

**Minutes of 1074th Meeting of the
Town Planning Board held on 13.2.2015**

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 P.P. Ho

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Anita W.T. Ma

Ms Bonnie J.Y. Chan

Professor K.C. Chau

Mr H.W. Cheung

Dr Wilton W.T. Fok

Mr Sunny L.K. Ho

Mr Lincoln L.H. Huang

Mr Stephen H.B. Yau

Mr Peter K.T. Yuen

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

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

Deputy Director (General), Lands Department
Mr Jeff Y.T. Lam

Director of Planning
Mr K.K. Ling

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

Secretary

Absent with Apologies

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Mr Laurence L.J. Li

Dr W.K. Yau

Mr Ivan C.S. Fu

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr Patrick H. T. Lau

Ms Christina M. Lee

Mr H. F. Leung

Mr F.C. Chan

Mr David Y.T. Lui

Mr Frankie W.C. Yeung

Principal Assistant Secretary(Transport)3,
Transport and Housing Bureau
Miss Winnie M.W. Wong

In Attendance

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

Chief Town Planner/Town Planning Board
Mr Louis K.H. Kau

Senior Town Planner/Town Planning Board
Ms Doris S.Y. Ting

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1074st Meeting held on 27.11.2014, 11.12.2014, 18.12.2014 and 14.1.2015

[The meeting was conducted in Cantonese]

1. The Chairman said that the draft minutes had been distributed to Members before the meeting. Members noted that replacement pages on members' attendance were tabled at the meeting.

2. The minutes of the 1074st meeting covering the presentation and question & answering (Q&A) sessions held on 27.11.2014, 11.12.2014, 18.12.2014 and 14.1.2015 were confirmed without amendments.

Agenda Item 2

[The meeting was conducted in Cantonese]

3. There was no matter arising for the meeting.

Sha Tin, Tai Po and North District

Agenda Item 3

[Closed Meeting]

Consideration of Representations and Comments to the Draft Tai Po Outline Zoning Plan No. S/TP/25

[The meeting was conducted in Cantonese]

Deliberation Session

4. The Chairman said that the representations and comments in respect of the

draft Tai Po Outline Zoning Plan (OZP) No. S/TP/25 were heard in two groups with Group 1 related to rezoning of three sites in Tai Po Area 9 and Chung Nga Road for a public housing development (Amendment Items A1 to A5), and Group 2 mainly related to rezoning of six sites for private housing and two sites in relation to G/IC uses (Amendment Items B to J). The presentation and Q&A sessions of the Group 1 hearing were held on 27.11.2014 and those of the Group 2 hearing were held on 11.12.2014, 18.12.2014 and 14.1.2015.

5. The audio and video recordings and draft minutes of the meeting sessions held on 27.11.2014, 11.12.2014, 18.12.2014 and 14.1.2015 had been provided to Members for reference prior to the deliberation session. The Chairman asked Members to consider the representations taking into account the written representations and the oral submissions made at those meetings.

Group 1

(Representations No. R6(Part) to R1273(Part), R1274 to R1323, R1324(Part), R1326(Part), R1625(Part), R6322(Part) and Comments No. C2(Part) to C79(Part))

6. The following Members had declared direct interests in the Group 1 hearing for having association with the Hong Kong Housing Authority (HKHA) (as the representations considered under Group 1 were in respect of the proposed public housing development by the Housing Department (HD), which was the executive arm of HKHA) and/or having business dealings with Sun Hung Kai Properties Limited (SHK) which was the mother company of Honour More Limited that had submitted representation No. R1274:

Mr Stanley Y.F. Wong	-	being a member of HKHA and the Strategic Planning Committee of HKHA, and Chairman of the Subsidised Housing Committee of HKHA (<i>direct interest</i>); owning a flat and car parking spaces at Deerhill Bay with his spouse (<i>indirect</i>
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- interest)*
- 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
- Ms Julia M.K. Lau - being a member of HKHA and the Commercial Properties Committee and Tender Committee of HKHA; and having business dealings with SHK
- Ms Janice W.M. Lai] having current business dealings with
Mr Dominic K.K. Lam] HKHA and SHK
Mr Patrick H.T. Lau]
- Mr K.K. Ling - being a member of the Strategic Planning
(*as Director of Planning*) Committee and Building Committee of HKHA
- Mr Jeff Y.T. Lam - being an alternate member of HKHA
(*as Deputy Director of Lands*)
- Mr Martin W.C. Kwan - being a representative of the Director of
(*as Chief Engineer*) Home Affairs who was a member of the
(*Works*), Home Affairs Strategic Planning Committee and
(*Department*) Subsidised Housing Committee of HKHA
- Mr Ivan C.S. Fu - having business dealings with SHK
- Dr W.K. Yau - being the executive member of the Tai Po Rural Committee (TPRC) which had submitted representation No. R1326 (*direct interest*); owning a flat and a shop at

Kwong Fuk Road and a house and land at Cheung Shue Tan in Tai Po; and being the Chairman of the Management Committee of the Fung Yuen Butterfly Reserve/Fung Yuen Nature and Culture Education Centre as R17 had indicated that the housing development would affect the Fung Yuen Site of Special Scientific Interest (SSSI) (*indirect interest*)

7. In addition, the following Members had declared remote or indirect interests. The interests of those Members owning properties in Tai Po were considered indirect as their properties were not in the vicinity of the representation sites:

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| Mr H.W. Cheung | - | owning a flat at Heung Sze Wui Street in Tai Po |
| Mr Frankie W.C. Yeung | - | owning a flat at On Chee Road in Tai Po |
| Ms Christina M. Lee | - | being the Secretary General of the Hong Kong Metropolitan Sports Event Association that had obtained sponsorship from SHK |

8. The above Members (i.e. Mr Stanley Y.F. Wong, Professor P.P. Ho, Mr H.F. Leung, Ms Julia M.K. Lau, Mr Dominic K.K. Lam, Ms Janice W.M. Lai, Mr Patrick H.T. Lau, Mr K.K. Ling, Mr Jeff Y.T. Lam, Mr Martin W.C. Kwan, Mr Ivan C.S. Fu and Dr. W.K. Yau) whose interests declared were direct were invited to leave meeting temporarily. Members noted that Mr Wong, Professor Ho and Mr Lam had not yet arrived to join the meeting; and Mr Leung, Ms Lau, Mr Dominic K.K. Lam, Ms. Lai, Mr Lau, Mr Fu and Dr Yau had tendered apologies for not being able to attend the meeting.

9. For the other Members whose interests were considered remote or indirect, they were allowed to stay in the meeting and participate in the discussion. Members noted

that Mr Frankie W.C. Yeung and Ms Christina M. Lee had tendered apologies for not being able to attend the meeting.

[Mr K.K. Ling left the meeting temporarily and Mr Martin W.C. Kwan left the meeting at this point.]

10. The Chairman said that the representations and comments of Group 1 were related to the rezoning of three sites in Tai Po Area 9 and Chung Nga Road for a public housing development (Amendment Items A1 to A5). As some of the comments made in the oral submissions of a few representers/commenters or their representatives of Group 2 (including R20, R124, R1133, C3 and C34) during the hearing sessions on 11.12.2014, 18.12.2014 and 14.1.2015 were related to the public housing development in Tai Po Area 9 and Chung Nga Road which were the subject of representations of Group 1, Members were invited to take into consideration those comments in the deliberation session as appropriate.

11. To facilitate the deliberation, the Chairman asked that the location plans and relevant aerial or site photos showing the amendments items that were in the Paper and/or shown during the hearing session be displayed on the visualiser for Members' easy reference.

Government Policy and Housing Supply

12. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) the "Green Belt" ("GB") areas that were rezoned were richly covered with vegetation. Hence, the rezoning was not in line with the Government's Policy Address which stated that only "GB" sites that were 'devegetated, deserted or formed' would be considered for rezoning for housing use;

- (b) the Government should develop brownfield sites and consider redevelopment of under-utilised sites first. As Tai Po was a mature new town, there should not be new public rental housing development except for redevelopment;
- (c) the zoning amendments were contrary to public interest and public expectations that wooded landscapes would be protected and valued. These amendments would create a bad precedent and cause cumulative adverse impacts in future; and
- (d) the Government had suddenly changed the land use framework for Tai Po New Town which was established in the 1980s by rezoning many sites for residential use.

13. Members then went through the following responses of relevant government departments given during Planning Department (PlanD)'s presentation, and/or in answering Members' enquiries at the hearing, and/or recorded in the Paper:

- (a) the review of "GB" sites comprised two stages. In the first stage of "GB" review completed in 2012, the Planning Department (PlanD) mainly identified and reviewed areas zoned "GB" that were devegetated, deserted or formed. The 2013 Policy Address (PA) announced that PlanD was conducting the next stage of "GB" review, with the purpose of releasing more sites for housing development. For the second stage of the "GB" review, PlanD reviewed those vegetated "GB" sites with a relatively lower buffer or conservation value and adjacent to existing transport and infrastructure facilities;
- (b) to increase and expedite housing land supply in the short to medium-term, the Government was taking a multi-pronged strategy to increase the supply of housing land. In this connection, the Government had been carrying out various land use reviews, including reviews of "Government, Institution or Community" ("G/IC") sites,

review of government land that were currently vacant or under short term tenancies or short term government uses, and the review of “GB” sites. Brownfield sites would also be considered if found suitable for residential development. While some brownfield sites were found in various future development areas such as Hung Shui Kiu and Yuen Long South, development of these sites which required provision of infrastructural facilities had to be considered for the long term; and

- (c) each “GB” sites had been carefully examined and it had been confirmed that the rezoning of the sites under amendments would not cause insurmountable problems including their adverse impacts on the wooded landscape. Requirements for submission of tree preservation proposals/landscape master plan, where appropriate, would be included in the lease conditions of the housing sites.

14. A Member recalled that some representers raised concerns that the second stage of “GB” review was a major change in the Government’s policy and the public was not consulted on the policy on “GB” sites and Country Park (CP) prior to rezoning of these “GB” sites.

15. In reply, the Chairman said that the second stage of “GB” review was already announced in the 2013 PA and explained time and again by the Development Bureau including in the blog of the Secretary for Development. The Government had also clearly stated that there was currently no intention to develop the CP. Prior to the submission of rezoning proposals to the Board for consideration, relevant District Councils were consulted on the rezoning proposals of “GB” sites. Moreover, the plan-making process which included the submission and hearing of representations and comments was itself a public consultation exercise. Concerned government departments including the Agriculture, Fisheries and Conservation Department (AFCD) were also consulted on the potential impact of rezoning of these “GB” sites and they had no objection to or no adverse comments on the rezoning proposals as no insurmountable problem was anticipated.

