

**Minutes of 1075<sup>th</sup> Meeting of the  
Town Planning Board held on 5.12.2014**

**Present**

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

Chairman

Mr Stanley Y.F. Wong

Vice-Chairman

Mr Roger K.H. Luk

Professor S.C. Wong

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Mr Laurence L.J. Li

Ms Anita W.T. Ma

Ms Bonnie J.Y. Chan

Mr H.W. Cheung

Mr Sunny L.K. Ho

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Ms Christina M. Lee

Mr H.F. Leung

Mr Stephen H.B. Yau

Mr F.C. Chan

Mr Francis T.K. Ip

Mr David Y.T. Lui

Mr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Assistant Director of Home Affairs (2), Home Affairs Department

Mr Eric K.S. Hui

Principal Environmental Protection Officer (Metro Assessment)

Environmental Protection Department

Mr Ken Y.K. Wong

Deputy Director of Lands

Mr Jeff Y.T. Lam (a.m.)

Director of Lands

Ms Bernadette H.H. Linn (p.m.)

Principal Assistant Secretary (Transport)

Transport and Housing Bureau

Miss Winnie M.W. Wong

Director of Planning  
Mr K.K. Ling

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

Secretary

**Absent with Apologies**

Professor P.P. Ho

Dr W.K. Yau

Professor K.C. Chau

Dr Wilton W.T. Fok

Mr Ivan C. S. Fu

Dr Eugene K.K. Chan

**In Attendance**

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

Chief Town Planner/Town Planning Board  
Mr Louis K.H. Kau (a.m.)  
Ms Lily Y.M. Yam (p.m.)

Senior Town Planner/Town Planning Board  
Ms Wendy W.L. Li (a.m.)  
Mr Stephen K.S. Lee (p.m.)

**Agenda Item 1**

[Open meeting]

**Confirmation of Minutes of the 1073<sup>rd</sup> Meeting held on 21.11.2014**

[The meeting was conducted in Cantonese.]

1. The minutes of the 1073<sup>rd</sup> meeting held on 21.11.2014 were confirmed without amendments.

**Agenda Item 2**

**Matters Arising**

[The meeting was conducted in Cantonese]

- (i) Amendments to the Draft So Lo Pun Outline Zoning Plan No. S/NE-SLP/1 arising from the Consideration of Further Representations on OZP No. S/NE-TKP/1  
MA Paper (i)
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[Open meeting]

2. The Secretary reported that on 21.11.2014, after giving consideration to the further representations on the proposed amendment to the draft So Lo Pun Outline Zoning Plan (OZP) No. S/NE-SLP/1 (TPB Paper No. 9787), the Town Planning Board decided to partially meet 11 further representations by varying the proposed Amendment Item A by rezoning the land at the north-eastern end of the “Village Type Development” (“V”) zone in So Lo Pun Village to “Agriculture” (“AGR”), and to confirm the remaining part of the proposed Amendment Item A by amending the land at the south-western end of the “V” zone to “Green Belt”. In accordance with section 6H of the Town Planning Ordinance, the draft OZP should hereafter be read as including the above amendments. In relation to the proposed rezoning from “V” to “AGR”, the Notes for the new “AGR” zone had been prepared. The Explanatory Statement (ES) of the OZP had also been revised correspondingly to reflect the proposed amendments.

3. Members agreed to note the amendments to the draft OZP No. S/NE-SLP/1 as shown at Annexes I and II of the MA Paper and the revised ES as shown at Annex III of the MA Paper.

(ii) Town Planning Appeal Decision Received

Town Planning Appeal No. 10/2013

Proposed House (Private Garden Ancillary to New Territories Exempted House in “Village Type Development” and “Green Belt” Zones, Government Land Adjoining Lot 595 S.A in D.D. 14, Tung Tsz, Tai Po

(Application No. A/NE-TK/445)

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[Open Meeting]

4. The Secretary reported that an appeal decision was received from the Appeal Board Panel (Town Planning) (ABP). The appeal was lodged by the Appellant on 24.12.2013 against the decision of the Town Planning Board (the Board) to reject on review an application (No. A/NE-TK/445) for a private garden (ancillary to house (New Territories Exempted House)) at a site zoned “Village Type Development” (“V”) and “Green Belt” (“GB”) on the approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/17.

5. The appeal was heard by the Town Planning Appeal Board of ABP on 13.10.2014 and dismissed on 19.11.2014 mainly on the following grounds:

- (a) the use of the site as a private garden was not in line with the planning intention of the “GB” zone;
- (b) each planning application should be considered based on the facts of the case and its individual merits. If there were merits from the application, it would set a desirable precedent rather than an undesirable precedent;
- (c) the appellant had not provided strong planning justifications to warrant a departure from the planning intention of the “GB” zone. The paving of the site was incompatible with the adjoining rural setting and the existing

environment was not visually pleasant. Moreover, the public could not enjoy the “GB” portion as the garden was fenced off; and

- (d) the existing NTEH included a piece of land of 156m<sup>2</sup> zoned “V” which was already being used as a private garden. The approval of the application would set an undesirable precedent for other similar applications in the “GB” zone. If similar applications with houses adjoining the “GB” area were approved, the cumulative impact of granting such approvals would result in the general degradation of the natural environment in other similar areas. For these cases, even though land within the “V” zone was already used for private garden purpose, it would not prevent the encroachment of the “GB” area by private garden use.

6. The TPAB had also ordered the Board to submit a written statement regarding the award of costs and the details of the costs claimed within 21 days. The appellant would also be required to provide a written response regarding the award of costs within 21 days upon receipt of the Board’s written statement.

7. As usual practice, the Secretary would continue to represent the Board on all matters relating to the Appeal. Members agreed. A copy of the Summary of Appeal and the TPAB's decision had been sent to Members for reference.

(iii) Abandonment of Town Planning Appeal

Town Planning Appeal No. 4 of 2014 (4/14)  
Proposed Hotel in “Residential (Group A)” Zone,  
48 Caine Road, Mid-levels, Hong Kong  
(Application No. A/H11/104)

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[Open Meeting]

8. The Secretary reported that an Appeal had been abandoned by the appellant on his own accord. Town Planning Appeal No. 4/2014 was received by the Appeal Board Panel (Town Planning) (ABP) on 30.6.2014 against the decision of the Town Planning Board on 11.4.2014 to reject on review an application (No. A/H11/104) for a proposed

hotel at a site zoned “Residential (Group A)” on the Mid-Levels West Outline Zoning Plan. The appeal was abandoned by the appellant on 25.11.2014 and the ABP formally confirmed on 27.11.2014 that the appeal was abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations of the Town Planning Ordinance.

(iv) Appeal Statistics

9. The Secretary reported that as at 5.12.2014, 15 cases had yet to be heard by the Appeal Board Panel (Town Planning). Details of the appeal statistics were as follows :

Allowed	:	31
Dismissed	:	134
Abandoned/Withdrawn/Invalid	:	184
Yet to be Heard	:	15
<u>Decision Outstanding</u>	:	<u>1</u>
Total	:	365

(v) [Closed Meeting]

10. This item was recorded under confidential cover.

(vi) [Closed Meeting]

11. This item was recorded under confidential cover.

**Sha Tin, Tai Po and North District**

**Agenda Item 3**

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments to the Draft Tai Po Kau Development Permission Area Plan No. DPA/NE-TPK/1

(TPB Paper No. 9798)

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[The meeting was conducted in Cantonese and English.]

Presentation and Question Sessions

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

13. The following representatives of the Planning Department (PlanD), representers and representers' representatives were invited to the meeting at this point:

Mr C.K. Soh - District Planning Officer/Shia Tin, Tai Po and North (DPO/STN), PlanD

Mr David Y.M. Ng - Senior Town Planner/Country Park Enclaves 1, (STP/CPE1), PlanD

R1 – Li Wing Keung (Village Representative (VR) of Tai Po Mei Village)

R3 - Li Wong Shing (VR of Tai Po Mei Village)

Mr Li Wing Keung Representor & Representor's Representative

Mr Li Wong Shing Representor

R4 – Lee Siu Man (VR of Tai Po Mei Village)

Mr Lee Siu Man Representor

R5 – Chan Siu Kuen (Tai Po District Council (TPDC) Member)

Mr Chan Siu Kuen Representor

R21- Mr Ruy Barretto

Mr Ruy Barretto Representor



The preparation of the draft DPA Plan was a stopgap measure which would provide an interim planning guidance and development control over the Tai Po Kau area (the Area) pending preparation of an Outline Zoning Plan (OZP) and would enable planning enforcement actions to be taken against any unauthorized development (UD);

- (b) on 21.3.2014, the draft Tai Po Kau DPA Plan No. DPA/NE-TPK/1 (the DPA Plan) was exhibited for public inspection under section 5 of the Ordinance;
- (c) the DPA Plan involved designation of “Unspecified Use” area covering the Area pending detailed analysis and studies to establish the appropriate land uses under an OZP (to replace the DPA Plan within three years as required under the Ordinance), ‘Agricultural Use’ was always permitted under the “Unspecified Use” area. Other use or development except those always permitted under the covering Notes would require planning permission. Diversion of streams, filling of land/pond or excavation of land (including those associated with the always permitted uses) would also require planning permission;
- (d) during the two-month exhibition period, a total of 49 representations were received. No comment on the representations was received during the publication of the representations;
- (e) on 7.11.2014, the Board decided to consider the representations collectively in one group;

[Mr Lincoln L.H. Huang and Ms Bonnie J.Y. Chan arrived to join the meeting at this point.]

#### The Representations

- (f) out of 49 representations, 16 opposed and 30 supported the DPA Plan while three did not indicate whether they supported or opposed the DPA Plan. They could be divided generally into two groups:

- R1 to R5 were submitted by the VRs of Tai Po Mei Village, Tai Po Rural Committee (TPRC) and TPDC respectively, objecting to the DPA Plan for designating “Unspecified Use” covering private land;
- R6 to R49 were submitted by green/concern groups and individuals with conservation views/proposals. Among them, R6 to R16 objected to the DPA Plan on the ground that the Area had high ecological value and should be conserved, while R17 to R46 generally supported the introduction of the DPA Plan but considered that the Area should be protected by conservation zonings (e.g. “Conservation Area” (“CA”) zone). The remaining representations R47 to R49 offered similar views and proposals but had not indicated if the DPA Plan was supported or opposed;

#### The Area

- (g) the Area with an area of about 11.75 ha covered two country park enclaves i.e. a site near Ngau Wu Tok and a site near Tai Po Mei, both were encircled by the Tai Po Kau Nature Reserve (TPKNR) nestled between Sha Tin and Tai Po. The TPKNR, with more than 100 different species of trees supporting diverse fauna and flora, was designated as a Special Area in 1977. The Area was not served by any public roads;
- (h) the Area was mainly covered by dense woodland with native trees and plantation. Protected plant species such as *Pavetta hongkongensis*, *Cibotium barometz* and *Ailantus fordii* had been recorded in such woodland. There were natural stream courses running across the Area where Hong Kong Paradise Fish (*Macropodus hongkongensis*), a fresh water fish of conservation concern, and Hong Kong Newt (*Parameotriton hongkongensis*), a protected animal species, were recorded in the stream courses in the site near Ngau Wu Tok;

- (i) in terms of access, the site near Ngau Wu Tok, comprising well wooded hill slopes within upper indirect water gathering ground (WGG), could be reached by the Tai Po Kau Forest Track, a restricted road mainly for management of the TPKNR, while the site near Tai Po Mei, a large portion of which was mainly occupied by woodlands, plantation, agricultural land and squatters, could only be reached by a footpath from Tai Po Road;
- (j) the general planning intention of the Area was to protect its high ecological and landscape value which complemented the overall naturalness and the landscape beauty of the surrounding Special Area;

#### Public Consultation

- (k) during the two-month exhibition period, the DPA Plan was presented to the Shatin District Council (STDC) on 2.5.2014 and TPDC on 14.5.2014. The major views expressed and responses were provided in paragraph 5 of the Paper and were summarised as follows:

#### *Major Views*

- (i) TPDC objected to the DPA Plan, stating that the site near Tai Po Mei was part of Tai Po Mei Village and the inhabitants of the villages had all along been engaging in agricultural activities. The private land should be designated for agricultural purposes instead of “Unspecified Use” on the DPA Plan;
- (ii) STDC expressed concerns that the natural environment in the Area might be affected by future potential developments and pressure for the provision of access road;

#### *Responses*

- (iii) the purpose of the DPA Plan was to provide an interim planning guidance and development control pending preparation of an OZP

and to enable planning enforcement actions to be taken against any UD. It would be replaced by an OZP within three years. In the course of the preparation of the OZP, detailed analysis and studies to establish the appropriate land uses would be conducted in order to strike a balance between conservation and development;

(iv) as advised by the District Lands Officer/Tai Po (DLO/TP), there was no recognised village in the Area. The Area had been designated “Unspecified Use” primarily for giving statutory protection to the Area pending further studies to be undertaken in the preparation of an OZP. Under this land use designation, apart from ‘Agricultural Use’ and some uses which were permitted in the covering Notes of the DPA Plan, all uses and developments would require planning permission from the Board;

(l) subsequently, the VRs of Tai Po Mei Village (R1, R3 and R4), TPRC (R2) and a Member of TPDC (R5) submitted representations objecting to the DPA Plan.

#### Grounds and Proposals of Representations and Responses

(m) the major grounds of representations were detailed in paragraphs 2.3 to 2.5 of the Paper. Concerned government bureaux/departments had been consulted on the representations and the responses were set out in paragraphs 6.5 to 6.7 of the Paper. They were summarised below:

##### *Supportive Representations*

##### *Supporting the DPA Plan (R17 to R46)*

(i) the statutory planning control under the DPA Plan was supported so as to protect the area’s high conservation and landscape value and prevent it from incompatible development;

*Representations Providing Views on Conservation*

*Protecting the Natural Habitats*

*(R6 to R13, R16 to R19, R21 to R39, R42 to R49)*

(ii) the Area should be protected by conservation zonings such as “CA” due to its high ecological importance, biodiversity and ecological link to the TPKNR. It formed part of the greater “Tai Po Kau, Shing Mun and Tai Mo Shan Important Bird Area” and TPKNR was an area of international significance for avifauna worthy of better protection. It was also a prime mating site for butterflies with over 150 recorded species including those listed in the List of Butterfly Species of Conservation Concern in Hong Kong;

(iii) the responses were:

- PlanD noted the grounds of the supportive representations;
- the notion of protecting the ecological important and environmental sensitive areas by appropriate conservation zonings was generally supported;
- the Director of Agriculture, Fisheries & Conservation (DAFC) advised that protected flora and fauna could be found in these habitats and were worthy of protection. Such information would be taken into account in formulating the land use proposals of the OZP for the Area;

*Future Designation of “Village Type Development” (“V”) Zone*

*(R8, R9, R11 to R15, R21, R25, R28, R29, R47 and R49)*

(iv) the Area was located within indirect WGG. In the absence of an existing or planning sewerage system in the area, the use of septic

tank and soakaway system for Small House development would pollute the natural streams and surrounding environment. Considering its ecological sensitivity and there was no recognized village nor village 'environs' ('VE') in the area, future designation of "V" zone was not supported;

(v) the responses were:

- DLO/TP had advised that there was no recognized village nor 'VE' in the Area and hence no "V" zone had been designated on the DPA Plan;

*Designation of "Unspecified Use" Area (R30)*

(vi) designation of "Unspecified Use" area would not help ensure the health and well-being of current or future residents/tourists, and had not taken into account the conservation, ecological and landscape values of the surroundings;

(vii) the potential impacts from the development of agricultural land and the increased population in the enclaves on the surrounding country and marine parks had not been adequately assessed;

(viii) the responses were:

- the DPA Plan acted as an interim plan with stopgap measures to provide planning guidance and to facilitate development control within the Area during the period before the formulation of an OZP;
- any development within the "Unspecified Use" area, except agricultural use, and any diversion of streams, filling of land/pond or excavation of land would require planning permission;

*'Agricultural Use' Not Supported (R15 and R21)*

- (ix) 'Agricultural Use' under the "Unspecified Use" area should require planning permission from the Board so as to avoid unauthorised site preparation, site formation and drainage works;
- (x) the responses were:
- DAFC had reservation on requiring planning permission for 'Agricultural Use' within the "Unspecified Use" area from the agricultural development point of view, as it would impose restrictions on agriculture and discourage agricultural development in the Area;
  - no strong justification for imposing more stringent control on 'Agricultural Use' in the Area since planning permission would be required for any diversion of streams, filling of land/pond or excavation of land;

*Adverse Representations (R1 to R5)*

*Lack of Consultation*

- (xi) the Government should not have gazetted the DPA Plan without first having fully consulted the villagers, who had been engaging in agricultural activities in Luk Wu of Tai Po Mei Village for several hundred years;
- (xii) the responses were:
- in view of the sensitive nature of the new DPA Plan and the need to avoid unfavourable *fait accompli*, relevant district councils and rural committees were not consulted until the DPA plan had been published;

*Undermining Land Interest*

(xiii) the DPA Plan would undermine the land interest of the indigenous inhabitants of Tai Po Mei Village as most of the land belonged to them. They had all along objected to the extensive construction of houses at the site near Tai Po Mei so as to protect the water source in Tai Po Mei Hang. The private land under the Block Government Lease was for agricultural purpose and should not be designated as “Unspecified Use” area;

(xiv) the responses were:

- the DPA Plan would not deprive the landowners of their right to carry out agricultural activities as ‘Agricultural Use’ was always permitted within the area designated as “Unspecified Use”. Detailed land use proposals would be formulated in the preparation of an OZP in three years’ time;

Proposals from the Representers

(n) the proposals put forward by the representers as detailed in paragraphs 2.4 and 2.5 of the Paper were summarised below:

*Amending the Notes and Explanatory Statement (ES) of the DPA Plan*

- (i) to amend the Notes and ES of the DPA Plan to reflect the Country Park Enclave Policy and the policy objective for protecting and safeguarding the country park enclaves (R21);
- (ii) to exclude ‘plant nursery’ from the covering Notes to prevent unauthorized site preparation, formation and drainage works as temporary ‘nursery’ were intended to prepare sites ultimately for housing development (R21);

- (iii) to delete rebuilding of New Territories Exempted Houses (NTEH) and replacement of existing domestic buildings as permitted uses from the covering Notes of the DPA Plan (R21, R28 and R49);

*Not directly related to the Plan*

*Designating the Area as Special Area/TPKNR or Country Park*

- (iv) to designate the Area as a Special Area under the Country Park Ordinance and incorporate it into the TPKNR (R10, R15, R20, R21, R28 to R31, R41, R47 and R48);

*Development of Brownfield Sites*

- (v) to give priority to the development of brownfield sites as there were over 800 hectares of land in the New Territories North that had relatively lower ecological value (R11);

*Preparing DPA Plans for More Areas*

- (vi) to prepare DPA Plans for all areas which had yet to be covered by statutory plans or country parks (R30);

*Suspending Processing of Land Grant Applications for NTEH*

- (vii) to suspend the processing of land grant applications under the NTEH policy by the Lands Department (LandsD) (R30);

*Resuming Preparation of Village Layout Plans*

- (viii) to resume preparation of village layout plans for all village zones and areas where Small House developments were permitted (R30);

*Not to Affect the Research Programme*

- (ix) to deter development or human activities in the observatory forest plot established in the TPKNR as a research project for investigating the impacts of climate change and other environmental parameters upon forest bio-dynamics of Hong Kong (R47);
- (o) the responses to the above proposals were detailed in paragraphs 6.5 to 6.7 of the Paper. The responses were summarised as follows:

*Amendments to Notes and ES of the DPA Plan*

- (i) the Notes and ES had already been prepared to reflect the planning intention of protecting the high ecological and landscape value of the Area;
- (ii) as planning permission would be required for any diversion of streams, filling of land/pond or excavation of land, the proposed deletion of 'plant nursery' from the covering Notes of the DPA Plan to prevent unauthorised works was considered not necessary;
- (iii) allowing rebuilding of NTEH and replacement of existing domestic buildings in the covering Notes was consistent with the Master Schedule of Notes to Statutory Plans promulgated by the Board and that the needs and rights of the villagers in the Area were respected;

*Not directly related to the Plan*

*Designating the Area as Special Area/TPKNR or Country Park*

- (iv) designation of the Area as 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 Board;

*Development of Brownfield Sites*

- (v) such proposal concerning brownfield sites was not a relevant planning consideration in the preparation of the DPA Plan;

*Preparing DPA Plans for More Areas*

- (vi) it had been the Government's long-term target to prepare statutory plans for all areas of Hong Kong except areas covered/ to be covered by Country Park. Such task would be undertaken with regard to development pressure, priorities and resources availability;

*Suspending Processing of Land Grant Applications for NTEH*

- (vii) processing of land grant applications in accordance with the New Territories Small House Policy was under the jurisdiction of the Lands Department, which was outside the purview of the Board;

*Resuming Preparation of Village Layout Plans*

- (viii) the preparation of new layout plans for villages covered by existing OZPs would depend on a number of factors such as implementation prospect of the layout plans, manpower and priority of works within PlanD. For the new DPA Plans which had just been completed, OZPs with specific land use zonings should be prepared before layout plan could be contemplated;

*Not to Affect the Research Programme*

- (ix) information on the research project was noted. It would be taken

into account in the preparation of the OZP;

PlanD's Views

(p) PlanD's views on the representations as summarised in paragraph 8 of the Paper were:

- (i) the supportive views of R17 to R46 on the DPA Plan were noted; and
- (ii) the representations No. R1 to R16, the remaining part of R17 to R46, and R47 to R49 were not supported, and the DPA Plan should not be amended to meet the representations.

