

**Minutes of 1087th Meeting of the
Town Planning Board held on 12.6.2015**

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

Mr Laurence L.J. Li

Ms Anita W.T. Ma

Professor K.C. Chau

Mr H.W. Cheung

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Mr. Sunny L.K. Ho

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Ms Christina M. Lee

Mr Stephen H.B. Yau

Mr F.C. Chan

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

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

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

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

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

Dr W.K. Yau

Ms Bonnie J.Y. Chan

Mr H.F. Leung

Mr Frankie W.C. Yeung

In Attendance

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

Chief Town Planner/Town Planning Board
Ms Karen F.Y. Wong

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

Agenda Item 1

[Open meeting]

Confirmation of Minutes of the 1086th Meeting held on 29.5.2015

[The item was conducted in Cantonese.]

1. The minutes of the 1086th meeting held on 29.5.2015 were confirmed without amendments.

Agenda Item 2

[Open Meeting]

Matters Arising

[The item was conducted in Cantonese.]

2. Item (i) was recorded under confidential cover.

- (ii) Town Planning Appeal Decision Received

Town Planning Appeal No. 1 of 2014

Proposed School (Supporting Activity Rooms for Extension of a Primary School) in “Residential (Group C)1” zone, 15 Kent Road, Kowloon Tong, Kowloon

Application No. A/K18/301

3. The Secretary reported that the subject appeal was lodged by the Appellant (Yew Chung Education Foundation Limited) to the Appeal Board Panel (Town Planning) against the decision of the Town Planning Board (the Board) to reject on review an application (No. A/K18/301) for Proposed School (Supporting Activity Rooms for Extension of a Primary School) in “Residential (Group C)1” (“R(C)1”) zone on the Kowloon Tong Outline Zoning Plan (OZP).

4. The appeal was heard by the Town Planning Appeal Board (TPAB) on 2, 3 and 13.2.2015. On 4.6.2015, the appeal was dismissed by the TPAB. The main considerations of the majority view were as follows:

- (a) if the application was approved, there probably would be a significant increase in the number of students due to all or some of the eight activity rooms being used as registered classrooms, or due to an increase in the number of registered classrooms in the existing three other campuses of Yew Chung International School (YCIS) (Primary Section) at Kent Road and Somerset Road, or due to more activity rooms thus accommodating a higher student intake by the existing campuses, or combination of the aforesaid. Hence, there would be a significant increase in the volume of traffic in the vicinity resulting in significant adverse impact on the environment, unless there were sufficient abating/mitigating measures;
- (b) the Appellant had failed to demonstrate that there would be sufficient abating or mitigating measures or circumstances to sufficiently abate the adverse traffic impact likely to result from granting the application. Granting the application would result in unacceptable aggravation of the traffic congestion problem currently existing, and was clearly against the planning intention; and
- (c) as the application should not be granted on balancing all the relevant consideration, then it should not be granted for any period at all. If the application was to be granted for a temporary period, it would be difficult for the TPB to refuse the future renewal application of the site due to possible hardship to the students if the temporary approval was not being renewed.

5. A copy of the TPAB's decision delivered on 4.6.2015 and the Summary of Appeal were sent to Members for reference on 11.6.2015.

(iii) Appeal Statistics

6. The Secretary reported that as at 12.6.2015, 20 cases were yet to be heard by TPAB. Details of the appeal statistics were as follows:

Allowed	:	32
Dismissed	:	137
Abandoned/Withdrawn/Invalid	:	187
Yet to be Heard	:	20
Decision Outstanding	:	0
Total	:	376

(iv) Amendments to Confirmed Minutes of the 1072th Town Planning Board (TPB) Meeting held on 7.11.2014

7. With the aid of visualiser, the Secretary reported that some amendments to pages 93, 95, 106 and 139 of the confirmed minutes of the 1072th TPB Meeting held on 7.11.2014 were proposed so as to properly reflect Members' attendance record for that meeting. Amendment pages were tabled at the meeting for Members' reference.

8. The meeting agreed to amend the minutes as shown on the amendment pages tabled at the meeting.

[Mr Laurence L.J. Li arrived to join the meeting at this point.]