Preservation of “GB” Zone and Landscape Impacts

16. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) the “GB” zone played an important role in maintaining the public’s quality of life and serving as a buffer between the urban area and the CP. The “GB” sites were performing their function as passive recreational uses as they were favourite exercising, jogging and hiking spots for local residents. The proposed rezoning was against the planning intention of the “GB” zone;
- (b) the proposed rezoning would involve extensive clearance of vegetation and the cumulative impact had not been addressed;
- (c) the Government had failed to provide details about the ecological importance of the rezoning sites. Site visits and ecological surveys done by green groups revealed findings very different from those of the Government. The rezoning did not comply with Convention of Biological Diversity (CBD); and
- (d) rezoning of “GB” should not be assessed on a case-by-case basis. The Government should prepare an overall framework/strategy for all rezoning in Hong Kong to demonstrate the overall impact on biodiversity and the proposed mitigation measures. The Board should consider the overall picture of the rezoning of “GB” sites instead of considering each case individually.

17. Members then went through the following responses of the relevant government departments given during PlanD’s presentation, and/or in answering Members’ enquiries at the hearing, and/or recorded in the Paper:

- (a) in reviewing the suitability of developing the “GB” zones, concerned government departments would examine if the development would bring about significant adverse impacts on the surroundings. The identified sites, though vegetated, had relatively less buffering effect, low conservation value and were located in proximity to existing urbanized development and infrastructure;
- (b) if tree felling and substantial clearance of vegetation was necessary, the Government would carry out tree surveys to ascertain the condition and strive to minimise the impacts. Developers would be required to incorporate appropriate mitigation measures, including the preservation and transplanting of existing trees with conservation value or compensatory planting, in accordance with the existing guidelines and tree preservation mechanism;
- (c) the Director of Agriculture, Fisheries and Conservation (DAFC) advised that there were no designated sites of conservation interest within or in close proximity to the rezoning sites, and trees found in these sites were largely exotic or common species. In this regard, no significant ecological issues or adverse impacts on biodiversity were anticipated; and
- (d) for the whole of Hong Kong, about 150 sites had been identified for rezoning to residential use and about 70 of these sites were zoned “GB”. The area of “GB” sites proposed for rezoning would only constitute about 1% of land currently zoned “GB” in the whole of Hong Kong. The Government had carefully considered each piece of “GB” site before deciding whether they could be rezoned for residential use.

18. Noting AFCD’s comments that the “GB” sites to be rezoned had low conservation value, a Member considered that conservation value was only one of the considerations on whether the “GB” sites should be rezoned. “GB” sites had other important functions such as serving as buffer area, preserving the existing landscape and

providing visual relief within an urbanised area. Rezoning of each “GB” site should be carefully examined taking into account whether development on the site would affect the integrity of the “GB” zone and whether its original buffer and landscape functions would be adversely affected.

19. The Chairman said that while AFCD would mainly focus on the value of “GB” sites from the nature conservation point of view, he concurred with the Member’s views that “GB” sites could perform other important greening/buffer functions. However, such needs had to be balanced against the genuine needs of the general public for housing including public housing. Members discussed and agreed that the Board should balance different interests and needs of the community and take into account other relevant planning considerations in assessing whether the “GB” sites proposed to be rezoned were of relatively low buffer value.

20. Another Member said that some representers objected to the rezoning of the “GB” sites near their homes on the ground that the green area was serving as a passive recreational space for the local residents. The Member considered that priority should be given to use the “GB” site, if found suitable for residential development, to meet the imminent need for more housing land rather than to cater for the interests of the local residents.

Adverse Impacts

21. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) insufficient technical assessments had been conducted to support the rezoning of the sites;
- (b) various technical assessments, including comprehensive ecological assessment and tree survey should be conducted prior to development;

- (c) as the housing sites were some distance away from railway station, the demand for public transport and transport infrastructure would have impacts on the existing roads in Tai Po which were already congested. There were existing traffic congestion problems at Ting Kok Road and Tolo Highway. The Government had failed to resolve the current traffic problems. The capacity of Tolo Highway and the carrying capacity of the East Rail line could not cope with the additional population;
- (d) the public housing development would affect the capacity of Chung Nga Road that had little scope for widening;
- (e) with only one existing bus route serving the area near the public housing development, there was concern that there would be insufficient public transport services to cater for the new housing development. The future development in Tai Po Area 9 would need to rely on feeder transport to go to the railway station. A new bus route connecting the MTR station should be provided;
- (f) construction works would cause nuisance to sensitive receivers; and
- (g) there were insufficient supporting community facilities such as medical services, education and other community services to serve the increased population. The rezoning which would result in the loss of passive recreational space for residents of Fu Heng Estate would affect their daily lives and health. In view of the ageing population of the district, the original “G/IC” site at Tai Po Area 9 should be reserved for GIC uses.

22. Members then went through the following responses of the relevant government departments given in PlanD’s presentation as well as in answering questions raised by Members at the hearing, and/or recorded in the Paper:

- (a) for the proposed public housing development, HD had undertaken relevant technical assessments on traffic, drainage, sewerage, air ventilation, visual appraisal and environmental assessment. Preliminary findings reveal that the proposed developments would not have significant adverse impacts on these aspects. Air ventilation assessment (by expert evaluation) conducted by HD showed that no adverse air ventilation impacts would arise if good wind responsive measures were incorporated. Given the size of the sites (over 9 ha), there was reasonable scope for good building design and layout disposition to avoid wall effect. The photomontages for the proposed public housing developments showed that they would not be incompatible with the surrounding developments and would not cause significant changes to the overall townscape and character;

- (b) the ecological value of the sites would be assessed based on the advice from AFCD to ensure that the rezoning would not lead to major adverse ecological impacts. The Tai Po Area 9 site (Sites A1 and A2) was previously a borrow area and the original vegetation and soil were removed. The trees on the cut slope were exotic species such as Acacia (相思) and Eucalyptus (桉樹) that were previously planted by Government to cover the area that had been cut open. According to the tree survey conducted by HD, there were no rare or valuable species of trees on Site A. HD would avoid felling existing trees on Site A as far as possible and would provide appropriate greening and compensation if trees had to be felled;

- (c) the Commissioner for Transport (C for T) considered that with appropriate mitigation measures and improvement/upgrading of the transport infrastructure, the public housing development would not have adverse cumulative impacts on traffic capacity in Tai Po New Town;

- (d) the traffic impact assessment (TIA) concluded that with incorporation of the public transport terminus (PTT) and appropriate junction improvement, the proposed development would not cause any significant adverse traffic impact on Chung Nga Road;
- (e) a PTT would be provided in the proposed public housing development to ensure that there would be sufficient public transport services between the proposed development and the railway station;
- (f) construction impacts would be controlled under existing mechanisms. The proponent/future developer would be required to follow and implement the Recommended Pollution Control Measures for Construction Contract, which were generally good engineering practice to minimize inconvenience and environmental nuisance to nearby residents and other sensitive receivers; and
- (g) as shown on the GIC table at Annex XI of the Paper, the planned provision of GIC facilities in the district was generally sufficient, with a surplus provision of local open space and district open space. Two new primary schools had been reserved within the proposed public housing development at Chung Nga Road while social welfare facilities such as Day Care Centre for the Elderly, Child Care Centre and Early Education and Training Centre would be provided to serve the local community.

23. Members discussed and considered that the responses, which they accepted, had addressed the concerns raised in overall terms.

Inadequate Public Consultation

24. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) the Government had not undertaken comprehensive consultation on its change in policy to extensively rezone “GB” sites in Hong Kong. The consultation at the District Council level was piecemeal and contrary to procedural justice;
- (b) there was no prior public consultation and the consultation process with the Tai Po District Council (TPDC) on the OZP amendments was improper/misleading. There was no consultation with residents of Fu Heng Estate. Although local forums had been arranged, many residents of Fu Heng Estate were not aware of the forums. A more extensive public consultation process should be carried out to gauge the views of the local people; and
- (c) the hearing related to the private and public housing sites should not be separated into two groups.

25. Members then went through the following responses of the relevant government departments given during PlanD’s presentation and in answering Members’ questions at the hearing, and/or recorded in the Paper:

- (a) in processing the zoning amendments, PlanD had followed the established procedures including departmental consultation, District Council and Rural Committee consultation, Town Planning Board submission, and exhibition of the OZP under the Town Planning Ordinance (the Ordinance). Prior to the exhibition of the OZP, the Environment, Housing and Works Committee (EHWC) of TPDC was consulted on 8.1.2014 and 13.2.2014 and meetings had been held with the local residents. The EHWC of TPDC was consulted again after the OZP was exhibited under the Ordinance;
- (b) the public had been consulted on rezoning proposals in accordance with the provisions of the Ordinance. The exhibition of OZP for public inspection and the provisions for submission of representations and

comments on representations formed part of the statutory public consultation process under the Ordinance. The public and stakeholders had been given the opportunity to provide their views and counter-proposals to the proposed amendments. Moreover, all representers/commenters had been invited to the meeting to present their views. The statutory and administrative procedures in consulting the public on the proposed zoning amendments had been duly followed; and

- (c) the grouping arrangement was to facilitate the representers and the Board members to have more opportunities to exchange views/discuss issues of similar nature in details and in an orderly and collective manner.

26. Members discussed and considered that the responses, over which they had no question, had addressed the concerns raised in overall terms.

Layout and Design

27. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) due to the decreased number of cross-boundary students in future and the existence of several existing primary schools within a 10-minute travelling distance from the site, there was no strong justification to construct two primary schools at the proposed public housing development;
- (b) if only one primary school was built, it was not necessary to clear the wooded area to the north of the site in Tai Po Area 9 by suitably revising the development layout;
- (c) to preserve the stream and some trees within the site, the planned access road connecting the northern and southern portion of the public housing development should be realigned to its southeast by 20m; and

- (d) PlanD had advised TPDC at the DC meeting in 2009 that the site in Tai Po Area 9 was not suitable for high-density public housing development.

28. Members then went through the following responses of the relevant government departments given during PlanD's presentation and in answering questions from Members at the hearing, and/or recorded in the Paper:

- (a) according to the Education Bureau, two primary schools were required for the area to meet the long-term primary school demand arising from the new public and private housing developments in Tai Po;
- (b) based on PlanD's estimation, there was an overall shortage of long-term primary school classrooms in Tai Po. Even with the two new schools in the comprehensive public housing development at Tai Po Area 9 and Chung Nga Road West, an extra of 135 classrooms for primary school were still required in Tai Po;
- (c) the alignment of the proposed road would be subject to detailed design by HD;
- (d) the proposal considered in 2009 only covered the then vacant "G/IC" site to the immediate northeast of Tai Po Hospital which was much smaller in area and development on the site at that time faced certain constraints including the shared use of an access road with Tai Po Hospital. In the current rezoning proposal, the areas to the east and west of Chung Nga Road had been included in the proposed public housing site, in addition to the original "G/IC" site. That had allowed greater flexibility for the provision of vehicular and pedestrian accesses, school and other community facilities in the development. In view of the current strong demand for public housing, sites with constraints would also be explored. HD and PlanD had worked together to resolve various technical problems and worked out a feasible public housing development proposal for the site.

29. Members discussed and considered that the responses, which they agreed, had addressed the concerns raised in overall terms.