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

R1 – Li Wing Keung (VR of Tai Po Mei Village)

R3 - Li Wong Shing (VR of Tai Po Mei Village)

17. Mr Li Wing Keung, a representer (R1) and R3's representative, made the following main points:

- (a) he was the VR of Tai Po Mei Village covering Luk Wo and he also represented the villagers of Tai Po Mei Village;
- (b) he objected to the lack of consultation by PlanD before gazetting of the DPA Plan as the land interest of the villagers would be adversely affected;
- (c) the villagers were engaged in agricultural activities in Tai Po Mei Village for several hundred years and owned about 170,000ft<sup>2</sup> agricultural land there;

[Mr Clarence W.C. Leung and Ms Julia M.K. Lau arrived to join the meeting, and Mr Patrick H.T. Lau left the meeting temporarily at this point. ]

- (d) given that the site near Tai Po Mei under the DPA Plan covered around 5 ha and one third of it was private land, it was unreasonable that villagers who owned the private land there were not consulted before gazetting of the DPA Plan;
- (e) the Area had minimal development potential as it was not easily accessible and the existing population was small. The villagers also did not want development there taking into account the need for protecting the natural water source at Tai Mei Hang. The ground for not consulting the villagers so as to prevent unfavourable *fait accompli* before gazetting the DPA Plan was not valid. The lack of existing development and future potential for development also defeated the purpose of the DPA Plan which was to provide an interim planning control and development control pending preparation of an OZP as stated under paragraph 5.4(a) of the Paper;
- (f) it was doubtful that special plant species, fish and newt identified in the woodland and stream courses of the Area, that were considered worthy of protection as detailed in paragraph 6.3 of the Paper, were found on private land which was mostly agricultural land under farming. The inclusion of private land into the DPA Plan to protect the ecology of the Area was not justified;
- (g) scenic and natural environment comprising woodlands as identified in the Area was common in Hong Kong. If the aim for designating the Area as DPA was for protecting such scenic and natural environment, then all mountains of Hong Kong should also be subject to the same;

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

- (h) the villagers' development right and the right to carry out agricultural activities had been compromised or deprived of under the DPA Plan, since much stringent consideration would be applied when considering planning applications submitted by villagers for uses such as building/rebuilding a house or digging a well for agricultural purposes, as required by the DPA Plan; and
- (i) he and the villagers of Tai Po Mei Village strongly objected to the designation of agricultural land as "Unspecified Use" area.

[Ms Anita W.T. Ma left the meeting at this point. ]

R21- Mr Ruy Barretto

18. With the aid of a visualizer, Mr Barretto made the following main points:
- (a) his family had lived in the New Territories for three generations and they had been living in Tai Po for over 60 years. He knew the local area very well;
  - (b) TPKNR was very special and was so designated as a Special Area by the Chief Executive;
  - (c) "V" zone was considered not appropriate for the Area and agricultural activities needed to be especially guarded. It was important to control agricultural activities as the river near Tai Po Mei, which needed to be protected, could get polluted by these activities;
  - (d) Tai Po Kau was important scientifically and ecologically. Referring to three booklets namely "Butterflies of Tai Po Kau", "Mammals of Tai Po Kau" and "An Insight on Insects of Tai Po Kau", all produced by the Government on the TPKNR some 20 years ago, he said that Tai Po Kau had 148 species of butterflies back then as stated in one of the booklets. Through his own experience, he estimated that there were 22 species of

snakes and 13 other animal species. He had discovered a Brown Wood Owl in 2006, and Bay Woodpecker was another species found in Tai Po Kau;

[Mr Patrick H.T. Lau returned to join the meeting at this point.]

- (e) it was Hong Kong's obligation under Article 8 of the Convention on Biological Diversity to protect places of high ecological value adequately;
- (f) in view of its importance, the Area should not have any village nor road except emergency access, and 'Agricultural Use' should be placed under Column 2 of the "Unspecified Use" area. The ES of the DPA Plan should reflect Tai Po Kau as a special enclave area and the general planning intention for the Area should be revised accordingly;
- (g) TPKNR began in 1926 and the Paper did not have a literature research to indicate the importance of the Area;
- (h) Tai Po Kau Orchid, not covered by the DPA plan, should be protected by zoning it into a "CA"; and
- (i) while it was understood that the designation of the Area as Country Park was not within the ambit of the Board, the Area should at least be zoned "CA" to respect its importance until it became a Special Area in the future.

R4 – Lee Siu Man (VR of Tai Po Mei Village)

19. Mr Lee made the following main points:

- (a) he objected to the inclusion of private land into the DPA Plan as the land interest of the villagers would be adversely affected;

- (b) the Area had minimal development potential and villagers had all along been living harmoniously with the animals there;
- (c) it was unfair to the villagers that they had to seek planning permission for undertaking pond filling or related activities for agricultural rehabilitation and that planning permission would unlikely be approved;
- (d) villagers were environmentally conscious and treasured the natural environment there, including regular trimming of trees to prevent the growing of the vine plant named Mile-a-minute Weed, which had known to be detrimental to trees. Environmentalists should look into the problem of trees that were being adversely affected by such plant, instead of interfering with the land interest of the villagers;
- (e) TPKNR was a large area in which only a small portion was the land of the villagers. The people of Hong Kong would not often go to the Area as it was highly inaccessible. By including the Area in the DPA Plan, the Government should provide disabled access to enhance accessibility of the Area; and
- (f) animals would not confine their activities within the land of the villagers. It was unjustified that their land was included into the DPA for protecting the animals as there was plenty of government land around for such purpose.

R5 – Chan Siu Kuen (TPDC Member)

20. Mr Chan made the following main points:

- (a) as a member of the TPRC and TPDC, he supported the adverse representations submitted by private land owners and concurred with their grounds of objection that they were not consulted prior to the gazetting of the DPA Plan;

- (b) the Area had been conserved by villagers in the last few hundred years. The Area including Tai Po Mei was a very scenic area and could be accessed by Tai Po Kau Forest Track. It was well praised by hikers internationally. He and the indigenous villagers did not want any development there;
- (c) while the protection of animal species in the Area was supported, blanket designation of agricultural land as “Unspecified Use” was considered unnecessary. In fact there were only a few families currently residing in the Area, which was highly inaccessible. He had liaised with the Home Affairs Department on the repairing works for the footpath there and no major infrastructure was proposed or requested by the villagers;
- (d) indigenous villagers did not want to build houses in the Area and had been supportive of the environmental/conservation objective of the green groups, such as giving land to local organisations for farming, and trimming of trees to prevent the growing of Mile-a-minute Weed which had killed many trees by disabling them to have photosynthesis. Villagers were not responsible for felling of trees;
- (e) the Government should respect the rights of the private land owners and resume their land if the Area was so ecologically important. This would create a win-win situation; and
- (f) as a TPDC member and as a spokesperson for the indigenous villagers, he stated that Tai Po Kau had precious species and plants and PlanD should exclude Tai Po Kau from its DPA Plan.

R28 – WWF-HK

21. With the aid of a Powerpoint presentation, Mr Andrew Chan, the representative of R28, made the following main points:

- (a) WWF-HK supported the general planning intention for the Area as stated under the ES of the DPA Plan which was "...to protect its high ecological and landscape value which complement the overall naturalness and the landscape beauty of the surrounding Special Area";
- (b) in respect of the future OZP replacing the DPA plan within the next three years, WWF-HK proposed that one of the country park enclaves, i.e. the site near Ngau Wu Tok be zoned "CA", woodlands and streams at Tai Po Mei be covered by conservation zonings, no "V" zone be designated and that both country park enclaves be incorporated into the TPKNR;
- (c) as reflected in the Paper, the site near Ngau Wu Tok was a well-established native secondary woodland with rich shrubs and understorey native species and was ecologically connected with the nearby TPKNR. There was a natural regeneration undergoing in view of the presence of tree seedlings or sprouts. Protected plants were found, including *Cibotium barometz*, *Ailanthus fordii* and etc.. With a natural stream running through it, unpolluted and undisturbed environment, species of conservation concern as recorded by PlanD, including Hong Kong Paradise Fish and Hong Kong Newt, located within an upper indirect WGG, the site near Ngau Wu Tok had high ecological value and its whole area should be zoned as "CA";
- (d) the site at Tai Po Mei had dense woodlands and was ecologically linked to the nearby TPKNR. An unpolluted natural stream ran across the enclave. All woodlands, streams and riparian zone within the site at Tai Po Mei should be designated under a conservation zoning, e.g. "CA" for added protection; and
- (e) furthermore, "V" zone should not be designated on the site at Tai Po Mei. According to the Paper, DLO/TP had commented that Tai Po Mei was not a recognized village and this enclave was devoid of any 'VE'. However, rebuilding of squatters into Small Houses was always

permitted under the covering Notes of the DPA Plan. In the absence of a sewage system, the use of septic tank would increase effluent discharge to soil and stream. To prevent the site from becoming an area for village expansion / cross-village application, no “V” zone should be delineated on the future OZP.

## R29 – HKBWS

22. With the aid of a Powerpoint presentation, Ms Jocelyn Ho, the representative of R29, made the following main points:

- (a) HKBWS appreciated the extension of planning control to Tai Po Kau and supported the planning intention to protect its high conservation and landscape value. The Area was surrounded by Tai Po Kau Special Area and should be given similar level of protection as Tai Po Kau Special Area;
- (b) there were two Important Bird Areas (IBAs) in Hong Kong, one of them was the Tai Po Kau, Shing Mun and Tai Mo Shan IBA, which was internationally recognized by the Birdlife International through historical bird data, and supported many characteristic species of the subtropical forests of the region;
- (c) Special Areas in Hong Kong were created for the purpose of nature conservation. Recognized locally for its mature trees and intact forest canopy, TPKNR, the largest SA (460 ha) that was outside the Country Parks. According to the Ecological Study by HKBWS conducted during 2008 and 2010, the intact forest in TPKNR was able to support forest-dependent species that were rarely seen in other habitats (i.e. woodpeckers, minivets, flycatchers), and there was a high diversity of bird species (over 200 species) including waterbirds, riverine species and raptors. The dominated species that were found in the area were forest specialists (Grey-chinned Minivet and Chestnut Bulbul) and rare riparian species in streams along the footpath of TPKNR that might be

seen probably only once in every ten years or so;

- (d) TPKNR was a hotspot for bird watching. Examples of bird species of conservation interest included vulnerable ones (e.g. Fairy Pitta and Brown-chested Jungle Flycatcher) and the near threatened ones (e.g. Japanese Paradise Flycatcher and Chinese Grassbird). There was also a high abundance of birds there during winter months compared to summer months due to the presence of over-wintering species;
- (e) the two country park enclaves had similar ecological characteristics as the rest of TPKNR. There would be potential threats to the ecological integrity of TPKNR as vegetation clearance on private land for agricultural use was permitted under the “Unspecified Use” area. Vegetation clearance on private land was not backed up by law, unless it was proven that it would involve a species of conservation importance. Private land at Tai Ho, So Lo Pun, and Tung Ping Chau had recently been cleared. Vegetation clearance at the three enclaves (including the enclave with private land outside the DPA Plan to the northeast of the site at Tai Po Mei) within TPKNR would lead to habitat fragmentation, and that fragmentation would introduce “edge effect”, further reducing the area of suitable/intact habitat in addition to the cleared area; and
- (f) Tai Po Kau should be treated as a “Special Area”, unlike any other enclaves. HKBWS requested that ‘Agriculture Use’ be removed from Column 1 of the “Unspecified Use” area to prevent habitat loss and fragmentation to TPKNR, and that conservation zoning be proposed for all the three enclaves encircled by TPKNR so that the DPA Plan/OZP was reflective of the existing condition.

### R30 – Designing Hong Kong

23. With the aid of a Powerpoint presentation, Ms Debby K.L. Chan, the representative of R30, made the following main points:

- (a) the DPA Plan with the planning intention to protect the two country park enclaves and no “V” zone were supported;
- (b) the designation of “Unspecified Use” area was considered inadequate to ensure full protection and the Area so designated should at least be rezoned to “CA”, with ‘Nature Reserve’ as a Colum 1 use if agreed by the Agriculture, Fisheries and Conservation Department (AFCD) for its incorporation. Such proposal should be considered in the formulation of the future OZP;
- (c) the two enclaves lacked transport and sewerage infrastructure and no development should be allowed there. Villagers did not essentially object to the introduction of the DPA Plan as their needs for carrying out agricultural activities were met under the DPA Plan and their concerns were on the lack of consultation before gazetting of the DPA Plan;
- (d) while the DPA Plan was introduced to protect the Area, not much was in effect done for its preservation. Non-action by the Government was not a kind of protection. The incident of illegal felling of trees in TPKNR was brought up by Members of the Legislative Council and the Government had responded by saying that patrols in TPKNR would be stepped up. However, the same would not apply to enclaves that were only covered by DPA Plan or OZP as regular patrols were lacking; and
- (e) to protect, manage and monitor the Area, it would need to be designated with a higher level of zoning or be incorporated into TPKNR, which would help maintain the integrity of the reserve.

R47 – KFBG

24. With the aid of a Powerpoint presentation, Ms Woo Ming Chuan, the representative of R47, made the following main points:

- (a) TPKNR was designated under the Country Parks Ordinance (Cap. 208, Section 24) in 1977 as a Special Area (outside Country Park) and the Area was essentially an enclave within a Special Area which had one of the highest natural biodiversity and conservation landscapes in Hong Kong;
- (b) the Area was mainly covered by tall dense mature woodlands and pristine natural streams. As stated in the Paper, protected flora and fauna recorded in the Area included *Pavettahongkongensis*, *Cibotium barometz*, *Ailantus fordii*, Hong Kong Paradise Fish and Hong Kong Newt. The Area should be fully protected in order to prevent any further poaching of the rare wild turtles species found there;
- (c) the Area was ecologically connected to TPKNR, which was widely recognised as one of Hong Kong's best developed woodlands supporting a rich diversity of wild flora and fauna. According to the AFCD's website and the Hong Kong Live Eco-map, TPKNR had over 100 species of trees, 98 species of birds, 112 species of butterflies, 51 species of dragonflies, 17 species of freshwater fish, 36 species of herpetofauna. From discussions with various leading experts of the local flora and fauna groups, TPKNR had over 200 species of birds, over 300 species of plants including about 142 species of trees and over 600 species of moths. TPKNR was simply considered to be one of the best ecological hot spots of Hong Kong which must be thoroughly protected;
- (d) the Kadoorie Institute of The University of Hong Kong was currently participating in an international research programme entitled the "Forest Dynamic Plot", which was jointly initiated together with the Center for Tropical Forest Science, Arnold Arboretum of Harvard University and the Smithsonian Institution. A 20-hectare observatory forest plot had been established in TPKNR in order to investigate the impacts of climate change and other environmental parameters upon forest bio-dynamics in Hong Kong. It was just 300 metres north of the site

near Ngau Wu Tok, one of the country park enclaves under the DPA Plan. KFBG was highly concerned that any development or increase in human activities within the Area would potentially induce undesirable disturbances to the locality and affect this international research project;

- (e) it was considered that no “V” should be designated within the DPA Plan as the Area was completely surrounded by TPKNR and there was no ‘VE’ within it. The replacement of an existing domestic building by a NTEH was already permitted under the “Unspecified Use” area under the DPA Plan. The Area was also located within the upper indirect WGG. Any development would introduce significant ecological impacts on the locality and the natural ecology of TPKNR;
- (f) KFBG was in complete agreement with the current proposal that there should be no “V” zone within the Area and in any future designation of the OZP; and
- (g) in order to protect and maintain the ecological integrity of TPKNR, the whole Area should be zoned “CA” and that all the government land within the Area should also be designated as a Special Area under the Country Parks Ordinance and be fully incorporated into TPKNR.

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

26. The Vice-chairman asked DPO/STN to provide information on the existing number of squatters and residents within the site at Tai Po Mei, and to clarify whether agricultural activities were carried out by the villagers on a regular basis and whether there was any ‘VE’ within the site at Tai Po Mei, noting that the Tai Po Mei Village was located to the east of Tai Po Highway in the vicinity. In response, Mr C.K. Soh said that the site at Tai Po Mei presently had five or six squatters accommodating about ten residents and agricultural activities had been active there for a long time, largely in area in close proximity to the river which ran across the site. He confirmed that there was neither ‘VE’ nor

recognised village within the site and Tai Po Mei Village was located outside the DPA Plan.

27. Members had no further question to raise. The Chairman said that the hearing procedure had been completed. He then thanked PlanD's representatives, representers and representatives for attending the meeting. They all left the meeting at this point.

#### Deliberation

28. The Chairman asked Members to consider the representations taking into account the written and oral submissions.

29. The Chairman recapitulated the key points raised by the representers and representers' representatives. Regarding the lack of consultation prior to the gazetting of the DPA Plan, he said that in view of the sensitive nature of the DPA Plan, it had been the well established practice to consult the relevant district councils and rural committees only upon gazetting of the DPA Plan so as not to release the information prematurely. Members noted that the purpose of the DPA Plan was to provide a stopgap measure to effect planning control over the Tai Po Kau area and agreed that consultation should be conducted only upon gazetting of the DPA Plan.

30. In relation to the impact on land interest of the villagers, Members noted that since 'Agricultural Use' was always permitted under the "Unspecified Use" area, the DPA Plan would not deprive the villagers of their right to carry out agricultural activities. The DPA Plan was an interim arrangement and appropriate land use zonings would be formulated in the course of the preparation of the replacement OZP. Various studies would be carried out as required for the purpose. On the representers' proposals to delete rebuilding of NTEH and replacement of existing domestic buildings from the covering Notes of the DPA Plan, the Secretary said that allowing rebuilding of NTEH and replacement of existing domestic buildings in the covering Notes was consistent with the Master Schedule of Notes to Statutory Plans promulgated by the Board and that the needs and rights of the villagers in the Area should be respected. The Chairman further said that as there was no 'VE' nor recognised village within the Area, no "V" zone had been designated on the DPA Plan.

