

**Minutes of 1085th Meeting of the  
Town Planning Board held on 15.5.2015**

**Present**

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

Chairman

Mr Stanley Y.F. Wong

Vice-Chairman

Mr Roger K.H. Luk

Professor S.C. Wong

Professor P.P. Ho

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Julia M.K. Lau

Ms Anita W.T. Ma

Dr W.K. Yau

Ms Bonnie J.Y. Chan

Professor K.C. Chau

Mr H.W. Cheung

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr Patrick H.T. Lau

Ms Christina M. Lee

Mr H. F. Leung

Mr Stephen H.B. Yau

Mr F.C. Chan

Mr Frankie W.C. Yeung

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Deputy Director of Environmental Protection (1)  
Mr C.W. Tse

Assistant Director (2), Home Affairs Department  
Miss Charmaine H.W. Wong

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

Director of Lands  
Ms Bernadette H.H. Linn

Director of Planning  
Mr K.K. Ling

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

Secretary

**Absent with Apologies**

Mr Clarence W.C. Leung

Mr Laurence L.J. Li

Mr Sunny L.K. Ho

Mr Dominic K.K. Lam

**In Attendance**

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

Chief Town Planner/Town Planning Board  
Ms Lily Y.M. Yam (Items 1 to 8)  
Mr Louis K.H. Kau (Items 9 to 23)

Senior Town Planner/Town Planning Board  
Ms Karen F.Y. Wong (Items 1 to 8)  
Mr T.C. Cheng (Items 9 to 23)

**Agenda Item 1**

[Open meeting]

**Confirmation of Minutes of the 1069<sup>th</sup> (28.4.2015 and 29.4.2015) Meeting**

[The meeting was conducted in Cantonese.]

1. The minutes of the 1069<sup>th</sup> meeting held on 28.4.2015 and 29.4.2015 regarding the deliberation of representations and comments in respect of the Draft Kwu Tung North Outline Zoning Plan No. S/KTN/1 and Draft Fanling North Outline Zoning Plan No. S/FLN/1 were confirmed without amendments.

**Agenda Item 2**

[Open meeting]

**Confirmation of Minutes of the 1077<sup>th</sup> (28.4.2015) meeting**

[The meeting was conducted in Cantonese.]

2. The minutes of the 1077<sup>th</sup> meeting held on 28.4.2015 regarding the deliberation of representations in respect of the Draft Fanling/Sheung Shui Outline Zoning Plan (OZP) No. S/FSS/19, Draft Fu Tei Au and Sha Ling OZP No. S/NE-FTA/13, Draft Hung Lung Hang OZP No. S/NE-HLH/8, and Draft Ma Tso Lung and Hoo Hok Wai OZP No. S/NE-MTL/2 were confirmed without amendments.

**Agenda Item 3**

[Open meeting]

**Confirmation of Minutes of the 1080<sup>th</sup> (9.3.2015, 10.3.2015 and 16.3.2015) meeting**

[The meeting was conducted in Cantonese.]

3. The minutes of the 1080<sup>th</sup> meeting held on 9.3.2015, 10.3.2015 and 16.3.2015 regarding the consideration of representations and comment in respect of the Draft Shek Kip Mei Outline Zoning Plan No. S/K4/28 were confirmed without amendments.

**Agenda Item 4**

[Open Meeting]

Confirmation of Minutes of the 1083<sup>rd</sup> (14.4.2015) Meeting

[The meeting was conducted in Cantonese.]

4. The minutes of the 1083<sup>rd</sup> meeting held on 14.4.2015 regarding the consideration of further representations in respect of the Draft To Kwa Ping and Pak Tam Au OZP No. S/NE-TKP/1 were confirmed without amendments.

**Agenda Item 5**

[Open Meeting]

Confirmation of Minutes of the 1084<sup>th</sup> (24.4.2015) Meeting

5. The minutes of the 1084<sup>th</sup> meeting held on 24.4.2015 were confirmed without amendments.

[Ms Bernadette H.H. Linn, Professor P.P. Ho and Ms Janice W.M. Lai arrived to join the meeting at this point.]

**Agenda Item 6**

[Open Meeting]

Matters Arising

- (1) Judicial Review against the Decision of the Town Planning Board in respect of the Draft Central District (Extension) Outline Zoning Plan No. S/H24/8  
(HCAL 49/2014)
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[The meeting was conducted in Cantonese.]

6. The Secretary reported that regarding the Judicial Review (JR) lodged by Designing Hong Kong Limited (the Applicant) in respect of the Central Military Dock (CMD) site, the court hearing of the protective cost order (PCO) application was held on 16 and 17.12.2014. On 30.4.2015, the CFI handed down its judgment refusing the PCO application.

The CFI was of the view that:

- (a) the Applicant had not shown that it was genuinely not in a position to bear the costs of the Board if it failed;
- (b) the Applicant had not shown that it was reasonable for it to probably withdraw from the JR if no PCO was granted; and
- (c) it was not fair and just in all the circumstances to depart from the general starting point of costs followed the event.

7. On 14.5.2015, the Applicant applied for leave to appeal against the CFI's decision on his PCO application.

8. The hearing date of the JR had not yet been fixed. Members noted the decision of the CFI on the PCO and that the Secretary would represent the Board in all matters relating to the JR in the usual manner as agreed in the TPB meeting on 1.8.2014.

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

(2) Judicial Review against the Decision of the Town Planning Board in respect of the draft Tai Po Outline Zoning Plan (HCAL 67/2015 )

[The meeting was conducted in Cantonese.]

9. The Chairman had declared an interest in the item as his relative who lived in the Tai Po District had submitted a representation.

10. The following Members had declared interests in the item for owning properties in Tai Po or having affiliation/business dealings with the Hong Kong Housing Authority (HKHA), Sun Hung Kai Properties Limited (Sun Hung Kai) which was the mother company of Honour More Limited (R1274), MTR Corporation Limited (MTRCL)(R3), Henderson Land Development Co. Ltd. (Henderson) which was the mother company of the Hong Kong and China Gas Company Limited (R2), the Tai Po District Council (TPDC)(R1633), the Tai Po Rural Committee (TPRC)(R1326) and those organisations were either the subject of or had submitted representation(s):

- Mr Stanley Y.F. Wong
- being a member of HKHA and Chairman of the Subsidised Housing Committee of HKHA; and co-owning a flat and two carparking spaces at Deerhill Bay with spouse
- Professor P.P. Ho
- being a member of the Building Committee of HKHA; and being an employee of the Chinese University of Hong Kong (CUHK) which had received donation from a family member of the Chairman of Henderson
- Mr H.F. Leung
- being a member of the Tender Committee of HKHA; and being employee of the University of Hong Kong (HKU) which had received donation from a family member of the Chairman of Henderson
- 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
- Mr K.K. Ling  
*(as Director of Planning)*
- being a member of the Strategic Planning Committee and the Building Committee of HKHA
- Ms Bernadette H.H. Linn  
*(as Director of Lands)*
- being a member of HKHA

- Ms Charmaine H.W. Wong – being a representative of the Director of Home Affairs who was a member of the Strategic Planning Committee and Subsidised Housing Committee of HKHA  
*(as Assistant Director, Home Affairs Department)*
- Dr Lawrence W.C. Poon – his spouse being a civil servant working in the Housing Department
- Mr Dominic K.K. Lam ] having business dealings with HKHA,  
Ms Janice W.M. Lai ] Sun Hung Kai, MTRCL and Henderson  
Mr Patrick H.T. Lau ]
- Mr Ivan C.S. Fu – having business dealings with Sun Hung Kai, MTRCL and Henderson
- Dr W.K. Yau – being the executive member of the TPRC; being a Member of the TPDC, owning a flat and a shop at Kwong Fuk Road and a house and land at Cheung Shue Tan, Tai Po; being the director of a non-government organisation which had received donation from a family member of the Chairman of Henderson; and being the Chairman of the Management Committee of the Fung Yuen Butterfly Reserve/Fung Yuen Nature and Culture Education Centre which was the subject of representation for R16 to R19
- Mr H.W. Cheung – owning a flat at Heung Sze Wui Street, Tai Po

- Mr Frankie W.C. Yeung – owning a flat at On Chee Road, Tai Po
  
- Ms Christina M. Lee – being Secretary General of the Hong Kong Metropolitan Sports Event Association which had received sponsorship from Henderson and Sun Hung Kai
  
- Mr Clarence W.C. Leung – being director of a non-government organisation which had received donation from a family member of the Chairman of Henderson
  
- Professor S.C. Wong – being the Chair Professor and Head of Department of Civil Engineering of HKU which MTRCL had sponsored activities; and being an employee of HKU which had received donation from a family member of the Chairman of Henderson
  
- Dr Wilton W.T. Fok – being employee of HKU which had received donation from a family member of the Chairman of Henderson
  
- Mr Roger K.H. Luk ] being a Member of Council (Mr Luk) or  
Professor K.C. Chau ] an employee (Professor Chau) of CUHK which had received donation from a family member of the Chairman of Henderson
  
- Mr Peter K. T. Yuen – being a member of the Board of Governors of the Hong Kong Arts Centre which had received donation from a

family member of the Chairman of  
Henderson

11. As the item was to report the judicial review (JR) application, Members agreed that the Chairman and the above Members could stay in the meeting. Members also noted that Mr Dominic K.K. Lam and Mr Clarence W.C. Leung had tendered apology for being unable to attend the meeting, while Mr H.F. Leung, Ms Julia M.K. Lau, Dr W.K. Yau and Dr Wilton W.T. Fok had not yet arrived to join the meeting.

12. The Secretary reported that on 13.5.2015, a JR application was lodged by Mr Yau Ka Bo against the decision of the Town Planning Board (the Board) made on 13.2.2015 regarding the rezoning of “Green Belt” sites on under the Tai Po Outline Zoning Plan (OZP) No. S/TP/25. The Applicant was a representer in respect of the Tai Po OZP.

13. The Applicant sought relief from the Court to quash the Board’s decision. Members noted the JR application and agreed that the Secretary would represent the Board in all matters relating to the JR in the usual manner.

[Ms Anita W.T. Ma arrived to join the meeting at this point.]

#### **Agenda Item 6**

[Closed Meeting]

14. This item was recorded under confidential cover.

### **Tsuen Wan & West Kowloon District**

#### **Agenda Item 7**

[Closed Meeting (Deliberation)]

Consideration of Representations and Comment in respect of the Draft Shek Kip Mei Outline Zoning Plan No. S/K4/28

(TPB Papers No. 9854 and 9855)

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[The item was conducted in Cantonese.]

### Deliberation Session

15. The Chairman said that the representations and comment in respect of the draft Shek Kip Mei Outline Zoning Plan (OZP) were heard in two groups with Group 1 relating to the amendment to the building height restriction of two sites for the Shek Kip Mei Estate (SKME) redevelopment, and Group 2 relating to the rezoning of a site at Yin Ping Road from “Green Belt” (“GB”) to “Residential (Group C)13” (“R(C)13”). The presentation and question and answer sessions of Group 1 hearing was held on 6.3.2015 and those of the Group 2 hearing were held on 6.3.2015, 9.3.2015, 10.3.2015 and 16.3.2015.

16. The audio and video recordings and the draft minutes of the meeting sessions had been provided to Members for reference prior to the deliberation session. The Chairman asked Members to consider the representations and comment taking into account the written and oral submissions made.

### **Group 1 (Representations No. R1 and R5111)** (TPB Paper No. 9854)

17. The Secretary reported that the following Members had declared interests in the Group 1 hearing for owning properties in Shek Kip Mei, and/or having affiliation/business dealings with the Hong Kong Housing Authority (HKHA) (as the representations considered under Group 1 were in respect of the redevelopment of the Shek Kip Mei Estate to be undertaken by the Housing Department (HD) on behalf of HKHA) or Henderson Land Development Co. Ltd. (Henderson) which was the mother company of the Hong Kong and China Gas Company Limited (HKCGC) (R1):

- |   |   |
|---|---|
| Mr Stanley Y.F. Wong<br>(Vice-chairman) | - 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; and being an employee of the Chinese University of Hong Kong (CUHK) which had received donation from a family member of |

the Chairman of Henderson

- |   |   |  |
|---|---|--|
| Mr H.F. Leung   | - | being a member of the Tender Committee of HKHA; and being an employee of the University of Hong Kong (HKU) which had received donation from a family member of the Chairman of Henderson |
| Ms Julia M.K. Lau   | - | being a member of the Commercial Properties Committee and Tender Committee of HKHA   |
| Mr K.K. Ling<br>(as Director of Planning)   | - | being a member of the Strategic Planning Committee and Building Committee of HKHA  |
| Ms Bernadette H.H. Linn<br>(as Director of Lands)                                   | - | being a member of HKHA   |
| Miss Charmaine H.W. Wong<br>(as Assistant Director (2),<br>Home Affairs Department) | - | being an alternate member of the Director of Home Affairs who was a member of the Strategic Planning Committee of HKHA and Subsidised Housing Committee of HKHA                          |
| Mr Ivan C.S. Fu   | ] |  |
| Ms Janice W.M. Lai  | ] | having business dealings with HKHA and   |
| Mr Dominic K.K. Lam   | ] | Henderson  |
| Mr Patrick H.T. Lau   | ] |  |
| Ms Christina M. Lee   | - | being Secretary General of the Hong Kong Metropolitan Sports Event Association which had received sponsorship from Henderson   |
| Professor S.C. Wong   | ] | being employees of HKU which had received  |
| Dr Wilton W.T. Fok  | ] | donation from a family member of the Chairman of Henderson   |

Mr Roger K.H. Luk	]	being a Member of Council (Mr Luk) or an
Professor K.C. Chau	]	employee (Professor Chau) of CUHK which had received donation from a family member of the Chairman of Henderson
Mr Clarence W.C. Leung	]	being the directors of non-government
Dr W.K. Yau	]	organisations which had received donation from a family member of the Chairman of Henderson; Mr Leung's close relative (mother) owning a flat in Dynasty Heights
Mr Peter K. T. Yuen	-	being a member of the Board of Governors of the Hong Kong Arts Centre which had received donation from a family member of the Chairman of Henderson; co-owning with spouse a property at Parc Oasis
Mr Thomas Chow (Chairman)	]	owning a property at Parc Oasis
Mr H.W. Cheung	]	

18. The meeting agreed that the Vice-chairman and Members who had affiliation/business dealing with the HKHA should be invited to withdraw from the meeting temporarily. As Members who had affiliation with Henderson had no direct involvement in the project, they could stay at the meeting. Also, as the properties of the Chairman, Mr H.W. Cheung, Mr Peter K.T. Yuen and Mr Clarence W.C. Leung's close relative were far away from the sites in Group 1, their interests were remote and they could stay in the meeting and participate in the discussion. Members noted that Mr Dominic K.K. Lam, Dr Wilton Fok and Mr Clarence W.C. Leung had tendered apology for being unable to attend the meeting, while Ms Julia M.K. Lau and Mr H.F. Leung had not yet arrived to join the meeting.

[Mr K.K. Ling, Ms Bernadette H.H. Linn, Miss Charmaine H.W. Wong, Mr Stanley Y.F. Wong and Professor P.P. Ho left the meeting temporarily at this point.]

19. The Chairman recapitulated the following major points made by the representers in their written and oral submissions:

- (a) the existing town gas intermediate pressure pipeline was close to the public housing redevelopment sites, and the future project proponent should conduct a risk assessment and determine the necessary mitigations. During the construction stage, HKCGC should be consulted accordingly; and
- (b) the amendment of building height restriction from 30mPD to 60mPD would affect air ventilation at the location of the schools and public housing estate behind the site. The Phase 7 site should be used for a government building;

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

- (a) HD would consult and closely liaise with HKCGC regarding the gas pipeline and risk assessment. The Electrical and Mechanical Services Department (EMSD) had advised that a risk assessment was not a compulsory requirement in the case, but the project proponent should liaise with the HKCGC and should refer to EMSD's 'Code of Practice on Avoiding Danger from Gas Pipes';
- (b) the Air Ventilation Assessment (AVA) conducted by HD showed no significant adverse air ventilation impacts. The Baseline Scheme in accordance with the previous OZP restrictions (i.e. three blocks at 30mPD) and the Proposed Scheme in accordance with current OZP restrictions (i.e. two domestic blocks with building heights at 55mPD and 60mPD) achieved similar ventilation performance at the adjacent school sites and residential area. Wind enhancement features would also be incorporated into the redevelopment;

- (c) land suitable for development in Hong Kong was scarce and there was a need for optimizing the use of land available to meet the pressing demand for housing land. The redevelopment site was within an area zoned “Residential (Group A)” (“R(A)”) on the OZP which was intended primarily for high-density residential developments. Government departments other than HD consulted did not have any requirement for government use at the site.

21. Members discussed the responses and considered that they had addressed the concerns raised in overall terms.

22. After deliberation, the Board agreed to note the view of Representation No. R1.

23. The Board decided not to uphold Representation No. R5111 and considered that the Plan should not be amended to meet the representation. Members then went through the reasons for not upholding the representation in paragraph 7.2 of the Paper and considered that they were appropriate. The reasons were:

- “(a) land suitable for development in Hong Kong is scarce and there is a need to optimise the use of land available to meet the pressing demand for housing land. The site under Amendment Item B is within an area zoned “Residential (Group A)” (“R(A)”) on the Outline Zoning Plan (OZP) which is intended primarily for high-density residential developments. The increase in building height (BH) under Amendment Item B can contribute to meeting the pressing demand for public housing;
- (b) the maximum BH restriction at 60mPD is in keeping with the character of existing and planned developments in the vicinity. The increase in BH from 30mPD to 60mPD under Amendment Item B would not generate unacceptable air ventilation and other impacts on the surrounding areas; and
- (c) there is no planning justification to use the “R(A)” site for a government building. Changing the use of the “R(A)” site for government building would frustrate the planning intention of providing land to meet the pressing demand for public housing.”

[Mr K.K. Ling, Ms Bernadette H.H. Linn, Miss Charmaine H.W. Wong, Mr Stanley Y.F. Wong and Professor P.P. Ho returned to the meeting at this point.]

**Group 2 (Representations No. R2 to R405, R407 to R5110, R5112 and C1)**

(TPB Paper No. 9855)

24. The Secretary reported that the following Members had declared interests in the item:

Mr Thomas Chow                   ] owning a property at Parc Oasis  
(Chairman)

Mr H.W. Cheung                   ]

Mr Peter K.T. Yuen               - co-owning with spouse a property at Parc Oasis

Mr Clarence W.C. Leung       - his close relative (mother) owning a flat at  
Dynasty Heights, and the Owners' Committee of  
which was a representer (R318)

25. The meeting agreed that as the properties of the Chairman, Mr H.W. Cheung and Mr Peter K.T. Yuen were far away from the sites, their interests were remote and they could stay in the meeting. Members also noted that Mr Clarence W.C. Leung had tendered apology for being unable to attend the meeting.

26. The Secretary reported that a representer, Ms Eva Chan, sent two e-mails to a Member, Mr Peter K.T. Yuen, on 17.3.2015 and 21.4.2105, and a representer, Ms Ng Mei had sent an email to all Members on 11.5.2105. Members were given copies of them. He also said that 大窩坪居民關注組 had submitted a letter to each Member in the morning of the day and a copy of which was tabled at the meeting. He went on to say that Ms Eva Chan's emails had attached newspaper cuttings and the report of an opinion survey on identification of housing site in Sham Shui Po (SSP) (深水埗區覓地建樓意見調查報告) commissioned by the Sham Shui Po District Council (SSPDC). Ms Ng Mei's email also drew Member's attention

to the same report submitted in one of Ms Eva Chan's emails. The Secretary informed Members that there was no provision under the Town Planning Ordinance to accept further written submissions outside the publication period of the OZP and the information could not be taken into account in the deliberation. Members agreed. Members also agreed that the Secretariat would reply the concerned parties accordingly.

#### Green Belt Policy and Practice

27. The Chairman recapitulated the following major points made by the representers/commenter in their written and oral submissions:

##### *Contrary to Criteria for "GB" Review*

- (a) rezoning the site was not in line with the criteria of the "Green Belt" ("GB") review as the site was not 'devegetated, deserted or formed green belts'. The site was not adequately supported by existing infrastructure and facilities, and was of high buffering and conservation value. The former use of the site as a squatter area some twenty years ago and hence a disturbed area was not a valid justification for the current rezoning. The vegetation on the site had regenerated and had become mature through natural succession;

##### *Buffer Effect and "GB" Function*

- (b) there should be presumption against development in "GB" zones. The site was close to the Lion Rock Country Park and Eagle Nest's Nature Trail, and constituted an integral part of the belt of green areas along the hill slopes of north Kowloon and acted as an important buffer between the urban area and the Country Park;
- (c) the site was designated as "GB" some twenty years ago after the squatter area was cleared. The intention was for landscape restoration and rehabilitation so that the site could become an integral part of the adjacent Country Park;
- (d) the site, amongst all existing residential developments in the area, was closest to the Country Park and should have greater, rather than less, buffering effect;

- (e) the total “GB” area in Sham Shui Po (SSP) district was much less than that of other districts, and hence the impact of rezoning any “GB” in the SSP district would be more significant;

*Convention on Biological Diversity (CBD)*

- (f) rezoning the “GB” site contravened the Convention on Biological Diversity (CBD) which stipulated the need to ‘promote environmentally sound and sustainable development in areas adjacent to protected areas with a view to further protection of these areas’. The CBD also specified the need to rehabilitate and restore degraded ecosystems and promote the recovery of threatened species;

*Undesirable Precedent*

- (g) rezoning of the site would set an undesirable precedent for applications for rezoning “GB” sites for residential development and would encourage private landowners to follow suit;
- (h) in the past, the Government had rejected majority of applications for rezoning “GB” sites for residential uses on grounds that were equally applicable to the current rezoning, i.e. setting undesirable precedent, insufficient information and being not in line with the planning intention;

*Large-scale rezoning of “GB” sites in Hong Kong*

- (i) objection to haphazard and large-scale rezoning of “GB” sites (involving 70 sites with a total area of 150 ha) for housing, especially luxury housing; and
- (j) extensive rezoning of “GB” sites all over Hong Kong was an important directional change in planning policy. However, no comprehensive consultation had been conducted. The issue was only dealt with on a piecemeal basis at District Council (DC) level, which was contrary to procedural justice.

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

*Contrary to Criteria for "GB" Review*

- (a) rezoning the site met the criteria of the Stage 2 "GB" review, which had been mentioned by various government officials publicly, in that it was located on the fringe of urban area with relatively low buffer and conservation value and served by Yin Ping Road. It was a piece of disturbed land, previously used as squatter area (cleared in 1987) and the existing vegetation on-site was overgrown with low conservation value;
- (b) the presumption against development in "GB" zones for s.16 applications was not applicable to the present rezoning amendment case and the main focus should be on whether the site was suitable for residential development;

*Buffering Effect and "GB" Function*

- (c) the site was about 70m away from the nearest point of the Lion Rock Country Park. It did not have any proper walking trails and was not connected to any walking trails. It was previously a piece of disturbed land and had less buffering and conservation value compared to the natural slopes to its east and west within the same strip of "GB" zone;
- (d) the site (with an area of 2.04ha) only occupied about 4.4% of the "GB" zone north of Lung Cheung Road/Tai Po Road and about 2.4% of "GB" areas in the SSP District in the previous version of OZP (before rezoning);

*Convention on Biological Diversity (CBD)*

- (e) the Agriculture, Fisheries and Conservation Department (AFCD) advised that
  - (i) Hong Kong's existing nature conservation policy and measures were generally in line with the objectives of CBD;
  - (ii) significant adverse impacts on biodiversity from the rezoning of the site were not anticipated;
  - (iii) the future developer would be required to carry out appropriate mitigation

measures. The development proposal would not contravene the objectives of CBD;

*Undesirable Precedent*

- (f) the rezoning of “GB” sites was part of the multi-pronged approach announced by the Government to meet Hong Kong’s pressing housing/development needs. The site had been carefully considered before it was rezoned for residential use and would not set an undesirable precedent. The site was adjacent to developed area at urban fringe and was considered suitable and technically feasible for housing development. According to the tree survey conducted by Lands Department (LandsD), trees found on the site were common species. Moreover, the Government would require the developer to carry out appropriate mitigation measures including compensatory planting as required;

*Large-scale rezoning of “GB” sites in Hong Kong*

- (g) 70 plots of land zoned “GB” with a total area of about 150 ha had been identified by the Government for housing development under the two stages of “GB” review. The land area involved was only about 1% of the total area of land zoned “GB” in Hong Kong. The impact of rezoning it for housing use would be insignificant in terms of carbon footprint and heat-island effect. The Government had carefully considered each piece of “GB” sites before deciding whether they could be rezoned for residential use; and
- (h) the second stage of “GB” review was announced in the 2013 Policy Address and explained also time and again by the Development Bureau. Prior to submission of rezoning proposals to the Board for consideration, relevant District Councils were consulted on the rezoning proposals. The plan-making process which included the submission and hearing of representations and comments was itself a public consultation exercise. Concerned government departments (including AFCD) were consulted and they had no objection to or no adverse comments on the rezoning proposal as no insurmountable problem was anticipated.

[Mr Stephen H.B. Yau arrived to join the meeting at this point.]