(v) Request for Deferral of Consideration of Representations and Comments in respect of the Draft Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan No. S/K15/22

9. The Secretary reported that a letter from the Chairman of 茶果嶺原居民權益協

進會 (the Association) dated 8.6.2015 was received by the Secretariat of the Town Planning Board (the Board) on 10.6.2015. The letter was tabled at the meeting.

10. The Association requested the Board to defer consideration of those representations in respect of the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan No. S/K15/22 (the OZP) that were related to the rezoning of the Cha Kwo Ling Tsuen (CKLT) at the hearing scheduled on 26.6.2015. Both the Association and the Chairman of the Association had submitted representations to the OZP.

11. The reasons put forward by the Association for requesting the deferment were:

- (a) the Association and a group of villagers had filed a complaint with the Legislative Council (LegCo) indicating that the Planning Department (PlanD) had disregarded the rights of the villagers by rezoning the CKLT from “Residential (Group A) 4” to “Undetermined”;
- (b) in the LegCo Secretariat’s letter dated 28.5.2015, the Association was informed that the LegCo members had requested the Development Bureau (DEVB) to independently consider the land use of CKLT and DEVB had agreed to further reply to LegCo Members after consideration of the matter; and
- (c) the Board was requested not to consider the representations relating to the rezoning of the CKLT at the hearing scheduled on 26.6.2015 until there was a clear reply from DEVB on the above stated matter.

12. The Secretary said that according to the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance TPB-PG No. 33, due to the need to meet the statutory time limit for submission of the OZP to the Chief Executive in Council (CE in C) for approval, deferment of consideration of representations, comments or further representation would not be entertained unless with the consent of other concerned parties and there were very strong reasons to do so. The Secretariat had checked with DEVB, and

confirmed that DEVB had replied to the Association on 11.6.2015 on the matter mentioned in paragraph 11(b) above. Based on the above consideration, PlanD recommended that the deferral request should not be acceded to.

13. Noting that the Association's deferral request was based on the ground that DEVB had not yet given a reply on the matter mentioned in paragraph 11(b) above, Members considered that, insofar as the only reason stated in the Association's letter supporting the deferral request was concerned, it was no longer a material point as DEVB had already replied to the Association the day before.

14. A Member said that the subject matter of the LegCo complaint lodged by the Association was basically the same as that raised in its representation. It was unreasonable for the Association to request deferral of consideration of the representations and comments merely for the reason that DEVB had not yet replied to LegCo, as the complaint to LegCo and representations submitted under the Town Planning Ordinance should be separately dealt with by the concerned parties. Given that the representations would be duly processed by the Board following the statutory procedures and there was a specific Town Planning Board guidelines on consideration of such deferral request, the Member considered that there was no strong justification to entertain the Association's deferral request, even if DEVB had not yet replied to LegCo on the above complaint. Members agreed.

15. The Chairman concluded that, while the Board noted DEVB had already replied to the Association relating to the LegCo complaint, as the representations and comments received would be processed in accordance with the statutory representation hearing procedures and the Association had not put forth any strong grounds to support the deferral request, the Board considered that the subject request should not be acceded to.

(vi) Approval of Draft Outline Zoning Plans

16. The Secretary reported that on 2.6.2015, the Chief Executive in Council approved the following draft Outline Zoning Plans (OZPs) under section 9(1)(a) of the Town Planning Ordinance:

(a) Tung A and Pak A OZP (renumbered as S/SK-TA/2); and

(b) Ping Shan OZP (renumbered as S/YL-PS/16).

17. The approval of the OZPs was notified in the Gazette on 12.6.2015.

(vii) Reference Back of Approved Outline Zoning Plan

18. The Secretary reported that on 2.6.2015, the Chief Executive in Council referred the approved Cheung Sha Wan Outline Zoning Plan (OZP) No. S/K5/35 to the Town Planning Board for amendment under section 12(1)(b)(ii) of the Town Planning Ordinance. The reference back of the OZP was notified in the Gazette on 12.6.2015.

19. Item (viii) was recorded under confidential cover.

Sha Tin, Tai Po and North District

Agenda Item 3

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comment in respect of the Draft Shap Sz Heung Outline Zoning Plan No. S/NE-SSH/10

(TPB Paper No. 9938)

[The item was conducted in Cantonese.]