[Mr Frankie W.C. Yeung arrived to join the meeting at this point.]

31. As regards the proposal of placing 'Agricultural Use' under Column 2 of the "Unspecified Use" area, Members noted that AFCD was of the view that requiring planning permission for 'Agricultural Use' within the "Unspecified Use" area would render the DPA Plan unnecessarily restrictive, and thus would discourage agricultural development in the Area. As planning permission would be required for any diversion of streams, filling of land/pond or excavation of land, Members agreed that there was no strong justification for imposing more stringent control on 'Agricultural Use' in the Area. In this regard, Members also did not support the representers' proposal to delete 'plant nursery' from the covering Notes of the DPA Plan.

32. As for the inadequacy for protection conferred by the "Unspecified Use" area, Members noted AFCD's advice that there were special flora and fauna in the Area worthy of protection. Members agreed that whether "CA" was appropriate for the Area would be considered in the formulation of the various land use proposals under the OZP in consultation with the relevant government departments.

33. A Member asked whether the possibility of resuming agricultural land by the Government as a matter of agricultural policy as suggested by some representers would be explored and if there were any measures to maintain the current scale of agricultural activities. The Chairman said that there would be a review on the agricultural policy by the Food and Health Bureau by the end of this year whereby the public would be engaged and the relevant agricultural issues would be examined comprehensively.

[Mr H.W. Cheung left the meeting temporarily at this point.]

34. Noting that the Area was relatively small in size, the Vice-chairman asked if the Area could be directly covered by an OZP without going through the process of a DPA Plan, as this would shorten the time for completing the statutory planning procedure. In response, the Secretary said that in accordance with the provision of the Ordinance, only through the designation of the Area as a DPA could enforcement action be taken against any UD found in the Area. He added that under the Ordinance, a DPA plan was effective for three years at the longest and could be replaced by an OZP thereafter. Whether it was legally proper to gazette the OZP replacing the DPA Plan prior to the approval of the DPA Plan would need to be examined.

35. Members noted and agreed with the responses to the grounds and proposals of the representations as detailed in paragraphs 6.5 to 6.7 and Annex II of the TPB Paper No. 9798.

36. After deliberation, the Board agreed to note Representation No. R17 to R46 which supported the Development Permission Area Plan. The Board also decided not to uphold Representations No. R1 to R16, the remaining part of R17 to R46, and R47 to R49 and considered that the Development Permission Area Plan should not be amended to meet the representations. Members then went through the reasons for not upholding the representations as stated in paragraph 8.2 of the TPB Paper No. 9798 and considered that they should be suitably refined. The reasons were:

- “(a) in view of the sensitive nature of the new Development Permission Area Plan and the need to avoid unfavourable fait accompli, no public consultation could be carried out prior to the publication of the draft Development Permission Area Plan (R1 to R5);
- (b) the Development Permission Area Plan would not deprive the landowners of their right to carry out agricultural activities, as ‘Agricultural Use’ is always permitted within the area designated as “Unspecified Use” (R1 to R5);
- (c) the information relating to the ecological and conservation value of the Tai Po Kau area is noted and the notion of protecting the ecological important and environmental sensitive areas by appropriated conservation zonings is generally supported. Such information should be taken into account in formulating the land use proposals of the Outline Zoning Plan for the Tai Po Kau area (R6 to R13, R16 to R19, R21 to R39, R42 to R49);
- (d) there is no recognised village and village ‘environs’ in the Tai Po Kau area and no “Village Type Development” zone has thus been designated on the Development Permission Area Plan (R8, R9, R11 to R15, R21,

R25, R28, R29, R47 and R49);

- (e) the Development Permission Area Plan is an interim plan to provide stopgap measures to give planning guidance and to facilitate development control within the Tai Po Kau area pending preparation of an Outline Zoning Plan in three years. Any development within “Unspecified Use” area, except agricultural use, and any diversion of streams, filling of land/pond or excavation of land would require planning permission of the Town Planning Board under the s.16 of the Town Planning Ordinance (R30);
- (f) removing ‘Agricultural Use’ from Column 1 of the “Unspecified Use” area in the Development Permission Area Plan would hinder the potential farming activities in the Tai Po Kau area. Moreover, planning permission is required for any diversion of streams, filling of land/pond or excavation of land which may cause adverse impacts on the natural environment and the safeguard so provided in the Development Permission Area Plan should suffice for the purpose (R15 and R21);
- (g) the Notes and Explanatory Statement have already been prepared to reflect the planning intention of protecting the high ecologically and land value of the Tai Po Kau area. The request to protect environmentally sensitive areas from incompatible development is noted (R21);
- (h) as planning permission is required for any diversion of streams, filling of land/pond or excavation of land which may cause adverse impacts on the natural environment, the proposed deletion of ‘plant nursery’ from the covering Notes of the Development Permission Area Plan to prevent unauthorised works is not necessary and the Town Planning Board would consider each application on its individual merits (R21); and
- (i) allowing rebuilding of New Territories Exempted Houses and replacement of existing domestic buildings in the covering Notes is consistent with the Master Schedule of Notes to Statutory Plans

promulgated by the Town Planning Board and necessary to respect the needs and rights of the villagers in the Tai Po Kau area (R21, R28 and R49).”

37. The Board also agreed to provide the following responses to the proposals of Representations No. R10, R11, R15, R20, R21, R28 to R31, R41, R47 and R48 that were not directly related to the DPA Plan:

*Designation of the Tai Po Kau Area as Special Area/TPKNR or Country Park*

- “(a) designation of the Tai Po Kau area as Country Park is under the jurisdiction of the Country and Marine Parks Authority governed by the Country Parks Ordinance (Cap. 208), which is outside the purview of the Town Planning Board (R10, R15, R20, R21, R28 to R31, R41, R47 and R48);

*Development of Brownfield Sites*

- (b) the proposal that priority should be given to the development of brownfield sites is not a relevant planning consideration in the preparation of the Development Permission Area Plan which is to provide stopgap measures to offer development control within the Tai Po Kau area (R11);

*Preparing DPA Plans for Areas yet to be Covered*

- (c) it has been the Government’s long-term target to prepare statutory plans for all areas of Hong Kong except for areas covered / to be covered by Country Park. Such task will be undertaken under a prioritisation mechanism which pays regard to development pressure, work priorities and resources availability (R30);

*Resuming Preparation of Village Layout Plans*

- (d) the preparation of new layout plans for villages covered by existing Outline Zoning Plans would depend on a number of factors such as implementation prospect of the layout plans, and manpower and priority of works within the Planning Department. For the new Development Permission Area Plans which have just been completed, Outline Zoning Plans with specific land use zonings should be prepared before layout plan could be contemplated (R30);

*Suspending Processing of Small House Grant Applications*

- (e) processing of land grant applications in accordance with the New Territories Small House Policy is under the jurisdiction of the Lands Department, which is outside the purview of the Town Planning Board (R30); and

*International Research Programme – the ‘Forest Dynamic Plot’*

- (f) information on the research programme is noted. It would be taken account of in the preparation of the Outline Zoning Plan (R47).”

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

**Agenda Item 4**

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments to the Draft Cheung Sheung Development Permission Area Plan No. DPA/NE-CS/1

(TPB Paper No. 9799)

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[The meeting was conducted in Cantonese and English.]



R7 – Kadoorie Farm & Botanic Garden Corporation (KFBG)

Mr Tony Nip	]
Dr Chiu Sein Tuck	] Representer's Representatives
Ms Woo Ming Chuan	]

40. The Chairman extended a welcome and explained the procedures of the hearing. He said that the representatives of PlanD would first be invited to make a presentation. After that, the representers and the authorised representatives would be invited to make oral submissions. After the oral submissions, there would be a question and answer session. After the questioning session, the Board would deliberate on the representations in their absence and would inform the representers of the Town Planning Board (the Board)'s decision in due course. He then invited Mr C.K. Soh, DPO/STN, to brief Members on the background of the representations.

41. With the aid of a Powerpoint presentation, Mr Soh made the following main points as detailed in the Paper:

Background

- (a) on 17.2.2014, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(b) of the Town Planning Ordinance (the Ordinance), to prepare a draft plan designating the Cheung Sheung area as a Development Permission Area (DPA). The preparation of the draft DPA Plan was a stopgap measure which would provide an interim planning guidance and development control over the Cheung Sheung area (the Area) pending preparation of an Outline Zoning Plan (OZP) and would enable planning enforcement actions to be taken against any unauthorized development (UD);
- (b) on 21.3.2014, the draft Cheung Sheung DPA Plan No. DPA/NE-CS/1 (the DPA Plan) was exhibited for public inspection under section 5 of the Ordinance;

- (c) the DPA Plan involved designation of “Unspecified Use” area covering the Area pending detailed analysis and studies to establish the appropriate land uses under an OZP (to replace the DPA Plan within three years as required under the Ordinance), ‘Agricultural Use’ was always permitted under the “Unspecified Use” area. Other use or development except those always permitted under the covering Notes would require planning permission. Diversion of streams, filling of land/pond or excavation of land (including those associated with the always permitted uses) would also require planning permission;
- (d) during the two-month exhibition period, a total of eight representations were received. One comment on the representations was received during the publication of the representations;
- (e) on 7.11.2014, the Board decided to consider the representations and comment collectively in one group;

#### The Representations

- (f) out of the eight representations, 3 opposed and 3 supported the DPA Plan while two offered views. They could be divided generally into two groups:
  - two representations (R1 and R2) submitted by the VR of Cheung Sheung Village and SKNRC respectively, mainly objected to the lack of “Village Type Development” (“V”) zone and insufficient infrastructural facilities for the area and proposed to incorporate Wong Chuk Long and Tai Hom into the DPA Plan;
  - six representations (R3 to R8) were submitted by green/concern groups and an individual (i.e. R3). While R3 opposed the DPA Plan on the ground that the ecological value of the Area was high and should be protected, R4 to R6 generally supported the introduction of the DPA Plan but considered that the Area should be protected by conservation

zonings (e.g. “Conservation Area” (“CA”) zone). The remaining representations R7 and R8 offered similar views and proposals but had not indicated if the DPA Plan was supported or opposed;

#### The Comment

- (g) the only comment on the representations was submitted by an individual (C1) objecting to village development in the Area as it might cause serious impact on the ecology and environment;

#### The Area

- (h) the Area, about 18 ha, was located at the centre of the Sai Kung West Country Park and was surrounded by ridges and spurs. The Area comprised mainly woodlands, streams, freshwater marshlands, abandoned agricultural land and village houses. A pristine stream flowed through the Area from west to east;
- (i) Cheung Sheung Village was the only recognized village in the Area. It was deserted and derelict, lying mostly in ruins heavily covered by trees and vegetation. The ruins were scattered and isolated, not forming any village clusters;
- (j) the Area was accessible only by footpaths (e.g. the MacLehose Trail connecting to other parts of the Sai Kung Country Parks, or the Cheung Sheung Country Trail leading to Yung Shue O, via the long and steep “Jacob’s Ladder”). The Area also formed part of the route for two annual hiking events, the Oxfam Trailwalker and Cheung Sheung Ascension Festival;
- (k) the Area was one of the twelve Priority Sites for Enhanced Conservation identified under the New Nature Conservation Policy (NNCP). Uncommon plant species, such as *Lobelia alsinoides* subsp. *hancei* and *Blyxa aubertii* were found in the marshes within the Area. The Cheung

Sheung Ecologically Important Stream (EIS), about 880m long flowing through the Area, was known to be a major and important breeding ground for the uncommon fish species the *Macropodus hongkongensis*, which was of conservation value. A moderate diversity of dragonflies and butterflies had been recorded in the Area, including the very rare *Aeromachus pygmaeus*, *Choaspes benjaminii* and *Choaspes hemixanthus*, and the rare *Agriocnemis lacteola*. Chinese Pangolin, an endangered species;

- (l) the general planning intention of the Area was to protect its high conservation and landscape value and the rural settings which complement the overall naturalness and the landscape beauty of the surrounding country park;

#### Public Consultation

- (m) during the two-month exhibition period, the DPA Plan was presented to SKNRC on 5.5.2014 and the Tai Po District Council (TPDC) on 14.5.2014. The major views expressed and responses were provided in paragraph 5 of the Paper and were summarised as follows:

#### *Major Views*

- (i) SKNRC indicated that as no “Village Type Development” (“V”) had been designated within the Area, the DPA Plan was not supported;
- (ii) TPDC respected the opinions of SKNRC and did not support the DPA Plan;

#### *Responses*

- (iii) the purpose of the DPA Plan was to provide an interim planning guidance and development control pending preparation of an OZP and to enable planning enforcement actions to be taken against any UD. It would be replaced by an OZP within three years. In the

course of the preparation of OZP, detailed analysis and studies to establish the appropriate land uses would be conducted in order to strike a balance between conservation and development;

- (n) subsequently, the VR of Cheung Sheung Village (R1) and SKNRC (R2) submitted representations opposing the draft DPA Plan;

#### Grounds and Proposals of Representations and Responses

- (o) the major grounds of representations were detailed in paragraphs 2.3 to 2.5 of the Paper. Concerned government bureaux/departments had been consulted on the representations and the responses were set out in paragraphs 6.6 and 6.7 of the Paper. They were summarised below:

##### *Supportive Representations (R4 to R6)*

###### *Supporting the DPA Plan*

- (i) the statutory planning control under the DPA Plan which would prevent the area from uncontrolled and incompatible development was supported;

###### *Representations Providing Views on Conservation*

###### *Protecting the Area with Ecological Importance (R3 to R8)*

- (ii) Cheung Sheung was one of the twelve Priority Sites for Enhanced Conservation under NNCP. The ecological importance and natural habitats of the Area should be better preserved and protected;

- (iii) the responses were:

- PlanD noted the grounds of the supportive representations;

- the Director of Agriculture, Fisheries & Conservation (DAFC) agreed that habitats such as mature woodland, natural streams and mangrove stands in Cheung Sheung were ecologically important worthy of protection. Such information would be taken into account in formulating the land use proposals of the OZP for the Area;

*Future Designation of “V” Zone*

*(R3, R4 and R6 to R8)*

- (iv) the Area was located within the upper indirect water gathering ground (WGG). The use of septic tank was unacceptable considering the high ecological importance of the area. Besides, without vehicular access, the Area could not be reached by vehicles to conduct desludging work. The “V” zone should be confined to existing building lots or no “V” zone should be designated;
- (v) the responses to the above grounds as detailed in paragraphs 6.6 of the Paper were:
  - the DPA Plan was an interim plan with stopgap measures providing planning guidance and facilitating development control before the formulation of an OZP. Appropriate land use zonings would be formulated in the course of the preparation of the replacement OZP and views from the relevant government departments and stakeholders would be considered where appropriate. According to the District Lands Officer/Tai Po (DLO/TP), the 10-year forecast of Small House demand for the recognized village up to year 2023 was 9 and there were presently no outstanding small house applications for the area. According to the Environmental Protection Department (EPD) and the Water Services Department (WSD), there was no existing or planned public sewer serving the Area

which was within WGG. The water quality within the WGG should not be affected by any proposed development and the use of septic tank and soakaway system for sewage treatment and disposal would not be accepted;

*Designation of “Unspecified Use” Area (R5)*

- (vi) designation of “Unspecified Use” area would not help ensure the health and well-being of current or future residents/tourists, and had not taken into account the conservation, ecological and landscape values of the surroundings;
- (vii) the potential impacts from the development of agricultural land and the increased population in the enclaves on the surrounding country and marine parks had not been adequately assessed;
- (viii) the Board should preserve and maintain buildings and sites of historic or cultural significance in the country park enclaves and protect the existing provision store at the northern part of the Area from incompatible development. Besides, all existing buildings including the vacant school should be reviewed by the Antiquities and Monuments Office (AMO) of the Leisure and Cultural Services Department;
- (ix) the responses were:
  - the DPA Plan acted as an interim plan with stopgap measures to provide planning guidance and to facilitate development control within the Area during the period before the formulation of an OZP;
  - any development within the “Unspecified Use” area, except agricultural use, and any diversion of streams, filling of land/pond or excavation of land would require planning

permission;

- AMO advised that no building, including the vacant Pok Oi Public School, within the Area was graded or being proposed for grading;

*Adverse Representations (R1 and R2)*

*Lack of “V” Zone*

(x) Cheung Sheung is an indigenous village but no “V” zone had been designated on the DPA Plan, thereby restricting villagers from developing Small Houses;

(xi) the responses were:

- while Cheung Sheung Village was the only recognized village in the Area, it was mainly derelict, deserted with existing houses/ruins not in the form of village clusters. Under the Notes of the DPA Plan, the rebuilding of New Territories Exempted Houses (NTEHs), and replacement of an existing domestic building, were always permitted, whereas NTEH development might be permitted in the “Unspecified Use” area on application to the Board;

*Insufficient Infrastructural Facilities*

(xii) the Government had not allocated any resources for the construction and improvement of infrastructural facilities in the Area, which had become dilapidated;

(xiii) the responses were:

- assessments of necessary infrastructural provisions and public

utility facilities would be undertaken in the formulation of the OZP in consultation with the concerned government departments. Provision of infrastructural facilities would be commensurate with the land use proposals of the OZP;

Proposals from the Representers

(xiv) the proposals put forward by the representers as detailed in paragraphs 2.3 to 2.5 of the Paper were summarised below:

*Designation of “V” Zone*

(i) “V” zone should be designated on the DPA Plan (R1 and R2);

*Including Wong Chuk Long and Tai Hom into the DPA Plan*

(ii) to include Wong Chuk Long and Tai Hom, the two country park enclaves, into the DPA Plan to reflect the integrity of the Cheung Sheung Village since they were inseparable parts of the village (R1 and R2);

*Not directly related to the Plan*

*Incorporating the Area into Sai Kung West Country Park*

(iii) to incorporate the Area into the Sai Kung West Country Park so as to protect the natural habitats (R5, R6 and R8);

*Development of Brownfield Sites*

(iv) to give priority to the development of brownfield sites as there were over 800 hectares of land in the New Territories North that had relatively lower ecological value (R3);

*Preparing DPA Plans for More Areas*

- (v) to prepare DPA Plans for all areas which had yet to be covered by statutory plans or country parks (R5);

*Suspending Processing of Land Grant Applications for NTEH*

- (vi) to suspend the processing of land grant applications under the NTEH policy by the Lands Department (LandsD) (R5);

*Resuming Preparation of Village Layout Plans*

- (vii) to resume preparation of village layout plans for all village zones and areas where Small House developments were permitted (R5);
- (xv) the responses to the above proposals were detailed in paragraphs 6.6 to 6.8 of the Paper. The responses were summarised as follows:

*Designation of "V" Zone*

- (i) as the DPA Plan was interim in nature and would be replaced by an OZP within three years, a more detailed study and analysis of the land use pattern would be carried out in proposing land use zonings for the Area at the OZP stage in consultation with the relevant stakeholders and government departments concerned;

*Including Wong Chuk Long and Tai Hom into the DPA Plan*

- (ii) there was no strong justification to incorporate Wong Chuk Long and Tai Hom into the DPA Plan as they were not the recognized villages under the New Territories Small House Policy and thus not part of the recognised village of Cheung Sheung;

*Not directly related to the Plan*

*Incorporating the Area into Sai Kung West Country Park*

- (iii) designation of the Area as 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 Board;

*Development of Brownfield Sites*

- (iv) such proposal concerning brownfield sites was not a relevant planning consideration in the preparation of the DPA Plan;

*Preparing DPA Plans for More Areas*

- (v) it had been the Government's long-term target to prepare statutory plans for all areas of Hong Kong except areas covered/ to be covered by Country Park. Such task would be undertaken with regard to development pressure, priorities and resources availability;

*Suspending Processing of Land Grant Applications for NTEH*

- (vi) processing of land grant applications in accordance with the New Territories Small House Policy was under the jurisdiction of LandsD, which was outside the purview of the Board;

*Resuming Preparation of Village Layout Plans*

- (vii) the preparation of new layout plans for villages covered by existing OZPs would depend on a number of factors such as implementation prospect of the layout plans, manpower and

priority of works within PlanD. For the new DPA Plans which had just been completed, OZPs with specific land use zonings should be prepared before layout plan could be contemplated;

Comment on Representations

(xvi) as the major grounds of the comment (C1) concerned potential adverse impact of village development in the Area, responses to the representations of similar grounds were relevant to the comment as stated under paragraph 6.9 of the Paper;

PlanD's Views

(xvii) PlanD's views on the representations as summarised in paragraph 8 of the Paper were:

- (i) the supportive views of R4 to R6 on the DPA Plan were noted; and
- (ii) the representations No. R1 to R3, the remaining part of R4 to R6, and R7 and R8 were not supported, and the DPA Plan should not be amended to meet the representations.