Ecological Impacts

29. The Chairman recapitulated the following major points made by the representers/commenter in their written and oral submissions:

*Loss of Vegetation*

- (a) the site was well covered with vegetation regenerated through over 20 years of natural succession after the squatter clearance in the 1980s. Development of the site would affect many trees and involve a loss of greenery;
- (b) the development would result in loss of one of the few “GB” areas that was well-vegetated in SSP and a natural habitat for birds and mammals. The existing mechanism for tree removal and transplantation could not re-create a habitat with equivalent ecological value;
- (c) the tree survey conducted by the Government did not include young trees (with diameter of the trunk less than 95mm);
- (d) Practice Note (PN) 7/2007 of LandsD was originally prepared to cater for sites with a few trees and intended to encourage developers to retain trees in-situ. The PN was not applicable to the current “GB” rezoning exercises as the sites were densely covered with vegetation and it was not possible to retain all the trees in-situ. The PN was ineffective in protecting trees within private housing sites as developers were usually unwilling to preserve trees, such as the case at Sheung Shing Street involving felling of some 400 trees;

*Ecological Value of the Site*

- (e) the site was connected to areas close to the Lion Rock Country Park as corridor and ecological network. The proposed development would disrupt or block movement of the wildlife in the areas;

- (f) the affected wild animals might move closer to the existing nearby housing estates and would disturb or threaten the health of the residents and the general public including hikers in the area;
- (g) the rezoning had not taken into account other ecological attributes (i.e. natural streams, aquatic fauna, avifauna, mammals, and insects) aside from trees. In fact, remnants of suspected turtle traps, different kinds of dragonflies and butterflies, signs of wild boar activity, monkeys and hawks were also found in the area;
- (h) the site and its vicinity were of important ecological value which had been underestimated. A comprehensive ecological survey/assessment of wildlife and natural habitats within the site and its surroundings should be conducted;

*Seasonal Stream and Pools with Special Frog and Crab Species*

- (i) there was a 'seasonal stream' (some 110m) across the site and a pool nearby with rare species (including Big-headed Frog and the Lesser Spiny Frog and Mountain Crab). The 'seasonal stream' was the breeding ground of many aquatic organisms. It was doubtful whether the water flow and flora and fauna of the other 'seasonal streams' not marked on LandsD's survey map had been comprehensively surveyed;
- (j) according to the 'Proposed Action Plan for the Conservation of Amphibians in Hong Kong' prepared by AFCD in June 2009 for the Nature Conservation Subcommittee of the Advisory Council on the Environment, the Big-headed Frog and Lesser Spiny Frog were of potential conservation concern. The Mountain Crab was of 'Potential Global Concern' and resided in clean hill streams;
- (k) AFCD's suggestion of translocating important species and plants was not the right solution for protecting the habitats there. The primary purpose of conservation was to conserve the natural habitat and translocation should only be the last resort;

*Non-building Area (NBA)*

- (l) a NBA proposed at a section of the seasonal stream was neither marked/stated on the OZP/Notes nor described in the main Paper. The Explanatory Statement (ES) of the OZP stated that the NBA was primarily for air ventilation, rather than for conservation of habitats. It was doubtful whether the habitats and landscapes within the NBA could be protected;
- (m) the seasonal stream, partly falling within the proposed NBA, flowed continuously into the main stream to the south. The proposed development would cause irreversible ecological loss of natural habitats in both the 'seasonal stream' and main stream. Alternative mitigation measures such as storage tank and underground culvert to direct the 'seasonal stream' to the main river across the site should be explored; and
- (n) the block layout presented by PlanD was only illustrative and some areas within the NBA would likely to be paved platform areas or have site formation, rather than maintained as greening area.

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

*Loss of Vegetation*

- (a) the site was adjacent to a developed area at the urban fringe. It was a disturbed area and trees found there were largely common species regenerated after the squatter area was cleared in the 1980s. The tree survey prepared by LandsD revealed that there were 680 trees on the site, about 60% of which were *Macaranga tanarius* (血桐), *Mallotus paniculatus* (白楸) and *Celtis sinensis* (朴樹). No rare specimens or Registered Old and Valuable Tree and no trees of particular value for preservation were recorded. The young woodland on the site was naturally regenerated over twenty years after the squatter area was cleared, and its ecological value was relatively lower than

that of the surrounding natural woodland in terms of the age and species of trees, mix of tree species and the structure of the woodland;

- (b) the Government would strive to minimise the impacts by requiring the developer to preserve, transplant or replant trees as appropriate; or to adopt proper greening measures to compensate for the original greening effect. The requirement for tree preservation and compensation would be included in the lease conditions;

*Ecological Value of the site*

- (c) the surrounding woodland under the “GB” zoning and the nearby Lion Rock Country Park which covered a vast area would still serve as suitable habitats for wildlife and the proposed residential development would unlikely disrupt or block movement of wildlife in the area;
- (d) in formulating the rezoning proposal, the site area had been reduced from 2.84 ha to 2.04 ha to address the concerns of the local residents on the potential impacts on the natural streams and the artificial slopes to the north of Dynasty Heights nearby. The natural streams had been excluded from the site. The rezoning of the site would unlikely result in significant ecological impacts;

*Seasonal Streams and Pools with Special Frog and Crab Species*

- (e) the ‘seasonal stream’ as reported by some representers was a small ephemeral water course, and no water course was observed during the dry season. As advised by AFCD, there was no evidence that the ‘seasonal stream’ was an important habitat;
- (f) AFCD advised that the reported Lesser Spiny Frog was listed as “Vulnerable” under the International Union for Conservation of Nature (IUCN) Red List, while the Big-headed Frog and Mountain Crab were listed as “Least Concern”. The two frog species were recorded in the ‘seasonal stream’, but they were not rare species and were commonly found in a number of protected areas;

- (g) verification of the presence of species of conservation interest within the site and translocation of such species (if identified) under the supervision of AFCD would be arranged before the commencement of the site formation works. AFCD indicated that for any translocation proposal, the developer would be required to provide ecological impact assessment with proposed mitigation measures to the Government, including the species requiring translocation, the receiving sites identified and the timing for carrying out the translocation;

*Non-building Area*

- (h) the 'seasonal stream was only a small ephemeral water course, and no water course was observed during the dry season. There was no evidence that the 'seasonal stream' had a fixed tributary flowing into the main stream. AFCD had advised that there was no evidence that the 'seasonal stream' was an important habitat. Nevertheless, the concern over the 'seasonal stream' could be addressed by stipulating in the lease that any development/works would be prohibited in the NBA; and
- (i) the block layout presented by PlanD was notional. It would be stipulated in the lease that any development/works would be prohibited in the NBA. Departments concerned including PlanD and AFCD would comment on the building plans submitted by developer including any development/works in the NBA.

Environmental Impacts

31. The Chairman recapitulated the following major points made by the representers/commenter in their written and oral submissions:

*Green Lung*

- (a) "GB" areas could act as 'green lung', improve air quality and landscape quality and mitigate urban heat island effect. The proposed development resulting in a loss of trees and "GB" would bring negative impacts on air quality, living

environment, quality of life and health of local residents and population in SSP where the air quality was already poor;

*Contamination*

- (b) broken pieces of asbestos shingles were found within the site and its surroundings. There was concern that the asbestos materials and any contaminated materials would be haphazardly disposed or untreated and might significantly affect both the site and its surroundings. Land contamination impact assessment should be carried out for the site; and

*Environmental Impacts during Construction*

- (c) there would be adverse environmental impacts and nuisances (noise, dirt, surface runoff, ecological, pest etc.) during the construction period.

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

*Green Lung*

- (a) the site only occupied 4.4% of the "GB" zones north of Lung Cheung Road. The Government would require the developer to preserve, transplant or replant trees according to established greening guidelines and tree preservation mechanisms. If preservation of all trees was not possible, the developer would be required to adopt proper greening measures such as theme planting, vertical planting, rooftop planting, etc. as appropriate, to compensate for the original greening effect;

*Contamination*

- (b) the handling and removal of materials containing asbestos were subject to control under the Air Pollution Control Ordinance. The Environmental Protection Department (EPD) had advised that contamination assessment was required to be carried out later to ascertain any land contamination issues and

any required decontamination works should be completed before commencement of any building works; and

*Environmental Impacts during Construction*

- (c) the future developer was required to take mitigating measures to control/minimize any potential adverse environmental impacts and nuisances in accordance with various Pollution Control Ordinances during the construction period. The Food and Environmental Hygiene Department (FEHD) would take appropriate actions regarding environmental hygiene.

Traffic Impacts

33. The Chairman recapitulated the following major points made by the representers/commenter in their written and oral submissions:

*Traffic Impact on Road Network in Tai Wo Ping*

- (a) the existing traffic capacity of the road network in Tai Wo Ping particularly at the two critical junctions of Nam Cheong Street/Cornwall Street and Yin Ping Road/Lung Ping Road was close to saturation. Currently, it was common to have a long traffic queue along the northbound lane of Nam Cheong Street near its junction with Cornwall Street. With an estimated reserve capacity of 0.46% at the Nam Cheong Street/Cornwall Street junction during the morning peak in 2029 and the additional 98 trips from the future development on the site, the length of the traffic queue was expected to increase. The proposed development would further aggravate the traffic conditions and the traffic conditions would worsen during the construction phase;
- (b) the proposed development and other concurrent housing developments in the surrounding areas (including two housing sites north of Lung Cheung Road and the Pak Tin Estate Redevelopment) would have cumulative adverse traffic impacts. They might not have been included in the traffic assessment;

*Traffic along Lung Ping Road exiting Lung Cheung Road*

- (c) the proposed development would increase traffic flows along Lung Ping Road exiting to Lung Cheung Road. That would defeat the purpose of providing the road scheme for the two housing sites north of Lung Cheung Road (Road Scheme) to avoid additional traffic passing through the Beacon Heights neighbourhood. The Road Scheme was a waste of public money;

*Traffic Data and Assessment*

- (d) the traffic data provided by the Government (e.g. reserved capacity and design flow capacity) were misleading and incomplete. The assumptions and methodology adopted in the assessment by the Government were unrealistic (e.g. parking space provision, traffic demand) or incomprehensive (e.g. no assessment based on level of service);

*Car Parking Provision*

- (e) the parking ratio of 115 car parks for 980 units on the site was low, taking into account that the car parking ratio for Dynasty Heights and the Beacon Heights was both 1 car parking space for 1 flat;
- (f) there was only mini-bus terminal and taxi stand near the site and buses were not allowed along Yin Ping Road. Future residents would likely rely on private car usage;
- (g) currently, some residents of Dynasty Heights and Beacon Heights parked their cars in Chak On Estate as there were insufficient car parking spaces in those private developments. The proposed development would create more demand for car parking spaces in the surrounding areas, including Chak On Estate, Pak Ting Estate and Shek Kip Mei Estate (SKME), but there were already insufficient car parking spaces in SKME; and

*Public Transport Services*

- (h) the additional 1,000 residents would aggravate the demand for public transport services.

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

*Traffic Impact on Road Network in Tai Wo Ping*

- (a) the Transport Department (TD) had advised that the proposed development would not cause insurmountable traffic impacts on the existing road network. The traffic capacities at the two concerned major junctions were not saturated during peak hours at present. The Yin Ping Road/Lung Ping Road junction with a design flow capacity of 35% for the morning peak in 2029 was considered as good. The reserve capacity of Nam Cheong Street/Cornwall Street junction with completion of road improvement works would still be positive in 2029, meaning traffic would not be saturated and condition would be considered as acceptable. Vehicles should be able to pass through the junction within one cycle time. TD had assessed trip generations based on different scenarios of flat sizes (from 60m<sup>2</sup> to 180m<sup>2</sup>), flat numbers (326 to 980) and car park numbers (from 115 to 516). The overall trip generations under all scenarios were similar (from 98 to 107 trips per hour);
- (b) the assessment on the traffic flow of Tai Wo Ping had taken into account the existing developments (i.e. Beacon Heights and Dynasty Heights), the two new developments north of Lung Cheung Road and the proposed development at the site;

*Traffic along Lung Ping Road exiting Lung Cheung Road*

- (c) TD had advised that the traffic flow would mainly be along Yin Ping Road which was the most direct and convenient route to Lung Cheung Road for the proposed residential development. Civil Engineering and Development Department (CEDD) had advised that the Road Scheme would provide direct and convenient access to Lung Cheung Road for the two housing sites north of Lung Cheung Road, thereby saving travelling time and minimizing traffic and environmental impacts on the nearby residential areas (including Beacon Heights);

*Traffic Data and Assessment*

- (d) the resresenter could not provide methodology and assessment to substantiate his point that the traffic data provided by the Government were misleading and incomplete in his oral submission. TD considered that the traffic assessment carried out was adequate in reflecting the actual and future traffic situation in the concerned area;

*Car Parking Provision*

- (e) the number of car parking spaces (115) was based on the upper range in the Hong Kong Planning Standards and Guidelines (HKPSG) for flats size of 60m<sup>2</sup>. The maximum number of parking spaces provided on the site would be controlled by the lease restrictions and the parking provision under lease would follow the requirements of the HKPSG; and

*Public Transport Services*

- (f) with a stop located at the northern end of Yin Ping Road, the existing green mini-bus service Route No. 32M provided public transport connecting the Dynasty Heights area to the MTR Shek Kip Mei Station. As an established practice, TD together with the public transport operators, would suitably adjust the level of public transport services to cope with the possible additional passenger demand generated by the proposed residential development to ensure adequate provision of public transport services.

Slope Safety

35. The Chairman recapitulated the following major points made by the representers/commenter in their written and oral submissions:

*Slope Stabilization Works*

- (a) as the site comprised steep slopes, additional areas outside the site would have to be used for site formation and slope stabilization works. There would be further loss of trees and reduced distance of the proposed development from

the Country Park. A retaining wall on the site would be some 20m to 30m high and would block views of most of the future residents. The developer might eventually request for slope stabilization works outside the site as an alternative;

- (b) some representers had prepared plans and a section to show that the site was not suitable for residential use for the reasons that (i) the site terrain was very steep ranging from 130mPD to 180mPD with some areas up to 200mPD; (2) PlanD's indicative scheme would be very congested and all buildings had to be built up to a uniform height of 210mPD; (iii) the gradient of the internal access road would be very steep; (iv) retaining walls of excessive scale up to 25m tall would have to be constructed and, together with the 6m high protective barrier built atop, the views from many flats within the development would be blocked; and (v) some retaining structures were needed to be constructed on-site as there were a few slopes within the site;

*Slope Instability and Boulders*

- (c) slope instability, blasting during construction, and proximity of the site to housing developments nearby would pose possible risks to life and property of the existing residents there and technical difficulties in construction. Extensive slope works at the site would affect the slopes behind Dynasty Heights and the additional maintenance cost would be borne by the Dynasty Heights residents. Safety of the resident was at stake by relying on the future developer instead of the Government to provide mitigation measures and address the technical problems on the slope safety issue; and
- (d) there were many boulders on the slopes of Tai Wo Ping and there were previous incidents of collapses at the slope behind Dynasty Heights. The boulders were of enormous sizes. Slope works towards the fringe of the Country Park would be required. A comprehensive terrain hazard assessment should have been completed before rezoning.

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

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

*Slope Stabilization Works*

- (a) a retaining wall would be built along the boundary of the site and there would be no need for site works outside the site, other than small-scale in-situ stabilization works on boulders as necessary. On site formation, CEDD had advised that vertical retaining walls up to 20m high was required and were found technically feasible. The requirement of no cutting works on the adjoining slopes without the prior approval from LandsD would be stipulated in the land sale conditions; and

*Slope Instability and Boulders*

- (b) CEDD had conducted a preliminary natural terrain hazard study for the site and considered that the risk of landslide was acceptable if mitigation measures, such as the construction of rigid barriers, removing of potentially dangerous boulders or in-situ stabilization works on the boulders, were undertaken. Rigid barriers would be designed and provided by the future developer within the site. Those rigid barriers might be built on top of the retaining walls.

Development Intensity and Housing Demand and Supply

37. The Chairman recapitulated the following major points made by the representers/commenter in their written and oral submissions:

*Development Intensity*

- (a) a plot ratio (PR) of 2.88 on the site was excessive and not in line with Town Planning Board's Guidelines on "Application for Development within "GB" zone" (TPB PG-No. 10) which stated that PR up to 0.4 might be permitted for residential development in "GB" zones. The development was incompatible with the existing low-density, low-rise residential developments nearby;

*No Urgent Need to rezone “GB” sites*

- (b) there was no urgent need to rezone the site for increasing housing supply as it was doubtful that there would be a genuine housing need as estimated by the Government in the long-term. According to the 2011 Census and the Hong Kong Annual Digest of Statistics, based on occupied and total number of private domestic units, the vacancy rate was about 13%;

*Luxury Housing Cannot Ease Pressure on Housing Demand*

- (c) the proposed residential development would entail high development costs and was for luxury housing instead of affordable housing, and hence it would be unable to ease the pressure on housing supply for the general public;
- (d) the area was not lack of supply of luxury housing. A site of 2 ha was located in the vicinity of the site for such development. Reports indicated that expensive and large-sized flats had high vacancy rates of about 10%. For the 29 sites on the Land Sale Programme, only 7 sites would be for housing affordable to the public, and the others were for luxury housing and could not meet the housing need of the general public. Some representers considered that public housing, rather than private housing, should be developed on the site;

*Alternative Housing Sites in Sham Shui Po (SSP) and Other Means to Increase Housing Land*

- (e) alternative sites in SSP should be considered for housing, including Tai Hang Sai Estate, Chak On Estate, Shek Kip Mei Estate, the vacant Sam Shui Natives Association Tong Yun Kai School and St. Francis of Assisi’s Caritas School sites, the Cheung Sha Wan Temporary Wholesale Poultry Market etc.; and
- (f) the Government should review comprehensively the existing housing and land resources before resorting to rezone “GB” sites. The Government should use other means to increase housing land supply, e.g. better utilization of developed sites and brownfield sites, redevelopment of industrial buildings, rezoning of abandoned farmland, urban renewal, utilization of vacant public housing units,

limited reclamation, utilization of military barracks and public utility sites, review of Small House policy, etc.

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

*Development Intensity*

- (a) to meet the pressing housing need of the community, the current policy was to allow suitable sites to increase development intensity taking into account the land use compatibility and infrastructure capacity. The development intensity of the site at a maximum GFA of 58,750m<sup>2</sup> (equivalent to a PR of 2.88) and maximum building height (BH) of 210mPD was formulated having regard to the need to optimise the use of limited land resources, local characteristics, possible impacts of the proposed development on the surrounding areas and technical feasibility. The site area had been reduced from 2.84 ha to 2.04 ha after consultation with SSPDC;

*No Urgent Need to rezone "GB" sites*

- (b) as announced in the Long Term Housing Strategy (December 2014) and the 2015 Policy Address, the Government had adopted a total housing supply target of 480,000 units for the ten-year period from 2015-16 to 2024-25. To achieve that, the Government would continue to adopt a multi-prolonged approach to increase land supply to meet the imminent demand. High vacancy rate of individual residential developments was not representative. The average vacancy rate of about 4% of residential flats in Hong Kong was indeed low, and many of the vacant flats were vacant due to in-between tenancy and renovation;

*Luxury Housing Cannot Ease Pressure on Housing Demand*

- (c) given its location and character, the site was suitable for low-density private residential housing. There were demands for different types of housing. The

high-end private housing provided at the site could help to release more lower-end units for lower income households;

- (d) sites for public housing should be at convenient locations with easy access to public transport. Public housing would normally be at a much higher PR than that proposed on the site. The proposal to use the site for public housing was therefore not supported;

*Alternative Housing Sites in Sham Shui Po (SSP) and Other Means to Increase Housing Land*

- (e) the alternative housing sites suggested by the representers were either existing/planned housing developments/redevelopments or sites with planned uses; and
- (f) the Government would continue to adopt a multi-pronged approach to meet the housing demand of the community. Substantial areas of under-utilised brownfield sites had been included in on-going planning studies for potential long-term land supply to meet Hong Kong's future needs. In addition, PlanD would review sites that were appropriate for rezoning for other uses, including residential use, on a regular basis taking into account land use compatibility and other development impacts. Suitable sites would be recommended to the Board for rezoning.

Infrastructure Capacity and Community/Recreational Facilities

39. The Chairman recapitulated the following major points made by the representers/commenter in their written and oral submissions:

- (a) the SSP district was overcrowded and its population would further increase substantially with completion of various housing developments in the district (e.g. North West Kowloon Reclamation Sites 2 and 6, development above Nam Cheong Station, urban renewal projects) in future. The district had approached its development limit, with inadequate facilities and infrastructure

capacity. The Government should avoid further depriving SSP of scarce green space; and

- (b) the proposed development would result in the loss of a recreational outlet for local residents and a hiking place for the public. The site was easily accessible from main areas of SSP as well as East and West Kowloon.

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

- (a) the proposed residential development would not result in any unacceptable adverse impacts on infrastructural capacity and provision of open space and Government, institution and community (GIC) facilities in the area. The Drainage Services Department (DSD) had advised that the requirement of a drainage impact assessment could be incorporated in the relevant land/lease conditions for the site;
- (b) regarding public open space provision, a total of about 19.74 ha of open space was required in Shek Kip Mei according to the HKPSG. The total existing open space provision was about 33.91 and the existing and planned open space provision in the area was about 38.87 ha. There was thus sufficient existing and planned open space provision in the area to meet the HKPSG requirements;
- (c) regarding GIC facilities, except for 19 primary school classrooms and 570 hospital beds, there was no other deficit in major community facilities in the area. As the provision of hospital beds was on a regional basis, there was no need to provide those GIC facilities at the site. The shortfall in primary school classrooms was minor and the Education Bureau had no comment on the amendment; and
- (d) as the site was without footpath or proper hiking trail, and the natural streams had been excluded from the site, the proposed residential development would

not result in the loss of recreational outlet for local residents or a hiking place for the public.

#### Insufficient Information/Assessment

41. The Chairman recapitulated the point made by the representers/commenter in their written and oral submissions that the information released on various technical assessments was incomprehensive and incomplete; many important considerations had not been mentioned; reliance on the future developer to conduct detailed technical assessments and recommend mitigation measures was not proper; and the Government should submit detailed impact assessments, including ecological, environmental and traffic aspects, as well as tree preservation proposal to the Board.

42. Members then went through the response of the relevant government departments given during PlanD's presentation and in answering Members' questions at the hearing, and/or recorded in the Paper that the relevant government departments had examined and evaluated the possible impacts of the proposed residential development at the site and concluded that there would be no significant and insurmountable impacts

#### Local Consultation and Public Consultation Procedure

43. The Chairman recapitulated the following major points made by the representers/commenter in their written and oral submissions:

- (a) the Government put the site into the 2014/15 Land Sale Programme without any public consultation. That constituted procedural unfairness. Subsequent consultations were carried out in haste without providing adequate information. The Government had not respected the opinion of the SSPDC. The SSPDC considered that the Government should not submit the rezoning proposal for the Board's consideration without sufficient information provided and the SSPDC had passed motions to oppose the rezoning. The Paper given to SSPDC on 4.3.2014 did not contain sufficient information, and it only had three pages with figures and plans in black and white;

- (b) the local stakeholders were consulted at a late stage on the rezoning proposals and the public views could not be addressed in a meaningful manner; and
- (c) according to a survey conducted by City University of Hong Kong, majority of residents did not agree to the rezoning the “GB” site for residential use with over 90% considering that the “GB” site should be conserved.

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

- (a) some 15 of the 29 sites in the 2015/16 Land Sale Programme required rezoning. If the Board did not agree to the rezoning proposals, the sites would be taken out from the Land Sale Programme and would not be sold. In processing the subject zoning amendment, PlanD had followed the established procedures including departmental consultation, DC consultation, TPB submission, and gazetting under the Town Planning Ordinance. Prior to submission to Metro Planning Committee (MPC) of the Board, the SSPDC was consulted on the subject rezoning proposal. The views collected were incorporated into the MPC paper to facilitate MPC’s consideration of the rezoning proposal. After publication of the proposed amendments, the SSPDC was further consulted on the OZP;
- (b) although the first paper to SSPDC on 4.3.2014 was short, it had clearly set out that relevant government departments considered that there was no insurmountable problem with developing the site. The SSPDC was consulted again on 19.5.2014, and the site area was reduced and a 10-page consultation paper including more detailed information on the traffic, environmental and drainage impacts and slope stability was provided to SSPDC; and
- (c) local consultation was undertaken at appropriate time and public views were incorporated into the relevant documents as appropriate. In formulating the rezoning proposal, SSPDC and local residents had been consulted several times and the site area had been reduced from 2.84 ha to 2.04 ha to address the concerns of the local residents on the potential impacts.

### Others

45. The Chairman recapitulated the following major points made by the representers/commenter in their written and oral submissions:

- (a) TPB paper with new data and technical assessments was only provided to representers/ commenter 7 days before the meeting, and there was insufficient time to study the new information; and
- (b) there was a radar station on the hill top and future residents of the site might be exposed to radiation risk.

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

- (a) most of the impact assessments and information contained in the TPB Paper and the consultation papers were the same as information previously provided during the earlier consultation meetings. The only exception was the tree survey report and supplementary information on the ecological conditions of the site, which were included in the Paper to address the representers' concerns; and
- (b) the Civil Aviation Department (CAD) had advised that the radar was located much higher than other structures in the vicinity, and its radiation would not reach objects below it. All surveillance radars of CAD operated in full compliance with the relevant Code issued by the Office of the Communication Authority.

### Proposals

47. The Chairman recapitulated the following major points made by the representers/commenter in their written and oral submissions:

- (a) the site should be reverted to “GB” and enhanced such as developing it and the adjoining stream into a large park as a place for hiking / recreation for the public; and
- (a) the site should be rezoned to “Country Park”.

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

- (a) rezoning the site for residential use was suitable in view of the pressing need for increasing housing supply; that the site had relatively less buffering effect, low conservation value and was in proximity to existing urbanized development and infrastructure; and there would be no insurmountable adverse impacts arising from the housing development. As there was surplus existing and planned open space provision in Shek Kip Mei and SSP, replacement of the proposed residential development by a large park was not justified; and
- (b) AFCD had advised that there was no plan to designate the site as Country Park.

49. The Chairman recapitulated that the comment received was similar to the representations and the responses were noted above.

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

50. A Member expressed reservation against the rezoning of the site for residential use. The Member said that the notional development scheme prepared by PlanD was considered not as satisfactory, and the ultimate block layout might be even more visually obtrusive against the backdrop of the Lion Rock Country Park. Another Member said that although there were existing and planned residential developments within the same strip of green belt where the subject site was located, they were situated to the further south of the Country Park along Lung Cheung Road. The subject site was located at the heart of the green belt and was not far away from the Country Park. The integrity of the green belt was the main concern rather than the ecological value of the site as advocated by some representers. While the pressing housing need in Hong Kong was well recognized, some planning

principles should be upheld in considering the rezoning of “GB” sites. The Board was very cautious in considering Small House applications in the “GB” zone in the New Territories and should apply the same approach for considering the rezoning of “GB” sites in the urban area. The site was not large and had steep terrains with rock boulders nearby. Whilst a retaining wall of 20m to 30m high (6 to 7 storeys) could be provided within the future development for slope stabilization, such a tall retaining wall was visually undesirable to the future residents. The future developer might strive to obtain more land outside the site for the slope stabilization works, and the Government might need to accede to the request on safety ground and that would result in the loss of more land in the “GB” zone and pose greater threats to the nearby Country Park.

51. In response to the Chairman’s enquiry, Ms Bernadette H.H. Linn (Director of Lands) responded that as the subject site would be a land sale site, relevant conditions could be incorporated into the land lease to prohibit slope formation works outside the site. Even if such conditions were not incorporated under the lease, relevant government departments would be consulted for any works to be carried out on government land outside the site.

52. A Member said that while the sentiment against rezoning “GB” sites for residential use was fully understood, a pragmatic approach was required for meeting the pressing housing need of the community. On a recent hiking along the Lion Rock Country Park in area near the site, it was found that the hiking trail was mostly surrounded by dense vegetation and city development below the hill was not visible to hikers, except at the popular lookout points. At those lookout points, hikers could enjoy a panoramic city view which many took as beautiful scene of cityscape, rather than eyesore. Noting the overcrowded built environment in the old district, more housing sites in less built-up area could help to improve the living conditions in the old districts. Besides, having noted that there were not many hikers visiting the Country Park, the Member doubted whether it was appropriate for not supporting residential use at the site on the ground of its visual impact on the Country Park users. Given its vast area, the Country Park itself could provide sufficient buffer to residential developments without a green belt in-between. On the footpath next to Dynasty Heights leading to the Country Park, the Member noted that it was not a proper footpath but just a convenient access created by the residents of Dynasty Heights rather than used by the public at large.