Presentation and Question Sessions

20. The Chairman said that reasonable notice had been given to the representers and commenter to invite them to attend the hearing, but all of them had either indicated not to

attend the hearing or made no reply. As reasonable notice had been given to the representers and commenter, Members agreed to proceed with the hearing of the representations and comment in the absence of the representers and commenter.

21. The following representatives from the Planning Department (PlanD) were invited to the meeting at this point:

- | | | |
|-------------|---|---|
| Mr C.K. Soh | - | District Planning Officer/ Sha Tin, Tai Po and North (DPO/STN), PlanD |
| Mr C.T. Lau | - | Senior Town Planner/ Tai Po (STP/TP), PlanD |

22. The Chairman extended a welcome and explained the procedures of the hearing. He then invited the representative of PlanD to brief Members on the background to the representations.

23. With the aid of a Powerpoint presentation, Mr C.T. Lau, STP/TP, made the following main points as detailed in the Paper:

Background

- (a) on 7.11.2014, the draft Shap Sz Heung Outline Zoning Plan (OZP) No. S/NE-SSH/10, which involved the rezoning of a site in Kei Ling Ha Lo Wai (the Site) from “Conservation Area” (“CA”) to “Village Type Development” (“V”) (Amendment Item A) to reflect two approved s.12A applications, was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The two s.12A applications (No. Y/NE-SSH/1 and 2) were agreed by the Rural and New Town Planning Committee (the RNTPC) of the Town Planning Board (the Board) on 9.11.2012 and 19.7.2013 respectively;
- (b) during the two-month exhibition period, a total of nine representations were

received. On 6.2.2015, the representations were published for three weeks for public comment and one comment was received;

- (c) on 24.4.2015, the Board decided that four representations (R6 to R9) received were invalid as those representations were not related to the amendment proposed in the draft OZP, and should be treated as not having been made. The Board also decided to consider all the valid representations and comment collectively in one group;

The Representations

- (d) all the five valid representations (R1 to R5) were related to Amendment Item A. Two individuals (R1 and R2) supported Amendment Item A whereas three green/concern groups (viz. World Wide Fund for Nature Hong Kong (WWF) (R3), Kadoorie Farm and Botanic Garden Corporation (KFBG) (R4) and Designing Hong Kong Limited (DHK) (R5)) objected to the amendment;

The Representation Site and its Surrounding Areas

- (e) the Site (about 103m²), mainly comprising two building lots and a small piece of government land, was adjoining the northern fringe of the “V” zone of Kei Ling Ha Lo Wai and could be accessed via a nearby footpath leading to Sai Sha Road. It fell entirely within the village ‘environs’ (‘VE’) of the village. The Site was located on a slope covered with trees and shrubs, but no Old and Valuable Tree (OVT) was found within the Site;

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

- (f) the surrounding area was mainly rural in nature with village houses of Kei Ling Ha Lo Wai located in the “V” zone to the south; and mature trees and vegetation in the “CA” zone to the north;

Major Grounds of Representations and Representers' Proposals

Supportive Representations

- (g) R1 and R2 supported Amendment Item A as it could provide land to meet demand for Small House development;

Adverse Representations

No public gain/planning justification and setting of undesirable precedent (R4(Part) and R5(Part))

- (h) there was no public gain and no strong planning justification to support the rezoning;
- (i) the rezoning would set an undesirable precedent for other similar developments within the "CA" zone and lead to a permanent and incremental loss of well-vegetated "CA" zones;

Adverse ecological, landscape and environmental impacts (R4(Part) and R5(Part))

- (j) the Site was located in a "CA" zone which was primarily intended for protection of conservation areas. The Site was part of a woodland with mature trees and ecologically linked to the surrounding "Coastal Protection Area" and "Site of Special Scientific Interest" zones;
- (k) the existing infrastructure and amenities were insufficient for expansion of village type development;
- (l) house development and related site formation/slope stabilisation works might lead to additional negative impact on the surrounding areas;

Alternative approach via in-situ land exchange (R3)

- (m) in-situ land exchange could be an alternative way to honour the development rights without rezoning the Site;

Responses to Grounds of Representations and Representers' Proposals

Supportive Representations

- (n) the supportive views of R1 and R2 were noted;

Adverse Representations

No public gain/planning justification and setting of undesirable precedent (R4(Part) and R5(Part))