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

R1 – Wong Kam Hung (VR of Cheung Sheung Village)

43. With the aid of a visualizer, Mr Wong Kam Hung made the following main points:

- (a) he was the VR of Cheung Sheung and represented the villagers of Cheung Sheung Village, strongly objecting to the DPA Plan in the absence of any consultation;

- (b) he tabled at meeting a letter with 72 signatures of VRs including his own from 54 remote village areas that were previously or presently not covered by any statutory plans. All VRs who signed the letter had agreed to the contents of the letter, which set out their concerns;
- (c) the Government had neglected villages of small population, as shown by the lack of “V” zone on the DPA Plan, depriving the rights of indigenous villagers;
- (d) villagers of Cheung Sheung Village had been unfairly treated. The previous VR of Cheung Sheung Village had repeatedly requested the then Administration to allocate financial resources to improve the facilities in Cheung Sheung Village, which were turned down for the reason that the village had a small population;
- (e) the existing facilities in the Cheung Sheung Village had been deteriorating, which had adversely affected the daily life of villagers. With the absence of any support, villagers could not make a living at the village and had gradually moved out from the village to look for work and schools for their children;
- (f) referring to a site plan of Cheung Sheung, Wong Chuk Long and Tai Hom, he said that villagers of Cheung Sheung wished to return to the village to continue their traditional way of life and that a “V” zone should be designated on the DPA Plan. The villagers proposed that an area to the north-east of the DPA Plan, the boundary of which was marked in blue, should be zoned “V”, while the various building lots of the villagers within Cheung Sheung, Wong Chuk Long and Tai Hom were shown as red on the site plan. Wong Chuk Long and Tai Hom were the inseparable parts of Cheung Sheung Village and the previous VR of Cheung Sheung resided at Wong Chuk Long. The DPA Plan had mistakenly excluded Wong Chuk Long and Tai Hom, thereby reducing the village area of Cheung Sheung;

- (g) zoning private lots as “Green Belt”, “CA” or incorporating them into Country Park in an attempt to take away private land from villages was unreasonable. The Government had not respected the property rights of private owners and had deprived them of such rights in the name of conservation;
- (h) any conservation policy should cater for the needs of the people. People should take precedence over animals and plants in any planning for the Area. Though villagers valued environmental protection and conservation, they should not bear the responsibility for conservation. If the Government so wished to use private land for conservation purposes, various options such as land exchange, resumption, renting, etc should be considered to create a win-win situation; and
- (i) he strongly requested the designation of a “V” zone on the DPA Plan for Cheung Sheung to enable building of Small Houses by the indigenous villagers of Cheung Sheung, and inclusion of Wong Chuk Long and Tai Hom into the DPA Plan. He also strongly requested the Government to respect the property rights of private owners and to consider the needs of the people first in any planning for the Area.

## R2 – SKNRC

44. Mr Leung Wo Ping made the following main points:

- (a) he was a SKNRC member and said that SKNRC oversaw the management of the 27 out of the 54 remote village areas that were previously or presently not covered by any statutory plans;
- (b) SKNRC was very concerned about Government’s current planning approach regarding private land in villages. Hong Kong was devoid of Country Park Policy. It was unjustified to incorporate private land into a country park for use by the people of Hong Kong, since the rights of the indigenous villagers would be adversely affected. A proper system

in dealing with private land such as land exchange, resumption, renting, etc, should be advocated and considered;

[Mr Patrick H.T. Lau left the meeting temporarily at this point. ]

- (c) unlike the previous British Government that respected the private property rights of indigenous villagers, in which private lots were deliberately excluded from the Country Parks, the current Administration did not do the same. Cheung Sheung, Wong Chuk Long and Tai Hom had building lots. These lots should be returned to villagers. Cheung Sheung had a village 'environs' ('VE'). At the very least, a "V" zone should be designated on the DPA Plan; and
- (d) SKNRC was very disappointed with the Government's policy on indigenous villagers and hoped that villagers would be treated fairly and reasonably.

45. Mr Li Yiu Ban made the following main points:

- (a) he was a SKNRC member;
- (b) although villagers had moved out from Cheung Sheung Village, they strongly wished to return to the village some day and that a "V" zone should be designated on the DPA Plan;
- (c) after building a school in the Cheung Sheung Village in the 1950/60s , the Government had not allocated any financial resources to the village. As a result, villagers had left the village. It was the villager's wishes that the village be preserved for the time being;
- (d) it had been the general opinion of the environmentalists that once the ecological importance of an area became a public knowledge, it would attract human destruction to its ecology. This however did not apply to Cheung Sheung although it was designated as one of the twelve

Priority Sites for Enhanced Conservation in 2004. The villagers had not damaged the Area, nor would they damage it in the future. Inclusion of their private land into the DPA Plan with the aim of protecting the high conservation and landscape value of the Area would not be necessary;

- (e) while conservation had been catered for, villages should at the same time be protected. Villagers should not be required to bear the responsibility for conservation. While he agreed to the views of the green groups on conservation, he considered that conservation should not be the reason for dispute between environmentalists and villagers, they should work together requesting the Government to allocate resources to achieve conservation. Various options to achieve a win-win situation should be thoroughly considered; and
- (f) town planning should take into account the historical development of an area. There was a site of high archaeological value named Wong Tei Tung, near Sham Chung and the Area. Conservation should take into account human, historical and environmental perspectives.

#### R4 – WWF – HK

46. With the aid of a Powerpoint presentation, Mr Tobi Lau, the representative of R4, made the following main points:

- (a) WWF-HK supported the general planning intention for the Area as stated under the ES of the DPA Plan which was "...to protect its high conservation and landscape value and the rural settings which complement the overall naturalness and the landscape beauty of the surrounding country parks";
- (b) Cheung Sheung was one of the Priority Sites for Enhanced Conservation under NNCP announced in 2004. *Agriocnemis lacteola* and *Macropodushongkonghensis* were found in the freshwater habitats

and woodland of Cheung Sheung. As stated in the Paper, DAFC agreed that habitats such as mature woodland, natural streams and mangrove stands were ecologically important and were worthy of protection;

- (c) Members should visit the Area to understand it better and to consider thoroughly whether it was worthwhile to sacrifice the Area's rare natural environment; and
- (d) to conserve the Area and respect the property right of the indigenous villagers, relocation of the existing village in the Area should be considered, taking into account that the Area was highly inaccessible and the small existing population.

#### R5 – Designing Hong Kong

47. With the aid of a Powerpoint presentation, Ms Debby K.L. Chan, the representative of R5, made the following main points:

- (a) the DPA Plan with the planning intention to protect the Area and no "V" zone were supported;
- (b) the designation of "Unspecified Use" area was considered inadequate to ensure full protection and the Area should at least be rezoned to "CA". Such proposal should be considered in the formulation of the future OZP;
- (c) the Area was a WGG and was recognised as having a high ecological value with an EIS running through it. The Area should ultimately be incorporated into the surrounding Sai Kung West Country Park for better protection, management and monitoring;
- (d) the villagers had requested for the designation of a "V" zone on the DPA Plan. There was a pollution problem associated with sewerage

disposal in respect of village houses. In Ho Chung Village, as an example, high water table had led to sewage seepage from septic tanks onto the street surface, thereby adversely affecting the environment and gave rise to hygiene problem. The Board had previous discussions over approvals on sewage systems of Small Houses and it was stated that for Small House developments within “V” zones, LandsD, when processing the Small House grant applications, would require the submission of detailed plans and information including sewage disposal arrangement for consideration by the relevant government departments. The certified sewage proposal and percolation test results of a Small House application would need to be submitted to EPD for consideration. The meeting with the District Lands Officer/Sai Kung (DLO/SK) for the Ho Chung Village on 2.12.2004 however revealed that percolation tests were not required for consideration by EPD. Access was another topic of dispute amongst villagers. In assessing whether an area was suitable for zoning as “V”, accessibility should be examined; and

- (e) AMO had not assessed the existing abandoned structures in the enclaves. The Board should request an assessment since these structures had characteristics worthy of protection.

[Mr Patrick H.T. Lau returned to join the meeting at this point. ]

R7 – KFBG

48. With the aid of a Powerpoint presentation, Mr Tony Nip, the representative of R7, made the following main points:

- (a) the Area was on a high plateau surrounded by the Sai Kung West Country Park. Accessible by MacLehose Trail which was frequently used by hikers and Cheung Sheung Country Trail leading to Yung Shue O via Jacob’s Ladder, the Area had a high scenic value;

[Ms Julia M.K. Lau and Mr Dominic K.K. Lam left the meeting at this point. ]

- (b) Cheung Sheung was one of the Priority Sites for Enhanced Conservation under NNCP announced in 2004. It had rare lush mosaic of woodland and wetland habitats and an EIS traversed the Area from west to east. Hong Kong Paradise Fish, a rare fish species, inhabited in the EIS. The Area, being within a WGG, had a very high landscape value;

[Mr Eric K.S. Hui left the meeting at this point. ]

- (c) KFBG, previously known as Kadoorie Agricultural Aid Association (KAAA), had rendered assistance to remote villagers in 1950s, including Cheung Sheung. It had been the guiding principle of KAAA and KFBG that human and animals should live harmoniously. Under such guiding principle, cements and tree seedlings/crops were provided to the settlers at Cheung Sheung by KAAA. KAAA also taught them techniques of farming;
- (d) Cheung Sheung had been largely deserted at the present time in view of its inaccessibility. Nonetheless, there was a balance or equilibrium in people and nature in that some people still visited the Area and a store was operating there serving the visitors, while a few cattle remained. All of these had no major impacts on the environment;
- (e) while KFBG would not propose any specific zonings for the Area, it should be noted that some 80% of the small houses in the New Territories were sold immediately after the non-assignment period as stated in the Audit Report 2002. The role of the Small House Policy in preserving village cultural continuity and its efficacy in doing so were questionable. Small House Policy seemed to be a cash-cow for the villagers; and
- (f) ad-hoc planning had been carried out in the enclaves due to their ecological value. Taking into account that the old village patterns or

way of life would unlikely reappear in the enclaves, he considered that the planning approach for these enclaves should focus on preserving the existing conditions/equilibrium. The Board was requested to consider what kind of equilibrium should be achieved in the enclaves including the Area and to plan for it comprehensively.

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

50. The Chairman asked DPO/STN to clarify the reason for not including Wong Chuk Long and Tai Hom into the DPA Plan and if these two areas were within the Sai Kung West Country Park. In response, Mr C.K. Soh said that according to DLO/TP, both areas were not recognised villages and not part of the recognised village of Cheung Sheung. He added that as announced in the 2010-11 Policy Address, the Government would either include the 54 country park enclaves into country parks or determine their proper uses through statutory plans in order to meet conservation and development needs. The village in Cheung Sheng was a recognised village and inclusion of the Area into the DPA Plan was considered appropriate. He continued to say that Wong Chuk Long and Tai Hom were not part of the Sai Kung West Country Park.

51. The Chairman asked whether planning permission would be required for the rebuilding of NTEHs or the replacement of an existing domestic building by a new NTEH under the DPA Plan and whether these NTEHs would be acceptable to relevant departments given the Area was located within the upper WGG, where the use of septic tanks would not be permitted. In response, Mr Soh said that the rebuilding of NTEHs or the replacement of an existing domestic building by a new NTEH was always permitted under the covering Notes of the DPA Plan. However, the applicants would need to apply to LandsD for the necessary approval and LandsD would seek comments from the concerned departments on these applications. While WSD would generally not accept the use of septic tanks within WGG, an applicant had to demonstrate the proposed development would have no impact on the water quality of the WGG to the satisfaction of WSD by providing a feasible sewage disposal proposal. WGG could be regarded as having two levels, i.e. upper and lower. An upper WGG was generally located on a higher ground with the function of collecting rainwater, while the lower WGG referred to those near the reservoir. All WGGs were

subject to specific requirements on water quality and the lower WGGs were subject to more stringent requirements than the upper WGGs.

52. A Member asked if the rare species existed in the old days when agricultural/human activities were active and, if they did, whether it could be said that they were not affected by agricultural/human activities. Mr Tony Nip of R7 explained that the rare fish species found in the river in the Area had been in existence for a long time. Given that there were only a few domestic structures in the Area and there was no large-scale agricultural development nor any use of chemicals for farming in the past, the environment was not polluted and the animal species were undisturbed. However, if the Area was designated with a large “V” zone, sewage seepage from septic tanks alone would lead to adverse environmental impact, which in turn would lead to the demise or extinction of the species. With the aid of a few Powerpoint slides, Dr Chiu Sein Tuck of R7 supplemented that human activities would affect the environment, as shown by the dense woodland in the Area which was the result of tree planting by the villagers in the 1950/60s. It was through management of human activities that would either create a positive or a negative impact on the environment. Mr Li Yiu Ban of R2 added that there were many species in the Area in the old days and humans and animals could live harmoniously together. The number of animals dropped after the moving out of villagers from the Area. Mr Leung Wo Ping of R2 supplemented that the rare species were still continued to be found in the Cheung Sheung Village and thus more human activities would not affect the ecology of the Area, which was in the process of continuous adaptation. Villagers treasured their environment and would preserve the ecology as far as possible. While Mr Nip clarified that enclaves could have “V” zones, he considered that the same incremental approach adopted by the Board for the Tai Long Wan OZP regarding the “V” zone designation should apply to all enclaves. Both Mr Nip and Dr Chiu also remarked that they supported genuine agricultural rehabilitation.

53. A Member asked whether the wetland found at the upper region of the Area was the remnant of the water channel of past farming, if the wetland was subject to seasonal changes, whether a wetland habitat had been created in the Area and what would be the ecological impact if the wetland was used for agricultural rehabilitation. In response, Mr Nip said that the wetland was used to be paddy fields and he believed that the core area of the wetland was permanent in nature, while the other parts were seasonal. He agreed that a wetland habitat had been created in the Area and the paddy fields were a type of wetland and

genuine agricultural rehabilitation would not give rise to adverse ecological impact on the surrounding environment. Dr Chiu supplemented that for genuine agricultural rehabilitation, only a portion of the wetland would be utilised and animal species that lived in areas surrounding the paddy fields would not be affected. Mr Nip further added that as there were many plant species in the areas near the paddy fields, genuine agricultural rehabilitation would preserve trees to obtain biodiversity, which would help reduce the number of pests in the paddy fields.

54. Members had no further question to raise. The Chairman said that the hearing procedure had been completed. He then thanked PlanD's representatives, representers and representatives for attending the meeting. They all left the meeting at this point.

#### Deliberation

55. The Chairman asked Members to consider the representations taking into account the written and oral submissions.

56. The Chairman recapitulated the key points raised by the representers and representers' representatives. Regarding the lack of "V" zone on the DPA Plan, he said that the DPA Plan was an interim arrangement and appropriate land use zonings would be formulated in the course of the preparation of the replacement OZP. A number of factors, including the forecast of Small House demand, the outstanding Small House applications for the Area, topography and WGG of the Area would be examined in detail at that stage. As regards the concern on insufficiency of infrastructural facilities as claimed by the VR of Cheung Sheung, it would also be dealt with at the formulation stage of the OZP. Members noted and agreed.

57. Concerning the ecological significance of the Area, Members noted that habitats such as woodlands, natural streams and mangrove stands in the Area were considered by AFCD as ecologically important and were worthy of protection. Such information would be taken into account in formulating the various land use proposals of the OZP for the Area. Members agreed that the "Unspecified Use" area should be maintained under the DPA Plan pending the preparation of the OZP.

58. Members noted and agreed with the responses to the grounds and proposals of the representations as detailed in paragraphs 6.6 to 6.8 and Annex III of the TPB Paper No. 9799.

59. After deliberation, the Board agreed to note Representations No. R4 to R6 which supported the Development Permission Area Plan. The Board also decided not to uphold Representations No. R1 to R3, the remaining part of R4 to R6, and R7 and R8 and considered that the DPA Plan should not be amended to meet the representations. Members then went through the reasons for not upholding the representations as stated in paragraph 8.2 of the TPB Paper No. 9799 and considered that they should be suitably refined. The reasons were:

- “(a) as the Development Permission Area Plan is interim in nature and would be replaced by an Outline Zoning Plan within three years, a more detailed study and analysis of the land use pattern would be carried out in proposing land use zonings for the Cheung Sheung area at the Outline Zoning Plan stage in consultation with relevant stakeholders and government departments concerned (R1 to R4 and R6 to R8);
- (b) assessments of necessary infrastructural provisions and public utility facilities would be undertaken in the formulation of specific land use proposals for the Cheung Sheung area during the preparation of the Outline Zoning Plan in consultation with concerned government departments, and provision of such infrastructural facilities should be commensurate with the land use proposals of the Outline Zoning Plan (R1 and R2);
- (c) there is no strong justifications to incorporate Wong Chuk Long and Tai Hom into the Development Permission Area Plan as they are not recognized villages under the New Territories Small House Policy (R1 and R2);
- (d) the information relating to the ecological and conservation value of the Cheung Sheung area is noted and the notion of protecting the ecological

important and environmental sensitive areas by appropriated conservation zonings is generally supported. Such information would be taken into account in formulating the land use proposals of the Outline Zoning Plan for the Cheung Sheung area (R3 to R8);

- (e) the Development Permission Area Plan is an interim plan to provide stopgap measures to give planning guidance and to facilitate development control within the Cheung Sheung area pending preparation of an Outline Zoning Plan in three years. Any development within “Unspecified Use” area, except agricultural use, and any diversion of streams, filling of land/pond or excavation of land would require planning permission of the Town Planning Board under the s.16 of the Town Planning Ordinance and that safeguard should suffice for the purpose (R5); and
- (f) no building, including the vacant Pok Oi Public School, within the Cheung Sheung area is currently graded or proposed for graded historic building (R5).”