Amendment Items A1 and A2 – Two Sites at Tai Po Area 9

30. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) the site was a natural hillslope with dense vegetation, which acted as a buffer between the urban periphery and the Fung Yuen Site of Special Scientific Interests (SSSI). The development of the site might have impacts on nearby sensitive areas, including the Fung Yuen SSSI and the Pat Sin Leng CP;
- (b) the site was not suitable for development due to the potential impact from chimney emissions of the adjacent hospitals and the lack of supporting facilities;
- (c) the proposed development would cause a shading effect on the farmland at the Chung Nga Road East site and Fung Yuen SSSI;
- (d) as Site A1 adjoined the Fung Yuen burial ground, a 30m-wide tree planting strip should be provided as a buffer;
- (e) Site A2 should be retained as “G/IC” for specialist institutions and schools such as the Hong Chi Pinehill Integrated Vocational Training Centre, which focused on rehabilitation;
- (f) the development intensity of Site A was excessive in the local context;
- (g) the Government should consider reducing the scale of the proposed public housing development and provide adequate community facilities and traffic improvement measures to meet the needs of the residents of

Fu Heng Estate; and

- (h) a major public housing development on Site A would have interface problems with the rehabilitation uses at the adjacent Hong Chi Pinehill Village.

31. Members then went through the following responses of the relevant government departments given during PlanD's presentation and in answering Members' questions at the hearing, and/or recorded in the Paper:

- (a) Sites A1 and A2 were about 250m from Fung Yuen SSSI. No significant direct ecological impact from the proposed public housing development on Fung Yuen SSSI was anticipated. HD would undertake an ecological study and tree survey for the development at Sites A1 to A4 to ensure that no important species within the Fung Yuen SSSI would be directly affected by the proposed public housing development;
- (b) technical assessments carried out by HD confirmed that the site was suitable for public housing development. Assessment on chimney emission impact from Tai Po Hospital and Nethersole Hospital revealed that the predicted SO² and NO² and respirable suspended particulates (RSP) concentrations at various assessment heights would comply with the relevant Air Quality Objectives. No adverse air quality impact on the proposed public housing development was envisaged;
- (c) the farmland at the site which was currently used by Hong Chi Association would be reprovisioned within Hong Chi Pinehill Village where shading effect was not anticipated;
- (d) the Fung Yuen burial ground was about 15m from the proposed public housing site and the area in-between was already covered by trees and dense vegetation. The provision of additional buffer planting was not

necessary;

- (e) the area zoned “G/IC” to the north of the proposed public housing site, which was currently occupied by the Hong Chi Pinehill Integrated Vocational Training Centre was 8 ha in size and intended specifically for the provision of rehabilitation services. A redevelopment proposal of the site was being planned by the Hong Chi Association. There was therefore no need to reserve the proposed public housing site for rehabilitation purposes;
- (f) the site with an area of about 9.6 ha was located in the northern fringe of Tai Po New Town. It was composed of three portions, namely, Chung Nga Road East and Chung Nga Road West (CNRW) sites. Majority of land within the site was government land except part of the CNRW site which comprised 0.85 ha of private land;
- (g) land suitable for development in Hong Kong was scarce and there was a need to optimize the use of land available to meet the increasing housing demand. To increase and expedite housing land supply in the short to medium term, the Government was taking a multi-pronged strategy to increase supply of flats. Assessments had been carried out to ascertain the technical feasibility of the proposed sites. The rezoning proposals would contribute to the Government’s effort in meeting the pressing need for increase housing land supply to both public and private sectors;
- (h) the Hong Chi Association had never raised objection to the proposed public housing development. On the other hand, they had undertaken to provide appropriate services to serve the needs of the new residents.

32. Members discussed and agreed that they had addressed the concerns raised in overall terms.

Amendment Items A3 and A4 – Two Sites in the western portion of Chung Nga Road

33. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) Sites A3 and A4 should be rezoned to “Comprehensive Development Area” (“CDA”) so as to exercise full planning control on the future residential development;
- (b) it was against the Board’s practice to state in the Notes of the “R(A)9” zone that the planning intention of the zone was specifically for public housing;
- (c) Sites A3 and A4 should be reserved for private housing as there were too many public housing in the area. Private housing development at the site would improve the housing mix, inject new energy, increase commercial activities and job opportunities, provide better supporting facilities and reduce the pressure on infrastructure and public facilities/services. Moreover, private housing development would facilitate timely provision of flats in the locality;
- (d) the Board had always respected private property rights and the Government would not resume private land without good reason. The rezoning of Sites A3 and A4 was against these well established principles;
- (e) it was inappropriate to rezone Sites A3 and A4, which were under private ownership, for public housing purposes while six other sites under government ownership were proposed to be sold for private housing development;
- (f) it was more appropriate to develop the site for Home Ownership Scheme development;

- (g) Sites A3 and A4 were the subject of previous planning applications. The reason for rejecting the first three applications was mainly that there was a presumption against development at that time. The rejection reason, however, was no longer relevant; and
- (h) the site under Amendment Item F (Site at Lai Chi Shan) was more suitable for public housing as it was closer to the railway station and there was public housing in the vicinity. It was proposed that the northern portion of Site F should be used as an alternative site for locating public housing originally intended for Sites A3 and A4.

34. Members then went through the following responses of the relevant government departments given in PlanD's presentation and in answering Members' enquiries at the hearing, and/or recorded in the Paper:

- (a) as the proposed public housing development at sites A3 and A4 would be governed by a planning brief, there was sufficient control under the present planning and land administration mechanism to ensure that the proposed development would be developed comprehensively. Moreover, various technical assessments including traffic impact assessment, drainage impact assessment, sewerage impact assessment, environmental assessment, air ventilation assessment and visual assessment had been carried out for the proposed public housing development to demonstrate that, with appropriate mitigation measures, the proposed development would not cause significant adverse impacts on the surrounding areas. Hence, there was no need for the sites to be zoned "CDA";
- (b) as the site was considered by the Board to be more suitable for public housing purpose than for private housing use, it was appropriate to clearly spell out the planning intention of the site in the Notes of the OZP to give greater certainty and transparency and to avoid unnecessary ambiguity;

- (c) the site was the subject of a section 12A application (No. Y/TP19) for private residential development which was considered on 4.4.2014 by the Rural and New Town Planning Committee (RNTPC), together with a public housing proposal for the site. After assessing the relative merits of the proposed public housing development scheme and the indicative scheme of application No. Y/TP/19, the RNTPC considered that the site was more suitable for public housing purpose as it formed an integral part of a comprehensive public housing project; the development of a public housing block and a primary school with lower building height would create an open vista with less visual impact; and that there was wider scope to address concerns of TPDC and local residents if the sites were used for public housing;
- (d) according to the Long Term Housing Strategy (LTHS), the Government advocated that public housing should account for a higher portion of new housing production and decided that the ratio between public and private housing should be 60:40;
- (e) it was not uncommon for Government to resume private land for public housing and roads. The Government would only resume private land after careful consideration, and the time needed for resumption would be a factor for consideration;
- (f) the factors to be considered in designating a site for public housing include the size of the site, the type of development in the vicinity and whether the site was well served by public transport. In this regard, only Site A was considered suitable for public housing and for the provision of supporting facilities as it was the largest amongst the rezoned sites. The other six sites were relatively small in size, in the midst of medium- or low-density residential neighbourhoods, and in less convenient locations;

- (g) part of the two sites was the subject of two previous s.16 applications (No. A/TP/60 and 76) for residential development. The sites were zoned “GB” when the s.16 applications were considered by the Board. The applications were rejected by the Committee in 1990 and 1991 respectively mainly on the grounds of being not in line with the planning intention of “GB” zone and failure to demonstrate that the proposed development would not have adverse visual, traffic, water supply and sewerage impacts on the surrounding areas; and
- (h) the proposed public housing development at Sites A3 and A4 was more compatible with the surrounding areas which were mainly high-rise, high-density housing development than that of Site F which was surrounded by low-rise low-density development.

35. A Member said that as there was demand for both public and private housing in the community, it was important for the Board to make a decision which should carefully balance the interests of different groups of people with different housing needs. Regarding the previous s.12A application (No. Y/TP/19) for proposed private residential developments involving Sites A3 and A4, the application was rejected by the RNTPC mainly on the grounds that it was not appropriate to rezone the northern portion of the site containing the existing woodland and that the building mass of the proposed residential development was too excessive as compared with the proposed layout of the public housing development. The Chairman agreed that the provision of both public and private housing was important to meet the housing need of different sectors of the population. The question was whether the site was more suitable for public housing.

36. In response to a Member’s concern on the need to balance the interest of different groups, the Chairman said that in considering future planning application for residential use, whether the site was more suitable for public or private housing development would need to take into account a host of factors including the element of public interest, the certainty to incorporate other required supporting facilities, the size and location of the application site and the compatibility of the proposed development with the surrounding land uses, etc. For the previous s.12A application, the application was

rejected by the RNTPC as the site was considered more suitable for public housing development taking into account that the southern portion of the site (i.e. Site A3) was located within an area of existing and planned public housing developments which would generate synergy effect for better integration and provision of GIC facilities. Each application should be considered based on individual merits.

37. The Secretary supplemented that the s.12A application and the proposed amendments to draft OZP in relation to Sites A3 and A4 were considered by the RNTPC in the same meeting in April 2014. Hence, the justifications and development parameters of both the public and private housing developments were thoroughly considered by the RNTPC before a decision was made. While the RNTPC had rejected the subject s.12A application, a planning application for private housing development on another site, which was also proposed for public housing development, was approved by the RNTPC in another meeting, mainly on consideration that the private development proposal was more definite in terms of layout and development programme while the public housing proposal was still at a preliminary stage. In short, whether a site was more suitable for public or private development should be considered based on individual merits, taking into account various factors such as development intensity, maturity of the plan for development, proposed development programme and compatibility with surrounding areas, etc..

38. The Chairman said that it was important to ensure that the Board's decision was reasonable. Given that the proposed private residential development on Sites A3 and A4 would be land-locked without any access unless government land was granted for the development, the implementability of the development proposal was uncertain. On the other hand, the proposed public housing development on the site, which was more comprehensively planned with the provision of necessary supporting facilities, had a more certain implementation programme.

39. A Member considered that while there was a long waiting list for public housing, there was also a spectrum of public, not eligible to either public housing or HOS flats, who had a dire need to buy their own properties. For the proposed public housing development, the layout of the northern portion of the site in Tai Po Area 9 and Chung Nga Road East was more comprehensive with provision of community and supporting facilities.

However, the layout for the southern portion of the public housing development (i.e. Site A3) comprising only one primary school and one housing block might not have distinctive advantage over private housing development. Should the Board acknowledge that the provision of both public and private housing was in the public interest, the implementability of the proposed private housing development should not be a major consideration. The Board's decision to use Site A3 for public housing development should be strongly justified to avoid giving an impression that the Board was biased towards public housing development.

40. Although the previous s.12A application for private housing development on Site A3 was rejected by the RNTPC, a Member considered that given that there was now a change in planning circumstances that suitable "GB" sites were identified for residential development, it might warrant a reconsideration of using the site for private housing in order to have a balanced development of both public and private housing in the area. The presenter's proposal to rezone the site to "CDA" might be worth further consideration.

