government did not have a population policy to control the admission of new immigrants to Hong Kong. If the Government could review its policy, the rezoning of “GB” sites for residential development was not necessary;
- (j) most of “GB” sites currently identified for rezoning were proposed for private residential development instead of public housing. As the “GB” sites were mostly located in the urban fringe and suburban areas, the developments on these sites would likely be luxury housing, which could not address the acute housing demand of the general public. The loss of trees in the “GB” zones for development of luxury housing was worthless. It was considered more suitable to develop the brownfield sites for housing purpose as it could also help improve the spoiled environment;

Shortcoming of PN 7/2007

- (k) in rezoning the “GB” sites, PlanD relied on PN 7/2007 in that any trees affected would be governed by tree preservation and compensatory planting proposals and that the requirements for submission of tree preservation proposals and landscaping proposals/landscape master plan, where appropriate, would be included in the lease conditions. However, PN 7/2007 was ineffective in protecting the trees within private housing sites as revealed from his case study of a housing development at Sheung Shing Street, Ho Man Tin;
- (l) there were originally about 450 trees within the Sheung Shing Street site but eventually all trees were felled with only two trees transplanted after negotiations between the Tree Unit of LandsD and the team of tree

experts employed by the developer. The developer's tree experts were able to justify that nearly all trees within the site could be felled. As a general rule, those trees growing on slopes, the exotic species and the common native species would be felled. There was also no requirement under PN 7/2007 for recycling of the felled trees;

- (m) as revealed by a staff of the Tree Unit of LandsD, whether any trees could be preserved was determined at the planning stage, and once the site was sold to the developer, the developer had the development right which could override any public aspiration for preserving trees. Developers were usually unwilling to cater for tree preservation through the design of the development layout. Due to the limited staff resources, the Tree Unit of LandsD always found it hard to negotiate for tree preservation with the tree experts of the developers who were much more resourceful. If PN 7/2007 could not be effectively applied to the Sheung Shing Street site which was only half covered with vegetation, how it could be applied to the housing sites rezoned from "GB" in Tuen Mun East and Tai Po which had a much higher coverage of vegetation;

Sites A2 and B2

- (n) it was questionable why some small "GB" areas could not be avoided for Site A2 (at Hing Fu Street) and Site B2 (at Castle Peak Road – Castle Peak Bay);

Site C1

- (o) the rezoning proposal for Site C1 from "R(B)8" to "R(B)2" was opposed to. Although the site was originally under residential zoning, there were many trees within the site and the future development would likely be for luxury housing;

Crossroads Site Cluster

- (p) the Board was strongly urged not to pursue housing developments at the Crossroads Site Cluster (i.e. Sites C2, C3, C11, C12 and C13) in order to preserve the mature trees and the decent environment of the area which comprised a recycling centre, a café and charity uses operated by the Crossroads Foundation and some built heritage. Members should make a site visit to the area to feel its pleasant ambience;
- (q) as noted from the comments of the Urban Design and Landscape Unit of PlanD in TPB Paper No. 9775, there were many significant trees in the Crossroads Site, which should be preserved and incorporated in the future development as far as possible. However, those significant trees scattered all over the Crossroads Site would constrain the future development if all the trees had to be preserved. If the Crossroads Site was sold for private residential development, it would be hard to strike a balance between the development right and the obligation under the tree preservation clause of the lease;
- (r) AMO of LCSD advised that the So Kwun Wat Perowne Barracks Site of Archaeological Interest was situated within the Crossroads Site and it should be consulted on the development of the Crossroads Site. Although the requirement for archaeological impact assessment could be incorporated in the lease as suggested in the Explanatory Statement of the OZP, it could be expected that the consultant of the developer would eventually come to a conclusion that the archaeological impact arising from the future development was acceptable. Such a requirement for archaeological impact assessment was therefore meaningless;
- (s) while there were suggestions to preserve and revitalise the two Grade 3 historic buildings (viz. the Gurkha Temple and the Kesarbahadur Hall of the former Perwone Barracks) within the Crossroads Site, it could be foreseen that if high-rise residential developments were permitted around the historic buildings, the unfortunate misplace of the preserved Haw Par

Mansion in Tai Hang would reappear in Tuen Mun;

- (t) instead of developing luxury housing, the Crossroads Site could be used and revitalised as a regional recycling and art centre for Tuen Mun south district. If residential development must go ahead, it was hoped that half of the Crossroads Site could be rezoned to “CDA” for low-density development requiring specifically the preservation of all the significant trees whilst the remaining half could be used as a recycling centre;

Site C5

- (u) it was strange to note that PlanD and the relevant government departments had not conducted any tree survey and baseline environmental study for Site C5 but relied on the tree appraisal report and ecological assessment report submitted by a representer (R1565) to assess the rezoning proposal. Tree survey as well as other technical studies/assessments should be carried out by the Government before the rezoning proposals were recommended to the Board for consideration. The Board should be provided with adequate baseline information for assessment before it should make a decision on the proposals. If the Government relied on data from the developer, the value of the trees and other adverse impacts arising from a development would likely be under-estimated by the developer;

Conclusion

- (v) in conclusion, the Government should conduct a comprehensive public consultation on the policy of rezoning “GB” sites, review PN 7/2007 for tree preservation in private projects, and carry out tree survey and baseline environmental study for the “GB” sites identified for rezoning. It was not reasonable to fell trees in the “GB” zones for development of luxury housing. The responsibility to conduct tree survey and technical assessments should not be passed to developers; and

- (w) it was hoped that the Board could accede to the green groups' request and not blindly sacrifice the densely-vegetated "GB" sites for housing development. Thought reluctant, the green groups might have to pursue judicial review as the last resort for rectifying the wrong decision made by the Board.

103. Mr Roy Tam passed a publication of Green Sense to the Secretariat for distribution to Members for reference.

104. As the presentations of PlanD, the representers, the representers' representatives and the commenter's representative had been completed, the Chairman invited questions from Members.

105. The Vice-chairman said that while there was a genuine need to increase housing supply in Hong Kong, the Board would carefully consider each case that came before it. The Board would not blindly pursue in-fill developments within the existing residential areas as alleged by some representers/commenters. It was also not the case as suggested by some representers/commenters that if new housing supply could be provided in other districts, the new supply in Tuen Mun could be reduced accordingly. Each rezoning proposal would be considered by the Board carefully taking into account the local circumstances including the transport and infrastructural capacities. The Board had to assess the context of each individual district to see how the new housing supply could be suitably accommodated in each district based on its carrying capacity.

106. The Vice-chairman asked the DPO if it was now considered that the Tuen Mun district with its existing and planned capacity of road, infrastructure and community facilities could accommodate about 14,000 more housing units, and whether it was possible to redistribute the proposed new housing supply within the district, e.g. to increase the development intensity of some proposed housing sites whilst reducing the intensity of others, while maintaining the target of new housing supply. He also asked how the trees could be properly preserved if the site was proposed to be rezoned for housing development from "GB" which was more densely vegetated than other sites which were originally under "G/IC" or residential zonings.

107. In response, Mr David C.M. Lam, DPO/TM&YLW, said that in order to increase housing supply, it was announced in the 2014 Policy Address that, except in the more densely populated parts of the urban area, the permitted domestic plot ratio in other areas of territory could be increased by around 20% as appropriate as long as this was allowable in planning terms in order to optimise the use of the existing land resource. On the other hand, the land use review would continue to search for sites suitable for housing use. The search of potential sites for conversion to residential use in Tuen Mun was based on the suitability of the individual sites for residential development. It was not the case that a target had been set to identify sites in Tuen Mun that could produce a specific number of flats, and hence the question of whether the development intensity of one site could be increased in exchange for a reduction in the development density of another site within the same district did not arise.

108. As regards the issue of tree preservation, Mr Lam said that while some clearance of trees was inevitable for development of those proposed housing sites, any significant trees and registered Old and Valuable Trees (OVTs) within the sites would be preserved as far as possible. Tree survey would be conducted by LandsD before the sale of the sites to identify the significant trees that should be preserved, and appropriate tree preservation requirements would be incorporated into the lease. The “GB” sites currently proposed for rezoning for residential development were to respond to the acute housing demand in recent years and some of them were already formed. For instance, parts of Site C5 had been formed into various platforms for cultivation and erection of temporary structures, and the site was surrounded by planned and existing residential sites. The site was previously reserved for and formed part of a proposed large public housing development. As for Site C8, the portion of “GB” zone incorporated into this housing site had also been disturbed, and occupied by some temporary structures. Due consideration had been made before the proposal to rezone these “GB” sites for housing development was formulated.

109. In response to the Vice-chairman’s further enquiry on tree survey and preservation of trees, Mr Lam said that it was the existing practice that LandsD would conduct a tree survey before a site was put up for sale. If there were significant trees and registered OVTs within the site as identified in the tree survey, suitable requirements for preservation of those trees would be stipulated in the lease conditions. Unless the developer could give strong justifications and propose acceptable compensatory measures, those significant and valuable trees would be preserved within the site.

110. Mr Roy Tam (representative of C3) supplemented that the tree preservation clause under the lease conditions was simply the good wish of the Government to preserve and protect the trees within a sale site. The reality was that the developers would engage teams of tree experts to counter-argue with the Tree Unit of LandsD on the tree preservation issue. The developers' tree experts would usually undermine the values of the trees in their tree appraisal submitted to LandsD to prove that the trees could be felled. Although LandsD was the authority to approve tree felling, its Tree Unit was not as resourceful as the developers' tree experts and it would ultimately give way to the developers' development right.

111. A Member asked whether Site C5 had any preservation value as suggested by the representative of R1565 or it had very limited value as suggested by the Government. Mr Ian Brownlee said that their views on Site C5 were substantiated by technical appraisals on the tree, ecological and visual aspects whilst the Government had not conducted any appraisals. There were a number of trees on Site C5 which collectively had significant ecological value. The Policy Address stated that the "GB" sites identified for rezoning to residential use should be those which were devegetated and Site C5 was not. Although there were existing structures on the site, they could be removed to allow the regeneration of trees. Indeed, tree survey and ecological appraisal should be carried out by the Government before the site was proposed for rezoning and not until it was sold to the developer when it would already be too late for any remedy.

112. In response to the Chairman's question, Mr Lam said that the first stage of the "GB" review exercise was mainly to identify those "GB" sites which had been devegetated, deserted or formed for rezoning to residential use, whilst the second stage of the "GB" review involved mainly those "GB" sites with vegetation but which had been disturbed or were located near existing roads or at the fringe of built-up areas.