60. The Board also agreed to provide the following responses to the proposals of Representations No. R3, R5, R6 and R8 that were not directly related to the DPA Plan:

*Designation of the Area as Country Park*

- “(a) designation of the Cheung Sheung area as Country Park is under the jurisdiction of the Country and Marine Parks Authority governed by the Country Parks Ordinance (Cap. 208), which is outside the purview of the Town Planning Board (R5, R6 and R8);

*Development of Brownfield Sites*

- (b) the proposal that priority should be given to the development of brownfield sites is not a relevant planning consideration in the preparation of the Development Permission Area Plan which is to

provide stopgap measures to offer development control within the Cheung Sheung area (R3);

*Preparing DPA Plans for Areas yet to be Covered*

- (c) it has been the Government's long-term target to prepare statutory plans for all areas of Hong Kong except for areas covered / to be covered by Country Park. Such task will be undertaken under a prioritisation mechanism which pays regard to development pressure, work priorities and resources availability (R5);

*Resuming Preparation of Village Layout Plans*

- (d) the preparation of new layout plans for villages covered by existing Outline Zoning Plans would depend on a number of factors such as implementation prospect of the layout plans, and manpower and priority of works within the Planning Department. For the new Development Permission Area Plans which have just been completed, Outline Zoning Plans with specific land use zonings should be prepared before layout plan could be contemplated (R5); and

*Suspending Processing of Small House Grant Applications*

- (e) processing of land grant applications in accordance with the New Territories Small House Policy is under the jurisdiction of the Lands Department, which is outside the purview of the Town Planning Board (R5).”

Comment No. C1

61. The Board agreed to the following responses to Comment No. C1:

“as the Development Permission Area Plan is interim in nature and would be replaced by an Outline Zoning Plan within three years, a more detailed study and

analysis of the land use pattern would be carried out in proposing land use zonings for the Cheung Sheung area at the Outline Zoning Plan stage in consultation with relevant stakeholders and government departments concerned. No “Village Type Development” zone had been designated on the Development Permission Area Plan.”

[Ms Janice W.M. Lai left the meeting at this point. ]

62. In view of the time constraint, the Chairman suggested deferring Agenda Item 6 until after the lunch break. Members agreed.

### **Sai Kung and Islands District**

#### **Agenda Item 5**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/SLC/135

Proposed Swimming Pool and Garden Ancillary to an Existing House on a Temporary Basis for a period of 5 Years in “Green belt” Zone, Lot 131 in D.D. 321, Tai Long Wan Tsuen, Lantau Island

(TPB Paper No. 9801)

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[The item was conducted in Cantonese and English.]

#### **Presentation and Question Session**

63. Mr. Dominic K.K. Lam, Professor P.P. Ho and Mr. Patrick H.T. Lau had declared interests in the item as they had business dealings with Townland Consultants Limited (Townland), the consultant of the applicant. Members noted that Professor P.P. Ho had tendered apologies for being unable to attend the meeting, while Mr. Dominic K.K. Lam had already left the meeting. Members noted that Mr. Patrick H.T. Lau had no involvement in the subject application and agreed that he could stay in the meeting.

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

Mr Ivan M.K. Chung	-	District Planning Officer/Sai Kung and Islands, Planning Department (DPO/SKIs), PlanD
Mr Johnathan Stuart Collins	-	Applicant
Ms Cindy Tsang	]	
Ms Delius Wong	]	Applicant's representative
Mr Colin Moroby	]	

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

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

- (a) the applicant sought planning permission for the development of a swimming pool and garden ancillary to an existing house on a temporary basis of five years at the application site (the Site), which fell within an area zoned "Green Belt" ("GB") on the draft South Lantau Coast Outline Zoning Plan (OZP). The Site was presently used as a private garden;
- (b) on 8.8.2014, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) rejected the application for the following reasons:
  - (i) the proposed development was not in line with the planning intention of the "GB" zone which was primarily for defining the limits of development areas, to preserve existing well-wooded hill-slopes and other natural features, as well as to provide passive recreational outlets for the local population and visitors. There

was a general presumption against development within this zone. The applicant failed to provide strong planning justifications in the submission for a departure from this planning intention even on a temporary basis;

- (ii) the proposed development did not comply with the Town Planning Board Guidelines No. 10 (TPB PG-No.10) for 'Application for Development within "GB" zone under section 16 of the Ordinance' in that there was a general presumption against development within the "GB" zone and there was no strong justification provided in the submission to warrant the approval of this application under exceptional circumstances; and
  - (iii) approval of the application would set an undesirable precedent for other similar applications within the "GB" zone. The cumulative impacts of approving such applications would affect the intactness of the "GB" zone and lead to a general degradation of the environment of the area;
- (c) on 10.9.2014, the applicant applied for a review of the RNTPC's decision to reject the application. The applicant had not put forth any further written submission to support the review application;
- (d) previous application – the Site was the subject of a previous planning application No. A/SLC/126 for the same temporary swimming pool and garden ancillary to an existing house for a period of five years submitted by the same applicant. The proposal and development parameters under the previous application were largely the same as the current one. The application was rejected by the RNTPC on 20.7.2012, mainly for the reasons that it was not in line with the planning intention of the "GB" zone and the proposed development did not comply with the TPB PG-No.10 and approval of the application would set an undesirable precedent for similar applications which would affect the intactness of the "GB" zone and lead to a general degradation of the environment of the

area;

- (e) similar application – there was no similar application within the “GB” zone;
- (f) departmental comments – comments from the relevant government departments were detailed in paragraph 5 of the Paper and summarised below:
  - (i) while the District Officer/Islands, Home Affairs Department (HAD) had no comment on the review application, his office had received objection from the public on the grounds that the building of a swimming pool would pollute the environment and the proposed swimming pool would waste a lot of drinking water;
  - (ii) the Director of Environmental Protection (DEP) maintained his previous comments on the s.16 application that he had no objection to the application in view of the small scale of the proposed development. There were two kinds of discharges from swimming pools, namely effluent arising from general operation (e.g. back wash of filter) and annual cleaning exercise. Both of these discharges were controlled under the Water Pollution Control Ordinance (WPCO). Should the application be approved by the Board, the applicant would be reminded that the effluent discharges from the proposed swimming pool would be subject to the licensing requirements under the WPCO;
  - (iii) the Chief Town Planner/Urban Design and Landscape, PlanD maintained his previous comments on the s.16 application that while he had no comment and no in-principle objection to the application from the urban design and landscape planning perspectives respectively, he considered that the proposed swimming pool would reduce greenery at the Site. Should the application be approved, a landscape condition requiring the

submission and implementation of revised tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the Board was recommended;

- (iv) the Head of Geotechnical Engineering Office, Civil Engineering and Development Department maintained his previous comments on the s.16 application that he had no objection to the application. There was a slope/retaining wall at the north-eastern boundary of the subject lot that could affect or be affected by the proposed swimming pool development. If the proposal proceeded to the development stage, the stability of this slope/retaining wall should be assessed and checked to see if it could meet the current safety standards. Any necessary slope stabilization works should be submitted to the Buildings Department for approval;
- (v) the Chief Engineer/Hong Kong & Islands, Drainage Services Department (CE/HK&I, DSD) maintained his previous comments on the s.16 application that he had no objection to the application and advised that there was no DSD's storm-water drainage and sewerage system in the vicinity of the Site and that the nearby drainage facility was under HAD's purview. Consents from EPD and the Agriculture, Fisheries and Conservation Department (AFCD) should be sought for any proposed discharge to the beach or stream course;
- (vi) other concerned departments had no objection to or no adverse comments on the application;
- (g) public comments – during the statutory public inspection period of the review application, one public comment was received from the Kadoorie Farm & Botanic Garden Corporation, reiterating its objection to the application at the s.16 application stage. The grounds of objection were that the proposal was not in line with the planning intention of the “GB” zone, the swimming pool was not an essential or “must-have” facility and

that approval of the application would set an undesirable precedent;

- (h) PlanD's views - PlanD did not support the review application based on the planning considerations and assessments set out in paragraph 7 of the Paper, which were summarised below:
  - (i) the applicant had not submitted any written representation to support the review application;
  - (ii) the site was zoned "GB", which was intended primarily to define the limits of development areas, to preserve existing well-wooded hill-slopes and other natural features, as well as to provide passive recreational outlets for the local population and visitors. There was a general presumption against development within this zone. The proposed private swimming pool and private garden were not in line with the planning intention of the "GB" zone. There was no strong justification for approving such application even on a temporary basis;
  - (iii) the applicant's house within an area zoned "V" was about 30m to the north of the Site. The applicant claimed that the proposed swimming pool within an existing private garden ancillary to his house would not change the nature of the existing use of the Site, which was for private leisure and recreational use. The proposed development did not comply with TPB PG-No.10 in that the proposed development within the "GB" zone would only be considered in exceptional circumstances and must be justified with very strong planning grounds. The proposed swimming pool and ancillary garden were for private recreation use and there was no strong justification provided to warrant approval of this application even on a temporary basis;
  - (iv) the surrounding areas of the Site were predominantly rural in character covered with well-grown vegetation and some abandoned

agricultural land. A natural beach was about 80m to the south of the Site. There were some trees and shrub planting within the Site. The proposed swimming pool would reduce greenery in the Site;

- (v) the proposal and development parameters of the application were largely the same as the previous application No. A/SLC/126 which was rejected by the RNTPC on 20.7.2012. There had been no change in planning circumstances since the rejection of the previous case. There was also no approved similar application with the “GB” zone. A number of village houses were located in the vicinity. Approval of the application would set an undesirable precedent for other similar applications and the cumulative impacts of approving such applications would affect the intactness of the “GB” zone and lead to a general degradation of the environment of the area; and

- (vi) there was a public comment objecting to the review application.

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

68. With the aid of a Powerpoint presentation and two video clips, Ms Cindy Tsang, the applicant’s representative, made the following main points:

- (a) Tai Long Wan Tsuen was a small remote village in Lantau Island, predominately occupied by single detached and terrace houses. Tai Long Wan Beach was located about 60m from the Site. The applicant was the owner resident of No. 65 Tai Long Wan and its private garden at two levels;
- (b) the proposal entailed a temporary, environmentally sustainable swimming pool at the lower garden for use by the applicant and his family;

- (c) the Site was well maintained and that no existing trees would be affected by the proposal. The swimming pool would not require any excavation;
- (d) the Site was located at the edge of the “GB” zone. The proposed swimming pool including an extended pool deck had an area of less than 60m<sup>2</sup>. Being less than 0.01% of the total area of the “GB” zone, it would not affect its integrity;
- (e) the proposed development was rejected due to three grounds, namely planning intention of the “GB” zone, non-compliance with TPB PG-No.10 and the creation of undesirable precedent for other similar applications within the “GB” zone. Urban design or technical grounds were not the reasons for rejection;
- (f) the main purposes of the “GB” zone were to conserve existing landscape features, areas of scenic value and areas of recognised ‘fung shui’ importance; to define the outer limits of urbanised districts and to serve as a buffer between and within urban areas; and to provide additional outlets for passive recreational uses;
- (g) the proposal rendered no departure from the planning intention of the “GB” zone as the proposal would not affect existing landscape features, and the Site did not offer any areas of scenic value or areas of recognised ‘fung shui’ importance for the public as it was a private garden. The proposed swimming pool would be fully screened off from the surrounding areas, while additional planting of trees on the Site would enhance the greenery of the area. The purpose of defining the outer limits of urbanised districts and to serve as a buffer between and within urban areas was not relevant to the application as the Site was located in a rural area. As for the purpose of providing additional outlets for passive recreational uses, as the Tai Long Wan Beach was lacking in facilities, the proposed swimming pool would provide a safe alternative for recreational use by the applicant’s family;

- (h) the proposal met the seven key criteria of TPB PG-No.10. While there was a general presumption against development (other than redevelopment) in a “GB” zone (i.e. Criterion(a)) and rezoning might be the preferred option for development proposal within the “GB” zone, however, the small scale and temporary nature of the proposed swimming pool was not conducive to rezoning. Criterion (b) called for exceptional circumstances which had been demonstrated in the application as the proposed swimming pool was small in scale, on private land and would be fully screened. It also complied with Criterion (f) which stated that passive recreational uses which were compatible with the character of surrounding areas might be given sympathetic consideration. The proposal further complied with Criteria (g) and (h) in that the design and layout of proposed swimming pool would be compatible with the surrounding areas and not involve extensive clearance of existing natural vegetation, nor affecting the existing natural landscape or cause any adverse visual impact on the surrounding environment. A landscaping proposal which demonstrated no adverse landscape impact had been submitted by the applicant. Criteria (i) and (l) concerning no overstraining the capacity of existing and planned infrastructure and not being the source of pollution had also been complied with. The proposed salt-water filtration, for example, would minimize environmental impacts from the pool;
- (i) the relevant government departments consulted either had no objection to or no adverse comments on the review application;
- (j) the applicant had obtained a letter from an indigenous inhabitant representative in Tai Long Wan Village supporting the application, which was tabled at the meeting; and
- (k) there were precedent cases of approved temporary and permanent uses of swimming pool within “GB” zones on various OZPs.

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

69. As the presentation from the applicant's representative had been completed, the Chairman invited questions from Members.

70. A member asked if DPO/SKIs could clarify whether there were precedent cases within "GB" zone as put forth by the applicant's representative and if a private garden with a small pool gathering water would require planning permission in areas falling the "GB" zone. In response, Mr Ivan M.K. Chung said that the precedent cases quoted by the applicant did not involve "GB" zone and as explained in the Paper, there had been no similar application within the "GB" zone on the subject OZP. He went on to say that the planning intention of the "GB" zone was primarily to preserve the existing well-wooded hill-slopes and other natural features and to provide passive recreational outlets for the local population and visitors. There was a general presumption against development within this zone. A private garden for exclusive use even without any structure within a "GB" zone would require planning permission from the Board. The private garden did not have planning permission.

71. The same Member also enquired about the temporary nature of the proposed swimming pool. In response, Ms Cindy Tsang said that the applicant wished to apply to use the Site for a swimming pool for five years only. In response to the Chairman and Member's queries on the size of the proposed swimming pool and if a temporary movable pool such as a large inflatable pool would be considered given the relatively short period of use, Ms Cindy Tsang said that the size of the proposed swimming pool was about 9m x 4m, the applicant preferred a proper naturalistic swimming pool over a temporary one and the proposed swimming pool with landscaping works could blend in with the private garden.

72. The Chairman asked whether PlanD would need to take any enforcement action against the current state of the Site as a private garden which was in contravention with the "GB" zone and it did not have planning permission. In response, Mr Chung said that as the subject OZP was not previously covered by a Development Permission Area Plan, no enforcement action could be taken under the Town Planning Ordinance.

73. Members had no further question to raise. The Chairman said that the hearing procedure for the review application had been completed. He then thanked PlanD's representatives, applicant and applicant's representatives for attending the meeting. They all left the meeting at this point.

#### Deliberation Session

74. The Chairman said that the proposed swimming pool was not in line with the planning intention of the "GB" zone, which was to preserve natural features. It did not comply with TPB PG-No.10 in that there was a general presumption against development within the "GB" zone and there was no strong justification provided in the submission to warrant the approval of this application even on a temporary basis. He went on to say that allowing this review application would set an undesirable precedent for similar applications within the "GB" zone. Members agreed and also considered that, as a matter of principle, the private garden was already a breach of the "GB" zoning and granting planning approval for the swimming pool would worsen the situation.

75. After further deliberation, the Board decided to reject the application on review based on the following reasons:

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” zone which is primarily for defining the limits of development areas, to preserve existing well-wooded hill-slopes and other natural features, as well as to provide passive recreational outlets for the local population and visitors. There is a general presumption against development within this zone. The applicant fails to provide strong planning justifications in the submission for a departure from this planning intention even on a temporary basis;
- (b) the proposed development does not comply with the Town Planning Board Guidelines for ‘Application for Development within “Green Belt” zone under section 16 of the Town Planning Ordinance’ (TPB PG-No.10) in that there is a general presumption against development within the “Green Belt” zone and there is no strong justification provided in the

submission or the oral presentation to warrant the approval of this application under exceptional circumstances; and

- (c) approval of the application would set an undesirable precedent for other similar applications within the “Green Belt” zone. The cumulative impacts of approving such applications would affect the intactness of the “Green Belt” zone and lead to a general degradation of the environment of the area.”

[The meeting was adjourned for lunch break at 1:17 p.m.]

76. The meeting was resumed at 2:40 p.m.

77. The following Members and the Secretary were present at the resumed meeting:

Mr Thomas T.M. Chow

Chairman

Mr Stanley Y.F. Wong

Vice-chairman

Professor S.C. Wong

Mr Roger K.H. Luk

Professor Eddie C.M. Hui

Dr C.P. Lau

Mr Laurence L.J. Li

Mr H.W. Cheung

Ms Christina M. Lee

Mr. H.F. Leung

Mr F.C. Chan

Mr Francis T.K. Ip

Mr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Director of Lands

Ms Bernadette H.H. Linn

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

Director of Planning  
Mr K.K. Ling

**Hong Kong District**

**Agenda Item 7**

[Open Meeting]

Review of Application No. A/H7/162

Proposed Hotel in “Residential (Group A)” Zone, 25 Wong Nai Chung Road, Happy Valley

(TPB Paper No. 9802)

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[The meeting was conducted in Cantonese]

78. As Masterplan Limited (Masterplan) and MVA Hong Kong Limited (MVA) were consultants of the applicant, the following Members had declared interests in this item for having business dealings with the consultants or owning properties in the area:

- |                     |   |  |
|---------------------|---|--|
| Mr Patrick H.T. Lau | - | having business dealings with MVA, owning a flat at Kwai Sing Lane and being the Chairman of Happy Valley Residents’ Association |
| Mr Dominic K.K. Lam | ] | having business dealings with MVA  |
| Ms Julia M.K. Lau   | ] |  |
| Mr Ivan C.S. Fu     | - | having business dealings with MVA and Masterplan   |
| Ms Bonnie J.Y. Chan | - | family owning property in Happy Valley and car parking spaces at Tai Hang Drive, and parents owning property at Blue Pool Road   |
| Dr Wilton W.T. Fok  | - | parents owning property at Blue Pool Road  |

Ms Bernadette H.H. Linn - self-occupying a flat at Broadwood Road

79. Members noted that Mr Dominic K.K. Lam, Mr Ivan C.S. Fu, Ms Bonnie J.Y. Chan, Ms Julia M.K. Lau, Mr Patrick H.T. Lau and Dr Wilton W.T. Fok had tendered their apologies for not being able to attend the afternoon session of the meeting. As the flat of Ms Bernadette H.H. Linn had no direct view of the application site, Members agreed that she could stay in the meeting.

80. The Secretary reported that the application was for a proposed hotel within an area zoned “Residential (Group A)” (“R(A)”) on the approved Wong Nai Chung Outline Zoning Plan. The application was rejected by the Metro Planning Committee on 8.8.2014. On 1.12.2014, after the issue of the agenda and the Town Planning Board (the Board) paper on the review application, the applicant’s representative wrote to the Secretary of the Board and requested for deferment of consideration of the review application for 2 months in order to allow time for preparation of additional written submissions to respond to the comments of concerned government departments on the traffic impact of the proposal and to seek departmental comments on the submission. A copy of the applicant’s deferral request dated 1.12.2014 had been tabled at the meeting for Members’ reference. This was the first request for deferment by the applicant for the review application.

81. Members noted that the justification for deferment met the criteria for deferment as set out in the TPB Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications Made Under the Town Planning Ordinance (TPB PG-No. 33) in that more time was required to consult the relevant Government departments and prepare further written submission, the deferment period was not indefinite and the deferment would not affect the right or interests of other parties. The Planning Department had no objection to the request for deferment.

82. After deliberation, the Board agreed to defer a decision on the review application as requested by the applicant pending the submission of further information

by the applicant. The Board also agreed that the review application should be submitted for its consideration within three months upon receipt of further information submitted by the applicant.

**Fanling, Sheung Shui & Yuen Long East District**

**Agenda Item 8**

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/YL-NSW/204

Proposed Columbarium in “Government, Institution or Community” and “Undetermined” zones, Lots 879, 880 S.A ss1, 880 S.B ss1, 881 to 885, 889 RP (Part), 891 (Part), 1318, 1326 and 1344 (Part) in D.D. 115 and adjoining Government Land, Au Tau, Nam Sang Wai, Yuen Long  
(TPB Paper No. 9791)

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[The meeting was conducted in Cantonese.]