53. With the aid of the plans/photographs shown on the visualizer, Mr K.K. Ling (Director of Planning) quoted three examples of residential developments that were very close to or abutting country parks. They were Kornhill Garden, Hong Kong Parkview and the public housing site (an ex-quarry site) at Shui Chuen O. Those examples illustrated that given the vast area of the country parks, it was inevitable that some developments were located in their close proximity. At present, the Government had no plan to propose other housing sites in the subject green belt as claimed by a representer. On visual impact, the photomontages contained in the TPB Paper with viewpoint taken from a popular pavilion in the Lion Rock Country Park illustrated that the proposed development would be very similar to Dynasty Heights nearby. His site visit revealed that the site had been formed partly covered with overgrown vegetation and partly left barren. While the seasonal stream within the site and a small water pool at its edge could be seen, given the monsoonal climate in Hong Kong, they were not uncommon. The site had no hiking trail leading to the Country Park, but some abandoned footpaths in unsatisfactory condition.

54. A Member did not support the rezoning proposal. The Member considered that the Board should adopt the same cautious approach as for considering applications for developments in the "GB" zone in the New Territories. The subject strip of green belt was an important buffer between developments and the Lion Rock Country Park. Dynasty Heights and other development proposals north of Lung Cheung Road had already intruded into that strip of green belt. With the subject rezoning, the area between developments and countryside would further recede, and the buffering function of the whole strip of green belt would be undermined. The Member considered that the proposed development would become an eyesore to the nearby Country Park hikers. Kornhill Garden and the Shui Chuen O site were large scale developments that could benefit many people, while the subject site could only provide a few private luxury housing blocks which were not for fulfilling basic housing need. There would not be a significant planning gain in the current rezoning amendment. Some areas should be left as breathing spaces for the local residents and Country Park users.

55. Some Members considered that a hard decision needed to be made between whether the site should be retained as "GB" for a group of residents/hikers or it should be rezoned for residential use to meet the pressing housing need of the community at large.

They considered that a pragmatic approach should be adopted in considering the rezoning of “GB” sites in view of acute shortage of housing land. Meeting housing need of the community should be more important than the view and enjoyment of hikers. Whether Country Park hikers would consider the cityscape as an eyesore or attraction was very subjective.

56. Some Members also considered that the site, which was once a squatter area, was already disturbed and had residential developments nearby. No rehabilitation works were carried out after clearance of the squatters, which reflected that the site was once intended to be a land reserve ready for development, if needed. Despite that housing supply from the new development areas in the New Territories was under planning, there was still a very strong demand for housing sites in the urban areas to meet the needs in the short and medium terms for both public and private housing. Besides, there were no insurmountable technical problems for the proposed housing development, and the slope safety concern could be addressed under relevant ordinances/regulations. On the view from the future flats, the developer should be able to adopt innovative design measures to address possible undesirable view of the future residents towards the high retaining wall or a pricing policy to attract future residents. In any case, the views from the flats of the future residents and the pricing policy of the developer should not be the main considerations of the Board. These Members supported the rezoning proposal.

[Ms Christina M Lee left the meeting at this point.]

57. A few Members indicated their reservations on the rezoning as the site was located deep inside the green belt, and the local residents and the SSP District Council had raised strong objection to the rezoning. A Member said that sites located close to Lung Cheung Road and not within the heart of the “GB” zone should be more acceptable for residential use. The Member considered that as slope formation works outside the site were allowed for Dynastic Heights development, prohibition of doing so in the proposed development would be subject to legal challenge. When considering a rezoning proposal, the Board should also be responsible to reserve a site that was conducive to a good design for development. Given the uncertainties inherent to the site, the Member did not support the rezoning proposal.

58. A Member said that more stringent requirements should be adopted for rezoning proposals, and the good planning principles set down before should also be respected. The Member agreed that rezoning could be proceeded for sites without ecological value and could no longer serve as buffers. However, there was no scientific information or data to ascertain that the ecological value of the subject site was low. Besides, the tree survey and compensation measures required under PN 7/2007 were intended for a simple development site rather than the green belt sites.

59. A member said that there were examples of housing developments abutting country parks while the subject site was 70m away from the nearest point of the country park. Provision of more housing sites could relieve the overcrowded living environment in old urbandistricts including SSP, which should be more important than the visual impact on the Country Park hikers.

60. A few Members were of the view that as Hong Kong had the most densely populated urban centre in the world and the public had a great demand for housing in urban areas, sites in the green belt at the fringe of the urban area would inevitably be required for development. A Member said that a recent opinion survey conducted by an organization revealed that the public preferred scarifying some "GB" sites for a better living condition. With the progress of the Stage 2 review of "GB" sites, less desirable and more difficult site would be proposed for rezoning. A compromise would be needed in deciding the rezoning of the "GB" sites. Another Member said that in terms of buildability, location and accessibility, the subject site was more appropriate for low-density housing development rather than high-density public housing development.

61. In response to some Members' enquiries on the visual impacts of the proposed development towards the Country Park, Mr K.K. Ling said that as shown in the photomontages in the TPB Paper, the proposed development would form a cluster with the adjacent Dynasty Heights when viewed from the rooftop garden of the SSP reservoir and the lookout points in the Country Park.

62. A Member reiterated that his concern was on the integrity of the green belt as well as the visual impact when people viewed from the south of the site. The green belt

together with the Lion Rock Country Park was the backdrop of the city scene when viewed from the south and should be protected. The proposed development would set a precedent for development to intrude into the heart of the green belt and pose threats to the Country Park. Departments concerned could not provide convincing information to address the uncertainties of the impacts arising from the proposed development.

63. In response to some Members' concern, Mr K. K. Ling said the cityscape of Hong Kong's main urban area was set with the harbour as foreground and the mountain range as backdrop. That setting was maintained with no further reclamation in Victoria Harbour and designation of the mountain range as Country Park. The "GB" sites proposed for development were carefully selected and should not adversely affect the overall cityscape. The subject site had the advantage of being served by Yin Ping Road, thus formation of access road, which was usually very disruptive to existing terrain, could be avoided.

64. As Members had different views on the rezoning amendment, the Chairman suggested and Members agreed to vote on the matter. A voting was conducted and more Members supported the rezoning of the site for residential use.

65. After deliberation, the meeting decided not to uphold Representations No. R2 to R405, R407 to 5110, and R5112 and considered that the Plan should not be amended to meet the representations. Members then went through the reasons for not upholding the representations in paragraph 7.2 of the Paper and considered that they were appropriate. The reasons were :

“(a) land suitable for development in Hong Kong is scarce and there is a need to optimise the use of land available to meet the pressing demand for housing land. Rezoning of “Green Belt” (“GB”) sites is one of the measures of the multi-pronged approach of the Government to meet the housing and other development need of Hong Kong. Planning is an on-going process and the Government will continue to review land uses and rezone sites as appropriate for residential use;

(b) the site is located at the fringe of developed area and is easily accessible. It is

suitable for residential development which would be compatible with the surrounding developments. The zoning amendment of the Site will contribute to the Government's effort in meeting the need for housing land supply;

- (c) the proposed residential development under the zoning amendment would not generate unacceptable impacts in terms of traffic, ecological, environment, landscape, infrastructure, air ventilation and visual quality on the surrounding areas;
- (d) the site is adjacent to a developed area at the urban fringe. The boundary of the site has been so delineated to avoid natural streams. The site is a disturbed area and trees found within the Site are of common species. The rezoning of the site would not result in significant ecological impact;
- (e) the slope/site formation works of the site can be contained within the site boundary as far as practicable so as not to cause further loss of trees. Verification of the presence of species of conservation interest within the Site and translocation of such species (if identified) under the supervision of Agriculture, Fisheries and Conservation Department will be arranged before commencement of the site formation works;
- (f) there are no trees under the Register of Old and Valuable Trees within the site. Tree preservation and compensatory planting proposals will be provided for the future housing development. Tree preservation and landscaping provisions will be imposed under the land sale conditions of the site as appropriate;
- (g) the planned provision of open space and major Government, institution or community facilities in the Sham Shui Po District is generally sufficient to meet the demand of the future population as well as additional demand from the new housing site;
- (h) the statutory and administrative procedures in consulting the public on the proposed zoning amendments have been duly followed. The exhibition of

Outline Zoning Plan for public inspection and the provisions for submission of representations/comments form part of the statutory consultation process under the Ordinance; and

- (i) designation of 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. There is no plan to designate the Site as Country Park. (R5090) ”

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

#### **Agenda Item 8**

Consideration of Representations and Comments in respect of Draft Lai Chi Wo, Siu Tan & Sam A Tsuen Outline Zoning Plan No. S/NE-LCW/1

(TPB Paper No. 9912)

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[Open Meeting (Presentation and Question Sessions only)]

[The item was conducted in Cantonese and English.]

66. Professor S.C. Wong had declared interest in the item as one of his colleagues of the same Department of which he was Head was involved in a project in Lai Chi Wo with a non-governmental organization. He himself had no association with the project. Members considered that Professor S.C. Wong's interest was indirect and agreed that he could stay in the meeting.

#### **Presentation and Question Sessions**

67. The Chairman said that reasonable notice had been given to the representers and commenters to invite them to attend the hearing. However, other than those who were present or indicated that they would attend the meeting, the rest had either indicated not to attend the hearing or made no reply. Members agreed to proceed with the hearing of the representations and comments in the absence of the other representers/commenters who had indicated that they would not attend or had made no reply.

68. The following government representatives and the representers/commenters and their representatives were invited to the meeting at this point:

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

Mr David Y.M. Ng - Senior Town Planner/Country Park Enclave, PlanD

Mr Cheung Kwok Wai - Senior Nature Conservation Officer, Agriculture,  
Fisheries and Conservation Department (AFCD)

R2 – Tsang Ah Chat

Mr Tsang Ah Chat - Representer

R7 - 陳志英

R8 - 曾愷呈

R11 - 曾日友

R68 - 邱錦洲

Mr Tsang Yuk On - Representer and Representers' Representative

R9 - 曾玉安

Mr Lee Koo Hung - Representer's Representative

R65 – Fan Foo Choi

Mr Fan Foo Choi - Representer

R102 - 嚴雪芳

Mr. Yip Wah Ching - Representer's Representative

R103 - 黃夏衛

Mr Kong Chee Cheung - Representer's Representative

R104 – Tsang Wai Yip

Mr Tsang Wai Yip - Representer

R105 – Anna Mak

Ms Anna Mak - Representer

R106 - Hong Kong Countryside Foundation Ltd (HKCF)

Dr Ng Cho Nam - Representer's Representatives

Ms Teresa Leung

R108 and C5 - The Conservancy Association (CA)

Mr Ng Hei Man, Roy - Representer's Representative

R109 – Y.S. Gilbert Chan

Mr Eddie Cheung - Representer's Representative

R111 - Hong Kong Bird Watching Society (HKBWS)

Ms Woo Ming Chuan - Representer's Representative

R112 and C3 – World Wide Fund for Nature Hong Kong (WWF)

Mr Andrew Chan - Representer's and Commenter's Representatives

Mr Tobi Lau

R113 and C2 - Kadoorie Farm & Botanic Garden (KFBG)

C1 – Dr Chiu Sein Tuck

Mr Tony Nip - Representer's and Commenters' Representative

R114 and C4 - Designing Hong Kong Limited (DHK)

Mr Paul Zimmerman - Representer's and Commenter's Representatives

Ms Debby Chan Ka Lam

69. The Chairman extended a welcome, and briefly explained the procedure. As a large number of representers/commenters had indicated that they would attend the hearing, it was necessary to limit the time for making oral submissions. The Board agreed on 23.1.2015 that each representer/commenter or their representative should be allotted 10 minutes for their oral presentation. The representers and commenter had been informed about the arrangement before the meeting. The Chairman said that there was a timer device to alert the representers/commenters or their representatives 2 minutes before the allotted 10-minute time was to expire and when the allotted 10-minute time limit was up. The oral submission was to supplement, rather than repeating, the contents of the written submission, and the contents of the oral submission should be relevant to the OZP. After the oral submissions, there would be a question and answer session. The Board would deliberate on the representations and commenters after completion of the presentation and question sessions. He then invited the representatives of PlanD to brief Members on the representations and comments.

70. With the aid of a PowerPoint presentation, Mr C.K. Soh, DPO/STN, made the following main points as detailed in the Paper :

Background

- (a) on 22.8.2014, the draft Lai Chi Wo, Siu Tan and Sam A Tsuen Outline Zoning Plan (OZP) No. S/NE-LCW/1 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 114 representations and five comments were received. On 10.4.2015, the Town Planning Board (the Board) decided to consider all the representations and comments collectively in a hearing session as the concerns were closely related;
- (b) the representations could be generally categorised into the following three groups based on the nature of the representations;

Group A Representations (R1 to R103)

- (c) Group A comprised 103 representations which were submitted by the North District Council (NDC), Village Representative of Tai Tong Wu Village, local villagers of Lai Chi Wo Village, Miu Tsz Lam, Kop Tong and Ngau Shi Wu Village and individuals, and objected to the OZP mainly on the following grounds:
  - (i) the area designated as “Village Type Development (“V”) zone was geographically not suitable for Small House development and the “V” zone was inadequate to meet the Small House demand. Hence, the “V” zone should be drawn up and revised in accordance with the ‘Village Environs’ (‘VE’) and future Small House demand figures from the indigenous villagers;
  - (ii) designating a large portion of private land as “Green Belt” (“GB”) and “Conservation Area (“CA”) (about 91% of the total land area) would disregard landowners’ interests. It was necessary to respect the rights

of private owners and demand for agricultural rehabilitation so as to strike a balance between conservation and future village development;

- (d) the main proposals of Group A were:
  - (i) agricultural land should be designated as “Agriculture” (“AGR”) zone to encourage agricultural rehabilitation and revitalize the village; (R1 to R103)
  - (ii) recreational uses should be designated to support tourism in the area and provision of related infrastructural facilities including public toilets, activity centres, recreational facilities, and tourist information centres and comprehensive transportation network should be planned accordingly; (R2 to R103)

Group B Representations (R104 to R109)

- (e) Group B comprised six representations which were submitted by the village representative of Lai Chi Wo Village, Hong Kong Countryside Foundation (HKCF), Produce Green Foundation, and the Conservancy Association (CA) and an individual. They in general objected to or provided comments on the draft OZP as follows :
  - (i) the Project of ‘Living Water and Community Revitalization’ being implemented at the farm land in Lai Chi Wo was an agriculture-led project which aimed to revitalize the community network and enhance the sustainable development of Lai Chi Wo Village through farming, training, education, and research. It placed great emphasis on the engagement of indigenous villagers so that Hakka culture and traditions would be promoted. It was expected that those sustainable agricultural practices would offer an alternative model in rural conservation for other country park enclaves and rural areas in Hong Kong; (R104 and R106 to R108)

- (ii) the extensive zoning of “CA” would impose constraints on the provision of infrastructural facilities and the Project currently being undertaken by the HKCF; (R104 to R105)
  - (iii) although agricultural use was always permitted in conservation zonings, such as “GB” and “CA”, ‘plant nursery’ was not permitted under “CA” zone and that would impose certain restrictions on the agricultural activities of the Project; (R107)
  - (iv) there was a need to clarify the scope of ‘excavation of land’ in the Remarks of “GB” and “CA” zones and ploughing soil by using machines or hand tools in genuine farming activities; (R107)
- (f) the proposals of Group B were:
- (i) the “AGR” zone should be expanded to include the areas covered by the Project and fallow arable lands with good agricultural potential to encourage agricultural rehabilitation and local farming development (R104 to R108). Furthermore, to ensure that genuine agriculture was practised, appropriate provisions would have to be put in place such as ‘no infilling’ and ‘no building development’ in the “AGR” zone (R104 to 106);
  - (ii) the area to the south of a footpath leading to the entrance of Lai Chi Wo Village should be rezoned from “CA” to “GB” (R104) or “GB(1)” (R105 and R106) as there was no wildlife or species of vegetation that was of special conservation value at the area concerned and designation of “CA” was unfavourable to the provision of infrastructure and improvement projects for the village;
  - (iii) the fish ponds at Siu Tan should be rezoned from “CA” to “GB” and marshes at Siu Tan from “CA” to “AGR” (R104). The fish ponds should be retained for agricultural use instead of for conservation purpose; (R109)

Group C Representations (R110 to R114)

- (g) Group C comprised five representations which provided the following comments on the draft OZP:
- (i) the planning intention of the Plan to conserve the geomorphological, ecological and cultural values of the Area and conversion of the vacant Siu Ying School into a geoheritage-cum-ecological education centre was supported; (R110)
  - (ii) the Small House Policy had been abused for investment rather than for housing needs. The 10-year-forecast for housing was 2,567. The demand for new houses was neither verified nor justified; (R114)
  - (iii) the Area was characterised by high ecological value fully connected with the surrounding country park from the landscape and recreational point of view. There was neither existing public sewer nor any committed/planned sewerage project for the area. The use of septic tanks and soakaway (STS) system was not appropriate nor effective to protect the water quality. Future village development would result in severe cumulative ecological, water quality and traffic impacts on the environment. There was a need to strengthen control over development in Country Park enclaves to preserve the integrity of country park and geopark. Besides, infrastructural and related provisions should be implemented as public works to minimise their impacts on the environment prior to zoning of land for development; (R110 to R114)
  - (iv) the proposed “V” zones of Lai Chi Wo, Kop Tong, Mui Tse Lam and Sam A Tsuen covered part of the fung shui woodland and secondary woodland. Many riparian areas of streams were covered by or located adjacent to the “V” zone; (R113)
- (h) the proposals of Group C were:

- (i) the “V” zone should be confined to the existing village structures and building lots as well as sites of approved Small House applications so as to protect ecologically highly sensitive habitats from adverse impacts; (R112, R113 and R114)
- (ii) in order to retain the unique Hakka village characteristics of Lai Chi Wo, it was suggested that more stringent control on Small House developments including the height and style of the houses be set; (R110)
- (iii) the Notes of the “V” zone should be amended by moving ‘House (New Territories Exempted House (NTEH))’ from Column 1 to Column 2 uses and deleting ‘House (not elsewhere specified)’ from Column 2 uses; and deleting ‘Eating Place’ and ‘Shop and Services’ on the ground floor of a NTEH from Column 1 uses; (R113)
- (iv) development of NTEH should be strictly controlled and not be allowed under “GB” and “AGR” zones (R114). It was proposed that “GB” be changed to “GB(1)” (R111, R112 and R113) or to “CA” (R112 and R113), and “AGR” to “AGR(2)” (R111) or “GB” (R110) or “CA”/“GB(1)” (R113) under which new Small House development would not be permitted;
- (v) all streams, including the Lai Chi Wo Ecologically Important Stream (EIS) and their 30m riparian areas should be protected by “CA” zoning (R111, R112 and R113) or by “GB(1)” zoning (R113). Apart from the Lai Chi Wo EIS and its riparian area, the coastal area and areas connected to the country park should be zoned “CA”/ “Coastal Protection Area” (“CPA”); (R114)
- (vi) the existing piazza in front of the Lai Chi Wo Village would be flooded during heavy rainfall and was thus not suitable for Small House development, and it should be rezoned to “Open Space” (“O”) (R113). The existing piazza together with an area to its south should be rezoned to “O”; (R114)

- (vii) Lai Chi Wo should be incorporated into the Plover Cove Country Park;  
(R110)

#### Comments on Representations

- (i) the five comments received (C1 to C5) were submitted by an individual and green/concern groups which were also the representers. C1 to C4 objected to representations of Group A and proposed that more land be provided for recreational uses and for “V” zone, but supported genuine farming and agricultural activities. To ensure genuine agricultural practice, ‘House (NTEH only)’ should be excluded from the proposed “AGR”, i.e. to adopt a new zoning known as “AGR(2)” (C1 to C5). C1 to C4 also objected to Group B’s proposal to rezone “CA” to “GB”/”AGR” as farming activities were always permitted under the “CA” zone and the current zonings reflected the ecological value of the area. C5 commented that rezoning the area to the south of a footpath leading to the entrance of Lai Chi Wo Village from “CA” to “GB(1)” would be more appropriate as it was dominated by grassland and sparse woodland whereas the area covering the mangrove and stream near the coastline should remain as “CA”;

#### Lai Chi Wo, Siu Tan and Sam A Tsuen Area and Its Surroundings

- (j) the Lai Chi Wo, Siu Tan and Sam A Tsuen Area (the Area) covered by the Plan was surrounded by the Plover Cove Country Park except where it adjoined the Lai Chi Wo Special Area near Lai Chi Wo and fronts on the Yan Chau Tong Marine Park. The Area comprised a mixture of natural habitats, including coastal mangrove, mudflat, intertidal water ponds, ecological importance stream, freshwater streams, undisturbed terrestrial and hilly forest, woodlands, fung shui woodlands, shrubland and active and fallow agricultural land. The Area was accessible by boats via small piers at Lai Chi Wo and Sam A, and by walking trails leading from Wu Kau Tang and Bride’s Pool;

#### Local Consultation

- (k) North District Council (NDC) and Sha Tau Kok District Rural Committee (STKDRC) were both consulted. They all objected to the draft OZP on

grounds that private land should not be designated as conservation zones. They proposed to enlarge the “V” zone and to designate suitable land for recreational and “AGR” purposes;

- (l) a site visit and meeting with HKCF, Kadoorie Institute of the University of Hong Kong (HKU), Cultural Development Society of Lai Chi Wo Hong Kong, VR or Lai Chi Wo, and PlanD were held. They introduced details of the Project including active agricultural and habitat management activities and future expansion of the Project in Lai Chi Wo;
- (m) on 21.11.2014, a meeting with KFBG, DHK and WWF was held. They supported genuine farming and agricultural activities and proposed to replace “AGR” by “AGR(2)” under which new Small House development was not permitted;

#### Responses to Grounds of Representations and Representers’ Proposals

##### *Designation of “V” zone*

- (n) there were two divergent views on the boundaries of the “V” zones. The villagers in Group A considered that the “V” zones were not sufficient to meet the Small House demand for the Area, while the green/concern groups in Group C proposed to reduce the “V” zones to confine it to the existing village settlements and approved Small House sites;
- (o) an incremental approach had been adopted for designating “V” zones for Small House developments in that the land area of “V” zone would not fully meet the land requirement of Small House demand at the outset. In drawing up the “V” zone, areas of high conservation and landscape values and areas under the revitalization Project for agricultural purpose and for government, institution and community (G/IC) facilities would first be excluded. The boundaries of the “V” zones were then drawn up taking into account the VE, local topography, settlement pattern, Small House demand forecast, areas of ecological importance, as well as other site specific characteristics. The

present “V” zone on the OZP mainly covered the existing village clusters and the adjoining shrubland and grassland, which was considered suitable for village development;

- (p) Chief Town Planner/Urban Design and Landscape of PlanD (CTP/UD&L) considered that further expansion of “V” zones was not supported as such expansion would have negative impact on the surrounding woodland area and the agricultural land under rehabilitation, which were important elements to maintain the quality of the rural agricultural landscape character. AFCD did not support the expansion of the ‘V’ zone of Lai Chi Wo to the farmland at the south from the agricultural development point of view as many of the areas were in progress of the agricultural rehabilitation or possessed good potential for rehabilitation;
- (q) the proposed “V” zones could provide land for about 135 new Small Houses which could satisfy about 32% of the total 10-year forecast of Small House demand in the Area or 16% to 80% of such demand for the respective villages. Should there be a genuine need to use the land outside the “V” for Small House developments, there was provision for such under the planning application system and each application would be considered by the Board on its individual merits;
- (r) on the concern of unjustified Small House demand figures, Small House demand forecast was only one of the many references in considering the proposed “V” zones. The forecast was provided by the Indigenous Inhabitant Representatives to the Lands Department (LandsD) and could be subject to changes over time. District Lands Officer/North (DLO/N) would verify the status of the Small House applicant at the stage of Small House grant application;
- (s) AFCD had advised that the fung shui woodlands were already within the “CA” zones, and the respective “V” zones largely covered the existing village houses and adjacent farmland. While there might be individual mature trees at the peripheral of the “V” zones, it should not be taken as encroachment onto the

nearby secondary woodland or fung shui woodland areas. Furthermore, the vegetated area within the “V” zone of Lai Chi Wo to the southwest of the existing village cluster was not part of the Lai Chi Wo fung shui woodland. Overall, the area was rather scrubby, with patches of bamboo groves, some ruins and abandoned farmland;

- (t) on the interface between “V” zones and riparian areas, AFCD considered that the streams adjacent to the “V” zones of Mui Tsz Lam and Kop Tong were small streams co-existing with the villages for a long time and the “V” zones were rather small and largely covered existing village areas. For the stream adjacent to the “V” zone of Lai Chi Wo, it was largely a concrete channel whilst the section of Lai Chi Wo stream at the southern side of the “V” zone was lined by gabions and abutting the piazza. Therefore, limited riparian vegetation would be affected;

*Adverse environmental impacts generated from Small House Development*

- (u) in drawing up the Plan and its land use proposals, special conservation zones, i.e. “CA” and “GB”, had been designated to cover areas with high conservation and landscape value to complement the overall naturalness and the landscape beauty of the surrounding Plover Cove Country Park;
- (v) for Small House development, the design and construction of the STS systems were required to comply with relevant standards and regulations, such as Environmental Protection Department’s (EPD’s) Practice Note for Professional Person (ProPECC PN) 5/93. Operation and maintenance practices for septic tank (e.g. desludging practices) were also given in EPD’s “*Guidance Notes on Discharges from Village Houses*”. Also, in accordance with the Environmental, Transport and Works Bureau Technical Circular (Works) (ETWBTC(W)) No. 5/2005, for development proposals/submissions that might affect natural streams/rivers, the approving/processing authorities should consult and collate comments from AFCD and relevant departments;
- (w) LandsD when processing Small House applications would consult concerned departments to ensure that all relevant departments would had adequate

opportunity to review and comment on the applications from different aspects. LandsD would require the applicant to comply with relevant standards and regulations, such as ProPECC PN 5/93 in respect of on-site septic tank system for any development proposals/submissions;

*To retain the Hakka village of Lai Chi Wo*

- (x) according to Antiquities and Monuments Office (AMO) of the Leisure and Cultural Services Department (LCSD), only the Hip Tin Temple and Hok Shan Monastery in Lai Chi Wo in front of the Lai Chi Wo Village were Grade 3 historic buildings within the Area. Hence, there was no justification to impose more stringent control on Small House developments in the Area for retaining the Hakka village;