113. Noting that the tree appraisal from R1565 concluded that all trees were common species and there were no rare and OVTs in Site C5, the Chairman asked Mr Brownlee to reconfirm if his understanding was correct. In response, Mr Brownlee said that although there were no valuable trees on Site C5, the trees on the site had ecological value collectively and they provided an ecological linkage to the areas to the east and west. It was wrong for

PlanD to inform the RNTPC that Site C5 had no ecological value and could be rezoned. Besides, the site was vegetated and it should not be included in the “GB” review according to the criteria set out in the Policy Address.

114. Mr K.K. Ling, Director of Planning, said that PlanD also noted that Site C5 was vegetated but according to AFCD, the trees within Site C5 were common species and there were no OVTs. The advice of AFCD was in line with the findings of the tree appraisal report submitted by R1565. Mr Ling further said that PlanD had been conducting two stages of “GB” review with a view to identifying “GB” sites which had potential for housing development. The first stage of the review involved sites which were devegetated, deserted or formed, and the rezoning of the “GB” sites identified in the first stage had largely been completed. In the second stage of the review, sites with vegetation cover would also be considered but the vegetation on those sites should in general be not the original vegetation. Historically, those sites might have been disturbed and the vegetation cover on them was generally the secondary vegetation. There was no change in planning policy towards the “GB” zone. If an area was zoned “GB” which was a conservation zoning, the area was mainly intended for containing urban growth. There were about 15,000 hectares of land being zoned “GB” on the statutory plans in Hong Kong and only about 150 hectares or 1% had been selected for assessment of their potential for rezoning. It was anticipated that about 80,000 to 90,000 residential units could be provided from the rezoning of such “GB” sites, and about 70% of them would be public housing units.

115. In response to a Member’s question on the selection criteria for the “GB” sites in the second stage of the “GB” review, Mr Ling said that those sites selected were generally near or accessible to existing roads for easy provision of access, infrastructure and utilities, and they might have been disturbed by human activities in the past and only covered with secondary vegetation. For instance, Site C5 had been part of a borrow area previously although it was now covered by some trees. When rezoning proposals were submitted to the Board for consideration, the site selection criteria were set out in the relevant TPB papers. The Chairman added that, as mentioned in the 2014 Policy Address, the first stage “GB” review covered “GB” areas that were devegetated, deserted or formed. For the second stage “GB” review, as mentioned by SDEV in his blog, it covered sites located on the fringe of urban areas or new development areas with a relatively low buffer or conservation value, including those close to developed areas or public roads.

116. In response to the same Member's question on whether the traffic generated from the proposed housing sites could be adequately accommodated by the widened Castle Peak Road, Mr Lam said that in 2008 to 2010 when the Tuen Mun East Study on review of potential housing sites was carried out, the Crossroads Site was identified for housing development and it was considered that a section of Castle Peak Road – Castle Peak Bay would need to be widened to support the new housing development. In assessing the current rezoning proposals for new housing sites and the proposed increase in development intensity, TD had reviewed the traffic implications and considered that the proposed widening of Castle Peak Road – Castle Peak Bay as made in the Tuen Mun East Study could accommodate the additional traffic generated from the new developments under the current proposals. Mr Ricky Ho, SE/HP/NTW of TD, reaffirmed the response made by Mr Lam.

117. Noting that some representers in Group 2 complained that it was difficult to get onto buses and LR in the morning rush hours and some representers in Group 3 raised concerns on the poor traffic condition in Tuen Mun East, a Member asked TD whether, in addition to the proposed widening of Castle Peak Road – Castle Peak Bay, there would be other traffic improvement measures to address the local concerns. In response, Mr Ho said that TD reviewed the bus services in Tuen Mun regularly. Based on their observation, the buses travelling along Castle Peak Road were in general loaded with about 80% of their capacity. If it was observed that the buses were loaded at 85% or more of their capacity in an hour's time, TD would request the bus companies to increase the frequency of bus services. However, it was observed that people might not be willing to get onto a bus which was about 80% full but not because they could not get on as it was full. Besides, if West Rail could be extended to Tuen Mun South according to the latest proposal of the Government, it would be able to help address the local concerns on the needs for more public transport services.

118. A Member asked Mr Brownlee if he would consider that the ecological linkage or green corridor that he claimed to exist in Site C5 was too small and it would be broken up by So Kwun Wat Road and Site C4 to its east and west respectively. In response, Mr Brownlee said that Site C5 was not part of a previous borrow area but an old woodland and there was still a small natural hill. Dr Michael Leven (representative of R1565) supplemented that even though the gaps at the eastern and western ends of Site C5 were narrow and the road would form a physical barrier, some animals such as birds, bats and

squirrels could still be able to pass between the narrow gaps and move through the green corridor. As woodland could be naturally regenerated in about 15 to 20 years' time in general, the woodland in Site C5 with more than 20 years of age would have a reasonable value for preservation. Mr Brownlee said that it was important for the Government to conduct the necessary ecological and tree surveys before the site was proposed to be rezoned in order that all possible environmental impacts would be addressed by appropriate mitigation measures.

119. A Member asked the following questions: (a) whether Site C5 was a *fung shui* woodland or part of a borrow area; (b) whether Site C5 was government land; (c) under what land arrangement was the Crossroads Foundation being operated at the Crossroads Site; and (d) whether the current provision of school places in Tuen Mun East could serve the additional population in the area. In response, Mr Lam said that: (a) according to the current site condition, there were several formed platforms around Site C5, and the site had been included into a larger site for public housing development in 1997; (b) except a small piece of private agricultural lot, Site C5 was all government land; (c) the Crossroads Site was government land and rented to the Crossroads Foundation by way of Short Term Tenancy (STT) since 2003; and (d) the Tuen Mun district as a whole had a surplus of about 352 and 129 secondary and primary school classrooms respectively upon full development and there were some existing and planned schools in the vicinity of Tuen Mun East.

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

121. As the attendees for Agenda Item 10 had already arrived, the Chairman suggested deferring the deliberation for the hearing to the end of the meeting and to proceed with Agenda Item 10 first. Members agreed.

[Mr Ivan C.S. Fu and Ms Bernadette H.H. Linn arrived to join the meeting and Mr Clarence W.C. Leung left the meeting at this point.]

Sai Kung and Islands District

Agenda Item 10

[Open Meeting (Presentation and Questions Session)]

Review of Application No. A/SK-CWBN/25

Proposed 3 Houses (New Territories Exempted Houses – Small Houses) in “Green Belt” Zone, Lots 416 A1, 416 B, 416 C1, 416 C RP, 416 RP, 417 A RP, 417 A1, 417 A2A, 417 A2 RP and 417 B in D.D. 238 and Adjoining Government Land, Ng Fai Tin, Clear Water Bay, Sai Kung
(TPB Paper No. 9781)

Presentation and Question Session

122. Ms Janice W.M. Lai had declared interest on this item as her spouse owned a shop in Sai Kung and she had current business dealings with Landes Ltd, one of the consultants of the applicants. Members noted that Ms Lai had already left the meeting.

123. The following representative of the Planning Department (PlanD), the applicant and the applicants’ representatives were invited to the meeting at this point:

Mr Ivan M.K. Chung	-	District Planning Officer/Sai Kung and Islands (DPO/SKIs), PlanD
Mr Lau Yip Po, Frankie	-	Applicant
Mr Y. K. Lau, Bill]	
Mr S.K. Ngai]	Applicants’ representatives
Ms Candy Ng]	

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

125. With the aid of a Powerpoint presentation, Mr Ivan M.K. Chung, DPO/SKIs, presented the review application and covered the following main points as detailed in the Paper:

- (a) the applicants sought planning permission for the development of three New Territories Exempted Houses (NTEHs) (Small Houses) at the application site (the Site). The Site fell within an area zoned “Green Belt” (“GB”) on the Draft Clear Water Bay Peninsula North Outline Zoning Plan (OZP) No. S/SK-CWBN/5 at the time of the application and the Approved Clear Water Bay Peninsula North OZP No. S/SK-CWBN/6 currently in force;
- (b) the Site (about 421m²) comprising 54% private land and 46% government land (GL) was a piece of vacant slope covered by weeds and fell within the village ‘environs’ (‘VE’) of Pan Long Wan Village. To its immediate north was a woodland with mature trees in the “GB” zone;
- (c) according to the aerial photos taken in November 2008, December 2009 and August 2011, there was tree/vegetation clearance at the Site between 2009 and 2011. The Director of Agriculture, Fisheries and Conservation (DAFC) had records of suspected tree felling at the Site between November 2009 and mid-2010;
- (d) on 21.2.2014, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the application for the following reasons:
 - (i) the proposed development was not in line with the planning intention of the “GB” zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development in “GB” zone. The applicants failed to provide

strong planning justification in the submission for a departure from the planning intention of “GB” zone;

- (ii) the proposed development was not in line with the Town Planning Board Guidelines No.10 (TPB PG-No. 10) and the “Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories” (Interim Criteria) in that extensive clearance of natural vegetation had been involved and the planning intention of the “GB” zone would be jeopardised; and
 - (iii) approval of the application would set an undesirable precedent for similar applications within the “GB” zone on the OZP. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area;
- (e) the justifications put forth by the applicants in support of the review application were summarised in paragraph 3 of the Paper and highlighted as follows:
- (i) the nature of the ‘extensive clearance of natural vegetation’ on the Site was essentially some forms of site clearance of debris and rotten trees undertaken by the applicants in 2009 for sanitary and environmental hygiene reasons after typhoon;
 - (ii) Small Houses development at the Site was in line with the Government’s multi-pronged approach to meet the housing needs of the Hong Kong community. The Government also reviewed and identified “GB” sites in the New Territories for rezoning for residential uses;
 - (iii) the ‘extensive clearance of natural vegetation’ was not a ‘destroy first, develop later’ approach. The proposed development was in line with the TPB PG- No. 10 and approval of the application

would not jeopardize the planning intention of the “GB” zone;
and

- (iv) the most distinctive feature of the “GB” zone was the tree group in the woodland to the north of the Site. The woodland was on GL and would not be affected by the proposed three Small Houses. Approval of the application would not set an undesirable precedent;
- (f) departmental comments – comments from concerned departments were detailed in paragraph 5 of the Paper and summarised below:
 - (i) DAFC advised that his office had no record of tree felling at the Site in association with typhoon but there were various reports of suspected unauthorized tree felling at the Site which had occurred from November 2009 to mid-2010;
 - (ii) the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD had reservation on the review application as approval of the application would set an undesirable precedent and attract similar developments in the “GB”. The cumulative effect would result in the reduction and general degradation of amenity values of the “GB” zone;
- (g) previous application – there was one previous planning application (No. A/SK-CWBN/16) for three proposed NTEHs (Small Houses) submitted by the same applicants at essentially the same site. The application was rejected by RNTPC on 24.2.2012 on the grounds that the proposed development was not in line with the planning intention of the “GB” zone, TPB-PG No. 10, and the Interim Criteria; the proposed development would cause adverse landscape and drainage impacts on the area; and setting an undesirable precedent;