- (o) the Site comprised two private lots. According to District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD), both lots had building entitlement for house development of not exceeding two storeys or 25 feet (7.62m) but had not been developed since they were acquired by the landowners through restricted public auction in 1967;
- (p) there was no provision for application for 'House' development (except redevelopment) in the "CA" zone. Given the special circumstances and that the Site was situated at the fringe of a "CA" zone, rezoning of the Site would not set an undesirable precedent for other residential developments to encroach onto the "CA" zone. It was the Board's usual practice to respect the development right of the landowner, and rezoning of the Site to "V" zone was considered necessary by the Board;

Adverse ecological, landscape and environmental impacts (R4(Part) and R5(Part))

- (q) the Site was adjoining the “V” zone of Kei Ling Ha Lo Wai and its surrounding areas were predominantly rural in character with village houses and trees. The proposed house developments at the Site, the scale of which was small and similar to the existing village houses immediate to the south, were not incompatible with the surrounding areas;
- (r) although there were about 13 trees within/near the Site, they were common species and there was no OVT. In this regard, significant adverse environmental, drainage, sewerage, landscape and traffic impacts were not anticipated;
- (s) comments of relevant departments on ecological, landscape and environmental aspects had been duly considered by the RNTPC in agreeing to the s.12A applications;
- (t) the proposed houses upon development were required to comply with the lease conditions, relevant government legislations and any other requirements of the relevant departments to address the potential impacts that might arise;

Alternative approach via in-situ land exchange (R3)

- (u) LandsD advised that the government land within “V” zone was primarily reserved for Small House development by indigenous villagers of recognised villagers under the Small House Policy. Given that the owners of the lots concerned were not indigenous villagers, in-situ land exchange would not normally be entertained within the “V” zone. The suggestion for in-situ land exchange was not a feasible alternative to respect the development right of the applicant;
- (v) due consideration to all relevant planning factors and the need to strike a balance between conservation and the development rights of the landowners had been taken into account when the RNTPC considered the s.12A

applications;

Comment

- (w) C1 submitted by an individual objected to Amendment Item A mainly on the grounds of setting undesirable precedent for further development in the “CA” and “Green Belt” (“GB”) zones resulting in the encroachment onto buffer area between “V” zone and Country Parks; and proper sewage treatment facility should be provided for expansion of village house development;
- (x) responses were similar to those for representations R4 and R5 as set out above;

PlanD’s view

- (y) R1 and R2’s support to the amendment to the OZP was noted; and
- (z) PlanD did not support the adverse representations R3 to R5 and considered that no amendment should be made to the Plan to meet the representations.

24. As there was no representer attending the meeting, the Chairman then invited questions from Members.

25. In response to a Member’s questions on the zoning of the Site at the time of public auction in 1967, the reason for zoning the Site which had building entitlement as “CA”, and whether the Site could be developed into New Territories Exempted Houses (NTEH) or Small Houses after rezoning, Mr C.K. Soh, DPO/STN, gave the following responses:

- (a) the Site was not covered by any statutory plan in 1967;
- (b) the OZP only indicated broad land use zonings for the area. At the time when the OZP was prepared, the Site which had building entitlement was

not yet developed. While 'House (Redevelopment only)' within the "CA" might be permitted on application to the Board, there was no provision for development of new house within the zone. In view of such special circumstances and taking into consideration other planning considerations, the RNTPC agreed to the two s.12A applications for rezoning the Site from "CA" to "V" and the OZP was subsequently amended to take forward the decisions;

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

- (c) NTEH referred to those village houses that were in general designed and built in compliance with the exemption criteria as stipulated in the relevant Ordinance. While the planning intention of the "V" zone was to reserve land for the development of Small House by indigenous villagers, Small House, which was village house built by an indigenous villager under the New Territories Small House Policy, was also a kind of NTEH;
- (d) the building entitlement of the two lots of the Site, which were sold by restricted public auction by the Government, was for residential developments. The land owners could choose to develop NTEHs or other house types that were subject to building plan submission requirements under the Buildings Ordinance on their lots.