*To amend the Notes of the “V” zone*

- (y) “V” zones had been designated at suitable locations to avoid ecologically sensitive areas. As the planning intention of the “V” zone was to provide land for NTEH, it was appropriate to put NTEH in Column 1 of “V” zone. Regarding ‘House (not elsewhere specified)’, it was a Column 2 use under the “V” zone and any such proposal would need planning permission from the Board which would consider each application on its individual merits;
- (z) according to the covering Notes of the Plan, ‘Eating Place’ and ‘Shop and Services’ were allowed on the ground floor of a NTEH. Other than that, “Eating Place” and “Shop and Services” were under Column 2 of the Notes of “V” zone and required planning permission from the Board. Moreover, a food business licence was required to be obtained from the Food and Environmental Hygiene Department (FEHD) under the Public Health and Municipal Services Ordinance (Cap. 132) and licence would only be issued to a food business if the prescribed hygiene standards, building structure, fire safety, lease conditions and planning restrictions were confirmed;

*Designation/Expansion of “AGR” zone*

- (aa) about 6.28 ha (about 5%) of land had been designated as “AGR” not only to retain active and fallow arable land for agricultural purpose, including leisure farming or organic farming, but also to preserve the rural setting as well as the natural environment in the Area;
- (bb) AFCD had advised that the Project had specific objectives relating to agricultural rehabilitation and biodiversity conservation. It had been introduced by an amalgamation of academic institution, green groups and other non-government organisations (NGOs) with support from local villagers. The revitalization project would bring benefits to different sectors including agriculture, conservation, education and the public at large. As such, AFCD had expressed its support for the revitalization Project. CTP/UD&L also supported the Project as it could restore the rural agricultural landscape character and create scenic points along the hiking trails;
- (cc) on the proposed “AGR(2)”, AFCD had advised that the exclusion of plant nursery from Column 1 and proposed prohibition of the use of chemical pesticides, herbicides and fertilizers in the Remarks of the proposed “AGR(2)” would greatly limit the range of agricultural activities that could take place in the area. In addition, while organic farming might be encouraged, there was no policy or legislation on total prohibition of the use of agrochemicals;

*Rezoning the western and southern parts of Lai Chi Wo from “GB” to “AGR”(Sites 1, 2a and 2b)*

- (dd) AFCD had advised that the Government’s policy was to support agricultural land rehabilitation generally. The areas had good potential for agricultural rehabilitation and were covered by the Project, and hence designating the areas under an ‘AGR’ zoning was supported from the agricultural development point of view. Consideration could be given to partially meeting the representations by expanding the “AGR” zone to include the areas covered by the Project, i.e. the “GB” located to the western and southern parts of Lai Chi Wo Village;

*Rezoning the northern part of the riparian area from “GB” to “AGR”*

- (ee) CTP/UD&L had advised that since riparian area was located adjacent to the EIS, they had reservation on rezoning the area from “GB” to “AGR”/“AGR(2)”. AFCD had also advised that the riparian area along the EIS should be protected, and the “GB” zone was more appropriate to reflect the planning intention in providing a buffer area along the EIS from nature conservation point of view. Whilst ‘agricultural use’ was always permitted in “GB” zone, the proposed rezoning from “GB” to “AGR” was not supported;

*Rezoning the coastal area at Lai Chi Wo from “CA” to “AGR”*

*Sites 3a and 3b*

- (ff) AFCD had advised that the strip of land on the seaward side of the footpath adjacent to the coast were largely natural and colonized by mangroves, including the rare species *Heritiera littoralis* (銀葉樹), and large specimens of *Derris alborubra* (白花魚藤). The areas at the landward side of the existing concrete footpath were mostly abandoned agricultural land colonized by vegetation of common or weedy species and were covered by the Project for farming purposes. Physically, those areas differed from the wetland habitats at the seaside of the footpath. Noting that ‘agricultural use’ was always permitted in areas zoned “CA”, AFCD had no strong view to retain “CA” zone for the areas to reflect its planning intention to provide more stringent planning protection to the coastal areas;

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

- (gg) CTP/UD&L had advised that the landmark *Derris alborubra* (白花魚藤) group in Lai Chi Wo within the Yan Chau Tong Marine Park was located exactly adjacent to the subject areas, and keeping the existing condition of the areas by retaining them as “CA” could strengthen the planning intention to protect the area from a landscape perspective;

*Sites 3c and 3d*

- (hh) according to AFCD, a *Heritiera littoralis* (銀葉樹) was found at Site 3c. Site 3d was a vegetated hill slope on government land and it was unlikely to be used for farming given its steep terrain. Both sites were not covered by the revitalization Project. Both AFCD and CTP/UD&L did not support the rezoning proposals for the two sites and considered that the current zoning of “CA” was appropriate;
- (ii) retaining the “CA” zoning of the sites would also avoid compromising the integrity of the whole “CA” zone in buffering Yan Chau Tong Marine Park;

*Clarification the scope of excavation of land under “GB” and “CA”*

- (jj) AFCD had advised that ‘excavation’ generally referred to digging away and removing of earth and/or vegetation on site, which were in general larger in scale and usually involved in land clearance and site preparation. In contrast, ploughing for agricultural purposes generally referred to soil management work such as turning and breaking earth on site, which were in general smaller in scale and involved in routine agricultural operation. Nevertheless, suitable land covered by the revitalization Project had been designated for “AGR” whilst “GB” and “CA” zonings were applied for protecting the ecological and landscape value of the Area;
- (kk) responses to other specific grounds and proposals of representations were summarized as follows:

*Opposition to designating private land under conservation zonings*

- (i) private land within conservation zonings such as “GB” and “CA” zones was primarily demised for agricultural purpose under the block Government lease. Since ‘Agricultural Use’ was always permitted under such zonings, there was no deprivation of the rights of the landowners;

*Designation of recreational and related facilities*

- (ii) the ‘Study on the Enhancement of the Sha Tau Kok Rural Township and Surrounding Areas’ (the Study) completed in 2013 proposed a Lai

Chi Wo Ecological Centre at the vacant village school (ex-Siu Ying School), currently under “G/IC” zone, to further enhance the role of Lai Chi Wo as an ecological destination in the Northeast New Territories. Besides, there were no concrete recreation proposals submitted by any interested parties so far. Notwithstanding the above, recreational uses, such as ‘Holiday Camp’ and ‘Field Study/Education/Visitor Centre’, were permitted in “GB” zone upon application to the Board. Besides, development for ‘Hotel (Holiday House only)’, which was a Column 2 use under the “V” zone, might be permitted on application to the Board;

*Rezoning the area to the south of a footpath leading to the entrance of Lai Chi Wo Village from “CA” to “GB”/“GB(1)”*

- (iii) AFCD had no strong view on retaining the “CA” zoning at Site 4 to add more protection to the coastal habitat and Yan Chau Tong Marine Park. CTP/UD&L had advised that to better protect the Yan Chau Tong Marine Park and the coastal mangrove habitat, the “CA” zone was considered appropriate from both landscape and conservation viewpoints. Planning permission from the Board could be sought for the provision of facilities like rain shelter, public utility pipeline and lamp pole in “CA” zone;

*Rezoning intertidal ponds and marshes at Siu Tan from “CA” to “GB” and “AGR”*

- (iv) AFCD had advised that the private fish ponds at Siu Tan (Site 5a) and the marsh (Site 5b) at the southern part of Siu Tan were part of the wetland system of ecological value. The present “CA” zoning was more appropriate to reflect the ecological value of the area. CTP/UD&L had also advised that the fish ponds and wetland at Siu Tan were important landscape resources and should be retained as “CA”. Above all, except plant nursery, agricultural use was always permitted in “CA” zone;

*Insufficient protection of “GB” and “AGR” zones*

- (v) ‘House’ in the “GB” and “AGR” zones required planning permission from the Board. Any potential adverse impact from Small House development on the surrounding area would be assessed through the planning application system in consultation with departments concerned. Each application would be considered by the Board based on its individual merits taking into account the prevailing planning circumstances and relevant guidelines;

*Rezoning from “GB” to “GB(1)”/“CA*

- (vi) the existing “GB” zones were mainly vegetated hill slopes connecting with the adjacent Plover Cove Country Park. “GB” was a conservation zoning and there was a general presumption against development. Furthermore, any diversion of streams, filling of land/pond or excavation of land which might cause adverse impacts on the natural environment required planning permission from the Board. As such, AFCD considered that the existing “GB” zoning was adequate;

*Rezoning from “AGR” to “AGR(2)”/“GB”/“GB(1)”/“CA”*

- (vii) the “AGR” zones covered existing agricultural land and some of the areas were under active agricultural use. AFCD had advised that those areas were covered by the revitalization Project for farming purposes. To encourage agricultural rehabilitation in the area, those areas should be retained as “AGR” zone;

*Rezoning EIS, its riparian area and other ecologically sensitive areas from “GB” to “CA”/“Coastal Protection Area” (“CPA”)/“GB(1)”*

- (viii) while the EIS was of ecological importance, AFCD considered that its riparian area was similar to the adjacent habitats where shrubs and trees of common species can be found. Therefore, the “GB” zoning was adequate in providing planning protection to the stream;

*Rezoning the existing piazza from “V” and its adjoining “AGR” to “O”*

- (ix) the existing piazza in front of Lai Chi Wo Village was a common village setting forming part of the village development. It served as a gathering place of the villagers and provided different functions in different occasions like “Da Chiu” (打醮). Therefore, it should be retained as part of the “V” zone to better reflect the intention and use of the piazza. Besides, the portion located south of the river fell within the revitalization Project, it should be retained as “AGR”;
- (x) regarding the concern on the risk of flooding at the existing piazza, Drainage Services Department (DSD) had advised that for the last 10 years, only one flooding incident was reported at Lai Chi Wo Village in May 2014 mainly on both sides of footpath. Nevertheless, The North District Office would assess the situation and consider improvement works as necessary in consultation with relevant departments;

*Incorporation of the Area into Country Park*

- (xi) incorporation of the Area into 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. Preparation of the statutory plan would not preclude any future designation of Country Park;

*Other views not directly related to the Plan*

- (xii) the concern of compliance with the International Convention on Biological Diversity was noted; and
- (xiii) Regarding the cross-village application, DLO/N had advised that according to the current Small House policy, an indigenous villager might apply to build Small House on his own private land in another village in his Heung provided that he was acceptable to the native indigenous villagers of the recipient village. However, no cross-village

application for Small House grant on Government land would be entertained;

Responses to Grounds of Comments

(ll) the grounds of the five comments were similar to those raised by the representations R1 to R114 and the above responses were relevant; and

PlanD's views

(mm) the supportive view of R110 (part) was noted. R1 to R108 could be partially upheld by rezoning the western and southern parts of Lai Chi Wo Village from "GB" to "AGR". R109, R110 (part), and R111 to R114 were not supported.

71. The Chairman then invited the representers/commenters and their representatives to elaborate on their representations.

R9 - 曾玉安

72. Mr. Lee Koon Hung, who was the chairman of STKDRC and representative of NDC, made the following main points :

- (a) STKDRC and NDC objected to the OZP unanimously on the grounds that it was unable to reflect the existing condition and the needs of the local villagers;
- (b) they considered that the Board and PlanD were rubber-stamps. When the Government needed land, every site could be rezoned for use including "GB" sites. When there was no need for land, the Government would yield to the pressure of the conservation groups. The conservation groups intended to seek control of developments in the villages by requesting to move the NTEH development from Column 1 to Column 2 in the Notes of "V" zone. Under such circumstances, there was no scope for cooperation between the conservation groups and the villagers;

- (c) the direction of land use planning ran opposite to the Government's New Agricultural Policy. While the New Agricultural Policy encouraged agriculture, the agricultural land in the New Territories was largely zoned as "CA" with many restrictions that would stifle agriculture;
- (d) there was not much agricultural land left in the New Territories and the little land left should be zoned as "AGR", instead of "CA", "GB" or "GB(1)". It was a humble wish of the villagers to zone their agricultural land as "AGR" so as to continue their farming to earn a living. The Government and the conservation groups should not push the villagers to the extent of destroying the natural habitats in their land as a protest;
- (e) they had spent a great effort to go for a site visit with staff of PlanD and other government departments to show them the existing condition of the area, but it turned out that none of their views had been incorporated into the OZP which, he understood, was due to the pressure of the conservation groups; and
- (f) in gist, he requested the Board to consider whether the OZP had properly reflected the existing condition and the need of the villagers.

[Actual speaking time : 8 minutes ]

R7 - 陳志英

R8 - 曾愷呈

R11 - 曾日友

R68 - 邱錦洲

73. With the aid of the PowerPoint slides, Mr. Tsang Yuk On made the following main points:

- (a) while he had strived to act as a bridge between the Government and the villagers all along, he had at present no confidence to work with PlanD as they kept moving the goal pole. Members were urged to visit the Area so that they could fully understand it and make a fair decision on the OZP;

- (b) he was very disappointed with the OZP which was the same as the draft Development Permission Area Plan published in 2011. SKTDRC and NDC objected to the OZP unanimously;
- (c) there was inconsistency in the planning approach for preparing the OZPs for Sha Tau Kok, Lin Ma Hang and So Lo Pun. For example, the area of the “V” zone in Sha Tau Kok, Lin Ma Hang and So Lo Pun OZPs was 39.94 ha, 13.35 ha and 2.48 ha respectively while that for the five villages in the subject OZP was only 5.92 ha. He wondered what the rationale for determining the size of the “V” zone was. Despite the number of outstanding applications in all the areas was not high, there could be more applications with improved transport infrastructure such as provision of road for electric cars and ferry services. Planning should guide development and cater for future use;
- (d) the villagers in the Area were currently dispersed over the territory and he asked whether the Government had any policy to encourage the villagers to return and revitalize their ancestral villages. In response to the DPO’s views to retain the existing Hakka village in Lai Chi Wo, there were in fact a number of male descendants for a family in one village house, and the traditional village houses could only be retained if an area was set aside for building new Small Houses;
- (e) he supported the revitalization Project, but he wondered whether the “AGR” zone should only cover agricultural land already in use under the Project. 70% of the land in the “CA” zone at Sam A Tsuen was private land. They had made a submission which was carefully prepared with the villagers’ representatives to the Board in July 2014. In their plan for Sam A Tsuen in the submission, land was demarcated for recreation, agriculture and conservation. The land for recreational use was required to support the Geopark in Yan Chau Tong and encourage local employment and economy, but PlanD responded that it could not be treated as a representation as it was not received within the publication period of the OZP;

- (f) Mui Tze Lam Village and Kop Tong Village currently had 119 and 49 male descendants respectively, but the current “V” zone for Mui Tze Lam Village could only accommodate less than 10 Small Houses. A bold step was needed to set aside area for village expansion so that the character and morphology of the existing village clusters could be retained; and
- (g) holding up a placard stating that ‘discontent with PlanD’s fake consultation, he expressed his wish against TPB to be a rubber stamp. He concluded that the local consultation was insufficient and requested the Board to carefully consider the OZP.

[Actual speaking time : 13 minutes]

R102 - 嚴雪芳

74. Mr Yip Wah Ching made the following main points:

- (a) he was an extraordinary member of the Heung Yee Kuk and the villager representative of Lin Ma Hang Village. Both Heung Yee Kuk and Lin Ma Hang villagers objected to the OZP;
- (b) PlanD’s consultation exercise was unfair, inappropriate and discriminating against indigenous villagers. Landowners of the villagers had not been consulted on the Plan and the rights of the indigenous villagers were ignored. PlanD did not listen to the objections of the STKDRC and NDC, but took on board the views of a small group of environmental extremists. The role of STKDRC and NDC as the official local consultation bodies was not respected. With such fake consultation, they would refuse to provide views on any Government’s plans in the future. The environmentalists did not own the land but sought to control it by pressing the Government to zone them as “CA” and “Site of Special Scientific Interest” (“SSSI”). Those areas were home of the villagers while the environmentalists rarely patronized the Area;
- (c) in the TPB Paper, PlanD stated that the land use rights of the villagers were not affected, but in fact the villagers could not freely use their land under such

conservation zonings. That would contravene the Basic Law regarding the protection of private property rights. PlanD stated that compensation for the loss due to the conservation zonings was not under their jurisdiction. He considered it unfair as the villagers needed to pay for the costs of conservation;

- (d) the Government had double standards in their planning for the villagers. They garnered support from Heung Yee Kuk in implementing difficult policies while the relevant departments yielded to the environmentalists and put forward unfair planning and policies for their rural areas;
- (e) there was a population of about 800,000 indigenous villagers in Hong Kong and they were united together to fight against the unfair planning and the bully of the environmentalists. They would take uncooperative actions such as blocking the access in private land and adopting measures of not welcoming the site visits of departments in their villages; and
- (f) he requested the Board to carefully consider the OZP and return the land use rights to the villagers. The Board should not agree to PlanD's unfair planning or yield to the environmentalists. Otherwise, the Board would shoulder the responsibility of polarising society and provoking the villagers to fight against the Government.

[Actual speaking time : 9 minutes]

75. Mr Tsang Yuk On, R9, handed over a list of the male descendents of Mui Tsz Lam Village and Kop Tong Village to the Board which was received by the Secretariat.

[The meeting was adjourned for lunch break at 1 pm.]

76. The meeting was resumed at 2:15 pm.

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

Mr Roger K.H. Luk

Professor S.C. Wong

Professor P.P. Ho

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Julia M.K. Lau

Dr W.K. Yau

Professor K.C. Chau

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr Patrick H.T. Lau

Mr H. F. Leung

Mr Stephen H.B. Yau

Mr F.C. Chan

Mr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Deputy Director of Environmental Protection  
Mr C.W. Tse

Director of Lands  
Ms Bernadette H.H. Linn

Director of Planning  
Mr K.K. Ling

78. The Chairman said that the meeting would continue to hear the oral submissions of representers, commenters and their representations for the draft Lai Chi Wo, Siu Tan and Sam A Tsuen OZP No. S/NE-LCW/1.

R65 – Fan Foo Choi

79. Mr Fan Foo Choi, the village representative of Kop Tong Village, made the following main points :

- (a) the Board should consider the representations in respect of the OZP in a fair manner as some rezoning requests would have significant impact on his village;
- (b) the villagers had to rely on the agricultural land to make a living. The “GB” zoning would require the submission of planning applications for all developments/uses on the land, which was effectively taking away the villagers’ means of making a living and it was not fair to the villagers;
- (c) rezoning the agricultural land in Kop Tong Village to “GB” was not in line with the Government’s policy in promoting agricultural activities. Land

should be used to support the livelihood of the villagers and their land should not be rezoned for other non-productive uses. The Government should not listen to the views of the conservation groups in rezoning their land;

- (d) it would be a waste of land resources if the land could not be used by the villagers. Their agricultural land had existed for a long time and the area was bounded by the country park. Rezoning their agricultural land would effectively take away the villagers' means of making a living;

[Professor Eddie C.M. Hui arrived to join the meeting at this point.]

- (e) the villagers' views raised in previous consultations, and the objections of the STKDRC and the NDC had not been taken into account in proposing amendments to the current OZP. He had the impression that the zonings on the OZP had been pre-determined and the consultation and representation hearing process were only carried out to meet the statutory requirement. Public consultation and the representation hearing would be meaningless if their views were not taken seriously;
- (f) rezoning the villagers' agricultural land to "GB" would impose restrictions on the activities on the land. Hence, the villagers could not continue with their farming practice and the livelihood of the villagers would be taken away; and
- (g) the villagers were willing to conserve the environment. However, it should not be done at their expenses. The Board was requested to consider the OZP from the villagers' perspective.

[Actual speaking time : 7 minutes]

R104 – Tsang Wai Yip

80. With the aid of the visualiser, Mr Tsang Wai Yip, the village representative of the indigenous village of Lai Chi Wo, made the following main points :

- (a) there was no objection to zoning the Fung Shui woodland, and the area overgrown with the rare species *Heritiera littoralis* (銀葉樹), and large specimens of *Derris alborubra* (白花魚藤) to “CA” as it was the tradition of the village to conserve the environment. The villagers would also respect the Government’s intention on the “CA” zoning. On the other hand, they wished that the Government could respect the villagers’ views in retaining their agricultural land for farming by zoning the land to “AGR”;
- (b) as a lot of villagers had moved overseas, the agricultural land had been left derelict and overgrown with grass. It was fortunate for Lai Chi Wo that a local University and a NGO proposed to rehabilitate the agricultural land in Lai Chi Wo, which would in turn revitalise Lai Chi Wo;
- (c) planning should respect the existing uses of the area and designate suitable zonings to reflect the existing uses;
- (d) the existing stream in their village was managed by the villagers for decades. The villagers had constructed the river banks and river training was carried out annually. It should not be regarded as a natural stream. The number of animal species found in the stream had decreased over the years as farming activities dwindled. As there was a close relationship between farming activities and the natural environment, it was expected that the number of species would return once the agricultural land was rehabilitated;
- (e) the trees alongside a footpath leading from the village proper to the ‘Pai Lau’ at the entrance of the village were planted by the villagers to provide shading. The stream near Lai Chi Wo was well maintained by the villagers. He requested that the area along the footpath be rezoned from “CA” to “GB”. The Fung Shui woodland was also well protected by the villagers for hundreds of years. The Government could rest assured that the villagers would not do anything that would adversely affect the environment. The existing farming activities on the agricultural land in Lai Chi Wo should be allowed to continue without imposing restrictions unnecessarily by rezoning the area to “CA”; and

- (f) the land covered by Item 5a at Siu Tan was originally agricultural land in 1961. It was turned into fish ponds in the 1970s and the area covered by Item 5b was inhabited by villagers working in the field/fish ponds. The area should not be rezoned to “CA”. The villagers’ rights and their efforts in cultivating the land should be respected.

[Actual speaking time : 7 minutes]

R105 – Anna Mak

81. Ms Anna Mak made the following main points :

- (a) she was an indigenous villager of Lai Chi Wo and was also the former Assistant Director of Campus Planning and Sustainability Office of the Chinese University of Hong Kong, engaging in the work of sustainable development;
- (b) the University of Hong Kong (HKU), HKCF and Produce Green Foundation (綠田園基金) had entered into partnership with the Lai Chi Wo Village in encouraging agricultural rehabilitation. Their representations as well as those of the villagers and the villagers’ representative of Lai Chi Wo Village were similar and they considered that the prohibitive approach to rural conservation taken by the Government had not encouraged the proactive conservation of the ecological environment, the culture and the buildings of the local villages;
- (c) agricultural rehabilitation was a proactive way of conserving the countryside. There had been successful examples in this approach. Although existing uses were tolerated and could continue, any changes in the use would require planning permission from the Board, which would have implications in terms of time and cost;
- (d) their proposal was in line with paragraph 182 of the Chief Executive (CE)’s Policy Address to conserve the rural area by adopting a flexible approach and

to provide support to the local residents in contributing to rural conservation. This approach would require the corresponding action from relevant government departments;

- (e) the prohibitive zoning of the OZP would discourage normal development in the rural area, thus accelerating the deterioration of the rural environment. It would be unfair to the villagers to ask them to conserve the rural environment and their village houses at their own cost but on the other hand imposing restrictions on their activities;
- (f) the proposal of Tsang Yuk On (R9) in designated areas for Small House development outside the VE as a compensation to the villagers in conserving the rural environment was supported. There were successful examples abroad to promote conservation by permitting some sustainable economic activities. Lai Chi Wo villagers took initiatives to protect the Fung Shui woodland and the *Derris alborubra* (白花魚藤). Likewise, the villagers would conserve the environment if their livelihood was enhanced; and
- (g) promoting local participation in conservation by relaxing the restrictions imposed by the zoning on agricultural activities, Lai Chi Wo could be a showcase for sustainable development and be developed into an educational and research hub.

[Actual speaking time : 7 minutes]

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

#### R106 – HKCF

82. Dr Wilton W.T. Fok declared interest at this point as he noted from the presentation that the views of the Department of Civil Engineering of HKU were included. Members noted that Dr Fok had not been involved in the Project or the representation, and agreed that he could stay in the meeting.

83. With the aid of a Powerpoint presentation, Dr Ng Cho Nam made the following main points :

- (a) mutual respect and trust were very important in works related to the rural area and its conservation. If HKCF could not obtain the trust of the villagers' representatives in Lai Chi Wo Village, they could not carry out the revitalization Project in the village;
- (b) Lai Chi Wo was originated from a 400 years' old Hakka village, which depended on the stream in the area for irrigation in order to make a living. The village and the natural environment had co-existed in harmony. The Project aimed to promote biodiversity and conservation, revitalise agricultural activities by adopting innovative farming methods, re-discover the community resources, develop the village as an environmental and sustainable development education hub and develop diverse local products and services to create job opportunities;
- (c) the Project was a long term project involving leasing about 650,000 sq.ft (about 65% of the Project area) of agricultural land from the villagers until 2024. Agricultural rehabilitation near the village had commenced. Visits from Consulates and delegates from overseas to Lai Chi Wo had taken place to share experience. Members of the public and students also actively participated in the Project. That showed the importance of Lai Chi Wo in the revitalisation process;
- (d) in order to revitalise Lai Chi Wo, a hydrological management plan had been formulated. The agricultural rehabilitation had also improved the biodiversity and visual appearance of the area;
- (e) the Project was in line with the CE's Policy Address 2015 in proactively working with NGOs to adopt a flexible approach to support and promote the protection of the rural areas through harnessing the efforts of the community. The New Agricultural Policy to promote agricultural activities would benefit the conservation of natural resources and improve the status of biodiversity;

- (f) he was disappointed to learn that there was very little “AGR” zone on the OZP for Lai Chi Wo. After liaising with the parties concerned, the HKCF had proposed an “AGR(1)” sub-zone, which would permit agricultural use while restricting land filling and building development. With such restrictions, the ecological value of agricultural land would be high, as illustrated by the improvement of biodiversity after agriculture was rehabilitated in Lai Chi Wo. The agricultural land under the “AGR(1)” zone, which had a high ecological value and supported the livelihood of villagers, could also achieve the same buffer effect as the “CA” zone;
- (g) as the “CA” zone on the OZP shared the same characteristics of the adjacent “AGR” zone, it could be rezoned to “AGR(1)” to respect the rights of the villagers while conserving the environment and providing the necessary buffer; and
- (h) it was the vision of the HKCF that Lai Chi Wo would be nominated a ‘United Nations Educational, Scientific and Cultural Organisation’ (UNESCO) site. This could only be achieved through the cooperation and concerted efforts of all stakeholders.

[Actual speaking time : 13 minutes]

[Dr Wilton W.T. Fok left the meeting at this point.]