- (h) similar application - there were three similar applications (No. A/DPA/SK-CWBN/11, A/SK-CWBN/18 and 30) for Small House development within the “GB” zone. All the three similar applications were rejected by RNTPC in 2004, 2011 and 2014 respectively;
- (i) public comment – during the statutory public inspection period of the review application, there were a total of 22 public comments objecting to the review application mainly on grounds of not in line with the planning intention of the “GB” zone; causing adverse drainage, sewerage, environmental, ecological, traffic, landscape and visual impacts; encouraging ‘destroy first, build later’ approach and setting an undesirable precedent; and
- (j) PlanD’s views - PlanD did not support the review application based on the planning considerations and assessments set out in paragraph 7 of the Paper, which were summarised below:
 - (i) the proposed development of three NTEHs at the Site was not in line with the planning intention of the “GB” zone. The applicants had failed to provide strong planning justification in the review application for a departure from the planning intention;
 - (ii) there were unauthorized vegetation clearance and tree felling on GL within the Site between 2009 and 2011. The applicants claimed that the Site was cleared to comply with the notice of the Director of Food and Environmental Hygiene (DFEH). However, it was noted that DFEH only advised the land owners concerned to remove any garbage and water accumulated at their private lots regularly. The application did not comply with TPB PG-No. 10 in that extensive clearance of natural vegetation had been involved. The proposed development also did not comply with the Interim Criteria as the planning intention of the subject “GB” zone would be jeopardized;

- (iii) nearly half of the Site (i.e. 196.06 m² or 46.5%) is GL. There was no strong planning justification to include GL in the Site for Small House development;
- (iv) DAFC advised that there were various reports of suspected unauthorized tree felling on GL within the Site from November 2009 to mid-2010. Although no suspect could be identified, approval of the application would send a wrong signal to the public that the Board condoned to the 'destroy first, build later' approach for the GL involved;
- (v) approval of the application would set an undesirable precedent and attract similar applications in the "GB" zone. The cumulative effect of approving similar applications would result in general degradation of the "GB" zone;
- (vi) RNTPC had never approved any planning application for Small House development within the "GB" zone on the subject OZP. Thus, rejection of the current review application was in line with the recent decisions of RNTPC; and
- (vii) there had been no material change in planning circumstances for the Site and its surrounding areas since the rejection of the application which warranted a departure from the RNTPC's previous decision.

126. The Chairman then invited the applicant and the applicants' representatives to elaborate on the application. With the display of some photos and a letter on the visualiser, Mr S.K. Ngai made the following main points:

- (a) the rejection of the application was not based on technical grounds as all concerned works departments had no objection to or no adverse comments on the application;

- (b) the application was rejected by RNTPC mainly for the reason that the Site was previously involved in large scale tree felling. Based on DAFC's advice and the aerial photos showing the conditions of the Site between late 2008 to mid 2010 as set out in paragraphs 125(f)(i) and 125(c) above respectively, PlanD considered that illegal tree felling had occurred at the Site;
- (c) as revealed from the aerial photos taken in November 2008 and December 2009 (i.e. Plans R-3c and R-3d of the Paper), construction works for a swimming pool ancillary to a house to the west of the Site was taking place during that period and illegal dumping of construction waste/debris was found at the Site. Moreover, the existing trees within the Site were also damaged by the Typhoon Koppu which struck Hong Kong in September 2009;
- (d) the applicants were subsequently required by the Food and Environmental Hygiene Department (FEHD), which had received many complaints from the nearby residents about the poor hygienic condition of the Site, to improve the environment and sanitary condition of the Site to his satisfaction;
- (e) Mr Y.K. Lau, Bill, the applicants' representative, was authorised by the applicants at that time to carry out site clearance works by removing all the rotten trees and other construction debris and garbage found within the Site. A letter dated 15.12.2009 submitted by Mr Lau to FEHD informing the department about his intention to carry out site clearance was displayed on the visualiser;
- (f) another two aerial photos taken on 15.1.2010 and 2.11.2010 and site photos taken in 2012 were shown to demonstrate that the clearance works had been carried out by the applicants in response to FEHD's request; and
- (g) all the above evidences were presented to prove that the applicants had

not taken any deliberate action to clear the trees/vegetations on the Site and had not adopted the 'destroy first, develop later' approach in order to facilitate Small House development on the Site.

127. In response to a Member's question on the type of vegetation originally found within the Site in 2008 before site clearance was carried out, Mr S.K. Ngai said that he had no first hand information about it as he was only appointed as the consultant of the applicants in 2012. However, based on the aerial photo of 2008 and site photos of 2012, the Site might have been originally covered with mixed vegetation including small trees, shrubs and weeds. According to the tree survey plan prepared by the landscape consultant, an existing tree group was found to the further east and north of the Site, and a large and mature tree was found to its further south.

128. The same Member went on to ask the applicant's representative about the extent of the waste dumping on the Site. With the aid of some aerial photos, Mr Ngai said that the owners commenced to remove the construction waste within the Site in 2010 and such activities had been carried out on a half-yearly basis in order to maintain the Site to satisfaction of FEHD. With improvement in the environment of the Site and no new complaints were received by FEHD, the regular maintenance works of the Site was ceased in 2013. The Site was currently covered by weeds, shrubs and other vegetation.

129. In response to a Member's question on the number of outstanding Small House applications and land available within the "V" zone to meet Small House demand of the concerned village, Mr Chung said that information on the current supply and demand of Small Houses within the "V" zone had remained the same as that at the s.16 application stage, i.e. there were 40 outstanding Small House applications within the village and the 10-year Small House demand forecast was 70, and about 1.6 ha of land (about 63 Small Houses) was available within the "V" zone of Pan Long Wan Village.

130. The same Member asked the applicants why the Site which fell within the "GB" zone was identified for Small House development. Mr Ngai said that except for the concern on vegetation clearance, the application was generally in line with the TPB PG-No. 10 and the Interim Criteria in that there was insufficient land within the "V" zone to meet the outstanding and forecast Small House demand of the village.

131. At the request of the Chairman to clarify whether the application was in compliance with the Interim Criteria, Mr Chung said that while there was a shortage of land within the “V” zone to meet the Small House demand, the proposed Small House development was not in line with the planning intention of the “GB” zone. According to criterion (f) of the Interim Criteria, the proposed development involving extensive clearance of vegetation would have significant adverse landscape impact on the area. Approval of the application would set an undesirable precedent, the cumulative effect of approving similar applications would result in general degradation of the “GB” zone, thereby jeopardizing the planning intention of the “GB” zone.

132. Noting that there was still land available within the “V” zone for Small House development, the same Member continued to ask whether the applicants had made an effort to find a site within the existing “V” zone for Small House development.

133. Mr Ngai said that based on the information on Small House demand and availability of land within the “V” zone provided by LandsD and PlanD respectively, there was insufficient land within the “V” zone for Small House development by the indigenous villagers. Mr Lau Yiu Po, Frankie, the applicant, supplemented that he had been looking for a suitable site for Small House development for more than 30 years. Taking into account the advice of his relatives in 2009 that the Site was suitable for Small House development, he decided to proceed with the development proposal on the Site accordingly.

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

Deliberation Session

135. Noting that the applicants’ representatives had tried to convince the Board that the applicants had not adopted a ‘destroy first, develop later’ approach to facilitate Small

House development on the Site, the Chairman remarked that it was not one of the rejection reasons in the RNTPC's decision. Members noted and agreed with this observation.

136. Two Members considered that the review application should not be approved as no strong justification was presented to warrant a deviation from the RNTPC's previous decision. One of them also remarked that based on the aerial photos presented by the applicants' representative, it was observed that while the trees within the Site were claimed to be damaged by typhoon, it was quite inconceivable why other trees and vegetation in its surrounding area were not affected.

137. Another Member said that the application should not be approved as the Site was currently covered by extensive vegetation as shown in the recent aerial photo of the Site.

138. 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 rejection reason (b) should be slightly revised to reflect the discussion at the meeting. The reasons were:

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. The applicant fails to provide strong justification in the submission for a departure from the planning intention of the “GB” zone;
- (b) the proposed development is not in line with the Town Planning Board Guidelines No. 10 and the ‘Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories’ in that the planning intention of the “GB” zone would be jeopardized; and
- (c) approval of the application would set an undesirable precedent for similar application within the “GB” zone on the Outline Zoning Plan. The

cumulative effect of approving such similar application would result in a general degradation of the environment of the area.”

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

Tuen Mun and Yuen Long District

Agenda Item 5

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/TM-LTYT/263

Proposed Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles)

for a Period of 3 Years in “Village Type Development” Zone,

Lot 581 (Part) in D.D. 130, To Yuen Wai, Tuen Mun

(TPB Paper No. 9708)

[The item was conducted in Cantonese.]

Presentation and Question Session

139. Mr David C.M. Lam, District Planning Officer/Tuen Mun & Yuen Long West, Planning Department (DPO/TM&YLW, PlanD) was invited to the meeting at this point.

140. The Chairman extended a welcome and said that the applicant had indicated that he would not attend the meeting. As sufficient notice had been given to the applicant to invite him to attend the meeting, Members agreed to proceed with the hearing in the absence of the applicant. He then invited DPO/TM&YLW to brief Members on the review application.