83. The following Members had declared interests in this item:

- |                     |   |  |
|---------------------|---|--|
| Mr Ivan C.S. Fu     | ] | having business dealing with Environ (HK) Ltd.   |
| Mr Dominic K.K. Lam | ] | (Environ) and Urbis Ltd. (Urbis)   |
|                     | ] | (sub-consultants of the subject application)   |
| Ms Julia M.K. Lau   | - | having business dealing with Environ   |
| Ms Janice W.M. Lai  | - | having business dealing with Urbis   |
| Professor P.P. Ho   | - | having business dealing with CKM Asia Ltd.<br>(CKM) (sub-consultant of the subject<br>application) |
| Professor S.C. Wong | - | being Director of the Institute of Transport   |

Studies with some activities of the Institute  
being sponsored by CKM

84. Members noted that Professor P.P. Ho, Mr Ivan Fu, Mr Domimic K.K. Lam, Ms Julia M.K. Lau and Ms Janice W.M. Lai had tendered their apologies for not being able to attend the afternoon session of the meeting. Since Professor S.C. Wong had no direct involvement in the application, his interest was indirect. Members agreed that he could stay in the meeting.

85. The Secretary briefed Members that the applicant submitted the subject application to the Board on 1.12.2010. On 15.6.2012, the Rural and New Town Planning Committee (RNTPC) rejected the application. On 13.7.2012, the applicant applied for a review of the RNTPC's decision. Upon the requests of the applicant, the Town Planning Board (the Board) had decided to defer a decision on the application three times.

86. The applicant on 20.11.2014, the day before the scheduled meeting for the consideration of the review application, wrote to the Board requesting for a fourth deferment of consideration of the review application for another three months to address in detail the misunderstanding and discrepancies between their proposals and assessments and the departmental comments received. Members at the last meeting on 21.11.2014 generally considered that given that the review application had been submitted for two years now, the applicant should have been in discussion with the concerned departments on the various issues involved for some time. As such, there was neither strong justification nor sympathetic consideration for granting a further deferment for three months as requested by the applicant. However, for the benefit of doubt, Members considered that a deferment of two weeks could be given to allow the applicant to clarify with the concerned departments their latest comments. The Board then decided to defer the consideration of the review application to 5.12.2014.

87. On 27.11.2014, the applicant's representative wrote to the Secretary of the Board requesting for a further deferment of the hearing of the review application at least to 19.12.2014 to enable a proper and well-coordinated presentation at the meeting, as

well as to respond properly to the questions raised by Members of the Board since some of the consultants, including the project architect, the conservation architect and the traffic consultant, would not be able to attend the Board's meeting scheduled for 5.12.2014. The applicant's representative also alleged that the 30 minutes reserved for their presentation was too short for presentation of their complex application. A copy of the applicant's representative's deferral request dated 27.11.2014 was tabled at the meeting for Members' reference.

88. The Secretary further said that a reply had been sent to the applicant's representative informing them that 45 minutes, as requested by the applicant, would be set aside for the applicant's representative to make a presentation on the review application. If they still wished to seek a further deferment, they should put forth such request to the Board in person at the review hearing on 5.12.2014.

89. The Chairman said that the Board at the last meeting had considered the special circumstances of the case before agreeing to defer consideration of the application to the current meeting. The applicant did not appear to have any justifiable reason to justify the fifth deferral request. A Member considered that the applicant had been well informed of the meeting date and they should be ready to make their oral submission in the current meeting. Another Member concurred and added that the consultants as companies should be able to find alternate representatives to present their case before the Board if the original representatives were unavailable. Regarding the limited time for presentation, the Member considered that extra presentation time could be allowed if that could be justified to the Board. After deliberation, the Board decided that the applicant's request for a fifth deferment on consideration of the review application should not be acceded to.

90. The following representatives from the Planning Department (PlanD) and the applicant's representatives were invited to the meeting at this point:

Ms Maggie M.Y. Chin - District Planning Officer/Fanling,  
Sheung Shui and Yuen Long East  
(DPO/FS&YLE), PlanD

Mr Ernest C.M. Fung	-	Senior Town Planner/Yuen Long East, PlanD
Mr Ted Chan	]	
Mr Chan Wa Shek	]	
Mr Philip Tsui	]	
Mr Daniel Wei	]	Applicant's representatives
Dr Albert So	]	
Mr Ermine Li	]	
Ms Oliver Cheung	]	
Mr William Leung	]	
Mr Tong Tik Shun	]	

91. The Chairman extended a welcome and advised that the Board had decided not to agree to the applicant's fifth deferral request and decided to proceed with the consideration of the review application. He then explained the procedure of the review hearing and invited DPO/FS&YLE to brief Members on the background to the review application.

92. With the aid of a Powerpoint presentation, Ms Maggie M.Y. Chin, DPO/FS&YLE, PlanD, presented the application and covered the following main points as detailed in the Paper:

#### Background

- (a) on 1.12.2010, the applicant, Joyous Cheer Limited represented by Albert So Surveyors Ltd., sought planning permission for columbarium use at the application site (the site) which fell within an area mainly zoned "Undetermined" ("U") (85%) and partly zoned "Government, Institution or Community" ("G/IC") (15%) on the approved Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/8;

- (b) on 15.6.2012, the RNTPC of the Board decided to reject the application for the following reasons:
- (i) the proposed columbarium was located in a “U” zone which was being comprehensively reviewed. Approval of the columbarium would pose an undue constraint on the future land use in the area;
  - (ii) the proposed columbarium would aggravate the overloaded Pok Oi Interchange and pose public safety concern. The applicant also failed to demonstrate that the emergency services of Pok Oi Hospital (POH) would not be affected;
  - (iii) since the implementability and enforceability of the proposed traffic management measures were doubtful, the applicant failed to demonstrate that the development would not cause adverse traffic impact to the area; and
  - (iv) the approval of the proposed development would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such similar applications would result in adverse traffic impact on the area.

The Site and the Surrounding Areas

- (c) the site was located in a “U” zone (total area of about 26.4 ha) at the eastern fringe of the Yuen Long New Town. To the west was primarily a residential neighbourhood comprising a number of existing/planned residential developments including Sun Yuen Long Centre, YOHO Town Phases 1 to 3, West Rail Yuen Long Station “Comprehensive Development Area” (“CDA”) development;

- (d) the site, which was about 3,728m<sup>2</sup> in area with 615m<sup>2</sup> (16.5%) of government land, was predominantly unused land in the northern portion and occupied by Pun Uk and a semi-circular shaped pond in the southern portion. Pun Uk was a traditional Hakka mansion established in 1934 which was recorded Grade 1 historic building status in 1995. The building had been vacant for many years. The remaining site was also vacant and covered by vegetation;

[Mr Frankie W.C. Yeung arrived to join the meeting at this point.]

- (e) the site was accessible via a local road which was branching off from Castle Peak Road, leading to Siu Sheung Road and used by POH, POH Jockey Club Care and Attention Home, Small Traders New Village (STNV) and some residential dwellings nearby as access road;

#### The Proposed Development

- (f) under the development scheme, the applicant proposed to build a 6-storey columbarium building at a plot ratio of 0.74, a site coverage of 30% and a gross floor area (GFA) of 2,140m<sup>2</sup> to provide 20,000 niches on the western part of the site with preservation of the existing Pun Uk, a Grade 1 historic building for museum and office use;

#### Traffic Improvement Schemes

- (g) the following traffic improvement and traffic management schemes were proposed by the applicant to minimise the potential traffic impact:

##### *Pedestrian traffic*

- (i) all existing footpaths leading to the columbarium to be widened to 2m;

- (ii) provision of two 4m wide crossing points leading to the columbarium;
- (iii) pedestrian stacking at pavement only. The previously proposed designated area under the s.16 application was deleted;

*Vehicular traffic*

- (iv) provision of a 35m layby at Siu Sheung Road for seven pick-up/drop-off spaces for car/taxi;
- (v) provision of a turn-around area at Siu Sheung Road;
- (vi) extending the 24 hour non-stopping restriction (implemented by double yellow line markings) along part of Siu Sheung Road outside POH entrance;
- (vii) the access road to the site to be widened from a single track of 4.5m to 6m with 2 traffic lanes to facilitate unimpeded access of emergency vehicles to POH;
- (viii) provision of 'Ambulance-only Lane' at junctions of POH's entrance, Castle Peak Road and Siu Sheung Road;
- (ix) provision of a contingency plan of providing up to 15 pickup/drop-off bays on site;

*Traffic management measures during festivals and shadow periods*

- (x) closure of vehicular access to the proposed columbarium during festival and shadow periods;
- (xi) provision of a pre-booked shuttle bus service (four services per

hour) between Yuen Long (East) Public Transport Interchange and the proposed columbarium for the elderly and disabled;

(xii) engagement of professional security guards to monitor pedestrian traffic during festival periods; and

(xiii) setting up temporary traffic signs along Siu Sheung Road to advise visitors to park near Sun Yuen Long Centre during festival periods;

[Mr H.W. Cheung arrived to join the meeting at this point.]

#### Administrative measures

(h) apart from the proposed traffic improvement schemes, the following administrative measures were also proposed to help mitigate the traffic concerns:

(i) setting up of house rules in niche sale contract for regulating all the niche operations;

(ii) phasing of niche sales by 3,000 niches per year subject to the approval of the Director of Planning (D of Plan) and/or the Commissioner for Transport (C for T) on the Traffic Review Report (TRR) to be submitted at the end of each year; and

(iii) visit-by-appointment to the proposed columbarium (during the festival and the shadow periods, i.e. the three weekends before and two weekends after the Ching Ming Festival);

#### Planning Considerations and Assessments

##### *Review of "Undetermined" Zone*

- (i) the general area, where the site was located, was designated as “U”. The designation was made when several major transport and drainage projects were under planning and would traverse the area. In consultation with relevant government departments, different land use options were being explored;

Development potential

- (j) the “U” zone, with an area of about 26.4 ha, was at the eastern fringe of the Yuen Long New Town. With its proximity to the “Residential (Group A)” sites at Yuen Long New Town, the West Rail and Light Rail stations, and together with the easy accessibility offered by the strategic road network, this area had high potential for an appropriate scale of residential development as an extension to the Yuen Long New Town;

Technical Constraints

- (k) the area was subject to noise from Yuen Long Highway and the Mass Transit Railway West Rail Line;
- (l) there was sporadic rural industrial use in the area, and the industrial/residential interface problem had to be resolved ;
- (m) traffic access was substandard requiring rearrangement;
- (n) some areas in the “U” zone were ponds and egretty which needed to be taken into account in the development;

Undue constraints

- (o) the proposed columbarium site was accessible via a local road

leading from Castle Peak Road to Siu Sheung Road which was also used by POH, STNV, and other nearby residential dwellings. Further north of STNV was an area of government land of about 1.07 ha which was currently unused/undesigned with potential for development. The approval of the proposed columbarium application which involved high pedestrian flow and traffic management measures, especially in the festival and shadow periods would have adverse implications on providing suitable and adequate access arrangements for the other existing and future users in the area;

Preservation of Pun Uk

- (p) the applicant stated that the proposed columbarium would help solicit adequate funding for the restoration and preservation of Pun Uk together with the columbarium. Pun Uk was a Grade 1 historic building and the Antiquities and Monuments Office (AMO) supported the in-situ preservation of Pun Uk and the feng shui pond in front of it. As demonstrated by the approved application No. A/YL-NSW/15 and the deferred application No. A/YL-NSW/180, both of which were for residential development cum preservation of Pun Uk/feng shui pond, the proposed development might also help restore/preserve Pun Uk. The development of a columbarium at the site was not the only means to help restoration and preservation of Pun Uk;

Traffic Improvement/Management Proposals

- (q) C for T had no objection to the proposed columbarium use subject to the implementation of the traffic improvement schemes and traffic management measures proposed by the applicant;
- (r) the Lands Department (LandsD) indicated that the proposed traffic

improvement works would involve government land. As detailed proposals for implementation of the road works/future management and maintenance of the works upon their completion had not been provided in the application, LandsD had reserved their comment on the matter;

- (s) the Commissioner of Police (C of P) was concerned that given the limited capacity of Siu Sheung Road and the large number of niches proposed at the columbarium, a substantial number of vehicles would use Siu Sheung Road during festival and shadow periods. The proposed traffic arrangements would rely heavily on Police's enforcement. There was no guarantee that the Police could provide sufficient manpower to regulate traffic flow and enforce traffic regulation at the location. C of P also had reservation on how traffic management by the columbarium staff could enable enforcement actions to be undertaken in an effective manner;
- (t) the Hospital Authority (HA) was concerned with ensuring 24-hour unimpeded access to and from POH, particularly for emergency vehicles, which was crucial to saving lives;

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

- (u) HA considered that the applicant's proposed traffic improvement schemes and management measures were neither practical nor enforceable as C for T could not confirm that "unimpeded access" to POH could be maintained at all times. The proposed columbarium would pose serious risks to the operations of POH. Besides, the proposed 'ambulance-only lane' could not cater for patients requiring emergency treatment who arrived by taxi or private car;
- (v) HA was concerned that it was not possible to predict the number of visitors to the columbarium, notwithstanding the assumption adopted

in the applicant's TIA that only 50% of columbarium visitors would arrive by private cars. There remained a risk of a large number of columbarium visitors arriving and/or leaving by private cars and taxis. HA considered that even a small number of additional cars would cause congestion and might severely affect the operations of POH and risk the lives of patients;

#### Visual Impacts

- (w) on the urban design and visual aspects, the Chief Town Planner/Urban Design & Landscape, PlanD had reservation on the proposed columbarium. There was concern on the proposed 8.7m high vertical green wall which could not effectively minimize the visual impact of the columbarium as it was still visible from the adjoining care and attention centre. The patients on the upper floors of POH would also face the proposed columbarium directly;
- (x) the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD) considered that the design of the proposed columbarium was different from Pun Uk in terms of design language, materials used and building heights;

#### Environment

- (y) on environmental aspect, as the applicant had confirmed that no furnace and no burning of ritual papers and joss sticks was allowed, the Director of Environmental Protection (DEP) would have no adverse comment on the application if the operation of the proposed columbarium was quiet and the proposed columbarium would not cause air and noise nuisance;

#### Undesirable precedent

- (z) both HA and C of P were concerned about the cumulative adverse traffic impact of potential columbarium development upon the operation of the hospital and the surrounding areas;
- (aa) a similar application (No. A/YL-NSW/213) for columbarium of 1,000 niches at the adjoining POH falling within an area zoned “G/IC” on the OZP was rejected by the RNTPC on 9.8.2013. Approval of this columbarium application upon s.17 review was not in line with the Board’s previous decision of not approving columbarium development in this vicinity;

Public Views

- (bb) at the s.17 stage, a total of 2,941 public comments were received, including 315 supporting, 2,610 objecting, 15 expressing concerns and one having no comment on the application;
- (cc) the supporting comments were mainly on grounds that the proposed development could cope with the columbarium shortage problem, the environmental, traffic, visual and landscape proposals had been revised, the historic Pun Uk would be preserved together with the proposed columbarium development;
- (dd) the objecting comments were mainly on adverse traffic, psychological and environmental impacts. Some commenters considered that the site was not suitable for columbarium development as there should be other more suitable sites while some commenters considered that preservation of the historic Pun Uk should not be a compromise for columbarium development;
- (ee) the comments expressing concerns were mainly related to air ventilation, air pollution, noise and traffic issues;

PlanD's View

- (ff) PlanD maintained its previous view of not supporting the application for the following reasons:
- (i) the proposed columbarium was located in a “U” zone which was being comprehensively reviewed. Approval of the columbarium would pose an undue constraint on the future land use in the area;
  - (ii) the applicant also failed to demonstrate that the emergency services of Pok Oi Hospital would not be affected;
  - (iii) the implementability and enforceability of the proposed traffic management measures were doubtful, and the applicant failed to demonstrate that the development would not have adverse traffic impact on the area; and
  - (iv) the approval of the proposed development would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such similar applications would result in adverse traffic impact in the area.

93. The Chairman then invited the applicant's representative to elaborate on the review application. Mr Ted Chan, one of the applicant's representatives, tendered his apologies to the Board that some of the applicant's representatives, including the project architect, the conservation architect as well as the traffic consultant could not be present at the meeting to make their oral submission before the Board due to other commitments. Mr Ted Chan, Mr Chan Wa Shek, Dr Albert So, Ms Oliver Cheung and Mr William Leung, with the aid of a Powerpoint presentation and traffic simulation models, then made the following main points:

Background

- (a) the proposal of restoring Pun Uk as an exhibition centre for public visit free of charge as well as preserving the traditional Hakka culture was first initiated in early 2010. Considering the high operational and maintenance cost of Pun Uk, commercial or residential development at the site would not generate sufficient funding for the long-term maintenance of the historic building. The applicant realized that a columbarium development at the site would be a viable alternative to provide the necessary financial means to preserve Pun Uk. They then submitted a s.16 application to the Board in end 2010 for a columbarium cum preservation of Pun Uk at the site. The application was rejected and the current s.17 review application was submitted for the Board's consideration;

The development Proposal

*The proposed Columbarium*

- (b) the proposed development consisted of a columbarium and Pun Uk on the northern and southern parts of the site respectively. With the implementation of the following measures, the visual impacts of the proposed columbarium on Pun Uk would be minimised:
- (i) to design the columbarium with a height profile descending towards Pun Uk;
  - (ii) to provide a vertical visual barrier between the columbarium and Pun Uk to segregate and shield Pun Uk from the proposed columbarium;
  - (iii) to further shield and enhance visually the columbarium by providing peripheral and eye-pleasing roof-top planting;

- (iv) to remove the 7m high roof-top bell tower proposed under the s.16 application;
- (v) to sink the columbarium by two basement floors to give an overall impression of a building of three-and-a-half storeys in height on the site; and
- (vi) to provide a courtyard in the columbarium for direct sunlight so as to mitigate the melancholic impression of the proposed use;

*Preservation of Pun Uk*

- (c) the applicant was keen about the preservation of Pun Uk and had engaged experts to carry out detailed design for preserving the historic building. As careful design took time, no details of the preservation proposal were available at the moment. Nevertheless, the following information was available:
  - (i) Pun Uk was a traditional Hakka mansion established in 1934 by Mr Pun Kwan-min and was used as a residence by Marshal Ye Jian-ying and his family in 1938;
  - (ii) there would be a main exhibition hall, exhibition rooms as well as resting areas after Pun Uk was restored/rehabilitated;

Responses to the rejection reasons

*Responses to rejection reason (b) on failure to demonstrate that the emergency services of POH would not be affected*

*Traffic improvement measures and assessment*

- (d) the proposed columbarium would be mostly visited in four weekends during the Ching Ming and Chung Yeung Festivals. It was

observed that unlike a normal working day, traffic on Yuen Long Highway and the access to the columbarium was not busy during holidays. According to the traffic survey conducted by the applicant, usage of the access road to the proposed columbarium, other than by ambulances to POH, was particularly low. Nevertheless, the following major traffic improvement measures were proposed:

- (i) prohibition of all vehicles to the site during festival periods except for the pre-booked shuttle service for the elderly and disabled visitors;
- (ii) the access road would be widened from one to two lanes;
- (iii) local footpaths would be widened; and
- (iv) ambulance only lane and 'yellow box' markings would be provided for the access road near POH, and a loading and unloading bay would be provided at Siu Sheung Road for contingency;

*Examples of use of 'yellow box' markings to control traffic of other hospitals*

- (e) Queen Mary Hospital, Ruttonjee Hospital, Kwong Wah Hospital and Queen Elizabeth Hospital were examples demonstrating that 'yellow line and yellow box' markings were effective and self-enforcing in regulating traffic even if there was no presence of the Police. All these hospitals were in the urban areas where traffic was busier and situations more complicated than the subject site;
- (f) HA was over-worried about the traffic impacts of the proposed columbarium notwithstanding that C for T had no adverse comments on the application. Various assessments had been done and traffic improvement measures recommended to keep the probability of

occurrence of traffic congestion in the area low. Even if congestion did occur under very rare circumstances, the Police would be present at the site within minutes to handle the situation upon receipt of report;

*Traffic simulation model*

- (g) traffic simulation models based on data and findings of the Traffic Impact Assessment (TIA) validated by the Transport Department (TD) had been prepared for a baseline scenario and a worst case scenario which assumed that 50% of the visitors would come by car (an addition of 213 cars) in the morning peak during the festival periods. The models showed that the traffic condition under both scenarios, with the ambulance-only lane and the lay-by at Siu Sheung Road for contingency purpose in place, was satisfactory. Additional models on phased sale of niches over a period of five years had also been done for both the baseline and worst case scenarios and the results were also satisfactory. There was no traffic problem at the junction of the access road to POH and the Castle Peak Road;
  
- (h) with respect to the queries raised by a Member and the Chairman during the oral submission on the implementability of the traffic improvement measures on government land, which were assumed to be in place in the traffic simulation models, the applicant's response was that pending approval of the review application by the Board, the applicant would seek approval from TD for implementation of the required traffic improvement measures. The applicant undertook to carry out all the traffic improvement works concerned, including road widening, provision of parking spaces and road markings;

[Mr F.C. Chan left the meeting at this point.]