26. The Chairman asked whether generally, the development right of all house lots within the area would be respected when a new plan for an area was prepared. In response, Mr C.K. Soh said that it would depend on individual circumstances taking into account the location of the site; the status of the building lots, say, whether it was for residential development or for other uses such as latrine; as well as the prospect for development. Citing the experience of preparing new plans for the country park enclaves, Mr Soh said that some building lots which were very small in remote location, and were not located in the vicinity of existing village clusters might not be designated with a "V" zoning given that the land use zonings of the OZP were only broad-brush in nature. Should the land owners intend to develop their own building lots in future, each case would be considered by the

Board based on its individual merits under the relevant provisions of the Ordinance.

27. In response to the Chairman's question on whether the Site would have already been designated as "V" zone if PlanD was aware of the building entitlement of the Site when the new plan was first prepared, Mr Soh replied in the affirmative.

28. A Member requested DPO/STN to elaborate on the planning assessment that the subject rezoning would not create an undesirable precedent. Mr Soh said that the Site was located at the fringe of the "CA" adjacent to the "V" zone. Although there were some existing trees within or near the Site, they were common species and no OVT was found. Taking into account the special circumstances of the Site with unused development right and its location and site conditions, sympathetic consideration was given by the Board to rezone the Site from "CA" to "V". On the contrary, if the proposed house development was located on a site, the development on which would cause significant adverse impact on the surrounding areas, it would warrant a different consideration by the Board even if the site had building entitlement. Based on the above assessment, the subject rezoning should not create any undesirable precedent and each case would have to be assessed on its individual merits.

29. Another Member asked whether the existing shrine as shown on photo 1 of Plan H-4a of the Paper would be removed upon development of the proposed houses on the Site and whether the local villagers had given any views on this aspect. With the display of Plan H-2 on the visualiser, Mr Soh said that the shrine, which was outside the boundary of the Site, would be retained. No comment regarding the potential interface between the proposed development on the Site and the shrine nearby was received from the District Officer or the local villagers.

30. Noting that the Site had been rezoned to "V" and LandsD had advised that the government land within "V" zone was primarily reserved for Small House development by indigenous villagers and in-situ land exchange submitted by non-indigenous villagers would not normally be entertained within the "V" zone, a Member asked whether LandsD would allow the lot owners, who were not indigenous villagers, to build NTEH development on the Site which was within the "V" zone.

31. In response, Mr Soh said that given that the two building lots were sold by public auction, the land owners would be allowed to build houses according to their building entitlements as specified in the relevant lease condition. The proposed house development on the lots did not require granting of government land. The land owners had the discretion to decide whether to develop on their lots NTEHs or other types of houses.

32. As Members had no question to raise, the Chairman said that the hearing procedure had been completed and the Board would deliberate on the representations. The Chairman thanked the representatives of PlanD for attending the hearing. They left the meeting at this point.

Deliberation Session

33. Members noted that the zoning amendment on the OZP was to take forward the decisions of two s.12A applications previously made by the RNTPC. In recognition of the building right of the Site and given the location of the Site in the vicinity of the “V” zone and that the proposed development had no adverse impacts, the zoning amendment of the Site from “CA” to “V” was considered appropriate.

34. After deliberation, Members noted the support of R1 and R2 to the amendment of the OZP. Members decided not to uphold representations R3 to R5 and considered that the Plan should not be amended to meet the representations. Members then went through the proposed reasons for not upholding R3 to R5 in paragraph 7.2 of the Paper and considered that they were appropriate. The reasons were:

- “(a) the site comprising building lots at the fringe of a “Conservation Area” (“CA”) zone has been rezoned under special circumstances to respect the development right of the landowners. It would not set an undesirable precedent for other residential developments within the “CA” zone (R3 to R5); and
- (b) house development at the site is small in scale and compatible with the surrounding village and rural setting. It would not have significant

adverse ecological, environmental, drainage, sewerage, landscape and traffic impacts on the surrounding areas (R4 and R5).”

35. The Chairman suggested that as the attendees for Agenda Item 4 had yet to arrive, procedural matters under Agenda Items 9 to 17 could be dealt with first. Members agreed.

Procedural Matters

Agenda Item 9

[Open Meeting]

Application to the Chief Executive under Section 8(2) of the Town Planning Ordinance for Extension of Time Limit for Submission of the Draft Lai Chi Wo, Siu Tan and Sam A Tsuen Outline Zoning Plan No. S/NE-LCW/1 to the Chief Executive in Council for Approval

(TPB Paper No. 9943)

[The item was conducted in Cantonese.]