R103 – 黃夏衛

84. Mr. Kong Chi Cheung made the following main points :

- (a) among 77 plots of land in the Country Park Enclaves, 23 plots had been incorporated into the new OZPs so far. He observed that the planning control in the OZPs was getting more and more stringent. The “V” zone in Tai Long Wan OZP was very small, and a planning application for 5 Small Houses in Tai Long Wan OZP was rejected recently. From the villager’s point of view, more inhabitants would bring along vibrancy. There should be a balance between conservation and development. However, the subject

OZP had put more emphasis on conservation;

- (b) after several incidents, the villagers knew that tree felling was allowed on the private land under Block Crown Lease. A compromise should be made among the villagers, the environmentalist and the Government. Tai Long Wan was very remote and only the younger generation could hike there for enjoyment. If more development and better transport infrastructure were allowed, the elderly could also get access to the place for enjoyment. That would then be a win-win situation;
- (c) the land was owned by the villagers and should be respected. In some European countries, the remote rural villages were provided with road and transport infrastructure to attract tourism. The Government in Hong Kong did not put in sufficient resources to protect the natural environment in the area and improve the infrastructure;
- (d) he requested the Board not to make a hasty decision and take more factors into consideration for the subject OZP. For comprehensive planning, Lai Chi Wo and Kuk Po were very close and should be planned together. If there was a better road from Bride's Pool to Feng Hang and Kuk Po, So Lo Pun and Lai Chi Wo, the area could form an enjoyable 2-day trip. The village houses in Lai Chi Wo could be rehabilitated to provide overnight accommodation to attract more people to the Area; and
- (e) if the intention for the Area was for farming, the agricultural land should be largely zoned as "AGR" rather than "GB" and "CA". The "V" zone should be expanded to fully meet the demand instead of allowing Small Houses applications in the "AGR" and "GB" zones. Small House development was restricted to village environs after 1972, but before then, Small Houses could be built on the private land. The zoning restriction coupled with other constraints such as water gathering ground and slopes, few land was left for Small House development. Villages would be abandoned

eventually if no sufficient inhabitants. Relaxation of the zoning restrictions would help to revitalize the villages and let them sustain.

[Actual speaking time : 10 minutes]

R108 and C5 – CA

85. With the aid of a PowerPoint presentation, Mr Ng Hei Man, Roy made the following main points:

- (a) CA was involved in the educational aspect of the revitalization Project. Apart from training eco-tour guide, they also took up agricultural rehabilitation activities and organized tours for secondary school students;
- (b) they agreed with the main planning principles of Lai Chi Wo OZP which were to support sustainable farming method, to complement the overall naturalness and landscape beauty of surrounding environment, and to preserve the rural character of existing village setting. They also practised organic farming and eco-agriculture which would not impose threats on the environment in the Area;
- (c) their agricultural practice was in line with the CBD in particular on sustainable agriculture. It would not have large-scale ploughing work and massive built structures or hydroponic farming, which was bogus agriculture;
- (d) regarding the concern that “AGR” zone might attract non-agricultural development, they noted that the approval rate for Small House applications in the “AGR” zone was about 60%, which was considered high. Therefore, CA proposed to better protect the agricultural land by removing ‘House (NTEH)’ from and adding ‘House (Redevelopment only)’ to Column 2 use of the “AGR” zone. Allowing redevelopment of houses would not deprive the landowners of their right of redevelopment; and

- (e) in the TPB Paper, AFCD advised that “AGR(2)” zone was a more restrictive agricultural zoning and could be considered to be applied to agricultural land close to ecologically sensitive habitats. In response, CA considered that the surrounding Plover Cove Country Park, Yan Chau Tong Marine Park and the Lai Chi Wo Beach SSSI in the Area were ecological sensitive habitats. As such, the agricultural land in the Area deserved a more restrictive agricultural zoning.

[Actual speaking time : 10 minutes]

### R111 - HKBWS

86. With the aid of a slide presentation, Ms Woo Ming Chuan made the following main points:

- (a) Lai Chi Wo was surrounded by the Plover Cove Country Park and adjoining Yan Chau Tong Marine Park with the Geopark in the vicinity which indicated the Area had very high conservation value. The general planning intention of the OZP also highlighted the high conservation value of the Area;
- (b) a diverse group of birds had been recorded in the area foraging in the streams, marshes, open grassfields, shrubland and mature woodland. The presence of raptors indicated that the Area had a healthy ecosystem. The undisturbed and natural conditions of the diverse habitats in the Area should be adequately protected;
- (c) the coastal areas of Yan Chau Tong Marine Park were zoned “CA”. However, a more holistic approach should be adopted. “GB(1)”/ “CA” zoning was recommended to protect the streams (including the EIS) and their riparian areas and the water quality of Yan Chau Tong Marine Park;
- (d) noting the benefits of the agricultural rehabilitation, they supported HKCF’s Project. However, with an approval rate for Small House applications in “AGR” zone of about 60%, agricultural land was facing

imminent threats from development. Therefore, allowing developments within the “AGR” zone would lead to the permanent loss of agricultural land;

- (e) there was a gap between expectations (i.e. benefits of agricultural rehabilitation) and the reality (i.e. high approval rate of Small House applications within the “AGR” zone). “AGR(2)” zone was proposed to eliminate the development pressure in the “AGR” zone and to promote genuine cultivation;
- (f) the proposed “AGR(2)” zone was in line with AFCD’s recommendations as the Area was encircled by various ecological sensitive habitats, including country park, SSSI, and EIS;
- (g) the planning intention of the OZP was to protect its high conservation and landscape value and Chapter 10 of Hong Kong Planning Standards and Guidelines (HKPSG) also suggested minimising adverse impacts on conservation areas and optimising their conservation value. The proposed “AGR(2)” zone was more in line with the planning intention of the OZP and the HKPSG than the “AGR” zone. It was similar to the “AGR(1)” zone proposed by R106 in that Small House development was prohibited to ensure genuine farming; and
- (h) in sum, the HKBWS requested the Board to note that the Area was of high conservation value and the need to adopt a more holistic approach to protect the Yan Chau Tong Marine Park by designating conservation zonings (“GB(1)”/ “CA”) for the riparian areas of the EIS and other streams, and to replace “AGR” zone with “AGR(2)” zone;

[Actual speaking time : 10 minutes ]

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

R112 and C3 –WWF

87. With the aid of a PowerPoint presentation, Mr Andrew Chan made the following main points:

- (a) the Area was of ecological importance. It was surrounded by Plover Cove Country Park and Yan Chau Tong Marine Park, Lai Chi Wo Special Area, Lai Chi Wo Beach and SSSI. An EIS in the area ran among the agricultural land and fed into the Marine Park. Seagrass was found in the abandoned fishpond and according to AFCD, seagrass was one of the rare species in Hong Kong;
- (b) WWF supported HKCF's Project as sustainable farming would have positive impacts on the ecology in the long term. However, they considered that the "AGR" zone could not protect the agricultural land and would have negative impacts on the ecology of the Area;
- (c) an approval rate of over 60% for Small House applications in the "AGR" zone was high. Most of the VE in Lai Chi Wo fell within the "AGR" zone which could have Small House development there. An agricultural zone without development potential was required to protect sustainable farming;

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

- (d) a Legislative Council (LegCo) panel paper stated that from previous experience, the STS system would have seepage which would contaminate the surrounding soil and pose threats to the environmental hygiene of the area. If there was a large number of Small Houses in the Area, the soil contamination would be very significant, and the sewage would be discharged to and polluted the EIS and Marine Park;
- (e) WWF proposed to replace "AGR" zone with "AGR(2)" by deleting NTEH use from Column 2. Application should also be required for diversion of streams to prevent disturbance to the natural stream courses.
- (f) in the TPB Paper, AFCD advised that more restrictive agricultural zoning could be applied to agricultural land close to ecological sensitive habitats to

ensure their protection. WWF considered that the agricultural land in the Area was surrounded by sensitive habitats and there was a need to protect the sensitive habitats from sewage discharge of future developments;

- (g) WWF supported PlanD's recommendation of maintaining the "CA" zoning at the fish ponds of Siu Tan, rather than rezoning them to "GB" and "AGR" as proposed by other representers; and
- (h) WWF proposed to replace "GB" with "GB(1)" to protect the secondary woodland and its ecological linkage to the adjoining country park. All streams, particularly the EIS, and their riparian area should be zoned as "GB(1)" or even "CA" to offer adequate protection.

[Actual speaking time : 11 minutes]

R113 and C2 - KFBG

C1 – Dr Chiu Sein Tuck

88. In response to Mr Tony Nip's request for 40 minutes for his oral submission, the Chairman said that 30 minutes would be allowed as he represented one representer and two commenters.

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

- (a) KFBG supported genuine farming such as the HKCF's revitalization Project, which was different from the bogus farming, and would not pose damage to the environment. However, they considered that the existing "AGR" zone could not ensure genuine farming as shown from the planning approval data for Small House applications compiled from the website of the Board and the numerous cases in recent years;
- (b) taking Ma Tseuk Leng which had numerous Small House applications approved in the "AGR" zone as an example, the aerial photograph taken in 2015 showed that large vacant land was still available in the "V" zone for Ma

Tseuk Leng but Small Houses were already built in the “AGR” zone. Several approved Small House applications (Application no. A/NE-LK/57 to 59) in July 2010 were randomly chosen as examples. In those applications, while AFCD did not support, and CTP/UD&L (PlanD) and Transport Department (TD) had reservations on the applications, PlanD had no objection as the application sites were close to the boundary of the “V” zone and fell entirely within its VE. The Board did not have any questions on the application which was then approved;

- (c) as shown in the aerial photograph taken in 2010, active agricultural land could be seen in the “AGR” zone which was later left fallow, as shown in the aerial photograph taken in 2015, and then Small House applications were approved later;
- (d) two applications No. A/NE-LYT/424 and 437 in Leng Pei Tsui, Fanling in 2010 and 2011 respectively were other classic cases of applications for Small Houses within “AGR” zone. 11 NTEHs were proposed in the “AGR” zone (92.8%) and “V” zone under application No. A/NE-LYT/424; and

90. A Member said that application cases in 2010/2011 could not reflect the Board’s latest consideration of Small House/NTEH applications in “AGR” zone, and suggested that Mr Nip used more recent examples. The Chairman responded that representer should be allowed to use which examples to illustrate his point.

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

91. Mr Nip then continued to make the following main points:

- (a) for applications No. A/NE-LYT/424, DLO/N, AFCD and PlanD did not support the application on the grounds that the proposed Small House development was not in line with the planning intention of the “AGR” zone; land within “V” or “VE” should be reserved or Small Houses; and it would set an undesirable precedent which would further reducing agricultural land.

The Board did not have any question on the application which was then rejected;

- (b) after one year in 2011, 11 NTEHs were proposed at the same locality with minor change in the site boundary under application No. A/NE-LYT/437. DSD advised that the area was unsewered and Environmental Protection Department (EPD) advised that use of STS was not acceptable. AFCD and PlanD did not support the application as in the previous case (No. A/NE-LYT/424). Noting that EPD would have no objection to applications of lesser number of Small Houses (say 1 to 5), some Members considered that the approach adopted by EPD was arbitrary and the application could be broken into several cases to get approval. The Board eventually approved the case and advised the applicant to connect the houses with the future public sewer when it would be built (but no concrete plan was submitted in that application at all);
- (c) as illustrated in the above examples, the approval of Small House applications in the “AGR” zone appeared to be ad hoc with no systematic appraisal or clear standards. The public could not see any clear-cut threshold to safeguard/retain arable land at all;
- (d) for genuine farming, there was no major difference among the “CA”, “GB” and “AGR” zones as agricultural use was always permitted in the three zones. However, there were big differences in allowing Small House development in the three zones, as the approval rate in “AGR” zone and “GB” zone was 60% and 30% respectively while rezoning was required in the “CA” zone;
- (e) in 2012 to 2014, the Small House approval cases (rate) were 238 (60%) in “AGR” zone, 58 (69%) at sites straddling “AGR” and “V” zones, 90(32%) in “GB” zone and 37 (49%) at sites straddling “GB” and “V” zones. Based on a successful rate of 60%, 72 new Small Houses could be built in the present “AGR” zone on the OZP and 108 new Small Houses with the proposed extension of the “AGR” zone as indicated in the TPB Paper;

- (f) the present “AGR” zone could not prohibit or restrict non-conforming uses and had no power/incentive to encourage agricultural practice. With irresistible monetary incentives to construct Small House, the agricultural land could not be protected. It was uncertain whether the noble intention of farmland restoration by sustainable farming under the Project could be secured;
- (g) there were three inconvenient facts : Small House approval rate in “AGR” zone was 60%, the person-in-office currently upholding a stringent approach would change, and the tenancy of Project could be terminated. Only a well-written rule could better ensure land use certainty and agricultural land for agricultural use. Therefore, “AGR(2)” zone without NTEH in Column 2 was proposed to help manage public expectations for development, prevent incompatible surrounding land uses and avoid competition from other higher return uses;

[Mr Stephen H.B. Yau left the meeting at this point.]

- (h) in the TPB Paper, AFCD considered that the “AGR(2)” zone was too strict if prohibiting use of chemicals and excluding plant nursery, but had no strong view on removing NTEH from Column 2. PlanD’s views on protecting farmland could be reflected in the ‘Study on Land Use Planning for the Closed Area – Feasibility Study’ (Closed Area Study) which stated that land for agriculture needed to be zoned very specifically for the use to avoid competition from other higher return uses and also to manage public expectations for development and prevent incompatible surrounding land uses;
- (i) the green groups and environmental NGOs submitted similar proposals, i.e. replacing “AGR” with “AGR(2)” or not allowing NTEH or building development in agricultural land. The “AGR(1)” zone not allowing building development as proposed by HKCF in principle was same as the “AGR(2)” zone proposed by KFBG;
- (j) AFCD, PlanD, village representatives, environmental NGOs and many members of the public supported the Project and wished to restore the rural village by genuine sustainable farming. It could only be realized if the “AGR(2)” zone, which was to ensure arable land use certainty to revitalize a

real rural village, was adopted. On the other hand, the “AGR” zone would lead to incremental and permanent loss of arable land and endless pollution and environmental degradation;

- (k) the Area was surrounded by Yan Chau Tong Marine Park, Plover Cove Country Park, special area and SSSI with Global Geopark in the vicinity. There were seagrass bed, mangroves, freshwater and brackish marshes, natural streams and woodlands within the Area. Among all country park enclaves, Lai Chi Wo area had the highest conservation value in terms of biodiversity and its vast area, but the planning control was looser than that of other OZPs. Apart from the EIS, there were a lot of stream courses in the area with one next to the proposed “AGR” extension. With the possible number of new Small Houses and their discharges to the Marine Park, he was concerned whether the environment of the Area could be maintained;
- (l) the valley in the Area was prone to flooding. The Area had paddy field with high groundwater table which made the STS not working properly. More developments (e.g. Small Houses in the “AGR” zone) would pose serious threat to the environment of the Area; and
- (m) in conclusion, Lai Chi Wo currently was a remnant of a beautiful balance between settlement, cultivation and nature. The Area was a model of sustainable rural settlement where past and current management of the land and woodlands had given rise to a remarkable interaction of habitats. However, the OZP could not protect all those elements, and the irresistible monetary incentives to construct Small Houses in the original and the extended “AGR” zone would damage all those elements and genuine farming. The Government and environmental NGOs recognized that land for agriculture needed to be zoned very specifically for such use to avoid competition from other higher return uses. KFBG therefore proposed (i) to rezone “AGR” to “AGR(2)” without NTEH in Column 2; and if not, rezone “AGR” to “GB(1)”/“GB”; (ii) to designate the riparian area as “GB(1)”/ “GB” / “AGR(2)”, but not “AGR”; and (iii) to maintain the “CA” zoning at Siu Tan. Only the above proposals could better protect the natural heritage within and

surrounding the enclaves, and, the Project, which was supported by nearly every concerned party.

[Actual speaking time : 27 minutes]

R114 and C4 – DHK

92. With the aid of a PowerPoint presentation, Mr Paul Zimmerman made the following main points:

- (a) green groups had discussed the Plan over the past few months as a very cautious approach for designating the various land use zonings was required. Lai Chi Wo offered great opportunity for the planning to be implemented differently from other Country Park enclaves as the HKCF was carrying out the revitalization Project there. Ensuring economic return from farming and in order to protect the Project, no incentive should be given for building Small Houses. Allowing “AGR” and “GB” zones would give constant expectation to landowners that they could build Small Houses on application to the Board;
- (b) the expectation in itself would make the landowners destroy their land and carry out land/pond filling or excavation or tree felling to eliminate the conservation value so as to get better chance for approval. There was no power in the Ordinance to stop the damage to the agricultural land, and only acceptance of the “AGR(2)” proposal could make it clear to landowners that the land was for agricultural use without creating false expectation. The “AGR(2)” proposal was also supported by the villagers;
- (c) the environmental disaster of development under the Small House policy was visible in the New Territories and should not be allowed to spread through the Country Park enclaves. The incremental approach advocated by PlanD was not desirable given that the 10-year forecast Small House demand was highly inflated;

- (d) DHK supported sustainable farming and removal of incentive for destruction and development of rural areas, and opposed the proposal of rezoning conservation zonings to “AGR”. DHK also proposed to rezone “AGR” to “AGR(2)”, “GB” to “GB(1)”, i.e. removing ‘House (NTEH only)’ from Column 2 in the zones. The open piazza in Lai Chi Wo Village should be rezoned to “O” and the streams with their riparian area to “GB(1)”;
- (e) a number of villages had certain private land around the Plover Cove Country Park and he was concerned about the impacts of development at the private land as there was no information on the carrying capacity of the Plover Cove Country Park;
- (f) the present village setting at Lai Chi Wo was such that the village houses were confined to a small walled area. Such a setting should be protected without allowing Small Houses to spread around;
- (g) a document prepared by AFCD for the Country and Marine Park Board in 2014 clearly set out a proposal to incorporate part of the Area into the Country Park. The areas proposed to be included into the Country Park were designated mostly with the conservation zonings on the OZP;
- (h) according to his estimation, 1,116 houses could be built in the “V”, “AGR” and “GB” zones in the Area with a population to be increased from 300 to 3,246;
- (i) the land use certainty as set out in PlanD’s Closed Area Study should be adopted in Lai Chi Wo through “GB(1)” or “AGR(2)” zonings. Removing the incentive to build Small Houses would remove the destruction that PlanD could not control but happened daily;
- (j) the Board adopted inconsistent approach in preparing OZPs in the country park enclaves in that Tai Long Wan allowed existing houses only, Tai Long Sai Wan had large Country Park, Hoi Ha had large “GB(1)” zone and Pak Lap and So Lo Pun had large “CA” zone. However, for Lai Chi Wo OZP, incremental development of up to a 1,116 houses was allowed; and

- (k) in gist, he urged the Board not to allow Small Houses to be built outside the “V” zone. Eliminating the villagers’ expectation of Small House development in agricultural land would ensure land use certainty and fairness to landowner. It would eventually support the Project and protect the Country Park and Marine Park.

[Actual speaking time : 6 minutes ]

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

93. As the representers, commenters and their representatives had completed their presentations, the Chairman then invited questions from Members.

94. In response to the Chairman’s enquiry on Mr Paul Zimmerman’s proposition that 1,116 Small Houses could be built in the Area, Mr C.K. Soh, DPO/STN, said that the 10-year forecast for the Small House demand in 2010 for the four villages was 2,567 in total without any outstanding Small House application. In 2015, the 10-year forecast dropped to 428 with one outstanding application, and the available land in the “V” zone on the OZP could only accommodate 136 houses or meet 32% of the total demand. For Lai Chi Wo, Mui Tze Lam and Kop Tong, the 10-year forecast demands were not particularly high. Small House development in the “AGR” zone required planning permission and the Board would assess against the relevant guidelines on a case-by-case basis. The number of new Small House development of over a thousand or many hundreds estimated by some representers was significantly higher than PlanD’s estimate. Regarding the Small House developments located outside the “V” zone of Ma Tseuk Leng, the outstanding applications and the 10-year forecast demand for the village were 76 and 62 respectively while the available land in the “V” zone could only accommodate 71 Small Houses which even could not meet the outstanding applications. Therefore, the Board, after taking all relevant factors into consideration, approved some Small House developments in the “AGR” zone to meet the need.

95. The Vice-chairman asked Dr Ng Cho Nam (R106) (a) whether the villagers were involved in the Project and how the Project could revitalize the Area; (b) how they could ensure the sustainability of the Project after their 10-year plan; (c) whether the “AGR(2)” zone, i.e. deleting new Small House use from Column 2, was acceptable to them; (d) what was the

long-term plan of the Project. Dr Ng confirmed that the indigenous villagers, villagers' representative and landowners were involved in the Project, as otherwise they could not implement the Project there. Among the five organisations implementing the Project, the Cultural Development Society of Lai Chi Wo comprised indigenous villagers. On sustainability, the Project was funded by the Hong Kong Bank Foundation and implemented by academic organizations and NGOs with the required expertise and knowledge in farming. The Area once had about 221 village houses with over 1,000 inhabitants. Currently, there were 6 residents living in the Area including 2 staff of the Project. If the area was successfully revitalized, some villagers living elsewhere in Hong Kong or overseas might return. The Project was in line with New Agricultural Policy recently promulgated by the Government. The vision of the Project was that the sustainable agricultural practices could offer an alternative model in rural conservation for other traditional villages in Hong Kong. As such, the economic activities in villages would be sustainable without the need for selling land to developers for housing development.

96. On the environmental and water quality issues raised by other representers, Dr Ng continued to say that HKCF had been in liaison with EPD on sewage treatment and waste disposal, and considered that the issues could be properly addressed. They also closely monitored the environmental and infrastructural capacities in the area including the whole stream valley area to ensure their agricultural practice was sustainable. The villagers had actively conserved the Hakka village and tradition, and no modern Spanish-style NTEH had been built so far. With over 200 village houses in the Area, those houses would be rehabilitated as guesthouse or pension houses and rented for economic return, and hence no land would need to be sold to developers.

97. On the "AGR(2)" zone proposed by some of the representers, Dr Ng said that it was basically the same as the "AGR(1)" zone that they had proposed (i.e. not permitting new Small House in agricultural zone). Regarding the land along the EIS and the coastal areas currently zoned as "GB" or "CA" to serve as buffer, he considered that active agricultural land had high ecological value, as in the case of Long Valley, and the area could also serve as a buffer. The "AGR(1)" or "AGR(2)" zone prohibiting land/pond filling and building development would allow genuine farming. The villagers and landowners had a sentiment against the conservation zonings such as "CA" and "GB" and would be more receptive to the agricultural

zone. That would be more conducive to building up trust for implementing the revitalization Project.

98. In response to the Chairman's enquiry, Dr Ng said that the villagers had no intention to build houses on the agricultural land and the villagers wished to have their agricultural land for agricultural purpose. Mr Tsang Wai Yip (R104), the villager representative of Lai Chi Wo, also responded that some villagers might be very sensitive to deleting the application mechanism for Small House development in agricultural zones, although he considered that those living overseas would not come back to build houses in the near future as there were no housing market in Lai Chi Wo.

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

99. In response to a Member's enquiry, Mr C.K. Soh confirmed that the open piazza in front of the village cluster was a drying terrace for rice. The same Member also enquired that (a) the location and size of the area proposed by HKCF (R106) to be rezoned from "CA"/"GB" for an agricultural zone; and (b) how the "AGR" zone could serve as buffer similar to "CA" zone near the Yan Chau Tong Marine Park as agricultural activities had wash down with soil and fertilizers draining into the streams and ponds which would silt up the seabed and cause pollution to the Marine Park. Dr Ng (R106) responded that the area to the south and southwest of the footpath (Sites 3a, 3b and 3c), which was agricultural land, should be rezoned to "AGR(1)" or "AGR(2)". The organizations of the Project had practised eco-friendly farming and made endeavour to avoid loss of soil from agricultural land and contamination to the environment.

100. The Chairman enquired whether there were many village houses in Siu Tan (Site 5b) as some representers considered that the area, with the existence of village houses, should not be zoned "CA". Mr C.K. Soh responded that about five houses including ruined ones were located within the "GB" zone rather than the "CA" zone. The Chairman also invited departments concerned to respond to Mr Tony Nip (R113)'s views that if the area between Site 2a and the EIS was rezoned to "AGR", the water quality and ecology of Yan Chau Tong Marine Park would be adversely affected. Mr Cheung Kwok Wai (AFCD) said that a lot of streams in fact had co-existed with the villages for hundreds of years. In general, genuine

farming, unless with very large-scale ploughing, would not affect the water quality of the streams. Loss of soil was common, especially for an inlet as Lai Chi Wo; otherwise the mudflat at the estuary area would not be formed. It was common for villagers to cultivate at land with rich soil in the lower stream area, and embankment would be built to prevent the loss of soil. The seagrass bed and the mangrove, according to the aerial photograph, had also coexisted with the villages for a long time, and the changes in their sizes in recent years were due to the change in hydrology when the agricultural land was left fallow.

[Mr Lincoln L.H. Huang left the meeting at this point.]

101. On the Chairman's invitation, Mr Tony Nip (R113) said that the main criteria of assessing Small House applications in the "AGR" zone were within VE, close to the "V" zone and shortage of land in the "V" zone, which could readily be fulfilled for application of Small House development in the "AGR" zone on the subject OZP. On the point that there was no market incentive in Lai Chi Wo to build Small Houses, he said that in other similar remote areas without housing market such as Pak Lap and Tai Long Wan, private developers had already cumulated land for future development. Only the "CA" or "AGR(2)" zoning not allowing new Small House development would offer no incentive to developers to purchase land. Referring to two aerial photographs of the Area, the mangrove area in 1960s was smaller than the present one and he doubted whether it was related to the activities of the then well populated village. According to some articles in Australia on the disturbances and threats to seagrass, agricultural activities ranked third, after reclamation and coastal development, as the wash down was rich in soil and fertilizers. He considered that farming could be allowed only in the agricultural land located away from the riparian area while Small House development in "AGR" zone had to be prohibited. For Hoi Ha, To Kwa Ping and So Lo Pun OZPs, the riparian areas were covered by "GB(1)" zone and the coastal areas by "CA"/"GB" zone. On the other hand, the Lai Chi Wo area which had highest conservation and ecological value, the riparian area and coastal areas were only largely covered by "AGR" zone.

102. Dr Chiu Sein Tuck (C1) echoed similar views of KFBG and supplemented that it would be better to enlarge the "V" zone to cover area with no ecological importance to fully meet the demand, but set aside land for agricultural use and designate it as "AGR(2)" zoning

where new Small Houses would be prohibited. That would be a win-win situation satisfying the villagers and the need of HKCF's Project.