41. The Chairman said that at the policy level, the LTHS adopted the provision of public and private housing development at a ratio of 60:40. While Members might consider that the provision of either public or private housing would be in public interest, the interpretation of 'public interest' in the legal context would be somewhat different. Advice had been given before that resumption of private land for public housing land could be justified as it was for a 'public' purpose. For the subject site, the Board should consider whether the proposed layout for the public housing development was better and more comprehensively planned and whether the site was more suitable for public housing development. Noting that the RNTPC had already rejected the s.12A application on consideration that the site was considered more suitable for public housing development, the Board should also consider whether there was strong justification to deviate from the RNTPC's decision and whether it was appropriate to specify in the Notes that the site was intended for public housing development.

42. A Member said that with a view to providing more housing land to meet the acute housing demand, consideration should be given to exploring the possibility of rezoning some "GB" sites at the urban fringe in the long term. While the site was

considered suitable for residential development, it was envisaged that the rezoning of the “GB” site for public housing development would be more acceptable to the general public.

43. A Member said that given that there was a need for more primary schools and other GIC facilities to serve the local and district demand, the use of the site for public housing development would have more certainty on the provision of community facilities and their implementation programme.

44. The Chairman said that while the Government might negotiate with the developer of the site on the provision of certain GIC facilities if the site was used for future private residential development, there was no guarantee that such facilities would be provided and if affirmative, provided in a timely manner. If the site was used for public housing, HD had already agreed to provide the needed GIC facilities in the future public housing development.

45. A Member said that during the consideration of the previous s.12A application and the proposed amendments to the draft Tai Po OZP at the same meeting in April 2014, the RNTPC had focused its discussion on whether the site was suitable for residential development and if so, whether it was more suitable for private or public housing development, taking into account various considerations. On balance, the RNTPC considered that the site was more suitable for public housing development as the southern portion of the site (i.e. Site A3) was located within an area of existing and planned public housing developments which would generate synergy effect for provision of GIC facilities and better integration with the surrounding land uses. As there was no major change in circumstances since April 2014 which warranted a deviation from the previous decision, it was considered appropriate to retain the use of the site for public housing development.

46. The Chairman said that while there was no dispute that both public and private housing was in great demand, the proposed public housing development on the site might be more appropriate given the synergy effect to be generated from the surrounding land uses and the certainty in the provision of public facilities within the future residential development.

47. Another Member said that based on the conceptual layout proposed by HD, Site A3 was proposed for a primary school and a housing block. If the proposed public housing development on the site was preferred for the reason that there would be certainty in the provision of primary school, it might give an impression that the provision of primary school to serve the local population was more important than the provision of housing land. The Chairman said that the need for additional primary schools was to meet the overall district demand instead of the local demand. If the site was used for private residential development, negotiation between the Government and the private developer would be required and the result would be uncertain.

48. A Member concurred with the Chairman's views that certainty in the provision of supporting GIC facilities was an important consideration in assessing the suitability of the site for public or private residential development. For the subject case, as the public housing development proposal was more concrete with more definite implementation programme while the implementability of private housing development was still largely uncertain, it would be more appropriate to retain the site for public housing development as currently proposed. The Member recalled that the RNTPC had previously considered another application for private housing development on another site which was also proposed for public housing development. That application was approved for the reason that the private housing development was at a more mature planning stage while the public housing development was still at a conceptual stage. It showed that the RNTPC had considered each application based on the individual merits taking into account the specific circumstances. However, the Member raised concern on whether it was necessary to specify in the Notes of the OZP that the site was designated for public housing development, and considered that the element of 'public interest' in relation to the provision of public and private housing could not be compared on a 'like-for-like' basis. The overall supply of private housing in Tao Po district would not be jeopardised even the site was used for public housing development as there were some sites in other parts of the Tai Po district which had been identified as suitable for private residential developments.

49. The Chairman recapitulated that the RNTPC had previously approved a planning application for private residential development at a site near San Hing Tsuen, Tuen Mun. Although the application site was included in a larger site proposed for public

housing development, the application was subsequently approved by the RNTPC on the consideration that the private residential scheme was more concrete as compared to that of the public housing which was still conceptual and the relevant DC had yet indicated its stance on the public housing proposal.

50. A Member said that theoretically speaking, the suitability of using each site for public housing development could be assessed individually. Based on the existing layout, as the major portion of Site A3 was proposed for primary school development, consideration might be given to rezoning the concerned portion to “G/IC” and the residual portion to “R(A)9” for residential development to reflect the planning intention. This zoning approach was considered appropriate from the planning perspective and the intended land uses of the site could be clearly reflected. Moreover, it might also avoid potential challenge from the private developer that the Government had unfairly taken away the development right of the private land owners, in particular when the representer, who was the land owner of the site, had proposed to rezone the site to “CDA” so as to enable a comprehensive development of the site subject to the control of the Board.

51. Another Member asked whether there was a need to provide two primary schools within the future public housing development and wondered if it was possible to develop a new primary school in Site G instead of Site A3 as currently proposed. If the proposal was taken forward, the development layout of Site A3 could be improved and the proposed primary school in Site G could generate synergy effect with a number of existing schools nearby.

52. The Chairman considered that such proposed changes in land use were not related to the representation site in Group 1 and asked the Secretary to explain the procedure that should be followed. In reply, the Secretary said that in accordance with the representation hearing procedures, the Board should consider the representations and proposals as submitted by the representers. The Board should also decide whether or not to propose amendments to the draft plan in the manner proposed in the representation or otherwise in the manner that, in the opinion of the Board, would meet the representation. During the deliberation of the representations, Members might put forth other land use proposals not related to the representations, which would be dealt with separately.

53. The same Member suggested that consideration might be given to exploring the possibility of designating Site A3 as “CDA”, as proposed by the representer, and to develop the proposed primary school at Site G. Two other Members shared the views and considered that the “CDA” zoning would allow more comprehensive planning to further improve the layout of the development.

54. Another Member considered that the proposed public housing development on Site A3 was good planning in the sense that it could serve as a natural extension of the existing Fu Heng Estate in the south to facilitate shared use of the existing and proposed GIC facilities among the existing and future residents.

55. Regarding the concern on whether it was appropriate to specify in the Notes of the OZP that a specific site was intended for public housing development, a Member said that during the plan-making process, it was appropriate to clearly reflect the planning intention in the Notes of the OZP. As the community had an increasing aspiration for an appropriate housing mix of public and private housing for an area, it would be acceptable to clearly specify the planning intention of specific sites in the relevant Notes in order to achieve the intended planning control such as to promote a better housing mix in the area.

56. After further discussions, the Chairman concluded that having regard to a host of factors including the proposed public housing development on Site A3 could serve as a natural extension of the existing public housing developments and the specification in the Notes that the site was for public housing development would provide more certainty on the planning intention, Members considered that Site A3 should be retained for public housing development and such intention should be specified in the Notes. As regard a Member’s proposal to use Site G for primary school development, Members agreed that the issue would be further considered in the Group 2 hearing which would consider representations relating to other sites including Site G.

Nam Hang Village Development

57. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) the village development area, infrastructure and supporting facilities of Nam Hang Village and the peripheral areas should be included for comprehensive planning;
- (b) the proposed development would affect the feng shui and burial ground of Nam Hang Village; and
- (c) the development restrictions of the “GB” zone in Nam Hang should be relaxed to release more land for Small House development.

58. Members then went through the following responses of the relevant government departments given during PlanD’s presentation and in answering Members’ enquiries at the hearing, and/or recorded in the Paper:

- (a) developments in Nam Hang Village could connect to the existing public drainage and sewerage system. For new infrastructure provision to Nam Hang Village, relevant government departments would monitor and review the infrastructure provision as village type developments in the village proceeded;
- (b) feng shui issue was not a planning consideration of the Board. In any case, DAFC advised that there was no feng shui woodland within the proposed public housing development site. To ease the villagers’ concerns on feng shui impact and access to the burial ground, HD would consult the villagers on the layout of the proposed public housing development and ensure that access to the burial ground by footpath would be maintained or improved; and
- (c) the amendment items under the current rezoning exercise did not affect the village ‘environs’ or “Village Type Development” zone of Nam Hang. Planning applications for Small House development in the “GB” zone might be submitted to the Board for consideration under section 16 of the Ordinance.

59. Members considered that the responses had addressed the concerns raised in overall terms.

Other Issues

60. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) land zoned as “GB” should not be considered as a land bank for housing purposes;
- (b) the Board had approved many applications for commercial/hotel developments and kindergarten use on residential sites in the urban area, reducing the supply of housing sites in convenient locations;
- (c) the Urban Renewal Authority (URA) should be urged to convert/redevelop the dilapidated buildings in the urban areas to provide more affordable housing;
- (d) the Government had taken the easy way out by rezoning “GB” sites for housing, forcing people to live very far away from the urban area and creating social and family problems;
- (e) in view of the type of housing and development intensities proposed, there was doubt on whether all sites rezoned on the OZP were for addressing the imminent housing shortage problem; and
- (f) it was not appropriate to relocate the Hong Chi rehabilitation facilities.

61. Members noted the following responses of the relevant government departments given during PlanD’s presentation, and/or in answering Members’ enquiries at the hearing, and/or recorded in the Paper:

- (a) land suitable for development in Hong Kong was scarce and there was a need to optimize the use of land available to meet the increasing housing demand. To increase and expedite housing land supply in the short to medium term, the Government was taking a multi-pronged strategy to increase supply of flats. The rezoning proposals for residential uses would contribute to the Government's effort in meeting the pressing need for increase housing land supply to both public and private sectors;
- (b) in view of the policy to increase housing land supply, approval of application for hotel uses on sites in predominantly residential neighbourhoods was generally not recommended, unless under exceptional circumstances;
- (c) it was announced in the 2015 PA that URA would be invited to participate in the provision of subsidised housing;
- (d) Tai Po was a well planned and established New Town with convenient transport facilities. The planned provision of major GIC facilities in the district was generally sufficient. The area was also well served with public transport and road infrastructure. As such, it was not anticipated that rezoning of "GB" would likely create social and family problems;
- (e) land suitable for development in Hong Kong was scarce and there was a need to optimize the use of land available to meet the increasing housing demand. Supply of various types of housing would help meet different needs of the community. The rezoning proposals would contribute to the Government's effort in meeting the pressing need for increase housing land supply to both public and private sectors. There would be more housing options available in terms of locations and size for people to select their home; and
- (f) Hong Chi Pinehill Village had been established in Tai Po for a long time and had provided important services to the local residents. The Hong

Chi Association had no plan to relocate, and they were having on-going discussions with the Government about their in-situ improvement/redevelopment plans.