36. The Secretary reported that Professor S.C. Wong had declared interest on 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. Dr Wilton W.T. Fok had also declared interest on the item as one of the representers had included in his powerpoint presentation the views of the Department of Civil Engineering under the Faculty of Engineering of the University of Hong Kong where he worked. They both had no association with the project.

37. As the item was procedural in nature and no discussion was required, Members agreed that Professor S.C. Wong and Dr Wilton W.T. Fok should be allowed to stay in the meeting. Members noted that Dr Fok had not yet arrived to join the meeting.

38. The Secretary briefly introduced the Paper. On 22.8.2014, the draft Lai Chi Wo, Siu Tan and Sam A Tsuen Outline Zoning Plan (OZP) No. S/NE-LCW/1 was exhibited for

public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 114 representations and 5 comments were received. After considering the representations and comments on 15.5.2015, the Town Planning Board (the Board) decided to partially uphold some representations by rezoning three parcels of land located to the south-west and south of Lai Chi Wo Village from “Green Belt” to “Agriculture”. The proposed amendments to the draft OZP were published under section 6C(2) of the Ordinance on 5.6.2015 for three weeks until 26.6.2015 for public inspection and further representation. According to section 8(2) of the Ordinance, the draft OZP should be submitted to the Chief Executive in Council (CE in C) for approval on or before 22.7.2015. Taking into account the time required for publication of the proposed amendments and processing of further representation, if any, 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 22.7.2015). In this regard, 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 representation consideration process of the draft OZP prior to submission to the CE in C for approval.

39. 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 OZP to the CE in C for a period of six months from 22.7.2015 to 22.1.2016.

Agenda Item 10

[Open Meeting]

Submission of the Draft Ko Lau Wan Outline Zoning Plan No. S/NE-KLW/1A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval
(TPB Paper No. 9944)

[The item was conducted in Cantonese.]

40. The Secretary briefly introduced the Paper. On 22.8.2014, the draft Ko Lau Wan Outline Zoning Plan (OZP) No. S/NE-KLW/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month

exhibition period, two representations were received. On 31.10.2014, the representations were published for public comment. During the first three weeks of the publication period, two comments were received. After giving consideration to the representations and comments under section 6B(1) of the Ordinance on 24.4.2015, the Town Planning Board (the Board) decided not to propose any amendment to the draft OZP to meet the representations under section 6B(8) of the Ordinance.

41. Since the representation consideration process had been completed, the draft Ko Lau Wan OZP was ready for submission to the Chief Executive in Council (CE in C) for approval under section 8 of the Ordinance. For submission to the CE in C, the draft Ko Lau Wan OZP No. S/NE-KLW/1 had been renumbered as S/NE-KLW/1A.

42. After deliberation, the Board agreed:

- (a) that the draft Ko Lau Wan OZP No. S/NE-KLW/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 Ko Lau Wan OZP No. S/NE-KLW/1A as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and
- (c) that the updated ES was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 11

[Open Meeting]

Submission of the Draft Yim Tin Tsai and Ma Shi Chau Outline Zoning Plan No. S/NE-YTT/1A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval

(TPB Paper No. 9945)

[The item was conducted in Cantonese.]

43. The Secretary reported that Dr W.K. Yau had declared interest on this item for being an executive member of the Tai Po Rural Committee and the director of a Non-Governmental Organisation operating in Sam Mun Tsai.

44. As the item was procedural in nature and no discussion was required, Members agreed that Dr W.K. Yau should be allowed to stay in the meeting. Members also noted that Dr Yau had tendered apology for not being able to attend the meeting.

45. The Secretary briefly introduced the Paper. On 22.8.2014, the draft Yim Tin Tsai and Ma Shi Chau Outline Zoning Plan (OZP) No. S/NE-YTT/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 62 representations were received. On 31.10.2014, the representations were published for public comment for three weeks and one comment was received. After giving consideration to the representations and comment on 15.5.2015, the Town Planning Board (the Board) decided not to propose any amendment to the draft OZP to meet the representations under section 6B(8) of the Ordinance.