103. Mr Paul Zimmerman (R114) said that some villagers might want to build more houses to earn money and some might want to practise farming. As the hearing was open to the public, Dr Ng Cho Nam and Mr Tsang Wai Yip could not openly accept proposals prohibiting Small House development in agricultural land when the Chairman requested their views earlier. However, the Board should be clear on its intention in protecting the environment of rural areas. His estimation of 1,116 new Small Houses was based on the total area of land in the VE under the "V", "AGR" and "GB" zonings and the assumption that each house would take up 0.025ha of land. It was not appropriate to allow the Board to consider the Small House applications in "AGR" zone on a case-by-case basis as it would create an expectation for the villagers. A zoning for agricultural land under which no new Small House was allowed was conducive to the successful implementation of the Project.

104. In response to the Chairman, Mr C.K. Soh pointed out that the stream to the south of Site 1 was an EIS and therefore that part of Site 1 was recommended to be retained as "GB" zone instead of rezoning it to "AGR" as proposed by some representers so as to protect the EIS and its riparian area. The stream to the west of Site 2b was not an EIS. That stream, together with other streams, had co-existed with the villages and agricultural land for many years and its surrounding area was already zoned "GB" which had a presumption against development.

105. A Member asked Dr Ng (R106) whether the Project could still proceed if their proposed rezoning of the area to an agricultural zone was not accepted; and whether they were aware that the proposed "AGR(2)" zone was more restrictive than the "GB" zone. Dr Ng said that all the three recommendations from HKCF were related to expansion of the agricultural zone and PlanD only recommended to partially meet their representations. It was difficult to anticipate the reaction of the villagers as well as the impacts on the Project. Some villagers might be very disappointed as the land was rented out as agricultural land but returned as conservation area. The villagers would be sentimentally more receptive to an agricultural zoning even if it was more restrictive. Regarding the concern that impacts of the agricultural practice along the stream, Dr Ng pointed out that in practice, an embankment

would be built between the agricultural land and the stream to protect the loss of soil/nutrients to the streams. The existing footpath along the coast was also part of an embankment of the paddy field to prevent the loss of soil/nutrients to the mangrove area.

106. In response to the Chairman's enquiry on whether "AGR(2)" zone was more restrictive than "GB", Mr C.K. Soh said that the proposed "AGR(2)" zone had fewer 'always permitted' (Column 1) uses and 'might be permitted' (Column 2) uses than "GB" zone and it only allowed application for redevelopment of house, but not other building developments including NTEH.

107. Regarding the loss of water and soil, Mr Tony Nip (R113) said that the coastal footpath was concrete paved and the culverts at its base would allow water draining from the farmland to the coastal area so as to prevent flooding over the footpath for convenient access of the villagers. The other embankments were made by piles of pebbles rather than concrete and soil water could seep out between the gaps into the streams and wash down soil particles and nutrients.

108. As Members had no further questions to raise, the Chairman said that the Board would deliberate on the representations and comments in the absence of the representers, commenters, their representatives and government's representatives and would inform them of the decision in due course. The Chairman thanked them for attending the hearing. The representers, commenters and their representatives and government's representatives all left the meeting at this point.

[The meeting was adjourned for a 5-minute break.]

[Mr Ivan C.S. Fu and Mr Peter K.T. Yuen left the meeting at this point.]

#### Deliberation Session

109. The Chairman invited Members to consider the representations and comments, taking into consideration all the written and oral submissions and materials.

110. Members noted the following main responses of the relevant government departments given during PlanD's presentation, and/or in answering Members' questions at the hearing, and/or recorded in the Paper:

- (a) Sites 1, 2a and 2b fell within the area of HKCF's revitalization Project. Part of Site 1 ran along an EIS while the remaining part of Site 1 and Sites 2a and 2b were further away from the EIS. Relevant departments considered that the "GB" zoning for the part of Site 1 along the EIS should be maintained while the remaining part of Site 1 and Sites 2a and 2b could be rezoned to "AGR" to support the agricultural rehabilitation to be implemented under the Project. The "GB" zoning for the riparian areas was appropriate as the areas were similar to the adjacent habitats where shrubs and trees of common species were found;
- (b) Sites 3a, 3b, 3c, 3d and 4 were coastal areas fronting Yan Chau Tong Marine Park. Relevant departments considered that the current "CA" zoning at the sites could offer greater protection to the Marine Park. Agricultural use was allowed in the conservation zones though with more requirements if practicing farming;
- (c) Sites 5a and 5b comprised a vast area of fish ponds and freshwater marshes forming part of the wetland system. Relevant departments considered that the current "CA" zoning was more appropriate to reflect the ecological value of the area;
- (d) an incremental approach was adopted in drawing up the boundary of the "V" zone on the OZP in that the size of the "V" zone could not fully meet the land requirement of the 10-year Small House demand. It covered mainly the existing villages and their adjoining grassland and shrubland. Relevant departments did not support the expansion of the "V" zone proposed by Group A representers as it might have negative impacts on the surrounding woodland area and the agricultural land under rehabilitation, nor rezoning the open piazza (part of Site 6) from "V" to "O" proposed by a representer as it was an integral part of the village. Relevant departments considered it appropriate to

maintain the current “V” zone. The remaining part of Site 6 was agricultural land falling within the revitalization Project and should be retained as “AGR”;

- (e) there was sufficient control in the current administrative system to ensure that individual Small House development within the “V” zone would not entail unacceptable impacts on the surrounding environments. More stringent control on Small House development in the “V” zone was not necessary. Given that the current “V” zone could not fully meet the 10-year Small House demand, retaining NTEH in Column 2 of the Notes of the “AGR” and “GB” zones could allow the Board to consider the Small House application in such zones on a case-by-case basis. Relevant departments did not support replacing the “AGR” zone with the proposed “AGR(1)” or “AGR(2)” zones, and the “GB” zone with the proposed “GB(1)” zone; and
- (f) there was no concrete recreational proposals submitted to the Government and application for suitable recreational uses for rural areas was allowed in the “GB” and “V” zones. ‘Eating Place’ and ‘Shop and Services’, other than those located on the ground floor of the NTEH, required planning permission from the Board.

111. In response to a Member’s enquiry, the Chairman said that a consistent approach was adopted in the OZP in that nearly all coastal areas were zoned “CA” to protect Yan Chau Tong Marine Park.

112. The Vice-chairman supported the proposed rezoning of Site 1(part), 2a and 2b to “AGR”. However, as the 10-year Small House demand forecast could fluctuate substantially, the criteria for giving sympathetic consideration to Small House application in the “AGR” zone if there was inadequate land within the “V” zone to meet the future demand could be easily met. He suggested the actual demand (i.e. outstanding Small House application), rather than the forecast demand, might be adopted in considering such applications.

113. The Chairman said that the general issue raised by the Vice-chairman could be dealt with separately. Mr K.K. Ling (Director of Planning) supplemented that in the recent Small House application cases, the Board would adjust its weighting for the 10-year forecast demand

depending on the circumstances such as whether the figure was unreasonably high. However, it might not be appropriate to take the forecast totally out of consideration. Members agreed that the established practice of taking both the actual and forecast Small House demand should continue.

114. After further deliberation, Members decided to note the supportive view of R110 (part). Members decided to partially uphold R1 to R108 and considered the Plan should be amended to partially meet the representations by rezoning the western and southern parts of Lai Chi Wo Village from “GB” to “AGR”. Members also decided not to uphold R109, R111 to R114 and the remaining part of R1 to R108 and R110 considered that the Plan should not be amended. Members then went through the reasons in paragraph 8.3 of the Paper and considered them appropriate. The reasons were:

*“Designation of “V” zone*

- (a) “Village Type Development” (“V”) zone has been designated at suitable locations to meet Small House demand of indigenous villagers in Lai Chi Wo, Kop Tong, Mui Tsz Lam and Sam A in the area. The boundaries of the “V” zone for the village have been drawn up having regard to the Village Environ, local topography, settlement pattern, Small House demand, areas of ecological importance, as well as other site specific characteristics; (R1 to R103, R110, and R112 to R114)

*Unjustified Small House demand figures*

- (b) the Small House demand forecast is only one of the factors taken into account in drawing up the proposed “V” zones and the forecast is subject to variations over time. An incremental approach for designating the “V” zone for Small House development has been adopted with an aim to confining Small House development at suitable locations; (R114)

*Adverse environmental impacts generated from Small House Development*

- (c) there is sufficient control in the current administrative system to ensure that individual Small House development within the “V” zone would not entail unacceptable impacts on the surrounding environment; (R110 to R114)

*To retain the Hakka village of Lai Chi Wo*

- (d) the Lai Chi Wo Village falls within the “V” zone with the planning intention for Small House development. There is no justification to impose more stringent control on Small House developments in the “V” zone; (R110)

*To amend the Notes of the “V” zone*

- (e) “V” zones have been designated at suitable locations to avoid ecologically sensitive areas. The planning intention of the “V” zone is to provide land for New Territories Exempted House (NTEH) to meet the housing requirement of the villagers, and it is appropriate to put NTEH in Column 1 of “V” zone; (R110 and R113)
- (f) to serve the needs of the villagers and in support of the village development, ‘Eating Place’ or ‘Shop/Services’ are always permitted on the ground floor of a NTEH under “V” zone as provided in the definition of NTEH under the covering notes. Other than this, “Eating Place” and “Shop and Services” are under Column 2 of the Notes of “V” zone, which require planning permission from the Board; (R113)

*Rezoning the northern part of the riparian zone from “GB” to “AGR”*

- (g) as the riparian area along the Ecologically Important Stream should be protected, the “Green Belt” (“GB”) zoning should be retained to better reflect the planning intention from the nature conservation point of view; (R104 to R106)

*Rezoning the coastal area at Lai Chi Wo from “CA” to “AGR”*

- (h) as it is necessary to protect the coastal wetland habitats and to provide a buffer to Yan Chau Tong Marine Park, the “Conservation Area” (“CA”) zoning should be retained to better reflect the planning intention from nature conservation point of view; (R104 to R106)

*Rezoning the area to the south of a footpath leading to the entrance of Lai Chi Wo from “CA” to “GB”/“GB(1)”*

- (i) the “CA” zone should be retained to protect the clusters of *Heritiera littoralis* (銀葉樹) and *Derris alborubra* (白花魚藤) found and to serve as a buffer for the protection of the coastal habitat and Yan Chau Tong Marine Park; (R104 to R106)

*Need to clarify the scope of excavation of land under “GB” and “CA”*

- (j) excavation of land is usually involved in land clearance and site preparation which is different from ploughing for agricultural purpose. Nevertheless, suitable land covered by the Project of ‘Living Water and Community Revitalization’ has been designated for “Agriculture” to facilitate genuine agricultural activities whilst “GB” and “CA” zonings are adopted for protecting the ecological and landscape value of the Area; (R107)

*Opposition to designating private land under conservation zoning*

- (k) private land within conservation zonings is primarily demised for agricultural purpose under the block Government lease. Since ‘Agricultural Use’ is always permitted under such zonings, there is no deprivation of the rights of the landowners; (R1 to R103)

*Designation of recreational and related facilities*

- (l) a Lai Chi Wo Ecological Centre has been proposed at the vacant village school to further enhance the role of Lai Chi Wo as an ecological destination in the Northeast New Territories. Besides, recreational uses, such as ‘Holiday Camp’, ‘Field Study/Education/Visitor Centre’ and ‘Hotel (Holiday House only)’ may be permitted on application to the Board; (R2 to R103)

*To rezone intertidal ponds and marshes at Siu Tan from “CA” to “GB” and “AGR”*

- (m) the private fish ponds at Siu Tan and the marsh at the southern part of Siu Tan

are part of the wetland system of ecological value and should be protected. The “CA” zoning should be retained to better reflect the planning intention from nature conservation point of view; (R104 to R109)

*Insufficient protection of “GB” and “AGR” zone*

- (n) ‘House’ and ‘House (New Territories Exempted House only)’ is a Column 2 use under the “GB” and “Agriculture” (“AGR”) zone respectively requiring planning permission from the Board. Each application will be considered by the Board based on its individual merits taking into account the prevailing planning circumstances and relevant guidelines; (R114)

*To replace “GB” zone with “GB(1)”/“CA” zone*

- (o) the existing “GB” zones are mainly vegetated hill slopes connecting with the adjacent Plover Cove Country Park. “GB” is a conservation zoning and there is a general presumption against development. Furthermore, any diversion of streams, filling of land/pond or excavation of land which might cause adverse impacts on the natural environment would require planning permission from the Board; (R111 to R113)

*To replace “AGR” zone with “AGR(2)”/“GB”/“GB(1)”/“CA” zone*

- (p) the “AGR” zone is intended primarily to retain and safeguard good quality agricultural land for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. To better reflect the planning intention and encourage agricultural rehabilitation in the area, the “AGR” zone is considered appropriate; (R110, R111 to R113)

*To rezone EIS, its riparian area and other ecologically sensitive areas from “GB” to “CA”/“CPA”/“GB(1)”*

- (q) the riparian area is similar to the adjacent habitats where shrubs and trees of common species can be found. Hence, the current “GB” zone is considered adequate in providing planning protection to the stream; (R111 to R114)

*Rezoning the existing piazza from “V” and its adjoining “AGR” to “O”*

- (r) the existing piazza in front of Lai Chi Wo Village is a common village setting forming part of the village development. It should be retained as “V” zone; (R113 and R114)

*Incorporation of the Area into Country Park*

- (s) incorporation of the area into 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 Board; (R110)

*Other views not directly related to the Plan*

- (t) the concern of compliance with the International Convention on Biological Diversity is noted. When formulating land use proposals for the Plan, a proper balance has been struck between nature conservation and respecting villagers’ development needs. Areas of high conservation and landscape value of the Area are covered by conservation zonings; (R113) and
- (u) the views on cross-village application, which is outside the purview of the Board, have been relayed to District Lands Office/North for consideration as appropriate. (R113)”

[Professor K.C. Chau and Ms Janice W.M. Lai left the meeting at this point.]

**Agenda Item 9**

[Open Meeting]

Consideration of Representations and Comments in respect of the Draft Yim Tin Tsai and Ma Shi Chau Outline Zoning Plan No. S/NE-YTT/1  
(TPB Paper No. 9913)

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[The meeting was conducted in Cantonese.]

Declaration of Interests

115. The Secretary reported that Dr W.K. Yau, being an executive member of the Tai Po Rural Committee (TPRC) and the director of a Non-Government Organisation operating in Sam Mun Tsai, had declared interest in this item. Members noted that Dr W.K. Yau had not arrived to join the meeting yet.

Presentation and Question Session

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

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

Mr C.T. Lau - Senior Town Planner/Tai Po (STP/TP),  
PlanD

R59 – Shek Kwong Yin

Mr Wong Pak Mau - Representer's representative

R60 – Corona Land Co. Ltd

Mr Chan Kim On )



The Representations

- (b) amongst the representation received, R61 submitted by the Association for Geoconservation Hong Kong (AGHK) supported the OZP and R62 submitted by Designing Hong Kong Limited (DHKL) provided comments on the OZP. The remaining 60 representers (R1 to R60), submitted by TPRC, individuals and a company represented by Vision Planning Consultants Limited, raised objections to the OZP;
- (c) R61 mainly supported the extension of planning control and the general planning intention of the OZP to conserve the geological, landscape and ecological values of the area. He objected to the construction of graves in the “SSSI” zone unless the graves were within the existing designated burial grounds for indigenous villagers and fishermen. R62 commented that Yim Tin Tsai and Ma Shi Chau were enclaves at the Tolo Channel Geo-area which was well known for the eldest rocky shore in Hong Kong and there was a need to strengthen control over development in enclaves in order to preserve the high geological value;
- (d) the adverse representations of R1 to R60 were set out in paragraphs 2.7 to 2.11 of the Paper and were summarised below :
  - (i) Infringing Basic Law on the protection of private property – the “Site of Special Scientific Interest” (“SSSI”) zoning in Shui Mong Tin would affect private development right and infringe the Basic Law;
  - (ii) Affecting the development of Sam Mun Tsai San Tsuen and Luen Yick Fishermen Village and burial activities in the burial ground – the “Residential (Group D)” (“R(D)”) zoning of Sam Mun Tsai San Tsuen and Luen Yick Fishermen Village would adversely affect the

development of both villages and the villagers could not improve their living environment through rebuilding their houses and increasing the building area and the height of the existing buildings. R1 to R59 considered that the “SSSI” zoning covering the burial ground would adversely affect burial activities;

- (iii) Ineffective use of land resources and inappropriate “GB” zoning – given the pressing need for housing land, it was a waste of land resources to zone Site R60a (i.e. Lots 65, 66, 67 and 68 and adjoining Government land in D.D. 27) as “Green Belt” (“GB”) where it was in close proximity to the existing villages with high redevelopment pressure. The “GB” and “Country Park” (“CP”) zonings of Site R60b (i.e. Lots 74, 75 and 76 and adjoining Government land in D.D. 27) were not in line with Chapter 4 of the Hong Kong Planning Standards and Guidelines (HKPSG) on water sports centre which had identified the area as one of the possible water sports recreation areas. Both Sites R60a and R60b had been used for on-and-off farming activities and thus the planning intention of “GB” zoning could not be realized;

#### Proposal

- (e) the representers’ proposals were set out in paragraphs 2.12 to 2.14 of the Paper and were summarised below :
- (i) the “R(D)” at Sam Mun Tsai San Tsuen and Luen Yick Fishermen Village and the surrounding areas should be rezoned to “Village Type Development (“V”) (R1 to R59);
  - (ii) the portion of “SSSI” within the burial ground should be rezoned to “GB” (R1 to R59);

- (iii) Site R60a should be rezoned from “GB” to “R(D)”; and Site R60b from “GB” and “CP” to “Other Specified Uses” annotated “Sports and recreation Club” (“OU(SRC)”) for a water recreation sports centre (R60);
- (iv) ‘House’ or ‘Small House’ under Column 2 of “GB” zone should be deleted from the Notes of the OZP (R62);

Proposals not directly related to the OZP

- (f) R61 (Part) proposed to designate the areas at the eastern tip of Yim Tin Tsai, the entire Ma Shi Chau, the connecting tombolo, the entire small island to the northeast of Yim Tin Tsai and Yeung Chau as Hong Kong Global Geopark of China. R62 proposed to incorporate the ‘enclave’ of Ma Shi Chau and Yim Tin Tsai into the country park;

Comment on the Representations

- (g) Comment C1 was submitted by a TPDC member supporting R1 (Part) to R59 on the grounds that the “R(D)” zone for Sam Mun Tsai San Tsuen and Luen Yick Fishermen Village would adversely affect the development of the villages and the “SSSI” zoning would adversely affect burial activities in the burial ground;

Planning Considerations and Assessments

*The representation sites and their surrounding areas*

- (h) the OZP area (the Area) comprised four islands, namely Yim Tin Tsai, Ma Shi Chau, Yeung Chau and a small island to the northeast of Yim Tin Tsai. Yim Tin Tsai was rural in character comprising mainly village houses, temporary domestic structures and natural hillsides covered with woodlands. Two designated burial grounds for indigenous villagers and fishermen were

designated in 1983 and 1999 respectively;

- (i) the Area contained a diversity of geological and landscape features. In 1982, the whole island of Ma Shi Chau together with the eastern tip of Yim Tin Tsai and the tombolo connecting them were designated as the ‘Yim Tin Tsai and Ma Shi Chau SSSI’. In 1999, Ma Shi Chau (except two pockets of land with private lots at Shui Mong Tin and a small circular area to the northeast of Shui Mong Tin), Yeung Chau and the small island to the northeast of Yim Tin Tsai (except three pockets of mainly private land) were designated as Ma Shi Chau Special Area. Besides, the Area formed part of the Hong Kong Global Geopark of China which had been enlisted since 2011;
- (j) Shui Mong Tin, comprising government land and private agricultural lots, were previously the subject of a suspected unauthorized development for columbarium. Lease enforcement action had been taken by the Lands Authority. The concerned private lots were re-entered by the Government in 2012 and later reverted to the owner after reinstatement and compliance with the lease requirement in 2014. The site was currently covered by grass and weed;
- (k) the “R(D)” zone covering Sam Mun Tsai San Tsuen and Luen Yick Fishermen Village at the northern part of Yim Tin Tsai comprised mainly government land and building lots. The existing building structures were mostly under government land licences and short term tenancies, which were regarded as temporary in nature;
- (l) Site R60a fell within the “GB” zone located to the east and south of Luen Yick Fishermen Village and comprised agricultural lots and government land. It was mostly covered by mature woodland and fruit trees. Part of the site was currently in agricultural use;

- (m) Site R60b located on an island to the northeast of Yim Tin Tsai, comprising government land and agricultural lots, was zoned “GB” and “CP” and was currently overgrown with grass, shrubs and trees. It could only be accessed by water transport;

Responses to Grounds of Supportive Representations

- (n) the supportive views of R61 (Part) and the comments of R62 (Part) on the conservation of the high geological value of the Area were noted;

Responses to Grounds of Adverse Representations/Comments

- (o) PlanD’s responses to the grounds of adverse representations/comments were set out in paragraphs 5.3.2 to 5.3.8 of the Paper and were summarised below :

*Basic Law on protection of private property*

- (i) according to legal advice, the zoning of the OZP would unlikely constitute “deprivation” of property rights for the purpose of Basic Law Article 105 (BL 105) requiring payment of compensation. The OZP would not affect any land owner’s right to transfer or assign his/her interest in land, nor would it leave the land concerned without any meaningful use or economically viable use. Besides, insofar as the zoning restrictions pursued the legitimate aim of conserving and protecting the features of special scientific interest and the land concerned could be put into the “always permitted uses” and uses that might be permitted with or without conditions on application to the Board, it did not appear inconsistent with the protection of rights under BL 105;

*Burial ground in the “SSSI” zone*

- (ii) the ‘Yim Tin Tsai and Ma Shi Chau SSSI’, which covered the eastern tip of Yim Tin Tsai, the whole island of Ma Shi Chau and the tombolo connecting them, was designated on 24.9.1982. There were two designated burial grounds in the Area on the southeast side of Yim Tin Tsai (burial grounds No. TP/E7 and TP/E13 drawn up in 1983 and 1999 respectively) for burial of indigenous villagers and locally based fishermen. The two designated burial grounds had been in existence before the first publication of the Yim Tin Tsai and Ma Shi Chau Development Permission Area (DPA) Plan on 2.9.2011 and were considered as ‘existing use’. As such, no action was required to make the use of any land conform to the OZP provided that such use had continued since it came into existence. In this regard, burial activities and graves were allowed within the designated burial grounds;
- (iii) the two designated burial grounds were mainly zoned “GB” whilst a portion of Burial Ground No. TP-E7 overlapping with the ‘Yim Tin Tsai and Ma Shi Chau SSSI’ was zoned “SSSI(1)”. Grave was a use always permitted in the “SSSI(1)” sub-zone to respect the traditional right of the villagers. However, in the “SSSI” zone outside the designated burial grounds, grave was not a permitted use;
- (iv) the Director of Agriculture, Fisheries and Conservation (DAFC) commented that a balance had already been struck between the interest of local villagers and nature conservation of the area concerned. The Head of Geotechnical Engineering Office of Civil Engineering and Development Department (H(GEO) of CEDD) also advised that the zoning of “SSSI” at the eastern tip of Yim Tin Tsai and part of Ma Shi Chau was important to the conservation of geological features in the area. Both DAFC and H(GEO) of CEDD considered that the rezoning of the “SSSI” site to “GB” was not appropriate;

*Development of Sam Mun Tsai San Tsuen and Luen Yick Fishermen Village*

- (v) the “R(D)” zone was intended primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings with a maximum building area of 37.2m<sup>2</sup> and a maximum building height (BH) of 2 storeys (6m);
- (vi) according to the covering Notes of the OZP, rebuilding of New Territories Exempted House (NTEH) and replacement of an existing domestic building which was in existence on the date of the first publication in the Gazette of the notice of the draft DPA plan by a NTEH were always permitted within the “R(D)” zone. The “R(D)” zone would not affect the rebuilding of houses. Besides, there was provision under the “R(D)” zone for new house development subject to the approval by the Board with or without conditions under s.16 application. Each application would be considered on its individual merits;
- (vii) District Lands Officer/Tai Po (DLO/TP) advised that the ex-Sam Mun Tsai Fishermen village was not a recognised village and the fishermen were relocated to Sam Mun Tsai in 1965 to make way for the Plover Cove Reservoir Project. The relocated area was then named Sam Mun Tsai San Tsuen and became a Post-1898 recognised village. The village ‘environs’ (‘VE’) of Sam Mun Tsai San Tsuen was drawn up in 1999 with a 300-foot radius from the edge of the village type house at Lot 103 in D.D. 27 which was granted in 1960s prior to the implementation of New Territories Small House Policy in 1972. There was neither Indigenous Inhabitant Representative (IIR) nor future Small House (SH) demand forecast for Sam Mun Tsai San Tsuen. There were only fishermen representative and resident representative. LandsD had

no information nor record on whether the residents in Sam Mun Tsai San Tsuen were indigenous villagers. Moreover, there was no SH application at Sam Mun Tsai San Tsuen currently. There had been 15 SH applications but all were rejected in 1990s as the applicants were not the sole owners of the private land. On the other hand, Luen Yick Fishermen Village was not a recognised village and there was no 'VE' for the village;

- (viii) the Director of Environmental Protection (DEP) advised that the existing sewerage was close to its capacity and sewerage impact assessment would be required to confirm whether additional sewage could be coped with. In this regard, it was desirable to confine the size of residential zones to a minimum in order to protect the nearby water environment as the area was close to Coastal Protection Area and Country Park;
- (ix) hence, there was no strong justification for rezoning "R(D)" site and its surrounding area to "V". The "R(D)" zone was considered appropriate to the area to facilitate redevelopment of existing temporary structure into permanent buildings and would not hinder the villagers from improving their living environment;

*Proposed rezoning of Site R60a from "GB" to "R(D)*

- (x) Site R60a had an area of about 1.25 ha and was situated between Luen Yick Fishermen Village (zoned "R(D)") to the west and the natural coast zoned "Coastal Protection Area" ("CPA") to the east. It formed part of a large "GB" zone covering most of the land area of Yim Tin Tsai having high landscape value. Site R60a was mostly covered by mature woodland and fruit trees (e.g. *Dimocarpus longan* (龍眼), *Acacia confusa* (台灣相思), *Aporosa dioica* (銀柴) and *Cerbera manghas*(海杧果))

- (xi) the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD considered that removing established mature woodland was irreversible and the adverse impacts on existing landscape resources could be significant. DAFC advised that the “GB” zoning was necessary to retain and protect the woodland and the existing green area. The current “GB” zoning was in line with the general planning intention of the OZP to conserve the Area and appropriate for the site having high landscape value;
- (xii) there was no existing building structure at Site R60a. Rezoning the Site R60a to “R(D)” was not in line with the planning intention of the “R(D)” zone to improve and upgrade the existing temporary structures within the rural areas through redevelopment of the existing temporary structures into permanent buildings. Moreover, ‘House’ was a Column 2 use under the “GB” zone which might be permitted with or without conditions on application to the Board. Development proposals would be considered by the Board on individual merits taking into account the relevant Town Planning Board Guidelines;