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

- (a) the applicant sought planning permission to use the application site (the Site) for proposed temporary public vehicle park for private cars and light goods vehicles for a period of 3 years. The Site fell within an area zoned “Village Type Development” (“V”) on the approved Lam Tei and Yick Yuen Outline Zoning Plan No. S/TM-LTTY/6;

- (b) on 3.1.2014, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) rejected the application for the following reasons:
 - (i) the drainage proposal submitted would affect proposed Small House developments to the northwestern side of the Site and would not be feasible. The applicant failed to demonstrate that the proposed development would not cause adverse drainage impact on the surrounding area;

 - (ii) the applicant also failed to demonstrate that the proposed development would not cause adverse landscape impact; and

 - (iii) the Site involved three previously revoked planning permissions due to non-compliance with the approval conditions. The applicant failed to demonstrate in the submission that the relevant conditions would be complied with. Approval of the application with repeated non-compliance with approval conditions would set an undesirable precedent for other similar applications, thus nullifying the statutory planning control mechanism;

- (c) the justifications put forth by the applicant in support of the review application were highlighted in paragraph 3 of the Paper and summarised below:
 - (i) a revised drainage plan was submitted to address the concern on the feasibility of carrying out drainage works outside the site boundary;

- (ii) the applicant was not liable to the death of two existing trees at the southeastern part of the Site. A revised landscape and tree preservation proposal was submitted to provide additional trees and shrubs along the site periphery and the dead trees on the Site were replaced;
 - (iii) in view of the Site was related to three previously revoked permissions, the applicant had submitted fire service installations proposal in support of the application at the s.16 stage, and submitted and implemented landscape and tree preservation proposal and drainage proposal at the s.17 stage;
 - (iv) considerable amount of money and effort was spent to demonstrate that the applicant was sincere and was fundamentally different from the ex-applicant of the revoked applications; and
 - (v) there was a genuine need for parking of private car and light van in To Tuen Wai;
- (d) PlanD's view – PlanD had no objection to the application based on the assessments in paragraph 7 of the Paper, which were summarised below:
- (i) the proposed development was not entirely in line with the planning intention of the “V” zone. Although there was no Small House application on the Site, the applicant should still demonstrate that the proposed development would not cause adverse impacts on the surrounding area;
 - (ii) the Site was located in an area predominantly occupied by village type development, with homes for the elderly and a vehicle repair workshop to the south. The proposed development was considered not incompatible with the surrounding uses;

- (iii) at the s.16 stage, there was doubt on the feasibility of constructing the underground drainage pipe to the north of the Site across some lots which were subject to Small House development/application. The revised drainage proposal submitted by the applicant which proposed an alternative drain alignment along a local road to the southwest of the Site would no longer affect the above lots. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) had no further comment on the revised proposal;
- (iv) the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD had no objection to the application but required the applicant to submit and implement the landscape and tree preservation proposal to his satisfaction;
- (v) regarding the repeated non-compliance issue, it was noted that the current applicant was different from the previous applicants. The previous unauthorized developments of vehicle parking at the Site were discontinued. The applicant had made effort to demonstrate his intention to comply with departmental requirements by submitting relevant technical proposals which were considered acceptable by concerned departments;
- (vi) other relevant government departments including the Director of Environmental Protection, the Assistant Commissioner for Transport/New Territories, Transport Department, and the Chief Highways Engineer/New Territories West, Highways Department had no objection to or no adverse comment on the review application; and
- (vii) at the s.17 stage, there were six public comments received, of which three comments objected to the application and three comments supported the application. The major objecting

grounds were heavy traffic on narrow access road, in particular that of coaches and heavy vehicles, causing danger and inconvenience to villagers and there were already some vehicle parks nearby. In this regard, it should be noted that the proposed development was for parking private cars and light goods vehicles.

142. As the presentation from PlanD's representative had been completed, the Chairman invited questions from Members. As Members had no question, the Chairman thanked DPO/TM&YLW for attending the meeting. He left the meeting at this point.

Deliberation Session

143. Having considered that the applicant had made an effort to submit revised technical proposals to address the previous concerns of RNTPC and the concerned departments had no adverse comment on the review application, Members considered that the review application could be approved.

144. After further deliberation, the Board decided to approve the application on review on a temporary basis for a period of 3 years until 7.11.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 11:00 p.m. to 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) only private cars and van-type light goods vehicles not exceeding 1.9 tonnes permitted gross vehicle weight as defined in the Road Traffic Ordinance and its subsidiary regulations are allowed to enter/be parked on the site at all times during the planning approval period;
- (c) a notice should be posted at a prominent location of the site at all times to indicate that only private cars and van-type light goods vehicles not exceeding 1.9 tonnes permitted gross vehicle weight as defined in the

Road Traffic Ordinance and its subsidiary regulations are allowed to enter/be parked on the site during the planning approval period;

- (d) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (e) no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the site at any time during the planning approval period;
- (f) the provision of boundary fencing on the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.2.2015;
- (g) the submission of a layout plan of the vehicle park within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 7.5.2015;
- (h) in relation to (g) above, the implementation of a layout plan of the vehicle park within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 7.8.2015;
- (i) the implementation of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.5.2015;
- (j) the implementation of the accepted fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.5.2015;

- (k) the submission of tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.5.2015;
- (l) in relation to (k) above, the implementation of tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.8.2015;
- (m) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (f), (g), (h) (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to resolve any land issues relating to the development with the owner(s) of the site;
- (b) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Buildings Ordinance. The applicant should obtain the Building Authority's prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;

- (c) the planning permission is given to the structures under application. It does not condone any other structures which currently occur on the site but not covered by the application. The applicant shall be requested to take immediate action to remove such structures not covered by the permission;
- (d) should the applicant fail to comply with any of the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application;
- (e) to note the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD)'s comments that no drainage works should be carried out on government land without his prior written approval/consent. The Lot under application is an Old Schedule Agricultural Lot held under the Block Government Lease. The owner of the lot will need to apply to his Office for a Short Term Waiver (STW) for erection of the structures on the lot. The STW proposal will only be considered upon his receipt of formal application from the owner of the lot. There is no guarantee that the application, if received by his Office, will be approved and he reserves his comment on such. The application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so, including charging of waiver fee, deposit and administrative fee. It is noted that the site is accessible from Lam Tei Interchange via an unnamed access road on a strip of government land outside the southern part of the site. His Office does not provide routine maintenance works for this access road nor guarantee any right-of-way to the site;
- (f) to note the Chief Building Surveyor/New Territories West, Buildings Department (BD)'s comments that if the existing structures are erected on leased land without approval of BD (not being a New Territories

Exempted House) they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of BD should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (g) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding area;
- (h) to note the Director of Environmental Protection's comments that there is no public sewer available in the vicinity of the site. The applicant is reminded that all wastewaters from the site shall be properly collected, treated and disposed of in compliance with the requirements under the Water Pollution Control Ordinance;
- (i) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the applicant should implement the drainage facilities on site in accordance with the drainage proposal. The applicant is required to rectify the drainage system if they are found to be

inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by a failure of the drainage system. The proposed development would neither obstruct overland flow nor adversely affect any existing natural streams, village drains, ditches and the adjacent areas. The applicant should consult DLO/TM, LandsD and seek consent from relevant lot owners for any works to be carried out outside the applicant's lot boundary before commencement of the drainage works;

- (j) to note the Director of Fire Services' comments that the installation/maintenance/modification/repair work of fire services installation shall be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the installation/maintenance/modification/repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the FS 251 to him;

- (k) to note the Director of Electrical and Mechanical Services' comments that there are 400kV extra high voltage overhead lines running along the southern side of the site. Due consideration shall be given to the requirements of the preferred working corridor of the 400kV overhead lines as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department (i.e. a 50m working corridor shall be maintained along the 400kV overhead lines (25m on either side from the centre line of the transmission towers)). Prior to establishing any structure within the site, the applicant and/or the applicant's contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cables and/or overhead lines away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and the applicant's contractors when carrying out works in the vicinity of the electricity supply lines. As regards the electric and magnetic fields arising from the 400kV overhead lines, the applicant

should be warned of possible undue interference to some electronic equipment in the vicinity; and

- (l) to note the District Officer (Tuen Mun), Home Affairs Department's comments that the subject access road is maintained by his Office on an ad hoc basis. However, if the applicant's drainage works caused any damage to the facilities which are maintained by his Office, the applicant should at the applicant's own cost repair them to the satisfaction of his Office."

Sha Tin, Tai Po and North District

Agenda Item 6

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/NE-TK/509

Proposed House (New Territories Exempted House – Small House) in “Agriculture” Zone, Lots 672 S.H, 673 R.P. and 674 S.A in D.D. 15, Shan Liu Village, Tai Po
(TPB Paper No. 9776)

[The item was conducted in Cantonese.]

Presentation and Question Session

146. Mr Stanley Y.F. Wong had declared an interest on the item as he co-owned a property with his spouse in Tai Po District. As the concerned property was far from the application site (the Site), Members considered that Mr Wong's interest was indirect and agreed that he could stay in the meeting.

147. Mr C.K. Soh, District Planning Officer/Shan Tin, Tai Po and North, Planning Department (DPO/STN, PlanD) was invited to the meeting at this point.

148. The Chairman extended a welcome and said that the applicant had indicated that he would not attend the meeting. As sufficient notice had been given to the applicant to

invite him to attend the meeting, Members agreed to proceed with the hearing in the absence of the applicant. He then invited DPO/STN to brief Members on the review application.

149. With the aid of a Powerpoint presentation, Mr C.K. Soh, DPO/STN, presented the review application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission to build a house (New Territories Exempted House (NTEH) – Small House) on the Site which fell within an area zoned “Agriculture” (“AGR”) on the approved Ting Kok Outline Zoning Plan No. S/NE-TK/17;
- (b) the Site was located partly (about 25%) within the village ‘environs’ (‘VE’) of Shan Liu Village and within the lower indirect water gathering ground (WGG). It was currently a piece of abandoned agricultural field covered with weeds. The Site was situated in an area on the upper foothills between Pat Sin Leng Country Park and Ting Kok Village, and surrounded by hills, valleys, woodland, streams and fallow agricultural land covered with grass;
- (c) on 11.7.2014, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the application for the reason that the proposed development did not comply with the Interim Criteria for consideration of application for NTEH/Small House in the New Territories (Interim Criteria) in that less than 50% of the proposed Small House footprint fell within the ‘VE’;
- (d) the justifications put forth by the applicant in support of the review application were highlighted in paragraph 3 of the Paper and summarised below:
 - (i) the rejection reason was not appropriate as it was mainly due to PlanD’s delay on expanding the “Village Type Development” (“V”) zone of Shan Liu which resulted in acute shortage of land available for Small House development. The area of the “V” zone was only

9.2% of that of the 'VE' and part of the "V" zone was wrongly designated to include area with steep slope and dense vegetation;