46. Since the representation consideration process had been completed, the draft Yim Tin Tsai and Ma Shi Chau OZP was ready for submission to the Chief Executive in Council (CE in C) for approval under section 8 of the Ordinance. For submission to the CE in C, the draft Yim Tin Tsai and Ma Shi Chau OZP No. S/NE-YTT/1 had been renumbered as S/NE-YTT/1A.

47. After deliberation, the Board agreed:

- (a) that the draft Yim Tin Tsai and Ma Shi Chau OZP No. S/NE-YTT/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 Yim Tin

Tsai and Ma Shi Chau OZP No. S/NE-YTT/1A as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and

- (c) that the updated ES was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 12

[Open Meeting]

Submission of the Draft Lam Tei and Yick Yuen Outline Zoning Plan No. S/TM-LTYYY/7A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval

(TPB Paper No. 9946)

[The item was conducted in Cantonese.]

48. The Secretary reported that as the representation was related to the rezoning of an area for an elderly centre which was mainly on a piece of private land donated by Henderson Land Development Ltd. (HLD) to the Pok Oi Hospital for development and operation, the following Members had declared interests on the item:

Mr Patrick H.T. Lau]	
Mr Dominic K.K. Lam]	having business dealings with HLD
Mr Ivan C.S. Fu]	
Ms Janice W.M. Lai]	
Mr Roger K.H. Luk]	being a member of the Council (Mr Luk)
Professor P.P. Ho]	or employees of the Chinese University of
Professor K.C. Chau]	Hong Kong which had received a donation
		before from a family member of the
		Chairman of HLD

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| Dr Wilton W.T. Fok |] | being employees of the University of Hong |
| Mr H.F. Leung |] | Kong which had received a donation |
| Professor S.C. Wong |] | before from a family member of the
Chairman of HLD |
| Mr Clarence W.C. Leung | - | being a Director of a non-governmental
organization (NGO) that had received a
donation before from a family member of
the Chairman of HLD |
| Dr W.K. Yau | - | being a Director of a NGO which had
received a donation before from HLD |
| Ms Christina M. Lee | - | being Secretary-General of the Hong Kong
Metropolitan Sports Events Association
which had received sponsorship before
from HLD |
| Mr Peter K.T. Yuen | - | being a member of the Board of Governor
of the Hong Kong Arts Centre which has
received a donation before from the
Executive Director of HLD |

49. As the item was procedural in nature and no discussion was required, Members agreed that the above Members should be allowed to stay in the meeting. Members noted that Mr Clarence W.C. Leung, Dr W.K. Yau and Mr H.F. Leung had tendered apologies for not being able to attend the meeting and Dr Wilton W.T. Fok had not yet arrived to join the meeting.

50. The Secretary briefly introduced the Paper. On 12.12.2014, the draft Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTY/7 incorporating amendments on rezoning an area to the east of Fuk Hang Tsuen Road from “Residential (Group C)”,

“Government, Institution or Community” (“G/IC”) and “Residential (Group D)” to “G/IC(1)”; an area mainly beneath an elevated section of Kong Sham Western Highway to an area shown as ‘Road’; and corresponding amendments to the Notes of the OZP, was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the 2-month exhibition period, one valid representation was received. On 27.2.2015, the representation was published for three weeks for public comments and no valid comment was received. After giving consideration to the representation under section 6B(1) of the Ordinance on 29.5.2015, the Town Planning Board (the Board) decided not to propose any amendment to the draft OZP to meet the representation under section 6B(8) of the Ordinance.

51. Since the representation consideration process had been completed, the draft Lam Tei and Yick Yuen OZP was ready for submission to the Chief Executive in Council (CE in C) for approval under section 8 of the Ordinance. For submission to the CE in C, the draft Lam Tei and Yick Yuen OZP No. S/TM-LTYYY/7 had been renumbered as S/TM-LYTT/7A.

52. After deliberation, the Board agreed:

- (a) that the draft Lam Tei and Yick Yuen OZP No. S/TM-LTYYY/7A 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 draft Lam Tei and Yick Yuen OZP No. S/TM-LTYYY/7A as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and
- (c) that the updated ES was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 13

[Open Meeting]

Submission of the Draft Ho Man Tin Outline Zoning Plan No. S/K7/23A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval
(TPB Paper No. 9949)

[The item was conducted in Cantonese.]