*Proposed rezoning of Site R60b from “GB” and “CP” to “OU(SRC)”*

- (xiii) Site R60b was situated at a secluded and isolated location on an island to the northeast of Yim Tin Tsai in the Tolo Harbour and well covered by natural vegetation and woodland where tree species such as *Cinnamomum camphora* (樟), *Dimocarpus longan* (龍眼), *Macaranga tanarius*(血桐) could be found. The “GB” and “CP” zonings for Site R60b were intended primarily to reflect and protect its natural setting. DAFC advised that in accordance with Chapter 10 of the HKPSG on ‘Conservation’, country parks and special areas designated under the Country Park Ordinance

(Cap 208) should be reflected as “CP” on statutory plans. Therefore, the “CP” zoning of the Ma Shi Chau Special Area was in line with the HKPSG. He had strong reservation against the proposed zoning of parts of the Ma Shi Chau Special Area from “CP” to “OU(SRC)” zone;

- (xiv) the proposed water recreation sports centre was a ‘Place of Recreation, Sports or Culture’ which was a Column 2 use under the “GB” zone that might be permitted with or without conditions by the Board under s.16 application while such use within the “CP” zone required the consent from the Country and Marine Parks Authority. The siting of land-based water sports facilities and any ancillary facilities should be carefully considered on a case-by-case basis, following the necessary statutory and administrative requirement/procedures, including an Environmental Impact Assessment. In this regard, the representer (R60) had not provided any technical assessment in the representation submission to demonstrate that the proposed development would not have adverse environmental, ecological, marine safety and infrastructural impacts on the surrounding areas;
- (xv) regarding R60’s claim that Site R60b formed part of the ‘Possible Water Recreation Area’, according to Chapter 4 of the HKPSG on ‘Recreation, Open Space and Greening’, only the surrounding water areas were designated as “Possible Water Recreation Area”. The Director of Leisure and Cultural Services (DLCS) advised that the Tai Mei Tuk Water Sports Centre had not been fully utilised and there was no plan to develop another water sports centre in the area. The proposal to rezone Site R60b to “OU(SRC)” was considered not appropriate;

*The deletion of ‘House’/‘Small House’ use from Column 2 of the Notes of the OZP for “GB” zone*

- (xvi) “GB” zone was a conservation zone with a general presumption against development. Any house development required planning permission from the Board and each case would be considered on its individual merits. There was no strong justification to delete ‘House’ use from the Notes of “GB” zone;

*Incorporation of Area into the “Hong Kong Global Geopark of China”*

- (xvii) the inclusion of Area into the “Hong Kong Global Geopark of China” was outside the purview of the Board. DAFC advised that Agriculture, Fisheries and Conservation Department (AFCD) was the management authority of the Hong Kong Global Geopark of China, and the Area had already formed part of the Hong Kong Global Geopark of China enlisted in 2011. Besides, the whole area of Ma Shi Chau and the eastern tip of Yim Tin Tsai including the tombolo were designated as ‘Yim Tin Chai and Ma Shi Chau SSSI’ in 1982. Areas of geological significance had been put into “SSSI”, “CPA” and “CP” zones under the OZP;

*Incorporation of the Area into “Country Park”*

- (xviii) DAFC also advised that whether an enclave was suitable for incorporation into a country park or special area should be assessed against the established principles and criteria, which included conservation value, landscape and aesthetic value, recreation potential, size, proximity to existing country parks, land status and land use compatibility, as well as other relevant consideration. Incorporation of the area into “Country Park” was under the jurisdiction of the Country and Marine Parks Authority governed by the Country Park Ordinance (Cap.208) which was outside the purview of the Board. Preparation of the statutory plan would not preclude any future designation of Country Park;

- (p) The grounds of the comment submitted by C1 was similar to that raised by the representations R2 to R59 and the responses above were relevant;

PlanD's Views

- (q) R61's support on the planning control to the Area and the general planning intention of the OZP to conserve the high landscape and geological values of the Area and R62's comments on the OZP to strengthen development control to preserve the geological value of the Geopark were noted; and
- (r) based on the assessments made in paragraph 5 of the Paper, PlanD did not support the representations (R1 to R60, R61(Part) and R62(Part)) and considers that no amendment should be made to the OZP to meet these representations.

120. The Chairman then invited the representers and representer's representatives to elaborate on their representations.

R59 – Shek Kwong Yin

121. Mr Wong Pak Mau made the following main points :

- (a) on 8.8.2014, villagers and the village representative (VR) of Sam Mun Tsai San Tsuen raised objection to the OZP. The main concern of the villagers was related to the village area marked by a circle in orange colour on Plan H-5a of the Paper. The villagers requested that Sam Mun Tsai San Tsuen area should be reverted back to "V" as previously designated on the Approved Yim Tin Tsai and Ma Shi Chau DPA Plan gazetted on 13.3.2012 for village development;
- (b) there were 3 private lots (i.e. Lots 65, 66 and 67) located to the east of Sam

Mun Tsai San Tsuen, which were used as a plant nursery. These private lots were used for agricultural use and should not be zoned “GB” ;

- (c) Sam Mun Tsai Village moved to Sam Mun Tsai San Tsuen in 1965 to facilitate the development of Plover Cove Reservoir. TPRC was liaising with Tai Po District Office on recognition of the indigenous village status for Sam Mun Tsai San Tsuen. That there was no SH application for Sam Mun Tsai San Tsuen, as mentioned in PlanD’s presentation, was only a current phenomenon;
- (d) contrary to PlanD’s understanding that there were no indigenous villagers in Sam Mun Tsai San Tsuen as it was a resite village, the VR of Sam Mun Tsai San Tsuen (Mr Shek Kwong Yin) was an indigenous villager;
- (e) LandsD had designated the ‘VE’ for Sam Mun Tsai San Tsuen for village house development on private lots. Although some land was not held by villagers, it was possible that the villagers would buy land for developing village houses.

122. With the aid of the visualiser, Mr Wong showed 2 lists with a total number of 15 villagers who he claimed to have indigenous villager status. He said that these villagers had given up their village for the development of the Plover Cove Reservoir for the benefit of the general public. The Board was requested to consider the villagers’ past contribution and rezone the Sam Mun Tsai San Tsuen to “V” in order that the villagers’ right to develop SHs would be respected.

[Actual speaking time : 9 minutes]

R60 – Corona Land Co Ltd

123. With the aid of a Powerpoint presentation, Mr Chan Kim On made the following main points :

- (a) the representer objected to the draft Yim Tin Tsai and Ma Shi Chau OZP in respect of two sites, i.e. Sites R60a and R60b;

*Site R60a*

- (b) Site R60a had an area of about 1.25ha and comprised 4 private lots (i.e. Lots 65, 66, 67 and 68) and adjoining government land in D.D. 27. These private lots (with a total site area of about 1 ha) occupied about 80% of Site R60a, and were adjoining the southern side of Sam Mun Tsai San Tsuen and southeastern side of Luen Yick Fishing Village. An abandoned school zoned “Government, Institution or Community” (“G/IC”) was located to the south of Sam Mun Tsai San Tsuen;
- (c) most of the land within Site R60a were abandoned agricultural land while some were used for hobby farming. Like most other abandoned agricultural land in Hong Kong, the site was covered with grass, but it was not vegetated and not wooded as observed by PlanD. *Acacia confusa* (台灣相思), *Dimocarpus longan* (龍眼) and mango trees were mostly located on the southwestern and southeastern sides of the site;
- (d) the slope next to Lot 65 was steep and the trees growing on the slope were leaning to one side. These trees would face the challenge of the harsh natural environment if there was no human intervention ;
- (e) although the planning intention of the “R(D)” zone was to improve the environment through re-building of existing structures, planning should not just consider the nature of these structures but should also provide reasonable incentives for development while preserving the environment;
- (f) Site R60a was the remaining undeveloped area in Sam Mun Tsai San Tsuen. If the site was rezoned from “GB” to “R(D)” or other appropriate zoning for low-density residential development, it would start the

development process and the general environment could be improved. The representer considered that a maximum plot ratio of 0.4 and a maximum BH of 3 storeys for Site R60a would be in line with the development restrictions of “R(D)” zone. Such development intensity could provide a minimum of 80 flats in 2 to 3 years’ time to help meet the housing demand in Hong Kong while preserving the slope and the vegetation for a better living environment in Sam Mun Tsai;

*Site R60b*

- (g) Site R60b had an area of about 1.06 ha and comprised three private lots (i.e. Lots 74, 75 and 76) and adjoining government land in D.D. 27. The site was located in a popular area for water-based activities and would have the potential to be developed into a water sports and recreational centre, which was a facility much needed in Hong Kong;
- (h) the representer’s proposal was intended to optimise the use of land by providing a major water sports facility for the area, which would benefit the younger generation; and
- (i) the representer was willing to withdraw the representation and proposal in respect of Site R60b if the Board considered that the water sports and recreational centre was not required.

[Actual speaking time : 11 minutes]

R62 – Designing Hong Kong Limited

124. With the aid of a Powerpoint presentation, Ms Chan Ka Lam, Debby made the following main points :

- (a) DHKL supported the views of the AGHK, which was unable to attend the

meeting today;

- (b) on the conservation of Country Park enclave, DHKL shared the same views of AGHK that as there was a presumption against development in the “GB” zone, small house development should not be permitted and such a use should be deleted from Column 2 of the “GB” zone in the Notes of the OZP;
- (c) DHKL proposed that the Yim Tin Tsai and Ma Shi Chau area should be included in the Country Park for more protection against development;
- (d) there were newspaper reports in 2013 that a number of graves in Sam Mun Tsai were found to be located outside the permitted burial ground designated by the District Office. There was no government department to verify the actual location of the grave and the indigenous villager status of the deceased, as long as the applications for grave were endorsed by the VR. The proliferation of graves in the area might contribute to the low conservation value of the area, which could only justify for a “GB” zoning; and
- (e) while the representative of the Alliance for the Concern over Columbarium Policy (the Alliance) had already left the meeting due to the late schedule, the Alliance suspected that some graves in Sam Mun Tsai were located outside the designated burial ground, which might be taken as existing structures during the preparation of the DPA Plan for Sam Mun Tsai. Some of those graves were located within the SSSI. The Board should consider the issue of burial activities within the SSSI and the need for a controlling mechanism to monitor the construction of graves in the area.

[Actual speaking time : 6 minutes]

125. As the representers' representatives had completed their presentations, the Chairman invited questions from Members.

126. As Members did not have any questions and the representers' representatives had nothing to add, the Chairman said that the hearing procedure had been completed. The Chairman thanked the representers' representatives and the representatives of PlanD for attending the hearing. They all left the meeting at this point.

127. The Chairman recapitulated that burial activity within the SSSI was not permitted. The designated burial grounds for the indigenous villagers of Yim Tin Tsai and Ma Shi Chau had existed before the gazetting of the relevant DPA Plan, which would be considered as existing use. As such, burial activities within the designated burial grounds should be allowed to continue.

128. The Chairman said and Members agreed that the inclusion of Yim Tin Tsai and Ma Shi Chau into the Hong Kong Global Geopark was outside the jurisdiction of the Board, and the preparation of the OZP for the area was to provide suitable mechanism for the protection of the area. On the representer's proposal to delete 'House' and 'Small House' from Column 2 of the Notes of the "GB" zone, Members noted that such development would be controlled through the established planning application system. Members agreed that such uses should be retained in the Column 2 of the Notes to the "GB" zone. As for the proposal to include Yim Tin Tsai and Ma Shi Chau into the country park, Members agreed that it was outside the purview of the Board.

129. As for the question of whether the zonings on the OZP would infringe the Basic Law Article 105, Members considered that the issue had been considered by the Board before and as confirmed by legal advice, the imposition of zoning control on the OZP would not infringe the Basic Law on the protection of private property.

130. Regarding the representers' proposal to rezone Sam Mun Tsai San Tsuen and Luen Yick Fishermen Village and the surrounding areas from "R(D)" to "V", Members noted that Sam Mun Tsai San Tsuen was not an indigenous village. The villagers' claim of the indigenous village status had not been determined yet. The existing houses in Sam Mun Tsai San Tsuen and Luen Yick Fishermen Village were under government land licences or short term tenancies which were regarded as temporary in nature. Members agreed that there was no justification to rezone the area from "R(D)" to "V".

131. Ms Bernadette H.H. Linn, Director of Lands, supplemented that although Sam Mun Tsai San Tsuen was not an indigenous village, the male villagers were entitled to apply for SH. In response to the Chairman's query on whether NTEH could be allowed within the "R(D)" zone, Mr K.K. Ling, Director of Planning, said that planning permission was required for 'House (not elsewhere specified)' within the "R(D)" zone and there were restrictions on the size of the house to be developed. The Notes of the "R(D)" zone was shown on the visualiser for Members' reference. Members noted that 'House (Redevelopment)' was a Column 1 use which was always permitted. For 'House (not elsewhere specified)', planning permission from the Board was required. While the Remarks of the "R(D)" zone specified the development restrictions regarding 'House' development, such restrictions were not applicable to NTEH. In other words, NTEH might be permitted within the "R(D)" zone on application to the Board.

132. On the rezoning of Site R60a, Members agreed that the Area was a country park enclave and the planning intention was to conserve the areas of high landscape and geological significance, to protect the unique landscape character and to maintain the rural and natural character of the Area. In view that DAFC and CTP/UD&L had advised that the site had high landscape value and the mature woodland would be affected by development, Site R60a should not be rezoned. Regarding Site R60b, the Chairman said that the 'possible water recreation area' mentioned in Chapter 4 of the HKPSG referred to the surrounding water areas and not the land area of Site R60b. There was no strong justification to rezone the site for sports and recreational use. Members agreed.

133. After deliberation, the Board noted the supportive view of R61 and the comments of R62 on the OZP.

134. The Board also decided not to support the remaining parts of R61 and R62 and representations R1 to R60 and considered that no amendment should be made to the OZP to meet those representations. Members then went through the suggested reasons for not upholding the representations as detailed in paragraph 7.2 of the Paper and considered them appropriate. The reasons were :

*“Basic Law on protection of private property*

- (a) the Plan would not affect any land owner’s right to transfer or assign his/her interest in land, nor would it leave the land concerned without any meaningful use or economically viable use. Besides, insofar as the zoning restrictions pursue the legitimate aim of conserving and protecting the features of special scientific interest and the land concerned could be put into the “always permitted uses” and uses that may be permitted with or without conditions on application to the Board, it does not appear inconsistent with the protection of rights under Basic Law; **(R1)**

*Burial ground in the “Site of Special Scientific Interest” zone*

- (b) according to the covering Notes of the Plan, provision, maintenance or repair of a grave is always permitted in all zones except “Site of Special Scientific Interest” (“SSSI”) and “Coastal Protection Area” (“CPA”) zones. To respect the traditional right of villagers of the concerned villages, an overlapping area between the ‘Yim Tin Tsai and Ma Shi Chau Site of Special Scientific Interest’ and the designated burial ground has been zoned “SSSI(1)” sub-zone where grave is a use always

permitted; (**R1** to **R59** and **R61**)

*Development of Sam Mun Tsai San Tsuen and Luen Yick Fishermen Village*

- (c) the “Residential (Group D)” (“R(D)”) zone is intended primarily for improving and upgrading the existing temporary structures in Sam Mun Tsai San Tsuen and Luen Yick Fishermen Village through redevelopment of existing temporary structures into permanent buildings. The “R(D)” zone is appropriate and would not hinder the development of the two villages; (**R1** to **R59**)

*Rezoning from “Green Belt” to “Residential (Group D)”*

- (d) the site including Lots 65, 66(Part), 67, 68(Part) and adjoining government land in D.D. 27 (Site R60a) forms part of the larger “Green Belt” (“GB”) zone which is mostly covered by mature woodland having high landscape value. The “GB” zone should be retained to better reflect the planning intention from nature conservation point of view; (**R60**)

*Rezoning from “Green Belt” and “Country Park” to “Other Specified Uses” annotated “Sports and Recreation Club”*

- (e) the site, including Lots 74, 75, 76 and adjoining government land in D.D. 27 (Site R60b), is covered by mature woodland and surrounded by the ‘Ma Shi Chau Special Area’. The “GB” and “Country Park” (“CP”) zonings should be retained to better reflect the planning intention from nature conservation point of view; (**R60**)

*To amend the Notes of “Green Belt” zone*

- (f) ‘House’ is a Column 2 use which requires planning permission of the Board. Each case should be considered on its individual merits taking into account of the prevailing planning circumstances and the relevant

Town Planning Board guidelines. There is no strong justification to delete 'House' use from the Notes of "GB" zone; **(R62)**

*Proposals not directly related to the Plan*

- (g) the Yim Tin Tsai and Ma Shi Chau area have already formed part of the Hong Kong Global Geopark of China. Inclusion of the Area into "Hong Kong Global Geopark of China" is outside the purview of the Board; **(R61)** and
- (h) incorporation of the 'enclave' into "Country Park" is under the jurisdiction of the Country and Marine Parks Authority governed by the Country Park Ordinance (Cap.208) which is outside the purview of the Board. **(R62)**"

[Dr. W.K. Yau arrived to join the meeting at this point.]

**Agenda Item 10**

[Open Meeting]

Review of Application No. A/YL-TT/344

Temporary Shop and Services (Real Estate Agency) for a period of 3 years in "Village Type Development" Zone, Lots 4891 RP (Part), 4892 RP (Part), 4893 (Part) and 4894 in D.D. 116 and adjoining government land, Tai Tong Road, Yuen Long  
(TPB Paper No. 9914)

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[The meeting was conducted in Cantonese.]

**Presentation and Question Sessions**

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

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

Mr Lam Sun Tak - Applicant

136. The Chairman extended a welcome and explained the procedure of the review hearing. He then invited the representative of PlanD to brief Members on the background to the review application.

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

The application

- (a) on 5.12.2014, the applicant sought planning permission for temporary shop and services (real estate agency) for a period of 3 years at the application site (the site). The site had an area of about 520m<sup>2</sup> (including about 50m<sup>2</sup> of government land). Two single-storey structures of about 2-3m high and 14 car parking spaces were proposed;
- (b) on 16.1.2015, the Rural and New Town Planning (RNTPC) of the Town Planning Board (the Board) rejected the application and the reasons were :
  - (i) the applicant failed to demonstrate that the development would not cause adverse traffic, landscape and drainage impacts on the surrounding area; and
  - (ii) previous planning permissions granted to the applicant under applications No. A/YL-TT/289 and 302 were revoked due to non-compliance of the approval conditions. Approval of the

application with repeated non-compliances with approval conditions would set an undesirable precedent for other similar applications, thus nullifying the statutory planning control mechanism;

- (c) on 26.2.2015, the applicant applied for a review of the RNTPC's decision to reject the application. The applicant had not made any written submission in support of the review;

#### The Application Site

- (d) the site fell within an area zoned "Village Type Development" ("V") on the approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/16 and was currently used for the applied use without valid planning permission. The site was the subject of 3 previous applications (No. A/YL-TT/289, 302 and 327) for the same applied use submitted by the same applicant. Applications No. A/YL-TT/289 and 302 were approved with conditions for a period of 3 years each by the RNTPC of the Board on 19.8.2011 and 20.4.2012 respectively, but both planning permissions were revoked on 19.2.2012 and 20.10.2013 respectively due to non-compliance with approval conditions. The last application (No. A/YL-TT/327) was rejected by the Board on review on 24.10.2014. A Notice of Appeal submitted by the applicant of the current application regarding A/YL-TT/327 was received by the Town Planning Appeal Board on 24.12.2014;
- (e) the site was currently subject to planning enforcement action against an unauthorized development (UD) involving storage use and office use. Enforcement Notice was issued on 11.2.2015 to the concerned parties requiring discontinuance of the UD. If the requirements of the statutory notice was not complied with upon the expiry of the notice on 11.4.2015, prosecution action against the notice recipients would be considered.

### Similar Applications

- (f) there were two similar applications (i.e. A/YL-TT/301 and A/YL-TT/343) within the same “V” zone submitted by the same applicant of the current application under review. Application No. A/YL-TT/301 was approved with conditions on a temporary basis, but was subsequently revoked due to non-compliance with approval conditions. Application No. A/YL-TT/343 was approved with conditions on a temporary basis, but with a shorter compliance period;

### Departmental Comments

- (g) in view that the applicant had not made any written submission, relevant government departments maintained their previous views on the application. In particular, the Commissioner for Transport (C for T) advised that the applicant should submit information on the details of internal driveway, including the alignment and the width, parking arrangement proposal and demarcation of car parking spaces, to demonstrate that there would be sufficient manoeuvring space within the site. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) advised that the submission, implementation and maintenance of a drainage proposal were required. The Chief Town Planner/Urban Design and Landscape, PlanD had reservation on the application from the landscape planning point of view as no landscape proposal was submitted under the current application and the applicant’s commitment to mitigate the landscape impact was in doubt;

### Public Comments

- (h) a total of 6 public comments were received during the statutory inspection period, all objecting to the application. The main grounds of objection were related to adverse environmental, hygiene, visual and/or sewerage/drainage impacts, noise nuisance and general security problem in

the surrounding area. The need for an estate agency in the area was doubted. There were also concerns on the traffic impact, pedestrian/vehicular safety, illegal occupation of government land, and the actual use of the site as storage of vehicles for sale and repair instead of a real estate agency under the application;

- (i) 3 similar public comments were received at the s.16 application stage;

PlanD's View

- (j) although the applied use was considered not entirely in line with the planning intention of the "V" zone, it could provide real estate service to serve the needs of the locals and neighbouring residential developments. Also taking into account that there was no SH application at the site currently as advised by the District Lands Officer/Yuen Long (DLO/YL), approval of the development on a temporary basis would not frustrate the long-term planning intention of the "V" zone. The development was relatively small in scale and was considered not incompatible with the surrounding uses. There were also real estate agencies to the west of the Site across Tai Tong Road and to its immediate north at the adjoining site that were operating with valid planning permissions under Applications No. A/YL-TT/301 and A/YL-TT/343;
- (k) in view of the previous revocations (applications No. A/YL-TT/289 and 302) and the applicant's failure to demonstrate that the development would not cause adverse traffic, landscape and drainage impacts on the surrounding area, the last application (No. A/YL-TT/327) for the same use on the same site also submitted by the same applicant was rejected by the Board on review on 24.10.2014;
- (l) having considered the applicant's repeated failures to comply with the approval conditions of the previous planning approvals and no submission was made in the current application at both the s.16 application and s.17

review stages to address the departmental concerns as mentioned above, it was doubtful as to whether the negative impacts of the development and the concerns of relevant government departments could be effectively addressed by imposition of approval conditions. It was considered that further approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning permissions for temporary uses which were also subject to the requirement to comply with the approval conditions, thus nullifying statutory planning control. As there was no change in the planning circumstance since the rejection of the last application and given the applicant's continued failure to demonstrate the genuine efforts in compliance with the approval conditions, the current application did not warrant sympathetic consideration and its rejection was in line with the previous decision of the Board on review. PlanD maintained its previous view of not supporting the review application.

138. The Chairman then invited the applicant to elaborate on the review application. Mr Lam Sun Tak made the following main points :

- (a) the real estate agency was to support the young people in setting up their business. The application was to convert 2 containers as an office for the real estate agency at the site;
- (b) he was not familiar with the development process and did not know how to comply with the approval conditions until getting help from PlanD. Regarding the submission of run-in/out proposal, its implementation would require the diversion of some underground public utility cables. As the operators of these public utility cables had not replied to him on the diversion proposal, there was a delay by 7 to 9 months in preparing the submission of the run-in/out proposal to comply with the approval condition. Also, he had difficulties in contacting the relevant government departments to discuss matters relating to the approval conditions and could only reach some of them through PlanD;

- (c) the approval conditions in relation to run-in/out proposal, fire safety and drainage had now been complied with. The only outstanding issue was relating to landscaping. He was willing to accept CTP/UD&L's requirement in the provision of planters and planting of trees with a height of 3m. However, an agreement on the tree species had not been reached; and
- (d) the real estate agency was mainly to provide job opportunities for the young people. They were under pressure in running the business as they were bullied by the triads. The real estate agency business would provide the much needed service for the minority groups who were seeking accommodation in the New Territories. These minority groups contributed much to the economy and growth of Hong Kong and there was a need to provide housing for them.

139. The Chairman reminded Mr Lam to focus his presentation on the justifications for the application. Mr K.K. Ling, Director of Planning, said that PlanD had no objection to the nature of the business but was concerned about how the adverse impacts could be addressed, in particular, whether the approval conditions would be complied with by the applicant if the application was approved by the Board. He requested Mr Lam to justify why the approval conditions in the previous planning permissions for the same use at the site could not be complied within the specified time limit.

140. Mr Lam Sun Tak said that paragraph 7.2 of the Paper had stated that a chance would be given to him to comply with the approval conditions. In fact, the approval conditions in respect of run-in/out and fire safety had been complied with. Regarding the drainage requirement, the area was subject to flooding and the land owners were unwilling to provide land for the construction of the necessary drainage connection. It was very difficult for him to solve the drainage problem. However, the Drainage Services Department (DSD) had finally agreed with his drainage proposal. The outstanding approval conditions were only related to

the submission of car parking layout and landscaping proposal. As mentioned earlier, he would comply with the landscape requirement.

141. The Chairman clarified that paragraph 7.2 of the Paper was only applicable if the application was approved by the Board. He asked DPO/TM&YLW to clarify which approval conditions were still outstanding. In response, Mr David C.M. Lam, DPO/TM&YLW said that regarding application No. A/YL-TT/289, all approval conditions had not been complied with and the approval was revoked in 2012. For application No. A/YL-TT/302, the submission and implementation of fire service installations proposal had been fully complied with, but only the submission part of the run-in/out proposal had been complied with. Despite that the deadline for complying with the approval conditions was extended 6 times, the approval conditions regarding the submission and implementation of parking arrangement proposal, landscaping proposal and drainage proposal had not been complied with. Hence the planning approval was revoked in 2013.

142. Mr Lam Sun Tak clarified that the approval condition regarding drainage proposal had been agreed by the DSD. The Government should have records in this regard. The Chairman said that it was the responsibility for the applicant to prove the compliance of the said approval condition. Mr David C.M. Lam, DPO/TM&YLW supplemented that all approval conditions should be complied with in order to mitigate the adverse impacts generated by the proposed development. Failure to comply with any of the approval conditions within the specific time limit would lead to revocation of the planning permission. Mr Lam Sun Tak requested the Board to give sympathetic consideration to the application.