- (ii) the public sewer had already been completed for Shan Liu. The proposed development would not result in water pollution on the surrounding areas;
- (e) previous applications - the Site was the subject of three previous applications (No. A/NE-TK/423, 462 and 474) for the same use. Applications No. A/NE-TK/423 and 474 were approved with conditions by RNTPC mainly on consideration that the proposed development complied with the Interim Criteria in that more than 50% of the footprint of the proposed Small House fell within the 'VE' and there was a general shortage of land in meeting the Small House demand. Application No. A/NE-TK/462 was rejected by RNTPC mainly for the reason of not complying with the Interim Criteria in that more than 50% of the proposed Small House footprint fell outside "V" zone or 'VE';
- (f) similar applications - amongst 56 similar applications for Small House development in the vicinity of the Site and within the same the "AGR" zone, 26 were approved mainly on consideration that the proposed developments complied with the Interim Criteria while the remaining 30 applications were rejected mainly on grounds of not complying with the Interim Criteria in that the sites were not able to be connected to the planned sewerage system in the area, and the proposed Small Houses fell outside both the "V" zone and the 'VE' (for seven of the rejected applications);
- (g) departmental comments – comments from relevant government departments were detailed in paragraph 6 of the Paper and summarised below:
 - (i) the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the review application as less than 50% of

the proposed Small House footprint fell within the 'VE' of Shan Liu. The Chief Engineer/Development (2), Water Supplies Department (CE/Dev(2), WSD) also objected to the application for the same reason;

- (ii) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the review application as the Site fell within "AGR" zone and had high potential for rehabilitation of agricultural activities; and
 - (iii) other concerned departments had no objection to or no adverse comments on review application;
- (h) public comments – during the statutory public inspection period of the review application, no public comment was received;
- (i) land use review of Shan Liu – the findings of the review including proposal to expand the "V" zone of Shan Liu was agreed in-principle by RNTPC on 7.12.2012. The Tai Po Rural Committee (TPRC) and the Tai Po District Council (TPDC) were consulted on the land use proposals in March 2013 and TPRC proposed to further extend the "V" zone to cover an area to the south. After several meetings between the Water Supplies Department (WSD) and TPRC, the indigenous inhabitant representative (IIR) of Shan Liu Village submitted another revised proposal in May 2014. On 22.10.2014, WSD advised the IIR its stance of not supporting the rezoning of the area within lower indirect WGG to "V". The views of the IIR and comments from government departments on the revised proposal would be submitted to RNTPC in due course; and
- (j) PlanD's views - PlanD did not support the review application based on the planning considerations and assessments set out in paragraph 7 of the Paper, which were summarised below:
- (i) the Site was located within the lower indirect WGG. Although

there was a general shortage of land within “V” zone of Shan Liu Village and the proposed development would be able to be connected to public sewerage, the proposed development did not comply with the Interim Criteria in that less than 50% of the Small House footprint fell within the ‘VE’;

- (ii) regarding applications No. A/NE-TK/423, 463 and 474 mentioned by the applicant, they were approved with conditions by RNTPC mainly on consideration that they complied with the Interim Criteria in that more than 50% of the proposed Small House footprint fell within ‘VE’. Since the current application did not comply with the Interim Criteria as less than 50% of the proposed Small House footprint fell within the ‘VE’, it should not warrant similar consideration as those approved applications. There had been no material change in planning circumstances for the Site and its surrounding areas since the rejection of the application which warranted a departure from the RNTPC’s previous decision; and
- (iii) other justifications provided by the applicant in the review application were mainly related to the proposed amendments to the “V” zone in Shan Liu which had not been finalized yet. Nevertheless, the Site fell outside the proposed extension area of the “V” zone in the land use review.

150. As the presentation from PlanD’s representative had been completed, the Chairman invited questions from Members. As Members had no question, the Chairman thanked DPO/STN for attending the meeting. He left the meeting at this point.

Deliberation Session

151. As the application was not in line with the Interim Criteria and there had been no material change in planning circumstances for the Site and its surrounding areas since the rejection of the application, Members considered there was no strong justification which warranted a departure from the RNTPC’s previous decision.

152. After further deliberation, the Board decided to reject the application on review. Members then went through the reason for rejection as stated in paragraph 9.1 of the Paper and considered that it was appropriate. The reason was:

“the proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in the New Territories in that less than 50% of the proposed Small House footprint falls within the village ‘environs.’”

Agenda Items 8 and 9

[Open Meeting (Presentation and Questions Session only)]

Review of Application No. A/TP/557

Proposed House (New Territories Exempted House – Small House) in “Green Belt” Zone, Government Land in D.D. 20, Yuen Tun Ha, Tai Po
(TPB Paper No. 9778)

Review of Application No. A/TP/558

Proposed House (New Territories Exempted House – Small House) in “Green Belt” Zone, Government Land in D.D. 20, Yuen Tun Ha, Tai Po
(TPB Paper No. 9779)

[The items were conducted in Cantonese]

Presentation and Question Session

153. The Chairman informed Members that since the two review applications under Agenda Items 8 and 9 were similar and the application sites (the Sites) were close to each other, the two applications would be considered together.

154. Mr Stanley Y.F. Wong had declared an interest on the items as he co-owned a property with his spouse in Tai Po District. As the concerned property was far from the Sites, Members considered that Mr Wong’s interest was indirect and agreed that he could stay in the meeting.

155. Mr C.K. Soh, District Planning Officer/Sha Tin, Tai Po and North, Planning Department (DPO/STN, PlanD) was invited to the meeting at this point.

156. The Chairman extended a welcome and said that the applicants had indicated that they would not attend the meeting. As sufficient notice had been given to the applicants to invite them to attend the meeting, Members agreed to proceed with the hearing in the absence of the applicants. He then invited DPO/STN to brief Members on the review applications.

157. With the aid of a Powerpoint presentation, Mr C.K. Soh, DPO/STN, presented the review applications and covered the following main points as detailed in the Papers:

- (a) the applicants sought planning permission for development of a proposed New Territories Exempted House (NTEH) (Small House) at each of the Sites. The Sites fell within the “Green Belt” (“GB”) zone on the Draft Tai Po Outline Zoning Plan (OZP) No. S/TP/25;
- (b) on 11.7.2014, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the applications, each for the following reasons:
 - (i) the proposed development was not in line with the planning intention of the “GB” zoning for the area which was to define the limits of urban development areas by natural physical features so as to contain urban sprawl and to provide passive recreational outlets. There was a general presumption against development within this zone. There was no strong planning justification in the submission for a departure from the planning intention;
 - (ii) the proposed development did not comply with Interim Criteria for Assessing Planning Applications for NTEH/Small Houses Development in the New Territories (Interim Criteria) in that the proposed development fell within the water gathering ground

(WGG) and was not able to be connected to the existing or planned sewerage system in the area and that the proposed development would affect the existing landscape character of the surrounding areas. The applicant failed to demonstrate that the proposed development would not cause adverse impacts on the water quality and landscape character of the area;

- (iii) the application did not comply with the Town Planning Board Guidelines for 'Application for Development within "GB" zone under section 16 of the Town Planning Ordinance' in that the proposed development would involve extensive clearance of vegetation that would affect the existing natural landscape in the surrounding environment; and
 - (iv) the approval of the application would set an undesirable precedent for similar applications within the "GB" zone. The cumulative effect of approving such applications would result in a general degradation of the natural environment in the area;
- (c) the Sites were located within the village 'environs' ('VE') of Yuen Tun Ha and within the lower indirect WGG. They were currently covered with weeds and trees. The surrounding area was predominantly rural in character comprising abandoned/fallow agricultural land and trees;
- (d) the justifications put forth by the applicants in support of review applications were summarised in paragraph 3 of the Papers and highlighted as follows:
- (i) the approval of the application would set an undesirable precedent for similar applications within the "GB" zone. The cumulative effect of approving such applications would result in a general degradation of the natural environment in the area;

- (ii) when drawing up the OZP, PlanD had not planned correspondingly with the 'VE' drawn up by the Lands Department, and restricted Small House development within the 'VE'. It was unfair to deprive the right of the indigenous inhabitants;
 - (iii) the proposed developments were located inside the lower indirect WGG where there was no plan yet to lay any public sewerage system. The Government had designated the 'VE' in Yuen Tun Ha as indirect WGG, but had not laid any public sewerage system for the inhabitants of Yuen Tun Ha. The Government had the responsibility at the early stage of planning to provide a comprehensive public facility network to them;
 - (iv) the Environmental Protection Department (EPD) was using protection of the water source as the ground for banning inhabitants from constructing houses in Yuen Tun Ha. This was extremely illogical, unreasonable and a total disregard for their practical housing need and an alleged discrimination of the inhabitants of the village;
 - (v) it was exaggerating to say that the Small Houses would pose negative impact on the surrounding natural landscape;
 - (vi) each application should be considered on its own merit. Permission granted for Small House development within the "GB" inside the 'VE' would not set a bad precedent; and
 - (vii) the Sites were 100% inside the 'VE' of Yuen Tun Ha. The proposed developments should be favourably considered in accordance with the Interim Criteria;
- (e) departmental comments – comments from relevant government departments were detailed in paragraph 5 of the Paper and summarised below:

- (i) the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) advised that there was currently no plan to provide public sewerage system to Yuen Tun Ha Village;
 - (ii) the Director of Environmental Protection (DEP) maintained his previous views of not supporting the applications in order to protect the potable water quality in WGG since there was no existing or planned sewerage system in the area;
 - (iii) the Chief Engineer/Development (2), Water Supplies Department maintained his previous objection to the applications as DEP indicated that public sewerage system was not available for connection in the vicinity of the Sites and hence the proposed developments could not comply with the Interim Criteria;
 - (iv) the Director of Agriculture, Fisheries and Conservation maintained his reservation on the applications from nature conservation point of view as it was not in line with the planning intention of the “GB” zone;
 - (v) the Chief Town Planner/Urban Design and Landscape, PlanD did not agree with the applicant’s view that the proposed Small Houses would not create adverse landscape impact on the surrounding environment. Extensive tree felling was very likely due to the construction of the Small House and ancillary facilities. As such, adverse landscape impact was anticipated and approving the applications would become a precedent, the cumulative impact of which would deteriorate the existing rural landscape quality;
- (d) public comments – during the first three weeks of the statutory public inspection period, two public comments on the applications were received. Kadoorie Farm & Botanic Garden Corporation (KFBG) and World Wide Fund-Hong Kong objected to each of the applications

mainly on the grounds that the proposed development was not in line with the planning intention of “GB” zone; the proposed development might cause some ecological impact on the locality and set an undesirable precedent for similar developments within the “GB” zone. KFBBG also commented that there had been some landscape changes at the Sites and their surroundings and any “Destroy First, Build Later” activities should not be tolerated; and

- (e) PlanD’s views - PlanD did not support the review applications based on the planning considerations and assessments set out in paragraph 7 of the Papers, which were summarised below:
 - (i) the applicants had not provided strong planning justifications to address the RNTPC’s concerns in support of the review applications;
 - (ii) the Sites were located within the lower indirect WGG. CE/MN, DSD advised that currently there was no plan to provide public sewerage system to Yuen Tun Ha Village. The applicants had not provided further information in the review applications to demonstrate that the proposed developments would not cause adverse impact on the water quality in the area;
 - (iii) development of the proposed Small Houses and the related site formation works would require extensive vegetation clearance and felling of trees and significant adverse landscape impact was anticipated. The applications would become precedent cases if approved and encourage similar Small House developments in the area. Cumulative adverse landscape impact from each Small House would lead to deterioration of the existing rural landscape quality within the “GB” zone. The applicants failed to demonstrate in the review applications that the proposed developments would not cause adverse landscape impacts on the surrounding areas;

- (iv) although the Sites were entirely within the ‘VE’ of Yuen Tun Ha Village and there was a shortage of land in “Village Type Development” zone to meet the future Small House demand of the village, the proposed developments did not comply with the Interim Criteria as the proposed developments within WGG would not be able to be connected to the existing or planned sewerage system in the area and would have adverse landscape impacts on the surrounding areas; and
- (v) there had been no major change in planning circumstances for the Sites and their surrounding areas since the rejection of the applications which warranted a departure from the RNTPC’s previous decisions.