62. Members considered that the responses had addressed the concerns raised in overall terms.

63. After deliberation, Members decided not to uphold the adverse representations of Nos. R6(Part) to R1273(Part), R1274 to R1323, R1324 (Part), R1326(Part), R1625(Part) and R6322(Part), and considered that the Plan should not be amended. Members then went through the reasons for not upholding the representations in paragraph 8.1 of the Paper and considered that they were appropriate. The reasons were:

For R6(Part) to R1273(Part), R1276 to R1323, R1324(Part), R1625(Part) and R6322(Part)

- (a) land suitable for development in Hong Kong was scarce and there was a pressing need for increasing housing supply. Rezoning of “Green Belt” (“GB”) sites was one of the multi-pronged approaches to meet housing and other development needs. As the sites were suitable for housing development, it was considered appropriate to rezone the sites for residential use to meet the housing needs of the community;
- (b) various technical assessments had been conducted for the amendment items to ascertain the feasibility of the housing development proposals. Relevant departments had assessed the proposed development in accordance with the established mechanism to ensure that the zoning amendments would not generate unacceptable impacts in terms of traffic, environment, landscape, infrastructure, air ventilation and visual impacts on the surrounding areas;
- (c) the identified sites, though vegetated, had relatively less buffering effect and low conservation value and were located in proximity to existing

urbanized development and infrastructures. They were considered suitable for residential development to meet the pressing needs for housing. If tree felling and substantial clearance of vegetation were necessary, the Government would carry out tree surveys to ascertain the condition and strive to minimize the impacts on the environment by requiring the developer to carry out appropriate mitigation measures in accordance with the existing guidelines and tree preservation mechanism;

- (d) sufficient land had been reserved for the provision of open space, government, institution or community (GIC) and other supporting facilities in Tai Po. Retaining the sites for GIC or open space uses was not required;
- (e) the statutory and administrative procedures in consulting the public on the proposed zoning amendments had been duly followed. The exhibition of Outline Zoning Plan (OZP) for public inspection and the provisions for submission of representations/comments formed part of the statutory consultation process under the Town Planning Ordinance;

Additional reasons on specific grounds and proposals for Amendment Items A3 and A4

- (f) the sites formed an integral part of the comprehensively planned public housing development with the provision of schools and necessary supporting facilities. It would generate synergy effect for better integration and provision of GIC facilities. Various technical assessments had also been carried out to ensure that the proposed public housing development would not have significant adverse impacts on the surrounding areas. Further planning control by means of “Comprehensive Development Area” zone was not necessary; (R1274 and R1276 to R1323)

- (g) as the sites had been considered more suitable for public housing development, it was appropriate to specify clearly the planning intention for public housing development in the Notes of the OZP; (R1274)

For R1275 and R1326(Part) only

- (h) there were public drainage and sewerage systems available in the area. Developments in Nam Hang village could be connected to the existing drainage and sewerage facilities. The concerned government departments including Environmental Protection Department, Drainage Services Department and Water Supplies Department would monitor and review the infrastructure provision as the village type developments in the village proceeded; and
- (i) for Small House development, no village ‘environs’ or “Village Type Development” zone of Nam Hang was covered by any amendment items under the current rezoning exercise. Planning application for Small House development within “GB” zone could be submitted to the Town Planning Board for consideration under s.16 of the Town Planning Ordinance. Each application could be considered on individual merits.”

64. The meeting was adjourned for a short break.

[Mr Thomas T.M. Chow, Mr Sunny L.Y. Ho, Mr H.W. Cheung and Dr Wilton W.T. Fok left the meeting, Mr Stanley Y.F. Wong, Professor P.P. Ho and Mr Jeff Y.T. Lam arrived to join the meeting, and Mr K.K. Ling returned to join the meeting during the break.]

Group 2

(Representations No. R1 to R5, R6(Part) to R1273(Part), R1324(Part), R1325, R1326(Part), R1327 to R1624, R1625(Part), R1626 to R6321, R6322(Part) and Comments No. C1, C2(part) to C79(part), C80 to C439)

65. The following Members had declared direct interests in the Group 2 hearing for having association with the representers including MTR Corporation Limited (MTRCL) (R3), Henderson Land Development Co. Ltd. (Henderson) which was the mother company of the Hong Kong and China Gas Company Limited (HKCGC) (R2), Tai Po Rural Committee (TPRC) (R1326) and Tai Po District Council (TPDC) (R1633):

Mr Thomas T.M. Chow - his relative who lived in the Tai Po District had submitted a representation

Mr Dominic K.K. Lam] having business dealings with MTRCL
Ms Janice W.M. Lai] and Henderson which was the mother
Mr Ivan C.S. Fu] company of HKCGC
Mr Patrick H.T. Lau]

Dr W.K. Yau - being an executive member of the TPRC and a Member of TPDC which had submitted representations (*direct interest*); owning a flat and a shop at Kwong Fuk Road and a house and land at Cheung Shue Tan in Tai Po; and being the Chairman of the Management Committee of the Fung Yuen Butterfly Reserve/Fung Yuen Nature and Culture Education Centre which was the subject of representation for R16 to R19; and being the director of a non-government organisation that had received private

donation from a family member of the
Chairman of Henderson (*indirect interest*)

66. In addition, the following Members had declared remote or indirect interests:

- | | | |
|-------------------------|---|---------------------------------------------------------------------------------------------------------------------------------------------------|
| Professor S.C. Wong |] | being employees of HKU which had |
| Dr Wilton W.T. Fok |] | received donation from a family member |
| Mr H.F. Leung |] | of the Chairman of Henderson |
| Mr. Clarence W.C. Leung | - | being the director of a non-government
organisation that had received private
donation from a family member of the
Chairman of Henderson |
| Mr Roger K.H. Luk |] | being a Member of Council (Mr Luk) or |
| Professor P.P. Ho |] | employees (Professor Ho and Professor |
| Professor K.C. Chau |] | Chau) of the Chinese University of Hong
Kong (CUHK) which had received
donation from a family member of the
Chairman of Henderson |
| Ms Christina M. Lee | - | being the Secretary General of the Hong
Kong Metropolitan Sports Event
Association that had obtained sponsorship
from Henderson |
| Mr Stanley Y.F. Wong | - | owning a flat and car parking spaces at
Deerhill Bay with his spouse |
| Mr H.W. Cheung | - | owning a flat at Heung Sze Wui Street in
Tai Po |

Mr Frankie W.C. Yeung - owning a flat in On Chee Road, Tai Po

67. The Chairman and the above Members (i.e. Mr Dominic K.K. Lam, Ms Janice W.M. Lau, Mr Ivan C.S. Fu, Mr Patrick H.T. Lau and Dr. W.K. Yau) whose interests declared were direct were invited to leave meeting temporarily. Members noted that Mr Lam, Ms Lai, Mr Fu, Mr Lau and Dr Yau had tendered apologies for not being able to attend the meeting.

68. As the Chairman had declared direct interest on the consideration of representations/comments of Group 2, the Vice-chairman had taken up chairmanship of the meeting.

69. For other Members whose interests were remote or indirect, they were allowed to stay in the meeting and participate in the discussion. Members noted that Mr H.W. Cheung and Dr Wilton W.T. Fok had left the meeting, and Mr Clarence W.C. Leung, Frankie W.C. Yeung, Mr H.F Leung and Ms Christina M. Lee had tendered apologies for not being able to attend the meeting.

70. The Vice-chairman said that the representations and comments of Group 2 were related to rezoning of six sites for private housing and two sites in relation to GIC uses (Amendment Items B to J). The presentation and Q&A sessions of the Group 2 hearing were held on 11.12.2014, 18.12.2014 and 14.1.2015. The audio and video recordings and draft minutes of these three sessions had been provided to Members for reference prior to this deliberation session.

71. The Vice-chairman invited Members to consider the representations and comments taking into consideration all written and oral submissions and materials presented at the meeting held on 11.12.2014, 18.12.2014 and 14.1.2015.

72. As some of the points made in the oral submissions of a few representers/commenters or their representatives of Group 2 (including R20, R124, R1133,

C3 and C34) during the hearing sessions on 11.12.2014, 18.12.2014 and 14.1.2015 were related to the public housing development in Tai Po Area 9 and Chung Nga Road which were the subject of representations of Group 1, Members were invited to note that these points had been conveyed to and taken into consideration by Members in the deliberation session of Group 1 as appropriate.

73. To facilitate a systematic deliberation of the representations, the Vice-chairman suggested that those general/macro issues, particularly relating to the representers' concern on the Government's change in the policy concerning the review of "GB" zones, should be discussed first, followed by other site-specific comments. Location plans and relevant aerial or site photos showing the amendments items would also be displayed on the visualiser for Members' easy reference. Members agreed.

Supporting Representation

74. Members noted that the supporting views that the amendments to the OZP were effective ways to increase housing supply.

Representations Providing Views

75. Members noted the views provided by the representers and PlanD's responses as detailed in the Paper and summarized as below:

Views

- (a) the future developer at Lai Chi Shan (Amendment Item F) should conduct risk assessment on the high pressure gas pipeline in the vicinity;
- (b) the youth hostel to be redeveloped at Po Heung Street (Amendment Item J1) might be subject to noise impact from the East Rail;
- (c) the rezoning of a site at Kon Hang (Amendment Item H) for residential development would have *feng shui* impact and the height of the proposed

development was too high. More land near Cheung Shue Tan and Tai Po Mei Villages was required for village type development; and

- (d) the proposed maximum building height (BH) of 120mPD (i.e. about 7 storeys) for the Kon Hang site was objected to due to feng shui reason and incompatibility with the surrounding developments. The maximum BH should be reduced to 3 to 4 storeys.

PlanD's responses

- (a) the future developer at Lau Chi Shan would be required via land sale conditions to conduct a risk assessment and provide mitigation measures;
- (b) the proponent for the Po Heung Stret site should be required via lease conditions to conduct Noise Impact Assessment (NIA) and provide noise mitigation measures to the satisfaction of the Director of Environmental Protection (DEP);
- (c) with appropriate development restrictions, the proposed development at the Kon Hang site would be compatible with the neighbouring developments. Visual assessment had been conducted which indicated that the proposed development would not have adverse visual impact on the surrounding area. The rezoning would not affect the existing access to the burial ground. Besides, feng shui was not a planning consideration; and
- (d) Cheung Shue Tan and Tai Po Mei were not the subject of amendments to the OZP. Should the villagers wish to rezone the area for village development, they could submit planning application to the Board under section 12A of the Ordinance.

Adverse Representations

Government Policy and Review of “GB” zone

76. The Vice-chairman said that the 2013 PA had announced that the second stage of “GB” review would consider those vegetated “GB” sites with a relatively lower buffer or conservation value and adjacent to existing transport and infrastructure facilities. The above eligibility criteria would form the basis of assessment on whether the “GB” sites should be rezoned for other purposes. However, some representers raised concern that the rezoning of the “GB” sites failed to follow these criteria.

77. The Secretary said that the general issues relating to the aspect of Government Policy and Review of “GB” zone as raised by the representers were recapitulated by the Chairman in the deliberation of the Group 1 representations and Members also noted the responses of relevant government departments given at the hearing and/or recorded in the Paper.

78. The Vice-chairman then invited Members to provide further views and comments on the subject, if any. As Members had no further comments to make, the Vice-chairman suggested to proceed to consideration of the site-specific comments raised by the representers and commenters.