*Administrative measures*

*Preparation stage*

- (i) customers were bound by contract not to drive to the columbarium when they signed the sales documents at the time of buying the niches. They would be advised by well-trained staff of the applicant that a breach would result in a termination of the contract;
- (j) visit to the columbarium would be by appointment on a first-come-first-served basis as a crowd control measure. Visitors would also be reminded not to drive to the columbarium when they made their appointments;

*Pre-festival stage*

- (k) the Police would be notified and requested to step up traffic regulatory measures when festivals were approaching;
- (l) customers would be notified/reminded through publication in newspapers, email, post or telephone about the traffic arrangements;

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

*Festival days arrangement*

- (m) violation of the house rule by driving to the columbarium was expected to be rare. Even under very rare circumstances that visitors did drive to the columbarium, the well-trained staff on-site would be able to prevent dropping off or parking in the 'red zone' area where parking and waiting would be strictly prohibited to ensure smooth flow of traffic;

*Responses to rejection reason (c) on the implementability and enforceability if the proposed traffic management measures*

- (n) the applicant had responded to rejection reason (c) in their letter

dated 25.7.2014 to the Secretary of the Board. The letter was at Annex K of the Paper. The responses were summarized as follows:

*Phased sale of niches*

- (i) 3,000 niches would be sold per year to allow time to assess the traffic impacts arising from the columbarium use. A Traffic Review Report (TRR) would be submitted to TD at the end of each year. Further sale of niches would be subject to TD's approval of the TRR;

*Compliance with approval conditions*

- (ii) imposition of approval conditions was a very effective means to control development. Failure to comply with the approval conditions would result in revocation of the planning approval;

*Planning enforcement under s.20 of the Town Planning Ordinance (the Ordinance)*

- (iii) the site was located outside the Yuen Long New Town and was subject to enforcement action under the Ordinance. The Planning Authority was empowered to take enforcement and prosecution actions against unauthorized development under s.20 of the Ordinance;

*Lease control*

- (iv) rehabilitation of Pun Uk and the proposed columbarium would be subject to control of the lease. Relevant approval conditions could be incorporated into the lease conditions for effective control;

*Control under the Buildings Ordinance*

- (v) building plans would have to be submitted for the proposed development and they would not be approved if the proposed scheme was in contravention of the Ordinance;

*The Private Columbarium Bill*

- (vi) the bill was expected to be enacted and would have stringent licensing requirement on traffic and transportation arrangement for private columbaria;

*Letter of undertaking*

- (vii) the applicant was prepared to sign an undertaking to ensure implementation of the relevant traffic improvement measures;

*Responses to rejection reason (a) on approval of the columbarium would pose an undue constraint to the future land use*

- (o) the “U” zone was an interim zoning pending completion of the drainage channel, the West Rail and the Yuen Long Highway. The said infrastructural projects had already been completed;
- (p) the site was subject to noise impacts from the West Rail, the Yuen Long Highway and Castle Peak Road. It was not suitable for residential development;
- (q) although PlanD advised that there was no prior planning permissions granted in the “U” zone, it was noted that a comprehensive residential development with about 100 units at Tung Shing Lei under application No. A/YL-NSW/172 in the “U” zone had been approved by the Board on 14.12.2007. Granting approval to the subject review application would not defeat the purpose of the “U” zone as the zone was so designated to ensure that the best land use proposal would be worked out. The proposed columbarium cum preservation of Pun Uk was the best use of the site and the provision of 20,000 niches would be beneficial to the community;

*Responses to rejection reason (d) on the proposed development would set an*

undesirable precedent for similar application in the area

- (r) the proposal would not set an undesirable precedent. The site was at the fringe of Yuen Long New Town with a Grade 1 historic building within. The site enjoyed the convenience of the West Rail and was only a 15 minute-walk from the Yuen Long Station. It was hardly possible to identify another more suitable site on the Yuen Long plain for columbarium use;
- (s) land along Siu Sheung Road was all government land. Similar applications would be unlikely unless submitted by the Government;
- (t) the Board would consider each application on its individual merits;

Responses to the comments of C of P (paragraph 5.2.5 of the Paper)

- (u) it was the statutory duty of the Police to provide adequate police coverage at public events in accordance with s.10 of the Police Force Ordinance, Cap 232;
- (v) the Police would step up traffic management measures to handle crowds in the festival periods. There had been no problem in the Chai Wan area with 150,000 visitors to the Chai Wan Chinese Permanent Cemetery (the Chai Wan Cemetery) when proper crowd control and road diversion measures were in place;
- (w) it was C of P's operational priorities to ensure safety of crowds and to ensure smooth flow of traffic;
- (x) as far as traffic management was concerned, it was the primary duties of the Police to control traffic during public events, including taking actions against illegal parking;

- (y) closure of Siu Sheung Road during the festival periods was not necessary as the capacity of the road could still cope with the crowd and traffic generated by the columbarium with an annual sale of 3,000 niches;
- (z) the scale of operation of the proposed columbarium was small. Deployment of a few police officers for traffic control in the festival periods would suffice;
- (aa) C of P's comment that there was no guarantee that the Police could provide sufficient manpower to regulate traffic flow and enforce traffic regulation at the location should not be an excuse of the Police for not discharging their statutory duties;

#### Conclusion

#### *The Town Planning Board's concerns were fully addressed*

- (bb) there would be no implications on land use reviews of the Nam Sang Wai OZP; no adverse implications on public safety and emergency services of POH; the proposed traffic management measures were implementable and enforceable; and approving the application would not set an undesirable precedent;

#### *The application was desirable and well justified*

- (cc) the proposed development was in line with the Government's columbarium and historic building preservation policy objectives and the scheme was strongly supported by the Commissioner for Heritage's Office and AMO; and
- (dd) there were no major objections from government departments.

94. As the presentation of the applicant's representative was completed, the Chairman invited questions from Members.

95. In response to a Member's question on how the applicant could ensure that the abnormalities mentioned in paragraph 5.2.3 (i) (i) to (iii) of the Paper would not happen for an "unimpeded access" to POH at all times, Mr William Leung said that the abnormalities would not happen as the Police would undertake traffic control duties during the festival periods. Taking the Chai Wan Cemetery as an example, through implementation of road diversion and other traffic regulatory measures during the festival periods, there had been no report of traffic congestion on the Island Eastern Corridor and Chai Wan Road, which were two emergency vehicular access to Pamela Youde Eastern Hospital (the Eastern Hospital). The proposed columbarium next to POH was much smaller in scale as compared to the Chai Wan Cemetery, and a small deployment of the Police Force would be adequate to maintain an unimpeded access to POH. The same Member and the Vice-Chairman nevertheless said that the Chai Wan case was different from the current proposal in that the Chai Wan Cemetery had been in existence years before the Eastern Hospital was built and was not located close to the hospital. The Police had to carry out traffic control duties in Chai Wan during the festival periods to ensure the normal operation of the hospital. As regards the current case, the proposed columbarium had not yet been built and was proposed in close proximity to POH. Approving the application would create a new problem for the Police to handle.

96. In response to a further question by the Chairman on C of P's comments in paragraph 5.2.5 of the Paper that sufficient manpower to regulate the traffic flow and enforce traffic regulation at the location by the Police was not guaranteed, Mr Leung said that under s.10 of the Police Force Ordinance, the Police had a statutory duty to regulate traffic flow. There was no excuse for them to evade discharging the duty. The Chairman asked how Mr Leung, being a retired member of the Police Force, could make the Commissioner of Police prioritise the use of the Police Force's resources in the way the applicant and Mr Leung would like to see. Mr Leung said he could not ensure that.

97. The Vice-chairman said that POH was a general hospital providing emergency hospital services to the area. The demand for such services was expected to rise with the completion of new residential developments in Yuen Long in the coming years. It was noted that the Pok Oi Interchange was operating almost to its full capacity. Effective traffic arrangement to ensure unimpeded vehicular access to POH was therefore of paramount importance. Regarding the administrative measures proposed by the applicant to address the traffic concerns, the Vice-chairman asked how the sale of 3,000 niches annually subject to the acceptance of the Traffic Review Report (TRR) by TD be implemented and monitored for compliance; and whether the 3,000 niches sold annually were for immediate or future use of the buyers. If some of the niches sold were stocked up for use in future years, the traffic review done for the year might not be able to reflect the actual situation of traffic generated by the 3,000 niches and the authority might as a result wrongly allow the further sale of niches based on the findings of the traffic review. Besides, although there would be house rules discouraging visitors from driving to the columbarium, he queried how the applicant could handle those who violated the house rules and drove to the columbarium. It seemed that closure of the access road for use only by public transport would not work in the current proposal as the access road was the only access for POH and there might be private vehicles driving to the hospital for emergency purpose. As the applicant had proposed that phased sale of 3,000 niches per year for an ultimate total sale of 20,000 niches would be subject to the approval of the Director of Planning (D of Plan) or of the C for T based on the TRR, the Chairman asked if D of Plan or C for T had accepted such an arrangement. Mr K.K. Ling, D of Plan, replied that his department had not accepted the arrangement. The current proposal was for a total of 20,000 niches and the assessment should be based on the impacts of 20,000 niches. In respect of the Vice-chairman's concern that the Pok Oi Interchange was operating almost to its full capacity, Ms Oliver Cheung said that the interchange was operating to full capacity only during the p.m. peak on weekdays. As for traffic during the festival periods with the proposed columbarium in place, even under the worst case scenario, the performance of the interchange was still satisfactory as shown in the traffic simulation model.

98. In response to the Chairman's enquiry and the Vice-chairman's questions as detailed in the preceding paragraphs, Mr Ted Chan said that C for T had no

objection to the application and had not indicated that the applicant's proposed arrangement was not acceptable. With respect to the sale of niches in phases subject to traffic review, Mr Chan said that there was a precedent case approved by the Board for columbarium use in the Soka Gakkai International of Hong Kong Cultural and Recreational Centre in Tai Po. The approved scheme involved a phasing proposal for provisions of niches subject to the submission of a traffic review at the end of each phase. The planning application system was a mechanism to allow the applicant to justify use that might be permitted by the Board by relevant data and supporting documents. There were traffic assessments done by the applicant and the proposed traffic improvement and administrative measures were considered adequate to address HA's concerns. The Board could impose relevant approval conditions to ensure satisfactory implementation of the proposed measures. Besides, through enforcing the lease conditions and approval of building plans, the relevant requirements could also be monitored for compliance. Should the applicant fail to comply with the relevant requirements or implement the traffic improvement measures concerned, the planning approval could be revoked. There was a procedure to ensure that what had been committed would aptly be implemented.

99. The Chairman asked how the applicant could ensure, without the necessary legitimate power to carry out crowd control in public area, that the proposed administrative measures, such as directing traffic on public roads, could be implemented. He said that the Police would unlikely allow citizens to direct traffic on public roads. In response, Mr Leung said that although staff of the columbarium could not control traffic in the public area, they could station security guards at strategic locations and post appropriate directional signs to guide visitors going to the columbarium on foot, as well as to advise motorists against parking in certain areas. Mr Chan Wa Shek added that their staff were well-trained and could perform their duties well.

[Mr Laurence L.J. Li left the meeting at this point.]

100. In respect of the traffic matters, a Member asked whether the abnormalities mentioned in paragraph 5.2.3 (i) (i) to (iii) of the Paper were concerns

of HA or TD; how the assumptions of the TIA that 100% of the visitors would come to the columbarium on foot or by public transport and no requirement on on-site parking were derived; and how the applicant could prevent visitors from parking their cars at POH or in the nearby areas. In response to the Member's first question, Ms Maggie Chin, DPO/FS&YLE said that TD's comments on the TIA were based on normal circumstances and they advised HA that they could not guarantee an unimpeded access to POH if the abnormalities suggested by HA occurred. HA had also expressed their concern that some of the visitors arriving by taxi might alight at POH and impede the normal operation of the hospital. With respect to the Member's question on why there was no parking requirement for the columbarium and how the applicant could prevent visitors from parking their cars at POH, Dr Albert So said that there was no existing columbarium in Hong Kong that would provide hundreds of parking spaces for visitors and POH had a screening system at the gate to disallow non-visitors to the hospital to park at their carpark. Mr William Leung added that the security guards at POH's entrance would ask drivers details of their visit, including the name and bed space number of the patient to be visited, before they would let them park at their carpark. Although illegal parking on pavement was spotted near POH, Mr Leung said that the illegal parking had not caused any disruption to the smooth flow of vehicular traffic to POH. Besides, the Police would step up regulatory measures during the festival periods and tow away illegally parked cars. The Chairman said that Mr Leung had already clarified that he could not direct the Police's resources. Mr Ted Chan said that instead of parking their cars at POH, driving visitors would likely park their cars at Sun Yuen Long Centre or shopping malls in the Yuen Long New Town where a lot of parking spaces were available. Ms Oliver Cheung said that many columbaria in Hong Kong did not provide parking spaces for visitors. The drivers would usually unload passengers at the columbarium and park their cars elsewhere.

101. In response to the Chairman's question on whether there was private land involved in the proposed road widening and traffic improvement works of the applicant, Ms Maggie Chin said that most of the proposed improvement works were proposed on government land although some private land would be involved. Ms Chin also advised that under the worst case scenario, the applicant had assumed 1,200

visitors at a time and 50% of them would drive to the columbarium with three persons in car. The planning application for columbarium use in Tai Po as quoted by the applicant's representative was approved by the Board upon review on the ground that TD had withdrawn their reservation on the application given that the proposed traffic mitigation measures could be implemented. The current case was different from the quoted case as HA's concerns had not yet been addressed. Regarding the private land involved in the proposed traffic improvement works, Dr Albert So advised that the private land concerned was all owned by the applicant.

102. As Members had no further questions, the Chairman informed that the hearing procedures for the review application had been completed. The Board would further deliberate on the review application in the absence of the applicant's representatives and inform the applicant of the Board's decision in due course. The Chairman thanked DPO/FS&YLE and the applicant's representatives for attending the meeting. They all left the meeting at this point.

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

[Mr H.F. Leung left the meeting at this point.]

### Deliberation

103. The Chairman invited Members to consider whether the applicant had addressed in the review application RNTPC's concerns as stated in the rejection reasons for the s.16 application. Regarding rejection reason (a) that approval of the columbarium would pose an undue constraint on the future land use in the area, Mr K.K. Ling, D of Plan said that the rejection reason was still valid. The proposed columbarium was considered not compatible with the residential developments and POH in the surrounding areas of the site. The land use review of the "U" zone would explore whether land available within the zone was suitable for residential use. Approving the application before completion of the land use review would pose an undue constraint on the future land use in the area. Members agreed that rejection reason (a) was still valid and the presentation by the applicant had not changed that.

The Secretary supplemented that there was a piece of vacant government land to the north of STNV and the site. The proposed columbarium would in particular pose constraint on the development of the said piece of land.

104. With respect to rejection reasons (b) and (c) relating to traffic issues, the Chairman raised concern on the proposed administration measures, such as banning private cars from going to the site using the access road that led to POH and directing traffic in the public areas, were not practicable since the Police, for safety reason, would not allow citizens to direct traffic in a public area. Moreover, the Commissioner of Police was in charge of the Police Force but not Mr Leung. A Member also noted that C for T had no objection to the application subject to the implementation of the proposed traffic management measures. The effectiveness of the 'yellow box' and 'double yellow line' markings for smooth traffic flow to POH was doubtful and there could be the problem of enforcement. As demonstrated in the other cemeteries, such as that in Pok Fu Lam, illegal parking occurred during the festival periods even with the relevant traffic regulatory measures put in place. The claim that such hardwares were self-enforceable did not stand. Some drivers would not mind paying \$320 as parking fine for the social occasion. Unlike the Chai Wan case where the Police had to ensure uninterrupted access to Eastern Hospital which was built after the Chai Wan Cemetery. For the current case, POH was already there. There was no justification to use public money to support a private development in terms of deploying extra police force to regulate traffic. It would also be unfair to POH if the hospital had to deploy additional resources to prevent unauthorized parking or dropping off of passengers within the hospital and to guard against blockage of the access road by ambulances should the application be approved. The Chairman agreed that the reliance by the applicant on the 'yellow box' markings as a means to ensure through traffic was doubtful as it was observed that drivers might just ignore them when there was no Police around. Moreover, cars not allowed to use POH carpark would have to U-turn there and they would create traffic hazards and block the smooth operation of the hospital's emergency operations. A Member considered that since the proposed columbarium would have adverse impact on the unimpeded access to POH, there was no strong reason to approve the application.

105. The Vice-chairman said that the traffic simulation model did not reflect the real life situation in that it showed that all vehicles moved smoothly at a constant speed without dropping off or picking up of passengers along the access road and there was no demonstration on how vehicles could make turns to leave the columbarium if entry to the site was refused. Besides, the ambulance-only lane would adversely affect people who for emergency reason needed to go to the hospital by private cars or taxis. The applicant had also not demonstrated how exceptional cases, say when accident occurred in the area requiring transportation of a lot of injured persons to the hospital during the busy hours of the festival periods, would be handled. The use of POH and its emergency service would continue to grow with completion of residential developments in the area in the coming years. As the effectiveness of the applicant's proposed measures had not yet addressed the traffic concern raised by POH, the review application should not be approved.

106. The Chairman and two other Members considered that unlike other hospitals which had more than one emergency access, POH had only one vehicular access. The proposed columbarium use sharing the same access with the hospital would be hazardous. A Member also pointed out that the buffer distance between cemeteries and the hospitals in other areas as quoted by the applicant was longer than that under the current case. HA's objection to the review application was well understood because a shorter buffer distance provided less flexibility for providing a 24-hour unimpeded access to the hospital at all times. Another Member also considered that even if the Police would commit to doing their best to maintain unimpeded access to POH, there remained the probability of occurrence of an abnormality which would result in blockage of the access road to POH. The Police's concern was substantiated and should be given due attention in the consideration of the case.