158. As the presentation from PlanD’s representative had been completed, the Chairman invited questions from Members. As Members had no question, the Chairman thanked DPO/STN for attending the meeting. He left the meeting at this point.

Deliberation Session

159. Given that the applicants had not provided strong planning justifications to address the RNTPC’s concerns and there was no change in planning circumstances since the rejection of the applications, Members considered that there was no strong justification for a deviation from the previous RNTPC’s decisions.

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zoning for the area which is to define the limits of urban development areas by natural physical features so as to contain urban sprawl and to provide passive recreational outlets. There is a

general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention;

- (b) the proposed development does not comply with Interim Criteria for Assessing Planning Applications for New Territories Exempted House/Small House Development in the New Territories in that the proposed development falls within the Water Gathering Grounds and is not able to be connected to the existing or planned sewerage system in the area and that the proposed development would affect the existing landscape character of the surrounding areas. The applicant fails to demonstrate that the proposed development would not cause adverse impacts on the water quality and landscape character of the area;
- (c) the application does not comply with the Town Planning Board Guidelines for ‘Application for Development within Green Belt zone under section 16 of the Town Planning Ordinance’ in that the proposed development would involve extensive clearance of vegetation that would affect the existing natural landscape in the surrounding environment; and
- (d) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would result in a general degradation of the natural environment in the area.”

Agenda Item 4 (Continued)

[Closed Meeting]

Consideration of Representations and Comments in respect of the Draft Tuen Mun
Outline Zoning Plan No. S/TM/32 (Deliberation Session)

[The meeting was conducted in Cantonese]

Group 1

[Representations No. R1(Part), R3(Part), R4(Part), R5 to R56 (excluding R17 and R23) and R57(Part) and Comment No. C3(Part)]

161. As the interests of Mr Stanley Y.F. Wong, Mr K.K. Ling, Ms Bernadette H.H. Linn and Mr Ivan C.S. Fu on the sites under Group 1 were direct, Members agreed that they should leave the meeting temporarily during the deliberation of the representations and comment under this group.

[Mr Stanley Y.F. Wong and Mr K.K. Ling left the meeting temporarily, and Ms Bernadette H.H. Linn and Mr Ivan C.S. Fu left the meeting at this point.]

162. The Secretary recapped the Group 1 representers' major concerns, including the statement in the Notes of the OZP that the planning intention of Site A2, which comprised mostly of private land, was for public housing development, and that the representer proposed to rezone Site A2 to "CDA".

163. A Member said that generally speaking, the Board would consider if a site was suitable for residential use, while the implementation agent of the site and whether the site was for public or private housing were not its major concern. However, depending on the individual case, public and private housing might have different land use implications such as traffic. It would therefore be prudent and reasonable to indicate the type of housing in those cases.

164. The Chairman added that, if a site was earmarked for public housing development, that could be counted as an element of public interest as contrary to private housing development. For the subject case of Site A2, HD had indicated its plan to use the site for development of subsidised housing.

165. A Member considered that the primary consideration of the Board should be whether the site proposed to be rezoned was suitable for housing development or not. The implementation agent should not be a concern. The earlier view of another Member that the Board might need to consider the mix of housing types in an area was also valid. This Member recalled that when a planning application (No. A/TM-LTYT/273) for a proposed

private residential development at San Hing Road, Lam Tei was considered by the RNTPC in August and October 2014, where HD also wished to pursue a proposed public rental housing (PRH) development at the site plus its neighbouring area, some Members considered that if HD could produce a concrete proposal at that time, the RNTPC might have supported HD's PRH development. However, as HD did not have a concrete proposal, there was no basis to assess the relative merit of the PRH development vis-à-vis the planning application for private housing development, and the San Hing Road site was approved for the private residential development. For the subject Site A2, its size was not as large as the San Hing Road site and it was proposed for HOS development which would be similar to private development. The public interest involved in a HOS development should not be as large as that for PRH. As such, it might be less justifiable to specify in the Notes that Site A2 should be used for public housing development as the demand for private housing was also acute.

166. The Chairman remarked that although Site A2 was specified for public housing development in the Notes, it did not state if the site should be used for HOS or PRH development. In fact, HOS development was also a kind of subsidised housing to meet the need of the community who could not afford to purchase in the private market. In the case of San Hing Road, the proposed PRH development covered a much larger site than the private housing development proposed under planning application No. A/TM-LTYT/273, but the PRH proposal was only at its preliminary stage. In consideration that the private development should not be held up, RNTPC approved the planning application.

167. A Member said that both the public and private development proposals in the San Hing Road site were to provide flats to serve the public. For the subject Site A2, the Board might look at the specific site conditions to determine if public or private housing was more suitable. Noting that the area to the south of Site A2 was largely PRH developments, this Member opined that public housing would be more suitable than private housing at the site, as it would be able to create synergy effect with the existing public housing in the vicinity.

168. The Chairman said and Members agreed that they agreed to rezone Site A2 to residential use. The consideration was whether public housing development should be specified in the Notes.

169. A Member said that while Site A2 was close to Po Tin Estate to its south, it was also close to other private residential developments to its east and northeast. As the site itself was not large, a sizable PRH development could not be built. As both public and private housing were suitable for development at the site, it might not be necessary to specify that the site should be used for public housing development in order to allow for flexibility.

170. The Secretary informed the Board that the intention of using Site A2 for public housing development had been specified in the Notes of the OZP. If the Board decided to make any amendment to the Notes to meet the representations, the proposed amendment should be published for public inspection under section 6C(2) of the Ordinance.

171. A Member opined that the presence of the major road could be viewed as a physical demarcation for the area. Site A2 was closer to Po Tin Estate to its south than the areas to its east which would be separated by a planned primary road. It was expected that there would be more interactions between Site A2 and Po Tin Estate. This Member inclined to support inclusion of public housing development in the Notes.

172. A Member considered that if the private land within Site A2 was taken for public housing development, development of PRH would entail a more overriding public interest than that of HOS. This Member considered that it might be appropriate to state more specifically that Site A2 should be used for PRH development.

173. The Secretary said that the specification of the intention for public housing development in the Notes of the OZP was not a new practice adopted for the first time. The Tuen Mun, Tai Po and Ping Shan OZPs had made similar arrangements. In the past, the intention for public housing development would be stated in the Explanatory Statement. The Chairman said that the Board's comment for supporting the use of Site A2 for PRH development could be conveyed to HD separately if it was the consensus of Members but that it might be better to allow HD the flexibility to use it for PRH or HOS having regard to its relevant considerations at the time.

174. In response to a Member's enquiry, the Secretary said that there were HOS developments to the south of Site A2 including Siu Kwan Court and San Wai Court.

175. A Member said that the Board might face the similar dilemma of using private land for public or private housing development in future and the issue should be considered carefully.

176. A Member said that, unlike the case of San Hing Road, HD had prepared a detailed plan for development of Site A2 and it was supported by concerned departments. This Member considered that the specification of using Site A2 for public housing development in the Notes should be kept.

177. A Member considered that there was no need to further specify in the Notes whether the public housing development in Site A2 should be for PRH or HOS as flexibility for HD should be allowed.

178. The Chairman concluded and Members agreed that the majority at the deliberation session agreed to maintain the current specification in the Notes that Site A2 was intended for public housing development which, in relative terms, carried higher planning merits. As regards the concerns of some representers that the proposed zoning amendments would affect the living environment of the local residents, technical assessments had been undertaken by the relevant departments and the technical feasibility of the sites for housing development had been confirmed. There was also no shortfall in the provision of GIC facilities and open space according to the HKPSG. As regards the proposal of rezoning Site A2 to "CDA", the currently proposed "R(A)25" zoning for Site A2 was also appropriate, which was supported by technical assessments.

179. Members noted and agreed with the responses to the grounds and proposals of the representations and comments as detailed in paragraphs 6.2 and 10.5 to 10.8 and Annex X of TPB Paper No. 9773.

180. After further deliberation, the Board agreed to note Representations No. R6 to R56 (excluding R17 and R23) which supported Amendment Item A3.

181. The Board noted Representation No. R57(Part) which provided views on Amendment Item A4, and that the Environmental Assessment Study conducted by the Housing Department concluded that no adverse air and traffic noise impacts were envisaged.

182. The Board decided not to uphold Representations No. R1(Part), R3(Part), R4(Part) and R5 and considered that the Plan should not be amended to meet the representations. Members then went through the reasons for not upholding the representations in paragraph 12.3 of TPB Paper No. 9773 and considered that they were appropriate. The reasons were:

- “(a) various technical assessments have been conducted for the amendment items to ascertain the feasibility of the housing development proposal. Relevant departments have confirmed that the zoning amendments would not generate unacceptable impacts in terms of the traffic, environment, infrastructure, air ventilation, visual aspects, as well as the provision of open space and community facilities (R1(Part), R3(Part) and R4(Part));
- (b) land suitable for development in Hong Kong is scarce and there is a pressing need for increasing housing supply. As the sites are suitable for housing development, it is considered appropriate to rezone the sites for residential use to meet the imminent housing needs of the community (R1(Part), R3(Part) and R4(Part));
- (c) Site A2 had long been reserved for meeting community and public needs. Various technical assessments have been conducted to ascertain the feasibility of the proposed public housing development. It is appropriate to rezone the site to “Residential (Group A)25” and specify the planning intention for public housing (R5);
- (d) Amendment Items D1 and F are to reflect the existing commercial and residential developments respectively. For Amendment Item D2, it reflects an approved section 12A application at the major part of the site and the residual part which is minor in nature sharing the same characteristic of the application site and surrounding is also included for zoning boundaries adjustment (R1(Part) and R3(Part)); and
- (e) the site of Amendment Item E has been included in the ‘Planning and Engineering Study for Tuen Mun Areas 40 and 46 and the Adjoining

Areas' to determine the future use and it is appropriate to zone the site as "Undetermined" pending completion of the study (R1(Part) and R3(Part))."