Other General Issues

79. The Secretary said that the major points on various general issues raised in the Group 1 and Group 2 hearings were largely similar. During the deliberation of the Group 1 representations as recorded above, Members generally noted the major points raised by the representers and commenters in their written and oral submissions and the responses of relevant government departments given in PlanD’s presentation as well as in answering questions raised by Members at the hearing, and/or recorded in the Paper. Some of the major points and responses were highlighted below:

Convention of Biological Diversity (CBD)

- (a) the zoning amendments were not in compliance with the CBD

requirements;

response - DAFC advised that there were no designated sites of conservation interest within or in close proximity to the sites, and trees found in these sites were largely exotic or common species. If the zoning amendments had duly taken into account the protection of important habitats and species of conservation importance, they were deemed to be in line with the objectives of CBD in general;

Lack of Technical Assessments and Adverse Impacts

- (b) insufficient technical assessments had been conducted. Various technical assessments should be conducted prior to development;

response - technical reviews conducted by the Transport Department (TD), the Highways Department (HyD), the Water Supplies Department (WSD), the Drainage Services Department (DSD) and the Environmental Protection Department (EPD) to assess the feasibility of the new housing sites in Tai Po confirmed that the proposed residential developments would not induce any insurmountable problems on these various aspects;

Public Consultation

- (c) there was no prior public consultation and the consultation process with the TPDC on the OZP amendments was improper/misleading. The residents of Fu Heng Village had not been consulted;

response - in processing the zoning amendments, PlanD had followed the established statutory and administrative procedures including exhibition of the OZP under the Town Planning Ordinance for public inspection, consultation with District Council/Rural Committee/representatives from the Owners Incorporations and other relevant stakeholders consultation; and

Brownfield Sites

- (d) the Government should develop brownfield sites and consider the redevelopment of under-utilized sites first;

response - to increase and expedite housing land supply in the short to medium-term, the Government was taking a multi-pronged strategy to increase supply of flats. Brownfield sites would be considered if found suitable for residential development.

80. Noting that the general issues had been discussed in the deliberation of the Group 1 representations, Members agreed that there was no need to go through all the major points relating to the general issues raised in the Group 2 representations.

Amendment Item B - Site at Hong Chi Pinehill Village

81. The Secretary said that the amendment was to revise the building height restriction for the site within the “G/IC” zone, currently occupied by Hong Chi Pinehill Village from 4 storeys to 8 storeys to facilitate its redevelopment proposal. Members noted that no representation was received specifically on Amendment Item B.

Amendment Item C – Site west of Nethersole Hospital (Site C)

82. The Vice-chairman said that one of the main grounds for objection was that the area was densely covered with trees and there was a large banyan tree, *Ficus microcarpa* (細葉榕) in the middle of Site C. Some representers considered that construction works would affect a lot of trees, endanger the banyan tree and ruin the green environment.

83. Members noted the responses of relevant government departments given at the hearing and/or recorded in the Paper that Site C was identified as suitable for residential development. The large banyan tree would be preserved and a 15m non-building area (NBA) was incorporated within the site. According to the Government’s preliminary

assessment, it was feasible to achieve the proposed development intensity without affecting the existing banyan tree.

84. A Member said that Site C was densely covered with trees. While the NBA might preserve some of the existing mature trees, other trees would be affected by the proposed development. The existing trees within the site which formed a green corridor providing visual relief and breezeway should be preserved as a whole. The Member raised strong reservation to the rezoning of the site for residential development.

85. Three Members also considered that Site C should not be rezoned for the reason that the site was an integral part of the larger “GB” zone which was performing effectively the important buffer function for this area. One of them opined that the rezoning was piecemeal and the contribution of the small site to the overall flat production was insignificant. Another of them further said that the existing mature trees within the site should be preserved to enhance the recreational value of area.

86. Mr K.K. Ling, D of Plan, said that Site C was within the southern part of the larger “GB” zone which was a small knoll located in the midst of a developed area. The northern and southern portions of the “GB” zone were previously part of a large formation area which was reinstated and replanted thereafter. He considered that the site which was served by existing road network was more conducive to residential development and its buffering value in the midst of a developed area was relatively low. The existing banyan tree in the centre of the site could be preserved through careful design of the residential development. There were other similar cases in Hong Kong where large and mature tree(s) within the development sites were preserved in-situ successfully, such as the large banyan tree in Admiralty. With a view to providing more housing land to meet the imminent housing need in the short term, sites adjacent to existing transport and infrastructure facilities and of relatively less buffering effect were identified by PlanD as potential housing sites. Each “GB” site identified in Tai Po was carefully examined by concerned departments to ensure that no insurmountable technical problems to the environment were envisaged, and the total area of the “GB” sites currently identified as suitable for residential development accounted for only about 1.5% of the total “GB” area in Tai Po. Should Members wish to preserve the existing large banyan tree in the

northern portion of the site and its adjacent landscape environment, consideration might be given to retaining the area to the south of the proposed NBA for residential development so as to better utilize the scarce land resources to meet the pressing housing demand for the territory.

87. In response to the Vice-chairman's concern that the remaining area of the site might be too small for residential development, Mr K.K. Ling said that according to the preliminary development scheme for the site, three building blocks providing about 600 flats could be developed, with two building blocks to be constructed in the northern portion and the existing banyan tree to be preserved, and one building block to be developed in the southern portion.

88. With reference to an aerial photo taken in 1987 (Plan H-3c-2 of the Paper), a Member said that the site formation works involving the "GB" zone which were carried out about 30 years ago had already taken into account the need to preserve the green knoll and to exclude it from the formation area. Having considered various planning considerations including the importance to maintain the integrity of the whole "GB" zone and the small number of flat to be produced in the residual portion of the site, this Member opined that the preservation of the site as "GB" zone was a more balanced planning decision.

89. Another Member said that there was a need to preserve the existing "GB" zone in a holistic manner so as to maintain its function as a buffer area, visual corridor and to facilitate air ventilation for the local area. There was no strong justification to destroy the integrity of the "GB" zone. Moreover, on consideration that Site C was located to the west of Nethersole Hospital and the prevailing wind of Hong Kong was north-easterly, there was concern that the site might be subject to adverse impact generated from the contaminated air of the hospital. The Member went on to elaborate how the trees and vegetation could help to purify the possible contaminated air from the hospital. The "GB" site which was densely covered with trees would have a significant contribution to the health and well-being of the local community. The Member also said that rezoning the site for residential use in view of its proximity to an existing road had to be carefully balanced against the adverse impact on the integrity of the whole "GB" zone.

90. Another Member also considered that the site which formed an integral part of the entire “GB” zone should not be rezoned for residential development, in particular when the number of flats produced was insignificant to address the acute housing demand. The benefits derived from the rezoning of the “GB” site and the anticipated strong public objection to the rezoning had to be carefully balanced in conducting further review of “GB” sites in future.

91. The Vice-chairman considered that the proximity of the a hospital might not be a relevant consideration in assessing whether the “GB” site should be rezoned, in particular when the proposed public housing site under Amendment Items A1 to A5 of the OZP was also in the vicinity of Tai Po Hospital. The Member explained that the same consideration was not applicable to the proposed public housing site for the reasons that the hospital was located to the south of the public housing site and the prevailing wind blew from the north-east direction.

92. Mr K.K. Ling said that given the compact development pattern of Hong Kong, it was common for residential developments to be developed in the vicinity of hospitals. Moreover, any potential impact of hospital development on the environment and other surrounding land uses should have been mitigated through proper building design and layout and implementation of effective mitigation measures. He therefore considered that the proximity of the housing site to a hospital should not be taken as a reason to reject the rezoning of the site.

93. A Member considered that Site C should not be rezoned for residential development for the reasons that the site was essential to the integrity of the “GB” zone, the rezoning would not bring significant planning gain, and other alternative sites should be available to make up for the loss of flats.

94. Another Member said that the high-rise residential development on the site might not be compatible with other low-rise developments in the surrounding area such as hospital, school and public transport terminus, etc. Moreover, the scale of development was considered out-of-context which would cause adverse impact on the urban landscape.

95. Mr K.K. Ling said that given that there was a pressing need to identify more housing land to meet the acute housing demand in the short-term, some of the sites currently identified might be relatively small and the number of flats to be produced would not be high. However, the cumulative contribution of these small sites to the overall flat production should not be ignored. He therefore considered that Members' concern that the site could only provide relatively small number of flat should not be a reason for not rezoning the site for residential development.

96. The Vice-chairman concluded that Members generally agreed that Site C should not be rezoned for residential use mainly on the consideration that the site was an integral part of the larger "GB" zone and the "GB" site was considered to have relatively high buffer value for the area. Members agreed that the "GB" zoning of the site should be reinstated.

97. The Vice-chairman then went on to say that some of the representers raised a concern that the proposed residential development on the site would further aggravate the existing traffic situation of Fu Heng Estate. Moreover, two alternative replacement sites were identified as more suitable for residential development. The first one was the taxi stand at Fu Heng Estate opposite the site and the second one was a piece of formed flat land next to Nethersole Hospital.

98. Members noted the responses of relevant government departments given at the hearing and/or recorded in the Paper that Tai Po was well served with public transport. To the immediate west of the site was a public transport terminus (PTT) to serve the needs of the local residents. TD would closely monitor the provision of the public transport and liaise with public transport service providers to provide the necessary new services as the development proceeded. On the issue of alternative replacement sites, sites that were suitable for housing development would be identified and a balance had to be struck amongst competing land uses and development constraints. The two sites mentioned by the representers were reserved sites to cater for the future expansion of the local PTT and for Nethersole Hospital.

99. Mr K.K. Ling supplemented that PlanD had assessed the feasibility of the two alternative housing sites as proposed by the representers. For the taxi stand at Fu Heng Estate, the addition of any residential block at this site would be too close to the existing development which was undesirable from urban design point of view. As for the piece of formed flat land next to Nethersole Hospital, the site would be required to cater for the future expansion of Nethersole Hospital.

Amendment Items D1 and D2 – Site near Fung Yuen

100. The Vice-chairman recalled that the green groups had raised grave concern on the rezoning of the two sites and Members had actively raised questions in the Q&A session concerning the Fung Yuen site.

101. A Member raised strong objection to rezoning of the sites for residential development as Site D2 was part of the “GB” zone densely covered with trees and the “GB” site had provided a very good buffer area and a continuous green corridor stretching from the mountains in the north to Ting Kok Road in the south. Although concerned departments considered that the conservation value of the Fung Yuen site were not high as it was mainly a plantation dominated by exotic species, the sites were considered as having a high and important buffer and landscape value as intended by the original “GB” zoning. Moreover, even if the “GB” site was previously disturbed as shown on the aerial photo taken in 1983 (Plan H-3d-2 of the Paper), a majority of the site was now densely covered by trees. The Member said that the Environmental Impact Assessment (EIA) report of the proposed columbarium development in Sha Lo Tung was rejected by the Advisory Committee on Environment (ACE) mainly for the reason that the access road leading to the development required felling of over hundreds of trees. The proposed residential development on the sites which required substantial felling of trees was unacceptable. The Member further considered that some improvement measures should be implemented to further enhance the landscape and buffer value of the sites.