107. A Member considered that since it was clear that the current traffic arrangement and facilities could not adequately cater for the needs of both POH and the proposed columbarium and the implementability of the traffic improvement measures as proposed by the applicant was uncertain. The operation of POH should be accorded higher priority. Two other Members noted that the applicant had not yet

addressed the illegal parking issue and the possible traffic congestion that could be caused by such illegal parking.

108. After deliberation, the Board decided to reject the application on review based on the following reasons:

- “(a) the proposed columbarium is located in an “Undetermined” zone which is being comprehensively reviewed. Approval of the columbarium would unduly constrain optimisation of the future land use in the area;
- (b) the implementability of the proposed traffic management measures is doubtful. The applicant fails to demonstrate that the development will not cause adverse traffic impact to the area, in particular, that the emergency services of Pok Oi Hospital would not be affected; and
- (c) the approval of the proposed development would set an undesirable precedent for similar applications.”

[Mr Stanley Y.F. Wong, Mr Roger K.H. Luk and Ms Christian M. Lee left the meeting at this point.]

### **Sai Kung & Islands District**

#### **Agenda Item 6**

[open meeting]

Draft Po Toi Islands Outline Zoning Plan No. S/I-PTI/C – Preliminary consideration of a New Plan

(TPB Paper No. 9800)

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[The item was conducted in Cantonese.]

109. Mr Ivan M.K. Chung, District Planning Officer/Sai Kung & Islands (DPO/SKIs), PlanD was invited to the meeting at this point.

110. The Chairman extended a welcome and invited DPO/SKIs to brief Members on the background of the Paper.

111. With the aid of a Powerpoint presentation, Mr Ivan M.K. Chung, DPO/SKIs, made the following main points as detailed in the Paper:

Background

- (a) on 2.3.2012, the draft Po Toi Islands Development Permission Area (DPA) Plan No. DPA/I-PTI/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance);
- (b) pursuant to section 20(5) of the Ordinance, the Po Toi Islands DPA Plan was effective for a period of three years until 2.3.2015. As such, an Outline Zoning Plan (OZP) had to be prepared to replace the DPA Plan in order to maintain statutory planning control over the area upon expiry of the DPA Plan;
- (c) on 21.11.2014, under the power delegated by Chief Executive, the Secretary for Development directed the Town Planning Board (the Board), under section 3(1)(a) of the Ordinance, to prepare an OZP to cover the Area;

The Planning Scheme Area (the Area)

- (d) the Area (about 550ha) comprised a group of islands located at the southern-most of Hong Kong, which included mainly Po Toi (about 369ha), Mat Chau (about 3ha), Beaufort Island (about 120ha), Sung Kong (about 48ha) and Waglan Island (about 10ha). The Area generally had a hilly terrain and was covered by rocky outcrops and

vegetations including mangroves, woodland vegetation including large mature trees and shrubland with tree clumps;

- (e) a recognized village and some developments/structures were found at Po Toi and Waglan Island. Mat Chau, Beaufort Island and Sung Kong were virtually uninhabited;
- (f) the Area had a rural and natural setting with scientific importance and conservation value which were unique in Hong Kong. Within the Area, the Director of Agriculture, Fisheries and Conservation (DAFC) considered that a major part of Po Toi had high ecological value worthy of conservation. Po Toi was an important re-fuelling stop for migratory birds, and hosted one of the few natural population of Romer's Tree Frog (*Liuixalus romeri*) in Hong Kong;
- (g) when the DPA Plan was prepared for the Area, there were tree felling and paving activities on the southwestern part of Po Toi near Wan Tsai. It was noted that the unauthorized development had stopped and the area had already been covered by vegetation and grass after that;

#### Village 'Environs' and Land Ownership

- (h) the only recognised village in the Area was Po Toi Village and its 'village environ' ('VE') covered an area of about 3.27ha. The domestic structures within the village were predominantly one- to two-storey tenement houses held on a short term tenancy basis;
- (i) most land in the Area (about 99.4%) was government land and the remaining 0.6% (about 3.3 ha) was private land, all of which was located in Po Toi, concentrated at Po Toi Village and at the southwestern part of Po Toi, comprising mainly fallow agricultural land including some lots with building entitlement;

Development Constraints

- (j) one of the development constraints in the Area was the limited frequency and capacity of the ferry services. Only one kaito ferry service between Po Toi and Aberdeen was operated on Tuesdays and Thursdays, with additional services from Stanley to Po Toi on Saturdays, Sundays and Public Holidays. Within the Area, only Po Toi was accessible by footpaths and hiking trails;
- (k) the Area also featured steep rocky coast and low cliffs from 100mPD to 270mPD with geological formations of high landscape value. Especially on Po Toi, there were some well-known geological formations in granite rock along the coastline, e.g. Buddha's Palm Cliff, Tortoise Rock and Coffin Rock. Rock Carvings on Po Toi were Declared Monuments of particular historic and cultural significance. The southern coast of Po Toi also had high landscape scenic and cultural significance;
- (l) the Lighthouse on Waglan Island was also a Declared Monument of particular historic and cultural significance. Prior consultation with the Antiquities and Monuments Office should be made if any works, developments, redevelopment or rezoning proposals might affect the declared monument;

Issues Arising from Consideration of the DPA Plan

- (m) during the consideration of the representations to the draft DPA Plan, the Lamma Island (South) Rural Committee (RC) and villagers suggested that the "Village Type Development" ("V") zone should be enlarged to the southwest of the existing village clusters at Tai Wan to accommodate the Small House demand of villagers in Po Toi and South Lamma Island whilst the green/concern groups and some individuals suggested designating conservation zonings on Po Toi, and

ultimately designating Po Toi as Country Park (CP) to reflect its scientific, ecological and recreational values;

Land Use Proposals Received in the Course of Preparation of the OZP

- (n) in the course of preparing the OZP, the RC proposed extension of the “V” zone to areas at southwest Po Toi and provision for holiday house development within the private lots at Po Toi upon application to the Board;
- (o) the Chinese YMCA of Hong Kong proposed a campsite development on Po Toi Island;
- (p) the green/concern groups proposed designation of areas at southeast Po Toi and near Tai Tam Wan (Lau Shui Hang) as “Site of Special Scientific Interest” (“SSSI”) and ultimately as CP/Marine Park to preserve its unique natural habitat with high ecological and scientific values;

Land Use Planning Consideration

- (q) in preparing the OZP, land for village development, conservation of natural landscape, accessibility and infrastructural constraints, need for upgrading/improvements of domestic structures and education and recreation potentials of the Area had been taken into account;

Land Use Proposals

- (r) the general planning intention for the Area was to conserve the areas of high ecological significance with scientific value, to protect the unique landscape, rural and natural characters and to make provision for future Small House development for the indigenous villagers of the Area;

- (s) most land in the Area was designated conservation zonings, including “Conservation Area” (“CA”), “Green Belt” (“GB”) and “Coastal Protection Area” (“CPA”). Land was also zoned “V” for Small House development and “Residential (Group D)” (“R(D)”) to provide opportunity for improvement and upgrading of existing temporary structures within the rural areas;

#### Land Use Zonings

##### “Village Type Development”: Total Area 0.71ha

- (t) the “V” zone fell entirely within the ‘VE’. The boundary of the “V” zone was drawn up around existing clusters having regard to ‘VE’, the local topography, the existing settlement pattern, site characteristics as well as the estimated Small House demand. Areas of difficult terrain, dense vegetation, burial grounds, ecologically sensitive areas and streamcourses had been avoided where possible;
- (u) there was only one recognised village in the Area, namely Po Toi Village, on Po Toi and the village was occupied by 2-storey village houses and temporary domestic structures;
- (v) the total developable land reserved for Small House developments amounted to about 0.23ha, equivalent to about 9 Small House sites. That could satisfy about 46% of the total 10-year forecast of Small House demand in the Area (i.e. 9 out of 20). Under the provision of the OZP, the villagers could still apply for Small House development/redevelopment of Small House to the Board under the planning permission system within areas zoned “R(D)”, “Government, Institution or Community” (“G/IC”), “GB” and “CA” as appropriate;

##### “Residential (Group D)”: Total Area 0.48ha

- (w) the “R(D)” zone covered mainly the areas to the southeast of Po Toi Village. This area was mainly occupied by one- to two-storey temporary structures built years ago. Most of the structures were occupied while some were ruins;
- (x) the zone allowed residential upgrading, low-rise and low-density residential developments subject to planning permission from the Board;

“Government, Institution or Community”: Total Area 0.24 ha

- (y) the “G/IC” zone covered the Tin Hau Temple and the abandoned village school, i.e. Po Toi School at Po Toi, as well as the lighthouse and other government uses/facilities at southern Waglan Island. The abandoned village school site was zoned “G/IC” to reserve for further use by the Government;

“Open Space” (“O”): Total Area 0.10ha

- (z) the “O” zone covered areas in front of Tin Hau Temple and at the eastern fringe of Po Toi Village, which were being used as a stage for the Chinese operas performance during festive celebration. The piece of flat land at the eastern fringe of Po Toi Village would also be used as an emergency landing pad for helicopters;

“Other Specified Uses” (“OU”): Total Area 0.07ha

- (aa) there was only one “OU” zone on the Plan, which was annotated ‘Pier’ and covered two sites currently used as piers located at Tai Wan, Po Toi and Waglan Island;

“Green Belt”: Total Area 150.47ha

- (bb) the “GB” zone mainly covered the vegetated hill slopes at Tai Wan and Wan Tsai, Po Toi; as well as those at Mat Chau, Beaufort Island and Sung Kong. There were two traditional burial grounds in the southern part of Po Toi within this zone;

“Coastal Protection Area”: Total Area 30.43ha

- (cc) the “CPA” zone generally covered the coastal areas along the islands, which primarily consisted of coastal vegetation, rocky and boulder coasts;

“Conservation Area”: Total Area 367.17ha

- (dd) the “CA” zone covered most parts of Po Toi which had scientific significance and high conservation value. Migratory Birds, Romer’s Tree Frog and butterflies were the three scientific interests contributing to the ecological and conservation importance of Po Toi. The “CA” zone also covered the vegetated hill slopes and the rocky areas on Waglan Island, which had a natural character and was known to be a breeding site for terns;

- (ee) within the zone, the area near Tai Wan Public Pier might have potential for development of education and recreational facilities with overnight accommodation to allow visitors staying in the Area for a longer period of time for education/recreation activities. This could unleash the education and recreational potentials in the Area. Yet the feasibility of such development was subject to further assessments. Any development should not affect the unique natural environment within the zone;

Consultation

- (ff) the draft OZP together with its Notes and Explanatory Statement (ES)

as well as the Planning Report had been circulated to relevant government bureaux and departments for comments. Comments received had been incorporated into the draft OZP, its Notes and ES and the Planning Report as appropriate. No adverse comment on or objection to the land use proposals was received; and

(gg) subject to the agreement of the Board, the draft OZP No. S/I-PTI/C would be submitted to the Islands District Council (IsDC) and RC for consultation. Comments from IsDC and RC would be submitted to the Board for consideration prior to the publication of the draft OZP under section 5 of the Ordinance.

112. Members had no questions or comments on the draft OZP.

113. After deliberation, the Board agreed that the draft Po Toi Islands OZP No. S/I-PTI/C, together with its Notes and ES, was suitable for consultation with IsDC and RC. After consultation, comments from IsDC and RC would be submitted to the Board for consideration prior to the publication of the draft OZP under section 5 of the Ordinance.

### **Procedural Matters**

#### **Agenda Item 9**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments on the draft Kwai Chung Outline Zoning Plan No. S/KC/27  
(TPB Paper No. 9803)

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[The meeting was conducted in Cantonese.]

114. The following Members had declared interests in this item:

Mr Clarence W.C. Leung	-	having an office in Kwai Chung
Ms Janice W.M. Lai	-	spouse owning a unit in Wonderland Villas

115. Members noted that Mr Clarence W.C. Leung and Ms Janice W.M. Lai had tendered their apologies for not being able to attend the afternoon session of the meeting.

116. The Secretary briefly introduced the Paper. On 9.5.2014, the draft Kwai Chung Outline Zoning Plan No. S/KC/27 (the Plan) was exhibited for public inspection under section 7 of the Town Planning Ordinance (the Ordinance). The major amendments involved the rezoning of a site at Tai Lin Pai Road for commercial use and two sites at Tsing Tsuen Road and Wing Lap Street for columbarium developments.

117. During the two-month exhibition period, a total of 381 representations were received. On 25.7.2014, the representations were published for 3 weeks for comments. A total of 128 comments were received.

118. Amongst the 381 representations received, four of them (R1 to R4 (part)) were related to Item F of the commercial site at Tai Lin Pai Road and 378 (R4 (part), R5 to R381) were related to Item E of the columbarium site at Wing Lap Street. For the 128 comments received, five of them (C1 (part) to C4 (part) and C5) were related to Item F and 127 (C1 (part) to C4 (part), C6 to C128) were related to Item E.

119. Since the amendments incorporated into the Plan, in particular the rezoning of the Tai Lin Pai Road and Wing Lap Street sites, had aroused wide public interest and concerns of the locals, it was recommended that the representations and comments should be considered by the full Board. The hearing could be accommodated in the Board's regular meeting and a separate hearing session would not be necessary.

120. Based on the subject of the representations and comments, the Board could consider the representations and comments collectively in two groups with Group 1 on Item E and Group 2 on Item F. Consideration of the representations and related comments by the full Board was tentatively scheduled for February 2015.

121. After deliberation, the Board agreed that the representations and comments should be heard by the Board in the manner as proposed in paragraph 3 of the Paper. Subject to the responses of the representers and commenters to the invitation to the hearing, the Board also agreed to limit the time for each representer and commenter to make oral submissions to ten minutes.

### **Agenda Item 10**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comment on the draft Tsing Yi Outline Zoning Plan No. S/TY/25  
(TPB Paper No. 9804)

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[The meeting was conducted in Cantonese.]

122. The Secretary briefly introduced the Paper. On 13.6.2014, the draft Tsing Yi Outline Zoning Plan No. S/TY/25 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The major amendments involved the rezoning of a site at the junction of Liu To Road and Hang Mei Street from “Green Belt” (“GB”) to “Residential (Group A)3” (“R(A)3”) and from “R(A)” to “R(A)3” with stipulation of building height restriction and a site to the immediate west of Mayfair Gardens from “GB” to “R(A)4” with stipulation of building height restriction.

123. During the two-month exhibition period, a total of 706 representations were received. On 5.9.2014, the representations were published for 3 weeks for comments. One comment was received.

124. Amongst the 706 representations received, 639 (R2 and R5 to R642) of them were related to Items A1 and A2 of the site at the junction of Liu To Road and

Hang Mei Street, 64 of them (R643 to R706) were related to the site to the immediate west of Mayfair Gardens under Item B, two (R1 and R3) were related to Items A1, A2 and B and one (R4) was related to Items A1 and B. The one comment received (C1) was related to both sites under Items A1, A2 and B.

125. Since the amendments incorporated into the Plan had aroused wide public interest and concerns of the locals, it was recommended that the representations and comment should be considered by the full Board. The hearing could be accommodated in the Board's regular meeting and a separate hearing session would not be necessary.

126. Based on the subject of the representations and comment, the Board could consider the representations and comment collectively in two groups with Group 1 on Items A1 and A2 and Group 2 on Item B. Consideration of the representations and related comment by the full Board was tentatively scheduled for February 2015.

127. After deliberation, the Board agreed that the representations and comment should be heard by the Board in the manner as proposed in paragraph 3 of the Paper. Subject to the responses of the representers and commenter to the invitation to the hearing, the Board also agreed to limit the time for each representer and commenter to make oral submissions to ten minutes.

### **Agenda Item 11**

[Open Meeting]

Submission of the Draft Tuen Mun Outline Zoning Plan No. S/TM/32A under section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval (TPB Paper No. 9805)

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[The meeting was conducted in Cantonese.]

128. The following Member had declared interests in this item:

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

Kwun Wat

129. As some of the representations were concerned with rezoning sites in Tuen Mun North to facilitate public housing developments by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA), and Pacific Good Investment Limited and Main Channel Limited (R5) being subsidiary companies of Sun Hung Kai Properties Limited (Sun Hung Kai) and MTR Corporation Limited (MTRCL) (R57) had submitted representations, the following Members had declared interests in this item:

- |                      |   |   |
|----------------------|---|---|
| Mr Stanley Y.F. Wong | - | being a member of the HKHA and Chairman of the Subsidised Housing Committee of HKHA   |
| Professor P.P. Ho    | - | being a member of the Building Committee of HKHA  |
| Ms Julia M.K. Lau    | - | being a member of the Commercial Properties Committee and Tender Committee of HKHA and having business dealings with Sun Hung Kai |
| Ms Janice W.M. Lai   | ] | having business dealings with HKHA,   |
| Mr Dominic K.K. Lam  | ] | MTRCL and Sun Hung Kai  |
| Mr Patrick H.T. Lau  | ] |   |
| Mr H.F. Leung        | - | being a member of the Tender Committee of HKHA and having business dealings with HKHA   |
| Mr Ivan C.S. Fu      | - | having business dealings with MTRCL and Sun Hung Kai  |

- Dr Eugene K.K. Chan - being the Convenor of the Hong Kong Metropolitan Sports Event Association that had obtained sponsorship from Sun Hung Kai
- Ms Christina M. Lee - being a Director of the Hong Kong Metropolitan Sports Event Association that had obtained sponsorship from Sun Hung Kai
- Mr K.K. Ling (as Director of Planning) - being a member of the Strategic Planning Committee and Building Committee of HKHA
- Ms Bernadette H.H. Linn (as Director of Lands) - being a member of HKHA
- Miss Winnie M.W. Wong (as Principal Assistant Secretary (Transport) of Transport and Housing Bureau) - being the representative of the Secretary for Transport and Housing who was a member of the Strategic Planning Committee of HKHA

130. As the item was procedural in nature and no discussion was required, Members agreed that the above Members could stay in the meeting. Members also noted that Professor P.P. Ho, Ms Julia M.K. Lau, Ms Janice W.M. Lai, Mr Ivan C.S. Fu, Mr Dominic K.K. Lam, Mr Patrick H.T. Lau, Dr Eugene K.K. Chan and Miss Winnie M.W. Wong had tendered their apologies for being not able to attend the afternoon session of the meeting and Mr Stanley Y.F. Wong, Mr. H.F. Leung and Ms Christina M. Lee had already left the meeting.

131. The Secretary briefly introduced the Paper. On 2.5.2014, the draft Tuen Mun Outline Zoning Plan No. S/TM/32, incorporating amendments mainly related to the rezoning of 14 sites for residential use in Tuen Mun North, Central and East and the associated zoning boundaries adjustments, as well as technical amendments reflecting approved s.12A applications or existing uses, was exhibited

for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the exhibition period, a total of 2,055 representations were received. On 25.7.2014, the Board published the representations for three weeks for comment, a total of three comments were received. However, three representers (R2, R17 and R23) subsequently wrote to the Board withdrawing their representations or indicating that they had not submitted the representations. The total number of representations for the consideration by the Board were 2,052.

132. After giving consideration to the representations and comments on 7.11.2014, the Board decided not to propose any amendment to the draft OZP to meet the representations.

133. Since the representation consideration process had been completed, the draft Tuen Mun OZP was ready for submission to the Chief Executive in Council for approval.

134. After deliberation, the Board agreed:

- (a) that the draft Tuen Mun OZP No. S/TM/32A and its Notes were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) to endorse the updated Explanatory Statement (ES) for the draft Tuen Mun OZP No. S/TM/32A as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and
- (c) that the updated ES was suitable for submission to the CE in C together with the draft OZP.

**Agenda Item 12**

Any Other Business

[Closed Meeting]

135. This item was recorded under confidential cover.

136. There being no other business, the meeting was closed at 6:30 p.m.