[Mr Stanley Y.F. Wong and Mr K.K. Ling returned and Ms Julia M.K. Lau arrived to join the meeting at this point.]

Group 2

[Representations No. R1(Part), R3(Part), R4(Part), R57(Part) to R59(Part) and R60 to R812 and Comments No. C1(Part) and C3(Part)]

183. The Secretary recapped the key points raised in the Group 2 representations, which were mainly related to the local objection of the residents of Nerine Cove and Oceania Heights to the rezoning of Site B1 from "G/IC" to "R(A)22".

184. The Chairman said that some representers proposed to swap the proposed residential development on Site B1 with the planned sports ground on the "G/IC" site to the west across Hoi Wong Road, but such a swapping proposal was considered not feasible as the narrow configuration of Site B1 would not be able to accommodate the planned sports ground including the running tracks. It was noted that some representers would object to any development on Site B1 as it would affect the views from the surrounding developments. He also recapped the clarification made by one representer about the Government's "promise" of GIC use of Site B1, which was in fact the previous "G/IC" zoning of the site.

185. The Vice-chairman said that the Group 2 representers had suggested various alternative sites for the proposed residential development on Site B1 during the Q&A Session but none of the suggestions was feasible. The grounds of the representers were mainly related to the disturbance of views from their homes and the diminution of property value, which were not justifiable grounds for the Board to alter the zoning of the site.

186. A Member said that the representative of TD seemed unable to allay the representers' traffic concerns. Members considered that, based on information provided by TD, the road infrastructure of the area would be able to accommodate the additional

traffic generated by the proposed housing sites. However, as regards the software, TD should monitor the frequency of public transport services from time to time and ask the service providers to make adjustments as necessary.

187. Another Member considered that TD should be requested to look into the local traffic concerns. After further discussion, Members agreed now to advise TD to conduct an in-depth study of the traffic conditions of the area and work out the necessary actions in terms of public transport services in anticipation of the population increase arising from the proposed housing sites. Mr K.K. Ling concurred with the suggestion especially the need for reviewing the frequency and routings of the current public transport services, and said that the Secretariat could be asked to convey the views of the Board to the Commissioner for Transport for her reference and necessary follow-up actions.

188. Mr Ling also noted that some representers had raised concerns on the lack of retail facilities in the local area and suggested that the Secretariat could also convey the local views on such aspect to LandsD and DPO/TM&YLW to consider incorporating appropriate amount of retail floorspace in the future development in the land sale conditions of Site B1.

189. The Vice-chairman said that while he fully understood the traffic concerns of the local residents, the experience of the residents during rush hours was a common phenomenon in many parts of Hong Kong and not only in Tuen Mun. Site B1 would only provide about 400 new flats with a new population of just over 1,000, which should not have a significant traffic impact on the local area. As such, the traffic concerns alone were not strong enough for the Board to amend the zoning of Site B1.

190. Members considered that while the rezoning proposal for Site B1 would somehow affect the living environment of the local residents, there was an overriding, wider public need to address the current acute housing shortage in Hong Kong through rezoning suitable sites for housing development. Members also noted that there was administrative and statutory public consultation on the rezoning proposal, the latter under the Town Planning Ordinance. The hearing was in fact a part of the statutory public consultation process and there was no evidence that it had been conducted improperly.

191. A Member considered that the traffic impact of the proposed housing development on Site B1 on the surrounding areas should be negligible as the site and the number of new flats were relatively small. Nevertheless, this Member supported conveying the local residents' traffic concerns to TD. The Member suggested that TD should consider undertaking a regional traffic review for Tuen Mun and examining if any traffic improvement measures, e.g. local road junction improvements and adjustment of public transport services, should be carried out despite that the existing and planned hardwares should be adequate in traffic planning terms. The local residents would benefit if TD could undertake regional traffic reviews regularly. The Chairman said that as advised by TD, the road infrastructure was adequate to accommodate the proposed housing development. It was the provision of public transport services that might need to be reviewed.

192. A Member said that within Tuen Mun, the provision of public transport services in the local area around Hoi Wing Road and Hoi Wong Road was particularly problematic as the area was not served by West Rail.

193. Mr Ling said that the completion of the Tuen Mun – Chek Lap Kok Link at the south-western part of Tuen Mun in 2018 would help improve the traffic connection of Tuen Mun.

194. A Member considered that the overall traffic impact from the proposed housing development on Site B1 should be insignificant and the representers' grounds regarding the blockage of views and reduction of property values due to the proposed development on Site B1 had to be viewed against the wider consideration of the acute shortage of housing supply in Hong Kong.

195. Members noted and agreed with the responses to the grounds and proposals of the representations and comments as detailed in paragraphs 7.2, 7.3, 11.2 and 11.3 and Annex X of TPB Paper No. 9774.

196. After further deliberation, the Board agreed to note Representation No. R60 which supported Amendment Item B1.

197. The Board noted Representation No. R57(Part) which provided views on Amendment Item B1, and that the requirement for noise impact assessment would be duly incorporated into the lease.

198. The Board noted Representation No. R59(Part) which provided views on Amendment Item B2 concerning gas pipelines in the proximity of the site, and that the risk assessment was not mandatory but that the future developer should maintain liaison/coordination with Hong Kong and China Gas Company Limited in the course of the development process.

199. The Board decided not to uphold Representations No. R1(Part), R3(Part) R4(Part), R58(Part) and R61 to R812 and considered that the Plan should not be amended to meet the representations. Members then went through the reasons for not upholding the representations in paragraph 13.4 of TPB Paper No. 9774 and considered that they were appropriate. The reasons were:

“R1(Part), R3(Part), R4(Part), R58(Part) and R61 to R812 regarding Amendment Items B1 and B2

- (a) various technical assessments have been conducted for amendment items to ascertain the feasibility of the housing development proposals. Relevant departments have confirmed that the zoning amendments would not generate unacceptable impacts in terms of the traffic, environment, infrastructure, air ventilation, visual aspects, as well as provision of open space and community facilities;
- (b) land suitable for development in Hong Kong is scarce and there is a pressing need for increasing housing supply. As the sites are suitable for housing development, it is considered appropriate to rezone the sites for residential use to meet the imminent housing needs of the whole community;
- (c) public transport services will be provided to meet the public transport demand;

- (d) the proposed residential developments with development restrictions of a maximum domestic plot ratio of 6 and a maximum building height of 100mPD under the “Residential (Group A)22” zone is considered not incompatible with the surrounding areas;
- (e) sufficient land has been reserved for the provision of open space, GIC and other supporting facilities in Tuen Mun. Retaining the sites for GIC or open space uses is not necessary;

R3(Part) regarding Amendment Items B1 and B2

- (f) it is the normal practice for departments to include technical requirements in the lease to guide the development by the future developer;

R1(Part), R3(Part), R4(Part), R58(Part) and R61 to R809 regarding Amendment Item B1

- (g) the statutory procedures in consulting the public on the proposed zoning amendment have been duly followed. The exhibition of the Plan for public inspection and the provisions for submission of representation/comments form part of the statutory consultation process under the Town Planning Ordinance; and

R810, R811 and R812 regarding Amendment Item B2

- (h) the development intensity of Site B2 is not incompatible with the adjacent developments in the town centre and would not have unacceptable impacts in terms of visual, air ventilation, traffic, environment and infrastructure provisions.”

Group 3

[Representations No. R1(Part), R3(Part), R4(Part), R58(Part), R59(Part) and R813 to R2055 and Comments No. C1(Part), C2 and C3(Part)]

200. As the interests of Dr C.P. Lau and Ms Julia M.K. Lau on the sites under Group 3 were direct, Members agreed that they should leave the meeting during the deliberation of the representations and comments under this group.

[Dr C.P. Lau and Ms Julia M.K. Lau left the meeting at this point of time.]

201. The Secretary recapped the Group 3 representations, which were mainly related to the Crossroads Site Cluster (i.e. Sites C2, C3, C11, C12 and C13) and the So Kwun Wat Road Cluster (i.e. Sites C4, C5, C6, C7 and C8), and there were also some views on Site C1 at Tsing Ha Lane and Sites C9 and C10 at Cafeteria Old Beach. The representers and commenters were mainly concerned about whether the current operation of the Crossroads Foundation at the Crossroads Site should be maintained and the mature trees and historic buildings within the Crossroads Site be preserved. The concerns for the So Kwun Wat Road Cluster were mainly on whether Site C5, which was densely covered with trees, should be rezoned from “GB” for residential development, whether the proposed development intensity for Site C5 was too high, whether the permitted development intensity for the undeveloped part of the “CDA” site to the north of Sites C4 and C5 could be increased so that the intensities for other sites in the So Kwun Wat Road Cluster could be lowered accordingly, and whether the proposed housing site of Site C8 should include the portion originally zoned “GB”.

202. The Chairman recapped that as the Crossroads Site was within the So Kwun Wat Perowne Barracks Site of Archaeological Interest, detailed archaeological impact assessment conducted by qualified archaeologist would likely be required according to established practice. The Gurkha Temple and the Kesarbahadur Hall of the former Perowne Barracks within the Crossroads Site were Grade 3 historic buildings and they would be preserved and revitalised. Members noted that, regarding tree preservation, PN 7/2007 would be applicable, under which, if there were sound reasons that the trees could not be preserved in-situ, consideration might be given for their transplanting. If the trees were not of high value, they might be allowed to be felled subject to the requirements on

compensatory tree planting. As regards the proposal to increase the development intensity of the “CDA” site to the north of Sites C4 and C5, there was provision for planning application under s.12A of the Town Planning Ordinance and a s.12A application for such purpose had already been received by the Board. As regards Site C5, while the site was densely covered with trees, Members considered that the representers had failed to convince them that it had high ecological value.

203. Mr Ling said that the Crossroads Foundation was operating under a STT and whether the current operation of the Crossroads Foundation at the Crossroads Site should be maintained was not under the purview of the Board. However, it should be noted that as STT was intended to allow temporary occupation of government land, it should not affect the use or development of the land on a permanent basis, otherwise it would affect the utilisation of land resources. The Chairman said that the Government was discussing with the Crossroads Foundation on the future arrangement.