102. The Vice-chairman and another Member concurred with the Member’s view that the history of the site should not be a major consideration in assessing whether the “GB” sites should be rezoned. The existing condition of the “GB” sites and whether they

were performing the intended function of a buffer and landscape area should be given more weight.

103. A Member said that the sites and its surrounding areas might have been affected by the implementation of two large government projects in Tai Po, namely the construction of Plover Cove Service Reservoir and the development of Tai Po Industrial Estate. With the completion of these projects, part of the previously affected area was planned for future development while the subject sites were reinstated to facilitate its continuation of the original buffer function for this area. With the anticipated increased developments in the Fung Yuen area, it was considered that the buffer function of the sites would become even more important and the sites should not be rezoned so as to maintain its original buffer and landscape function.

104. Mr K.K. Ling said that some Members' views that the site history should not be a major consideration in reviewing the "GB" sites were noted. However, he pointed out that site history was one of the considerations that would be taken into account during the site selection process. Under normal circumstances, priority would be given to preserve those "GB" sites which were in natural state and had remained intact. For sites which had been subject to human disturbance in the past, it was more likely that they might be identified for further assessment on their suitability for residential development. By the same token, Sites C, D1 and D2 which were previously disturbed by various human activities in the past were identified for further assessment.

105. The Vice-chairman said that whether the "GB" sites should be rezoned would be considered in the light of two fundamental criteria, i.e. whether the sites were of relatively low buffer value and whether the sites were in close proximity to road and infrastructural facilities. He summed up Members' discussion above that the buffer value of the Fung Yuen site was high and they considered that with the emergence of more developments in the Fung Yuen area, the existing important buffer function of the site should be further enhanced. In view of the consideration above, Members agreed that Sites D1 and D2 covering the Fung Yuen site should not be rezoned for residential development and their original "G/IC" and "GB" zoning respectively should be reinstated. Members also noted PlanD's views that the site history would be one of the factors to be

taken into account in the site selection process.

Amendment Item E – Site at Lo Fai Road (Site E)

106. The Vice-chairman said that the majority of the adverse representations were related to Amendment Item E. The major grounds of representations were related to the function of the “GB” zone, landscape impact and adverse traffic impact.

Function of the “GB” zone

107. With reference to the aerial photo of the site taken in 1983 (Plan H-3e-2 of the Paper), a Member noted that Site E together with its adjoining area was previously a borrow area which was reinstated and replanted thereafter. Subsequently, the area had gradually been developed into a residential cluster comprising a number of low-rise, low-density residential developments. Having considered the design and layout of the area, the Member considered that the area might have originally been planned for developments along both sides of Lo Fai Road. Although Site E was currently a plantation woodland, its buffer function was relatively lower than that of Sites C and D2. The function of the site was more as a passive recreational area serving the local residents. The Member therefore had no objection to rezone the site for residential development.

108. Another Member shared the views of the Member and opined that the representers and commenters had not provided strong justifications to support their stance that Site E should not be rezoned for residential development. In response to the Member’s question whether there was any proposal to retain the periphery of the site as a buffer area, the Vice-chairman said that noting the representers’ concern that the existing trail along the southern periphery of the site was heavily used by local residents, Members might consider if the trail within the site need to be preserved.

109. Mr K.K. Ling added that PlanD and LandsD were working closely on the lease plan to delineate the site boundary of the proposed residential development if the rezoning was supported by the Board. The preliminary proposal was to preserve the existing trail as well as some land to the north to serve as buffer zone between the recreational area and

the future development area. Tree linings on both sides of the trail would be preserved to maintain the existing amenity and landscape value of the area. The details would be set out in the lease conditions of the future sale site subject to detailed survey.

110. A Member generally supported the proposal to preserve the existing trail and some area to its north as a buffer zone. The Member further asked if it was possible to preserve an existing strip of green land along Lo Fai Road. In reply, Mr K.K. Ling said that a small area to the north of Site E which was densely covered with trees was already excluded from the site. Given the sloping topography of the site, some site formation works might be required and the future developer would be required to carry out mitigation measures and compensatory planting. Consideration might be given to requiring the future developer to carry out some periphery planting in order to recreate the green corridor so as to minimize any visual impact on the surrounding areas. Details of the proposal would be further examined in the detailed site planning and when the lease plan and lease conditions were drawn up.

111. In response to a Member's question on whether there was any control in the design and built form of the future residential development on the site, Mr K.K. Ling said that the site was subject to a maximum GFA of 46,200m². The developer should be allowed some flexibility in the design of built-form and building height profile.

112. Another Member said that the main concern of the representers was that the site which was an important leisure and recreational space for local residents would be adversely affected by the rezoning. Noting the need of the local residents for some recreational space and it was the existing trail within the site that was heavily used, the proposal to preserve the trail and its buffer area would be adequate to address the local concern. It was considered not necessary to retain the entire site for recreational and leisure use by the local residents.

113. The Vice-chairman also recapitulated the response made by government departments that the residential developments at Lo Fai Road had their own open space and recreational facilities, and there was also a general surplus provision of public open space (about 45ha) in Tai Po district in accordance with the requirements of the Hong

Kong Planning Standards and Guidelines.

114. Noting the proposal to preserve the existing trail and its buffer area to meet the recreational need of the local residents, a Member asked how the Board could ensure that the existing pleasant environment would be preserved when the site was developed in future. In response, the Vice-chairman said that Members' concern on the need to preserve the tranquil and pleasant environment of the existing trail and its buffer area after the implementation of the residential development would be properly recorded in the minutes which would be duly taken into account in the detailed design and future implementation of the proposal.

115. Mr K.K. Ling reassured that LandsD and PlanD would take into account Members' views in the detailed site planning and preparation of lease conditions.

116. Mr Jeff Y.T. Lam, Deputy Director of Lands, said that if the planning intention of the site was for residential development and the existing trail would not form part of the future residential development for it was meant for public use, such area would be excluded from the sale site boundary. It would not be appropriate for the flat owners of the future residential development to be responsible for the management and maintenance of the trail area.

117. The Vice-chairman said that it was his understanding that as long as the concerned area was not within the future residential development, the future owners should have no obligation to manage and maintain the area. Mr K.K. Ling supplemented that the party responsible for the future management and maintenance of the area should be sorted out by concerned departments.

Traffic Impact

118. The Vice-chairman said that one of the grounds of objection was that the existing traffic was already extremely busy at Lo Fai Road and Ting Kok Road, and the proposed housing developments leading to increase in traffic would overload the nearby road network. He recapitulated that the representers claimed that according to the data

provided by the Transport Department (TD), the capacity of Lo Fai Road was 1,100 passenger car unit (pcu), i.e. about 550 pcu each way. The “GB” site would generate 273 vehicles, resulting in a total of about 620 vehicles, which exceeded the capacity of Lo Fai Road.

119. Members noted the responses of relevant government departments given in PlanD’s presentation as well as in answering questions raised by Members at the hearing, and/or recorded in the Paper that one-way lane capacity of 550 pcu per direction should not be adopted in the assessment. Given that Lo Fai Road was wider than a standard 7.3m carriageway, there were only few number of heavy/long vehicles and at grade pedestrian crossing on Lo Fai Road was observed, it was considered that the capacity of 1,400 vehicles per hour for Lo Fai Road should be adopted. Based on the no. of flats assumed by PlanD, the estimated two-way traffic generated by the proposed sites was about 300 vehicles. Even with this additional traffic, the Lo Fai Road would still be operating within its handling capacity.

120. Mr K.K. Ling further drew Members’ attention to paragraph 62 of the minutes of the meeting session on 14.1.2015 that a vehicle count had been conducted for Lo Fai Road during the morning peak hours and the results showed that the queuing problem was insignificant as all vehicles queuing at the traffic signal could pass through the junction at the green phase of the traffic signal.

121. A Member said that the inadequate carrying capacity of Lo Fai Road as raised by the representers should not be considered a reasonable ground of objection against rezoning of the site for residential development. During the assessment on the feasibility of the site for residential development, concerned department would examine whether the capacity of the existing road network was sufficient to cater for the increase in traffic generated by the proposed residential development. Should it be demonstrated that the proposed development would cause insurmountable traffic problem, consideration might be given to suitably adjusting the development intensity to a sustainable level.

122. Noting that the results of the traffic assessment conducted by the representers and TD were different, a Member considered that the expert advice provided by TD should

be duly respected. According to TD, the existing road capacity was sufficient to cater for the proposed development.

123. Mr K.K. Ling said that the representers also raised a concern that the illegal parking along Lo Fai Road was already causing a traffic safety problem. As the problem was caused by the lack of carparking space to serve the customers of the existing supermarket, he considered it opportune to explore the possibility of providing a reasonable scale of neighbourhood retail facilities and public car park in the area. The proposal might help to address some of the existing illegal parking problem.

124. A Member said that the Board's decision on whether the site would cause adverse traffic impact on the surrounding area should be made on the basis of the proposed development parameters for the rezoning site as well as the information provided by the representers and TD.

125. Mr K.K. Ling said that TD had already confirmed that the capacity of the road network would be sufficient to cater for the new residential development based on the proposed development parameters. He continued to say that the possible provision of retail facilities within the future development, as suggested earlier, might also help to address the situation.

Adverse Visual Impact

126. The Vice-chairman said that one of the grounds of objection was the potential adverse visual impact of the proposed residential development on the surrounding developments. A Member considered that the potential visual impact might be mitigated through careful building design and building disposition sensitive to the environment. Another Member considered that with the provision of green corridor along Lo Fai Road and the preservation of the existing trail and its buffer area, the potential adverse visual impact on the surrounding area should be insignificant.

Housing Supply

127. The Vice-chairman said that one of the grounds of objection was that the estimated number of flats (660 units) had no significant contribution to the overall housing supply. Members noted that the proposed residential site would contribute to the Government's effort in meeting the pressing need for increasing housing land supply. Although the flat production on individual site might be small, the aggregate number of flats to be produced might be significant.

Alternative Housing Site

128. The Vice-chairman said that the representers proposed that the brownfield site at Tung Tsz near Hong Kong Institute of Education (HKIEd) should be utilized for private residential development. The Government should explore the possibility of using an existing brownfield site for housing development instead of using the "GB" site at Lo Fai Road which was richly vegetated.

129. Members noted the responses of relevant government departments given at the hearing and/or recorded in the Paper that the brownfield site at Tung Tsz was mostly private land subject to various development constraints. While the possibility of developing the brownfield site at Tung Tsz would not be ruled out, the development constraints in terms of water supply, drainage, infrastructure and traffic had not yet been resolved. The Government would continue to review zonings of different sites from time to time so as to provide land to meet the economic and development needs of Hong Kong. The brownfield sites could not be used as a replacement housing site

130. Members discussed and considered that the responses of the relevant government departments given in PlanD's presentation and in answering Members' questions at the hearing, and/or recorded in the Paper acceptable, and had addressed the concerns raised by the representers and commenters in overall terms.