143. As Members had no further question, the Chairman informed the applicant that the hearing procedure for the review application had been completed. The Board would deliberate on the review application in his absence and inform the applicant of the Board's decision in due course. The Chairman thanked the applicant and DPO/TM&YLW for attending the meeting. They all left the meeting at this point.

Deliberation

144. The Chairman asked Members to consider whether they were convinced that the applicant had tried hard to comply with the approval conditions. He said that the applicant had not submitted any information/record to show that the approval conditions including the drainage proposal had been complied with. Also, apart from approval conditions regarding fire safety and run-in/out proposals, nothing had been done to comply with other approval conditions since the proposed real estate agency was first approved under a previous application in 2011.

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

- “(a) the applicant fails to demonstrate that the development would not cause adverse traffic, landscape and drainage impacts on the surrounding area;  
and
  
- (b) previous planning permissions granted to the applicant under applications No. A/YL-TT/289 and 302 were revoked due to non-compliance of the approval conditions. Approval of the application with repeated non-compliances with approval conditions would set an undesirable precedent for other similar applications, thus nullifying the statutory planning control mechanism.”

**Procedural Matters**

**Agenda Item 11**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comment on the Draft Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan No.

S/K15/22

(TPB Paper No. 9916)

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[The meeting was conducted in Cantonese.]

146. The Secretary said that the consideration of representations and comments on the Draft Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan (OZP) involved sites mainly for subsidized housing and private residential developments at the Yau Tong Industrial Area (YTIA), amongst the other amendment sites. The subsidiaries of Cheung Kong (Holdings) Ltd. (CKH), which owned some land within YTIA, had submitted a section 16 planning application for comprehensive residential development on their land, which had yet to be considered by the Committee. The following Members, who were members of the Hong Kong Housing Authority (HKHA), Hong Kong Housing Society (HKHS) or having current business dealings with HKHA or CKH, had declared interests in this item :

Mr Stanley Y.F. Wong - being a member of HKHA and the Strategic Planning Committee and the Chairman of the Subsidised Housing Committee of HKHA; and an non-official member of HKHS

Professor P.P. Ho - being a member of the Building Committee of HKHA and having current business dealings with CKH

- Ms Julia M.K. Lau - being a member of HKHA and its Commercial Properties Committee and Tender Committee
- Mr Laurence L.J. Li - his spouse's relatives own a factory in Yau Tong
- Mr H.W. Cheung - being a member of the Task Force on Construction of HKHS
- Mr Ivan C.S. Fu - having current business dealings with HKHA and CKH
- Ms Janice W.M. Lai - having current business dealings with HKHA
- Mr Dominic K.K. Lam - having current business dealings with HKHA and HKHS
- Mr Patrick H.T. Lau - having current business dealings with HKHA and CKH
- Mr H.F. Leung - being a member of the Tender Committee of HKHA and having current business dealings with HKHA
- Dr Lawrence W.C. Poon - his spouse being an employee of Housing Department
- Mr K.K. Ling  
(as Director of Planning) - being a member of the Strategic Planning Committee and the Building Committee of HKHA and an Ex-officio

member of HKHS Supervisory Board

Ms Bernadette H.H. Linn - being a member of HKHA and an  
(as Director of Lands) Ex-officio member of HKHS  
Supervisory Board

Ms Charmaine H.W. Wong - being a representative of the Director of  
(as Assistant Director of Home Home Affairs who is a member of the  
Affairs Department) Strategic Planning Committee and the  
Subsidised Housing Committee of  
HKHA

147. As the item was procedural in nature and no discussion was required, the Board agreed that the above Members should be allowed to stay in the meeting. Members also noted that Mr Laurence L.J Li had tendered apologies for being unable to attend the meeting and Professor P.P. Ho, Ms Julia M.K. Lau, Mr H.W. Cheung, Mr Ivan C.S. Fu, Ms Janice W.M. Lai, Mr Dominic K.K. Lam, Mr Patrick H.T. Lau, Mr H.F. Leung, Dr Lawrence W.C. Poon and Ms Charmaine H.W. Wong had left the meeting.

148. The Secretary reported that on 19.12.2014, the Draft Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP No. S/K15/22 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The amendments were mainly related to the rezoning of the ex-Cha Kwo Ling Kaolin Mine Site (KM Site) for mainly residential, government, institution and community and open space developments (Item B) and the Cha Kwo Ling Tsuen (CKLT) from “Residential (Group A) 4” (“R(A)4”) to “Undetermined” (“U”) (Item C). During the two-month exhibition period, a total of 4,852 valid representations were received. On 24.3.2015, the representations were published for 3 weeks for public comments, and 53 comments were received.

149. While 2 representations (R1 and R2) did not indicate which amendment items they were related to, 4,248 representations (R3 to R1562 and R1564 to R4251) were related to Item

B and 602 representations (R4253 to R4854) were related to Item C. Among the 53 comments received, C1 to C43 were related to Item B; and C1, C2 and C44 to C53 were related to Item C. C1 also commented on Items F2 and G.

150. It was recommended that the representations and comments should be considered by the full Board. The hearing could take place in the Board's regular meeting and a separate hearing session would not be necessary. As some of the representations and comments were similar in nature and interrelated, it was suggested that the hearing of the representations and comments be arranged in two groups, as follows:

Group 1

- (a) collective hearing for 4,250 representations (R1 to R1562 and R1564 to R4251), and 43 comments (C1 to C43) in respect of Items B, F2 and G concerning mainly the rezoning of the KM Site; and

Group 2

- (b) collective hearing for 604 representations (R1, R2 and R4253 to R4854) and 12 comments (C1, C2 and C44 to C53) in respect of Item C concerning mainly the rezoning of CKLT.

151. The Chairman suggested and Members agreed that a decision on the time limit for oral presentation would be made after the number of presenters and commenters attending the hearing was ascertained.

152. After deliberation, the Board agreed that :

- (a) the representations and comments should be considered by the Board itself;  
and

- (b) the Chairman would, in liaison with the Secretary, decide on the need to impose a 10-minute presentation time for each representer and commenter, taking into account the number of representers and commenters who would attend the hearing.

**Agenda Item 12**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Further Representations on Proposed Amendments to the Draft Tai Po Outline Zoning Plan No. S/TP/25 Arising from Consideration of Representations and Comments on the Draft Tai Po Outline Zoning Plan No.S/TP/25

(TPB Paper No. 9927)

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[The meeting was conducted in Cantonese.]

153. The Secretary reported that as the further representations on the Draft Tai Po Outline Zoning Plan (OZP) were related to the rezoning a site to the west of Nethersole Hospital and two sites near Fung Yuen considered by the Board in Group 2, the following Members had declared direct interests for having association with the representers including MTR Corporation Limited (MTRCL) (R3), Henderson Land Development Co. Ltd. (Henderson) which was the mother company of the Hong Kong and China Gas Company Limited (HKCGC) (R2), Tai Po Rural Committee (TPRC) (R1326) and Tai Po District Council (TPDC) (R1633) :

Dr W.K. Yau

- being an executive member of the TPRC and a Member of TPDC which had submitted representations (direct interest); owning a flat and a shop at Kwong Fuk Road and a house and land at Cheung Shue Tan in Tai Po; and being the Chairman of

the Management Committee of the Fung Yuen Butterfly Reserve/Fung Yuen Nature and Culture Education Centre which was the subject of representation for R16 to R19; and being the director of a non-government organisation that had received private donation from a family member of the Chairman of Henderson (indirect interest)

154. In addition, the following Members have declared remote or indirect interests :

- |                       |  |
|-----------------------|--|
| Mr Stanley Y.F. Wong  | - owning a flat and car parking spaces at Deerhill Bay with his spouse |
| Mr H.W. Cheung        | - owning a flat at Heung Sze Wui Street in Tai Po                      |
| Mr Frankie W.C. Yeung | - owning a flat in On Chee Road, Tai Po                                |

155. As the item was procedural in nature and no discussion was required, the Board agreed that the above Members should be allowed to stay in the meeting. Members also noted that Mr H.W. Cheung, Mr Frankie W.C. Yeung and Ms Charmaine H.W. Wong had left the meeting.

156. The Secretary reported that on 11.4.2014, the Draft Tai Po OZP No. S/TP/25 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the statutory plan inspection period, a total of 6,322 representations and 439 comments were received. After considering the representations and comments on 27.11.2014, 11.12.2014, 18.12.2014 and 14.1.2015, the Board on 13.2.2015 decided to uphold and partially uphold some representations by rezoning a site to the west of Nethersole Hospital

from “Residential (Group A) 10” (“R(A)10”) to “Green Belt” (“GB”) (Proposed Amendment Item A) and two sites near Fung Yuen from “Residential (Group C) 10” (“R(C)10”) to “Government, Institution or Community” (“G/IC”) (Proposed Amendment Item B1) and “GB” (Proposed Amendment Item B2).

157. The proposed amendments to the OZP were exhibited for public inspection under section 6C(2) of the Ordinance on 13.3.2015. Upon the expiry of the 3-week exhibition period, four further representations were received. F1 was submitted by the Tai Po Fung Yuen Village Office indicating support to the rezoning of two sites near Fung Yuen from “R(C)10” to “G/IC” and “GB”. F2 and F3 were submitted by individuals who considered that the original “GB” zoning on the draft OZP should be maintained, except for the sites at Fung Yuen and Kon Hang which should be rezoned to “Conservation Area” (“CA”). F4 was submitted by an individual objecting to the draft Tai Po OZP and suggested solutions to the housing shortage problem. Since F4 was not related to the subject of amendments, it was considered invalid and should be treated as not having been made under section 6D(3) of the Ordinance. Members agreed.

158. As the representations were previously considered by the full Board, it was considered more appropriate for the full Board to hear the further representations without resorting to the appointment of a Representation Hearing Committee. The hearing could be accommodated in the Board’s regular meeting and a separate hearing session would not be necessary. Consideration of the further representations by the full Board was tentatively scheduled for June 2015. All the original representers and commenters and the valid further representers to the draft Tai Po OZP would be invited to the hearing.

159. In view of the large number of original representations and comments, and to ensure efficiency of the hearing, a total of 10 minutes presentation time was recommended to be allotted to each further representer and the original representers and commenter for presenting his/her views in the hearing session.

160. After deliberation, the Board agreed that :

- (a) the further representation F4 was considered invalid;
- (b) the valid further representations should be considered by the Board itself; and
- (c) the Chairman would, in liaison with the Secretary, decide on the need to impose a 10-minute presentation time for each presenter and commenter, taking into account the number of presenters and commenters who would attend the hearing.

### **Agenda Item 13**

[Open meeting]

Submission of the Draft Kwun Tong (South) Outline Zoning Plan No. S/K14S/19A to the Chief Executive in Council for Approval Under Section 8 of the Town Planning Ordinance (TPB Paper No. 9917)

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[The meeting was conducted in Cantonese]

161. The Secretary reported that the draft Kwun Tong (South) Outline Zoning Plan (OZP) had incorporated amendments to facilitate a proposed public rental housing (PRH) development by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA). In this regard, the following Members had declared interests in this item :

Mr Stanley Y.F. Wong	- being a member of HKHA and the Strategic Planning Committee of HKHA and Chairman of the Subsidised Housing Committee of HKHA
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- Professor P.P. Ho - being a member of the Building Committee of HKHA
- Ms Julia M.K. Lau - being a member of HKHA and its Commercial Properties Committee and Tender Committee
- Mr Ivan C.S. Fu )  
Ms Janice W.M. Lai ) having current business dealings with  
Mr Dominic K.K. Lam ) HKHA  
Mr Patrick H.T. Lau )
- Mr H.F. Leung - being a member of the Tender Committee of HKHA and having business dealings with HKHA
- Dr Lawrence W.C. Poon - his wife being an employee of HD
- Mr K.K. Ling - being a member of the Strategic Planning  
(as Director of Planning) Committee and the Building Committee of HKHA
- Ms Bernadette H.H. Linn - being a member of HKHA  
(as Director of Lands)
- Miss Charmaine H.W. Wong - being a representative of the Director of  
(as Assistant Director of Home Home Affairs who was a member of the  
Affairs Department) Strategic Planning Committee of HKHA

162. As the item was procedural in nature and no discussion was required, the Board agreed that the above Members should be allowed to stay in the meeting. Members also

noted that Professor P.P. Ho, Ms Julia M.K. Lau , Mr Ivan C.S. Fu, Ms Janice W.M. Lai, Mr Dominic K.K. Lam, Mr Patrick H.T. Lau, Mr H.F. Leung, Dr Lawrence W.C. Poon and Miss Charmaine H.W. Wong had left the meeting.

163. The Secretary reported that on 18.7.2014, the draft Kwun Tong (South) OZP Plan No. S/K14S/19 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 1,473 valid representations were received. On 28.10.2014, the representations were published for public comment and in the first three weeks of the publication period, one comment was received. After giving consideration to all the representations and comments on 13.2.2015 and 24.4.2015, the Board noted one supportive representation and decided not to uphold the remaining 1,472 adverse representations and that no amendment should be made to the draft OZP to meet the representations.

164. Since the representation consideration process had been completed, the Kwun Tong (South) OZP was now ready for submission to the Chief Executive in Council (CE in C) for approval.

165. After deliberation, the Board agreed :

- (a) that the Draft Kwun Tong (South) OZP No. S/K14S/19A 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 Kwun Tong (South) OZP No. S/K14S/19A as an expression of the planning intention and objectives of the Board for 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 14**

[Open meeting]

Submission of the Draft Luk Wu and Keung Shan Outline Zoning Plan No. S/I-LWKS/1A to the Chief Executive in Council for Approval Under Section 8 of the Town Planning Ordinance

(TPB Paper No. 9919)

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[The meeting was conducted in Cantonese]

166. The Secretary reported that on 22.8.2014, the Draft Luk Wu and Keung Shan Outline Zoning Plan (OZP) No. S/I-LWKS/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 173 representations were received. On 28.11.2014, the representations were published for public comment and in the first three weeks of the publication period, 16 comments were received. After giving consideration to all the representations and comments on 20.3.2015 and 10.4.2015, the Board decided not to uphold the representations.

167. Since the representation consideration process had been completed, the Luk Wu and Keung Shan OZP was now ready for submission to the Chief Executive in Council (CE in C) for approval.

168. After deliberation, the Board agreed :

- (a) that the Draft Luk Wu and Keung Shan OZP No. S/I-LWKS/1A 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 Luk Wu and Keung Shan OZP No. S/I-LWKS/1A as an expression of the planning intention and objectives of the Board for 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 15**

[Open Meeting]

Application to the Chief Executive under section 8(2) of the Town Planning Ordinance for Extension of the Time Limit for Submission of the Draft Shek Kip Mei Outline Zoning Plan No. S/K4/28 to the Chief Executive in Council for Approval  
(TPB Paper No. 9920)

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[The meeting was conducted in Cantonese.]

169. The Secretary reported that on 18.7.2014, the Draft Shek Kip Mei Outline Zoning Plan (OZP) No. S/K4/28 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the plan exhibition period, a total of 5,111 representations and one comment were received.

170. After considering the representations and comments on 6.3.2015, 9.3.2015, 10.3.2015 and 16.3.2015, the Board had completed the deliberation on the OZP in the morning session.

171. According to the statutory time limit, the draft OZP should be submitted to the Chief Executive in Council (CE in C) for approval on or before 18.6.2015. It was unlikely that the plan-making process could be completed within the 9-month statutory time limit for submission of the draft OZP to the CE in C for approval (i.e. before 18.6.2015).

172. There was a need to apply to the CE for an extension of the statutory time limit for six months to allow sufficient time to complete the plan-making process of the draft OZP prior to its submission to the CE in C for approval.

173. After deliberation, the Board agreed that the CE's agreement should be sought under section 8(2) of the Ordinance to extend the time limit for submission of the Draft Shek Kip Mei OZP No. S/K4/28 to the CE in C for a period of six months from 18.6.2015 to 18.12.2015.

#### **Agenda Item 16**

[Open meeting]

Submission of the Draft Kwu Tung North Outline Zoning Plan No. S/KTN/1A to the Chief Executive in Council for Approval Under Section 8 of the Town Planning Ordinance (TPB Paper No. 9921)

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[The meeting was conducted in Cantonese]

#### **Agenda Item 17**

[Open meeting]

Submission of the Draft Fanling North Outline Zoning Plan No. S/FLN/1A to the Chief Executive in Council for Approval Under Section 8 of the Town Planning Ordinance (TPB Paper No. 9922)

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[The meeting was conducted in Cantonese]

174. The Secretary reported that the submission of the Draft Kwu Tung North Outline Zoning Plan (OZP) and the Draft Fanling North OZP to the Chief Executive in Council (CE in C) for approval could be considered together as the two OZPs were related to the North East New Territories New Development Areas (NENT NDAs). Most of the representations and

comments in respect of the OZPs were common and they were considered by the Board collectively in four Groups.

175. The following Members had declared direct interests in Group 1 to 4 :

Ms Julia M.K. Lau - being a representer and a commenter in respect of FLN OZP (FLN-R13 and FLN-C6009)

Mr Patrick H.T. Lau - his company had involved in the submission of proposals for a consultancy study on the Development of KTN and FLN NDAs, Phase 1 – Design and Construction

176. The following Members had declared direct interests in Group 1 :

Mr Dominic K.K. Lam ] having current business dealings with  
Mr Ivan C.S. Fu ] MTR Corporation Limited (MTRCL)  
Ms Janice W.M. Lai ] (KTN-R13 and FLN-R14) which was a  
Mr Patrick H.T. Lau ] representer of KTN and FLN OZPs

177. In addition, the following Member had declared indirect interest in Group 1 :

Professor S.C. Wong - being the Chair Professor and Head of Department of Civil Engineering, University of Hong Kong which had received sponsorship from MTRCL for organising some activities and MTRCL

was a representer of KTN and FLN OZPs

178. Other than Ms Julia M.K. Lau and Mr Patrick H.T. Lau, no Members had declared interest for Group 2.

179. The following Members had declared interests for having business dealings/association with the representers (FLN-R5 to R8, KTN-R8 and R20748) which were subsidiaries of Henderson Land Development Co. Ltd. (HLD) for Group 3 :

- |                        |   |   |
|------------------------|---|---|
| Mr Dominic K.K. Lam    | ] |   |
| Mr Ivan C.S. Fu        | ] | having current business dealings with HLD   |
| Ms Janice W.M. Lai     | ] |   |
| Mr Patrick H.T. Lau    | ] |   |
| Mr Clarence W.C. Leung | - | being a Director of a Non-Government Organisation (NGO) that had received a private donation from a family member of the Chairman of HLD              |
| Mr Roger K.H. Luk      | - | being a member of the Council of the Chinese University of Hong Kong (CUHK) which had received a donation from a family member of the Chairman of HLD |
| Professor P.P. Ho      | ] | being employees of CUHK which had   |
| Professor K.C. Chau    | ] | received a donation from a family member of the Chairman of HLD   |
| Dr W.K. Yau            | - | being a Director of a NGO which had received a donation from HLD  |

- Professor S.C. Wong ] being employees of the University of Hong  
Dr Wilton W.T. Fok ] Kong (HKU) which had received a  
Mr H.F. Leung ] donation from a family member of the  
Chairman of HLD
- Ms Christina M. Lee - being Secretary-General of the Hong Kong  
Metropolitan Sports Events Association  
which had received sponsorship from HLD

180. In addition, the following Members had declared interests for having business dealings/affiliation with the Hong Kong Housing Authority (HKHA) :

- Mr Stanley Y.F. Wong - being a member of HKHA and the  
Strategic Planning Committee of HKHA  
and Chairman of the Subsidised Housing  
Committee of HKHA
- Professor P.P. Ho - being a member of the Building  
Committee of HKHA
- Mr H.F. Leung - being a member of the Tender Committee  
of HKHA and having business dealings  
with HKHA
- Ms Julia M.K. Lau - being a member of HKHA and the  
Commercial Properties Committee and  
Tender Committee of HKHA
- Mr Dominic K.K. Lam ]  
Ms Janice W.M. Lai ] having business dealings with HKHA

Mr Patrick H.T. Lau	]
Dr Lawrence W.C. Poon	- his wife being an employee of Housing Department (HD)
Mr K.K. Ling (as Director of Planning)	- being a member of HKHA and the Strategic Planning Committee and the Building Committee of HKHA
Ms Bernadette H.H. Linn (as Director of Lands)	- being a member of HKHA
Ms Charmaine H.W. Wong (as Assistant Director, Home Affairs Department)	- being a representative of the Director of Home Affairs who was a member of the Strategic Planning Committee and Subsidised Housing Committee of HKHA

181. Other than Ms Julia M.K. Lau and Mr Patrick H.T. Lau, no Members had declared interest for Group 4.

182. As the item was procedural in nature, the above Members should be allowed to stay in the meeting. Members also noted that Ms Julia M.K. Lau, Professor K.C. Chau, Dr Wilton W.T. Fok, Mr Ivan C.S. Fu, Ms Janice W.M. Lai, Mr Dominic K.K. Lam, Mr Patrick H.T. Lau, Ms Christina M. Lee, Mr H.F. Leung, Dr Lawrence W.C. Poon and Miss Charmaine H.W. Wong had left the meeting and Mr Clarence W.C. Leung had tendered apologies for not being able to attend the meeting.

183. The Secretary reported that on 20.12.2013, the draft Kwu Tung North OZP No. S/KTN/1 and the draft Fanling North OZP No. S/FLN/1 were exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 20,668 and 21,117 valid representations were received for the two

OZPs respectively. On 15.4.2014, the representations were published for public comment and in the first three weeks of the publication period, 5,596 and 6,007 valid comments were received. A total of 45 hearing sessions were held from 8.10.2014 to 4.3.2015. After giving consideration to all the representations and comments on 28.4.2015 and 29.4.2015, the Board decided not to propose any amendment to the two draft OZPs to meet the representations.

184. Since the representation consideration process had been completed, the Kwu Tung North OZP and the Fanling North OZP were now ready for submission to the CE in C for approval.

185. After deliberation, the Board agreed :

- (a) that the Draft Kwu Tung North OZP No. S/KTN/1A and the Draft Fanling North OZP No. S/FLN/1A and the Notes for the respective OZP 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 Kwu Tung North OZP No. S/KTN/1A and the Draft Fanling North OZP No. S/FLN/1A as an expression of the planning intention and objectives of the Board for the draft OZPs and issued under the name of the Board; and
- (c) that the updated ES for the two OZPs were suitable for submission to the CE in C together with the draft OZP.

**Agenda Item 18**

[Open meeting]

Submission of the Draft Fanling/Sheung Shui Outline Zoning Plan No. S/FSS/19A to the Chief Executive in Council for Approval Under Section 8 of the Town Planning Ordinance (TPB Paper No. 9923)

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[The meeting was conducted in Cantonese]

**Agenda Item 19**

[Open meeting]

Submission of the Draft Fu Tei Au and Sha Ling Outline Zoning Plan No. S/NE-FTA/13A to the Chief Executive in Council for Approval Under Section 8 of the Town Planning Ordinance (TPB Paper No. 9924)

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[The meeting was conducted in Cantonese]

**Agenda Item 20**

[Open meeting]

Submission of the Draft Hung Lung Hang Outline Zoning Plan No. S/NE-HLH/8A to the Chief Executive in Council for Approval Under Section 8 of the Town Planning Ordinance (TPB Paper No. 9925)

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[The meeting was conducted in Cantonese]

**Agenda Item 21**

[Open meeting]

Submission of the Draft Ma Tso Lung and Hoo Hok Wai Outline Zoning Plan No. S/NE-MTL/2A to the Chief Executive in Council for Approval Under Section 8 of the Town Planning Ordinance (TPB Paper No. 9926)

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[The meeting was conducted in Cantonese]

186. The Secretary reported that the submission of the Draft Fanling/Sheung Shui (FSS) Outline Zoning Plan (OZP), the Draft Fu Tei Au and Sha Ling (FTA) OZP, the Draft Hung Lung Hang (HLH) OZP and the Draft Ma Tso Lung and Hoo Hok Wai (MTL) OZP to the Chief Executive in Council (CE in C) for approval could be considered together as the four OZPs were mainly to excise the areas for North East New Territories New Development Areas (NENT NDAs) for incorporation into two new Kwu Tung North (KTN) and Fanling North (FLN) OZPs.

187. The following Members had declared interests on the item.

Ms Julia M.K. Lau - Being a representer and a commenter in respect of FLN OZP (FLN-R13 and FLN-C6009)

Mr Patrick H.T. Lau - His company had involved in the submission of proposals for a consultancy study on the Development of KTN and FLN NDAs, Phase 1 – Design and Construction

188. Members also noted that Ms Julia M.K. Lau and Mr Patrick H.T. Lau had already left the meeting.

189. The Secretary reported that on 20.12.2013, the draft FSS OZP No. S/FSS/19, the draft FTA OZP No. S/NE-FTA/13 and the draft HLH OZP No. S/NE-HLH/8 were exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance) while the draft MTL OZP No. S/NE-MTL/2 was exhibited under section 7 of the Ordinance. During the two-month exhibition period, a total of 13 representations were received (six for the draft FSS OZP; two for the draft FTA OZP; two for the draft HLH OZP and three for the draft MTL

OZP). Apart from R1 of MTL OZP which was submitted by the Conservancy Association, the rest of the representations were submitted by the general public.

190. On 15.4.2014, the representations were published for three weeks for public comment and no public comment was received. After giving consideration to all the representations on 9.1.2015 and 28.4.2015, the Board noted the supporting representations, and decided not to propose any amendment to the four draft OZPs to meet the representations.

191. Since the representation consideration process had been completed, the FSS OZP, the FTA OZP, the HLH OZP and the MTL OZP were now ready for submission to the CE in C for approval.

192. After deliberation, the Board agreed :

- (a) that the Draft Fanling/Sheung Shui OZP No. S/FSS/19A, the Draft Fu Tei Au and Sha Ling OZP No. S/NE-FTA/13A, the Draft Hung Lung Hang OZP No. S/NE-HLH/8A and the Draft Ma Tso Lung and Hoo Hok Wai OZP No. S/NE-MTL/2A and the Notes for the respective OZP 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 Fanling/Sheung Shui OZP No. S/FSS/19A, the Draft Fu Tei Au and Sha Ling OZP No. S/NE-FTA/13A, the Draft Hung Lung Hang OZP No. S/NE-HLH/8A and the Draft Ma Tso Lung and Hoo Hok Wai OZP No. S/NE-MTL/2A as an expression of the planning intention and objectives of the Board for the draft OZPs and issued under the name of the Board; and
- (c) that the updated ES for the four OZPs were suitable for submission to the CE in C together with the draft OZP.

**Agenda Item 22**

[Closed Meeting]

193. This item was recorded under confidential cover.

**Agenda Item 23**

[Closed Meeting]

194. This item was recorded under confidential cover.

195. There being no other business, the meeting was closed at 7:22 p.m.