204. As regards the concern that the scattered distribution of mature trees within the Crossroads Site would constrain the future development if the trees had to be preserved, Mr Ling said that the presence of trees within the Crossroads Site would impose constraint on the layout design of the future development. However, as the Crossroads Site was previously a barrack with a number of building structures and some open fields, there would be scope for the developer to design the future development within the existing constraints. Tree preservation clause and requirement for submission of landscape master plan could be incorporated into the lease. A Member considered that although there were a number of existing buildings within the Crossroads Site, the large crowns and extensive roots of the mature trees could limit the potential of using the existing building footprint to locate the future buildings.

205. The Vice-chairman considered that the Government should strictly enforce its established mechanism to effectively control tree preservation on private land. Mr Ling said that there was established system for the relevant departments within the Government, including LandsD, PlanD and ArchSD, to comprehensively vet the tree preservation and landscape submissions made by developers. Although the Sheung Shing Street case as quoted by Mr Roy Tam (representative of C3) indicated that nearly all trees within the site were allowed to be felled by LandsD, it was noted that many of the trees were planted on the

sloping fringe of the site for amenity purpose, those felled were not significant trees or OVTs. The Secretary supplemented that it was also an established practice for LandsD to conduct a tree survey before land sale to identify the trees which should be preserved within the sale site and relevant tree preservation requirements would be stipulated in the land sale conditions. The developer was also required to submit detailed compensatory planting proposal to LandsD for consideration.

206. A Member considered that Site C5 could be rezoned for residential development as it was previously part of a borrow area. While a representer suggested that the woodland within Site C5 was a green corridor for birds and animals to migrate, this Member noted that Site C5 was currently separated from other areas by So Kwan Wat Road and Tuen Mun Road and its function as a green corridor should not be high. This Member also agreed with rezoning Site C9 for residential development. As regards the trees within Sites C2 and C3, this Member raised concern on the need to preserve trees that were neither significant or OVTs.

207. The Chairman said that the Board was not in the position to decide which trees within the Crossroads Site should be preserved and could be felled. That should be left to LandsD's action as per the established system. He suggested that if Members had the expertise to consider which trees were worthy of preservation, they could provide their views to the relevant departments for reference and consideration outside of the Board's consideration of this item. The same Member concurred with the Chairman's view and agreed that comments could be provided to the relevant departments after site visit by interested Members to appreciate the setting of the area.

208. Mr Ling said that for Sites C2 and C3, the Secretariat could convey the views of the Board and remind LandsD that tree survey should be carried out before the sites were put up for sale to identify which trees should be preserved, and any trees to be preserved should be specified in the lease. The developers of the sites should also be required to submit tree preservation schemes incorporating the site layout plans to LandsD for consideration.

209. Members noted and agreed with the responses to the grounds and proposals of the representations and comments as detailed in paragraphs 7.3 to 7.5 and Annex XI of TPB

Paper No. 9775.

210. After further deliberation, the Board agreed to note Representation No. R59(Part) which provided views on Amendment Items C1 to C3, C9 and G concerning gas pipelines in the proximity of the sites, and that the risk assessment was not mandatory but the future developer should maintain liaison/coordination with Hong Kong and China Gas Company Limited in the course of the development process.

211. The Board noted Representation No. R2055 which provided views on Amendment Item C8 concerning the existing vegetation and site formation.

212. The Board decided not to uphold Representations No. R1(Part), R3(Part), R4(Part), R58(Part) and R813 to R2054 and considered that the Plan should not be amended to meet the representations. Members then went through the reasons for not upholding the representations in paragraph 9.3 of TPB Paper No. 9775 and considered that they were appropriate. The reasons were:

“R1(Part), R3(Part), R4(Part), R58(Part), R813 to R2054

- (a) various technical assessments have been conducted for the amendment items to ascertain the feasibility of the housing development proposals. Relevant departments have confirmed that the zoning amendments would not generate unacceptable impacts in terms of the traffic, environment, infrastructure, air ventilation, visual aspects, as well as provision of open space and community facilities;
- (b) land suitable for development in Hong Kong is scarce and there is a pressing need for increasing housing supply. As the sites are suitable for housing development, it is considered appropriate to rezone the sites for residential use to meet the imminent housing needs of the community;
- (c) public transport services will be provided to meet the public transport demand;

- (d) sufficient land has been reserved for the provision of open space, GIC and other supporting facilities in Tuen Mun. Retaining the sites for GIC or open space uses is not necessary;
- (e) the statutory procedures in consulting the public on the proposed zoning amendments have been duly followed. The exhibition of the Plan for public inspection and the provisions for submission of representations/comments form part of the statutory consultation process under the Town Planning Ordinance;

R3(Part) regarding Amendment Items C1 to C13

- (f) it is normal practice for departments to include technical requirements in the lease to guide the development by the future developer;

Additional rejection reasons on specific grounds and proposals for Amendment Items C2, C3 and C12

- (g) the housing proposals in the former Perwone Barracks site have been assessed to ensure that all the developments will comply with the Hong Kong Planning Standards and Guidelines and no unacceptable impacts will be caused to local community. It is appropriate to rezone the site for residential use whilst maintaining the buildings with historical values in-situ (R1694 to R1698);
- (h) the proposed road under Amendment Item C12 in general is in line with the existing ingress/egress points, and internal road of the former Perwone Barracks site with smoother alignment and shorter length. Revision to the proposed road alignment is not necessary (R1694 to R1698);

Additional rejection reasons on specific grounds and proposals for Amendment
Items C4, C5, C7 and C8

- (i) Site C5 has been disturbed and is not considered to be of high ecological value. It is also located in a residential neighbourhood and surrounded by residential sites. The residential use of the site is considered acceptable. It is also located amidst residential sites in a residential neighbourhood and close to road to make use of the existing available infrastructures and community facilities;
- (j) the technical feasibility of the sites for residential developments with the specified development intensity have been confirmed by relevant departments. The proposed development intensity would optimise the development potential of the area with a view to meeting the imminent housing needs of the community;
- (k) for any proposals to increase plot ratio and/or building height in any sites other than those under the current amendments on the Tuen Mun Outline Zoning Plan, planning application could be submitted to the Town Planning Board under the provisions of the Town Planning Ordinance. Each application would be considered on individual merits (R1566);

Additional rejection reason on specific grounds and proposals for Amendment
Item C9

- (l) Site C9 is suitable for residential use. Rezoning the site for hotel use is not justified (R1567); and

Additional rejection reason on specific grounds and proposals for Amendment
Item G

- (m) Amendment Item G is to reflect an approved section 12A application (R1(Part), R3(Part) and R4(Part)).”

Agenda Item 15

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

Hearing Arrangement for Consideration of Further Representations on Proposed Amendments to the Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1, Draft So Lo Pun Outline Zoning Plan No. S/NE-SLP/1 and Draft Pak Lap Outline Zoning Plan No. S/SK-PL/1

213. The Chairman said that during the consideration of the information note and hearing arrangement for consideration of further representations on the draft Hoi Ha Outline Zoning Plan (OZP), draft So Lo Pun OZP and draft Pak Lap OZP by the Town Planning Board (the Board) on 24.10.2014, Members agreed that the further representations in respect of the three draft OZPs would be heard together by the Board in its regular meeting. Moreover, Members also agreed that the Chairman and Vice-chairman could make a decision on the hearing arrangement on behalf of the Board after the Secretariat had confirmed the number of attendees who would make oral submission. Having obtained the return from the further representers (FRs) and the original representers and commenters, the Chairman considered the meeting a convenient opportunity to seek Members' views on the proposed hearing arrangement despite the discretion the Board had granted to the Chairman and Vice-chairman.

214. The Secretary then presented the proposed hearing arrangements as follows:

Background

- (a) on 27.9.2013, the three OZPs were exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance);
- (b) during the statutory plan inspection period, a total of 10,824 representations and 3,671 comments for the Draft Hoi Ha OZP, 10,748 representations and 3,673 comments for the Draft So Lo Pun OZP, and

10,665 representations and 3,665 comments for the Draft Pak Lap OZP were received. In view that a significant number of representations and comments were common to the three OZPs, the Board considered the representations and comments on the three OZPs collectively in four hearing sessions in April and May 2014;

- (c) a total of 59 representers and commenters had made oral submission at the hearing sessions and they were allotted a 10-minute speaking time for their representations and comments made in respect of each OZP;
- (d) on 4.6.2014, the Board decided to partially uphold some representations and the proposed amendments to the three OZPs were exhibited for public inspection under section 6C(2) of the Ordinance on 25.7.2014. Upon the expiry of the 3-week exhibition period, a total of 68 valid further representations was received (36 to the Draft Hoi Ha OZP, 21 to the Draft So Lo Pun OZP and 11 to the Draft Pak Lap OZP). Among these, 9 further representations were made in respect of all three OZPs and the remaining were on individual OZPs;
- (e) as at 6.11.2014, a total of 21 FRs and the original representers and commenters had indicated their intention to make oral submission at the further hearing meeting. Among them, 10 had indicated their speaking time, which would add up to a total of 425 minutes;

Proposed Hearing Arrangement

- (f) to ensure the smooth and efficient conduct of the meeting, the three OZPs would be heard together. The representatives of the Planning Department (PlanD) would first be invited to give a brief presentation focusing on the further representations received on the proposed amendments to the three OZPs. Then, the attendees would be invited to give oral submission in the order of the FRs, the original representers and the original commenters. After the completion of the oral submissions by all concerned attendees, there would be a question and answer session, to be followed by the deliberation session;

- (g) in view of the large number of attendees at the further hearing session and that the further representations were related to the proposed amendment items only, a total of 10 minutes presentation time was recommended to be allotted to each FR and the original presenter and commenter or their authorised representative for presenting his views in the hearing irrespective of the number of OZPs he had made submission on and the number of authorisations the authorised representative had obtained; and
- (h) in the event that the FRs and the original presenters and commenters required additional presentation time, they could request for an extension of time and the request would be considered by the Board. The Board retained a discretion which would be exercised upon sufficient cause shown and after taking into account all relevant circumstances.

215. The Vice-chairman considered that the suggestion to impose a time limit of 10-minute for all FRs and the original presenters and commenters to make oral submission was reasonable and sufficient as the further representations were related to the proposed amendment items only. Members agreed.

216. The Chairman suggested and Members also agreed that a set of guidance notes on the meeting arrangement on the consideration of the further representations in respect of the three draft OZPs should be prepared.

217. There being no other business, the meeting closed at 7:50 p.m.