131. The Vice-chairman concluded that Members generally had no objection to the rezoning of the site at Lo Fai Road for residential development.

Amendment Item F – Site at Lai Chi Shan (Site F)

132. Mr K.K. Ling informed Members that Site F was one of the sites identified in the Stage 1 “GB” review. Upon completion of the technical assessments, the rezoning of the site was included in the current round of amendments.

133. The Vice-chairman said that the Stage 1 “GB” review considered sites which were devegetated, deserted or formed. As the northern portion of Site F was being used as temporary works areas by government departments, the buffer value of the site as a whole was considered as relatively low.

134. Mr K.K. Ling said that the northern portion of Site F was used as temporary works areas of government departments while the central and southern portions mainly comprised vegetated land. The requirement for tree preservation and submission of Master Landscape Plan could be imposed in the lease, such that the future developer would be required to obtain the necessary approval from LandsD prior to felling of tree. On the representers’ concern of only a few government officers were responsible for tree preservation matters, he clarified that there were dedicated teams of officials in various government departments who worked collaboratively to handle matters relating to tree preservation under their respective jurisdiction.

135. Mr Jeff Y.T. Lam said that if Site F was intended for residential development and included as a sale site, suitable tree preservation clause could be imposed in the land sale conditions. In granting consent to application for tree felling under the lease, LandsD could impose conditions such as compensatory planting or transplanting of trees as appropriate.

136. Responding to a Member’s concern, with reference to Plan H-2f of the Paper, Mr K.K. Ling said that a 30m NBA was proposed in the central portion of Site F, which was densely covered with trees, in order to better protect the existing trees within the site.

137. A Member queried the effectiveness of tree preservation clause imposed under the lease. It was noted from past experience that after the completion of some residential

developments, the original preserved trees within the private residential developments, which were not properly maintained or were affected by the surrounding development, were found dead and subsequently felled. The Government should consider how the effectiveness of the tree preservation clause could be enhanced.

138. In response to the Vice-chairman's question on the enforcement of tree preservation clause, Mr Jeff Y.T. Lam said that the imposition of tree preservation clause under lease was to require future developers to obtain the necessary consent from LandsD prior to their felling of trees within the development. Should consent be granted, conditions such as transplanting of trees or compensatory planting might be imposed as appropriate. He further said that if trees within private residential development were not properly maintained resulting in human injury or damages, the private land owner would be responsible.

139. Another Member asked if there was any specific measure under the lease conditions to ensure the preservation of existing trees within the private development. Mr Lam said that if old and valuable tree (OVT) was found within the site, it would be specified in the lease conditions that the OVT should be preserved in-situ and its location would be clearly marked on the lease plan.

140. The Member continued to ask if the land owner was required to submit detailed tree preservation proposal including the methodology to preserve and maintain the existing trees so as to ensure that the trees would be properly preserved during the construction stage. Mr Lam replied that the tree preservation clause in the lease would not specify the detailed proposal but require the land owner to apply to LandsD for consent to felling of tree. Depending on the nature and scale of tree felling application, tree preservation proposal might sometimes be submitted by the land owner. The Member was worried that many of the existing trees might be affected during the construction of the residential development. Mr Lam said that the land owner was required to comply with the tree preservation clause throughout the lease term including both construction and operation stages.

141. The Vice-chairman summed up that Members noted that Site F was a site identified in the Stage 1 “GB” review. As the northern portion of the site was already devegetated and a 30m NBA was proposed to preserve the portion of the site which was densely vegetated, Members generally had no objection to rezone Site F for residential development. Members also considered that the effectiveness of tree preservation clause should be enhanced and the existing control mechanism should be strengthened.

Amendment Item G – Site at Yat Yiu Avenue (Site G)

142. Mr K.K. Ling said that Site G was previously zoned “Residential (Group C)” on the OZP and the amendment was mainly to increase the development intensity in order to optimize its development potential.

143. The Secretary supplemented that during the deliberation of the Group 1 hearing, a Member had proposed to develop a primary school in Site G and it was agreed that the proposal should be considered in the Group 2 hearing taking into account other representations relating to the site.

144. As requested by the Vice-chairman, the concerned Member briefly explained the proposal to use Site G as a replacement site for a primary school planned within the proposed public housing development at Site A3 in order to release more land for public housing development.

145. Mr K.K. Ling said as Site G and its surrounding area was sparsely populated and the area was not conveniently served by public transport, Site G might not be a suitable location for primary school. In response to a Member’s question, Mr Ling continued to say that Site G was already planned for residential development on the OZP. Moreover, a few houses were already developed within the site. According to the relevant Notes of the OZP, primary school would require planning permission from the Board.

146. On consideration that Site G was planned for residential development and there were already some existing houses within the site, Members agreed not to further

pursue the primary school proposal.

147. Members noted the major grounds raised by the representers and commenters and the responses of relevant government departments given at the hearing and/or recorded in the Paper. Members did not raise any further question.

Amendment Item H – Site at Kon Hang (Site H)

148. Mr K.K. Ling said that Site H was also one of the sites identified in the Stage 1 “GB” review and the rezoning had been postponed until now due to the need to complete the technical assessments.

149. The Vice-chairman noted that the site was the subject of only a few representations and major grounds of objection were that there was a natural stream course flowing through the northern portion of the site. Moreover, the existing tenants of the temporary/squatter structures had taken a ‘destroy first and develop later’ approach which was unacceptable.

150. Members noted the responses of the relevant government departments given in PlanD’s presentation and in answering Members’ questions at the hearing, and/or recorded in the Paper that the stream was not an Ecologically Important Stream and the site consisted mainly of village houses, temporary structures, etc. was intended for sale for private residential development.

151. Members had no further question to raise.

Amendment Items J1 and J2 – Sites at Po Heung Street (Sites J1 and J2)

152. The Secretary reported that Sites J1 and J2 were originally zoned “G/IC” on the OZP and the amendments were to facilitate the implementation of a youth hostel proposal and to reflect the existing use. Members noted that no representation was received specifically on the amendments.

153. After deliberation, Members decided to note the supporting views of representation No. R1 and the following views of representation Nos. R2 to R5 as set out in paragraphs 8.2 to 8.4 of the Paper:

- (a) R2's view on Amendment Item F concerning an existing high pressure gas pipeline in the proximity of the site was noted. The future developer would be required under land sale conditions to conduct a risk assessment and provide mitigation measures to the satisfaction of the Director of Electrical and Mechanical Services. The project proponent would be advised to maintain liaison/coordination with the Hong Kong and China Gas Company;
- (b) R3's view on Amendment Item J1 concerning the noise impact from East Rail on the site was noted. The project proponent would be required under lease conditions to conduct Noise Impact Assessment and provide noise mitigation measures to the satisfaction of the Director of Environmental Protection; and
- (c) regarding R4 and R5's concerns, the proposed development at Site H with appropriate development restrictions on development intensity and would not have adverse visual impact on the surrounding area. Rezoning of the site from "Green Belt" to "Residential (Group C)8" would also not affect the existing access to the burial ground. As for Small House developments around Cheung Shue Tan and Tai Po Mei Villages, the areas concerned were not the subject of amendments to the Outline Zoning Plan. Should the villagers wish to rezone the areas for village development, they could submit planning application to the Town Planning Board under the s.12A of the Town Planning Ordinance."

154. After deliberation, Members decided to uphold/partially uphold the adverse representations of Nos. R6(Part) to R1273(Part), R1324(Part), R1325(Part), R1326(Part), R1327(Part), R1328 to R1624, R1625(Part), R1626 to R1628 and R6322(Part) and considered that the Plan should be amended to meet/partially meet the representations.

155. After deliberation, Members decided not to uphold the adverse representations of Nos. R6(Part) to R1273(Part), R1325(Part), R1326(Part), R1327(Part), and R1629 to R6321 and considered that the Plan should not be amended. Members then went through the reasons for not upholding the representations in paragraph 8.5 of the Paper and considered that those related to the above representations were appropriate. The reasons were:

For R6(Part) to R1273(Part), R1325(Part), R1326(Part), R1327(Part), and R1629 to R6321

- (a) land suitable for development in Hong Kong was scarce and there was a pressing need for increasing housing supply. Rezoning of “Green Belt” (“GB”) sites was one of the multi-pronged approaches to meet housing and other development needs. As the sites were suitable for housing development, it was considered appropriate to rezone the sites for residential use to meet the housing needs of the community;
- (b) various technical assessments had been conducted for the amendment items to ascertain the feasibility of the housing development proposals. Relevant departments had assessed the proposed development in accordance with the established mechanism to ensure that the zoning amendments would not generate unacceptable impacts in terms of traffic, environment, landscape, infrastructure, air ventilation and visual impacts on the surrounding areas;
- (c) the identified sites, though vegetated, had relatively less buffering effect and low conservation value and were located in proximity to existing urbanized development and infrastructures. They were considered suitable for residential development to meet the pressing needs for housing. If tree felling and substantial clearance of vegetation were necessary, the Government would carry out tree surveys to ascertain the condition and strive to minimize the impacts on the environment by requiring the developer to carry out appropriate mitigation measures in

accordance with the existing guidelines and tree preservation mechanism;

- (d) sufficient land had been reserved for the provision of open space, government, institution or community (GIC) and other supporting facilities in Tai Po. Retaining the sites for GIC or open space uses was not required;
- (e) the statutory and administrative procedures in consulting the public on the proposed zoning amendments had been duly followed. The exhibition of Outline Zoning Plan for public inspection and the provisions for submission of representations/comments formed part of the statutory consultation process under the Town Planning Ordinance;
- (f) designation of Country Park was under the jurisdiction of the Country and Marine Parks Authority governed by the Country Parks Ordinance (Cap. 208) which was outside the purview of the Town Planning Board (R40 only);

Item E

- (g) the public car park at Lo Fai Road affected by the proposed residential development would be reprovisioned as required by the Transport Department (R1237(Part), 1252(Part), 1271(Part) to 1273(Part), R1633, R1643 to R1644, R1656, R1663, R1984 to R2403, R2775 and R4365 to R5249 only);
- (h) it had been presented to the Environment, Housing and Works Committee (EHWC) of Tai Po District Council that the site at Lo Fai Road with a total area of about 4.13 ha would be subject to a maximum domestic gross floor area of 46,200m² and such information had been stated clearly in the EHWC paper. The information provided was correct and did not involve any misunderstanding (R1638 and R1689

only);

Items F and H

- (i) the requirement for protection of natural stream would be subject to relevant technical circular and would be incorporated into the lease conditions of the sites (R13(Part) and R17(Part) only);

Item H

- (j) the areas proposed for “Conservation Area” (“CA”) zone at Tai Po Mei were not covered by any amendment items under the current rezoning exercise. There was no strong justification for rezoning the wooded areas which were mainly zoned “GB” to “CA” (R13(Part) only); and
- (k) “CA” zone was normally designated to conserve areas of high conservation value. The area was not of particular high ecological value which warranted designation of a “CA” zoning (R1325(Part) only).”

156. There being no other business, the meeting was closed at 1:45 p.m..