53. The Secretary reported that as the representations were related to the rezoning of a site at Chung Hau Street/Oi Sen Path for campus development of the Hong Kong Polytechnic University (PolyU) which was also a commenter (C2); rezoning of a site at Chung Hau Street for a Mass Transit Railway (MTR) station entrance; rezoning of a site at Sheung Shing Street for a proposed residential development and a site at No. 223 Prince Edward Road West to reflect an existing residential development, the following Members had declared interests on the item for having affiliation/business dealings with PolyU and/or the MTR Corporation Limited (MTRCL) and/or having property in the area:

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|--------------------------|---|---|
| Professor Eddie C.M. Hui | - | being an employee of PolyU |
| Mr Dominic K.K. Lam |] | |
| Mr Patrick H.T. Lau |] | having business dealings with MTRCL |
| Mr Ivan C.S. Fu |] | |
| Ms Janice W.M. Lai | - | having business dealings with MTRCL and co-owning with spouse a flat at Earl Street |
| Professor S.C. Wong | - | being the Chair Professor and Head of Department of Civil Engineering of the University of Hong Kong which had received sponsorship before from MTRCL for some activities of the Department |

- Ms Christina M. Lee - owning a property at Prince Edward Road West and a carparking space at Sheung Hong Street
- Mr F.C. Chan - being alumnus of PolyU and Chairman of the Advisory Committee of the Department of English of PolyU
- Mr Sunny L.K. Ho - being visiting scholar of PolyU
- Mr H.F. Leung - being a member of the Railway Objection Panel
- Mr C.W. Tse - living in the Ho Man Tin area
- Mr Laurence L.J. Li - being an immediate past member of the Council of PolyU

54. As the item was procedural in nature and no discussion was required, Members agreed that the above Members should be allowed to stay in the meeting. Members noted that Mr H.F. Leung had tendered apology for not being able to attend the meeting.

55. The Secretary briefly introduced the Paper. On 14.11.2014, the draft Ho Man Tin Outline Zoning Plan (OZP) No. S/K7/23, incorporating amendments to rezone three sites from “Open Space” to “Residential (Group B)3” (“R(B)3”), “Government, Institution or Community(2)” (“G/IC(2)”) and “G/IC(3)” respectively, one site from “Other Specified Uses” (“OU”) annotated “Kerosene Store” to “OU” annotated “Railway Related Facilities”, one site from “Residential (Group E)” to “G/IC”, one site from “G/IC” to “R(B)”, and to show the alignment of the Mass Transit Railway Shatin to Central Link authorised by the Chief Executive in Council (CE in C) under the Railways Ordinance on 27.3.2012 on the OZP for information, was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 10,369 valid representations were received. On 10.3.2015, the representations were

published for three weeks for public comments and two comments were received. After considering the representations and comments under section 6B(1) of the Ordinance on 29.5.2015, the Town Planning Board (the Board) decided not to uphold the adverse representations and that no amendment should be made to the draft OZP to meet the representations.

56. Since the representation consideration process had been completed, the draft Ho Man Tin OZP was ready for submission to the CE in C for approval under section 8 of the Ordinance. For submission to the CE in C, the draft Ho Man Tin OZP No. S/K7/23 had been renumbered as S/K7/23A.

57. After deliberation, the Board agreed:

- (a) that the draft Ho Man Tin OZP No. S/K7/23A 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 Ho Man Tin OZP No. S/K7/23A as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and
- (c) that the updated ES was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 14

[Open Meeting]

Submission of the Draft Shek Kip Mei Outline Zoning Plan No. S/K4/28A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval
(TPB Paper No. 9950)

[The item was conducted in Cantonese.]

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

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|--|---|
| Mr Stanley Y.F. Wong | - being a member of HKHA and its Strategic Planning Committee and Chairman of the Subsidised Housing Committee of HKHA |
| Ms Julia M.K. Lau | - being a member of HKHA and its Commercial Properties Committee and Tender Committee |
| Mr K.K. Ling
<i>as Director of Planning</i> | - being a member of the Strategic Planning Committee and the Building Committee of HKHA |
| Mr Jeff Y.T. Lam
<i>as Deputy Director of Lands (General)</i> | - being an alternate of the Director of Lands as member of HKHA |
| Mr Martin W.C. Kwan
<i>as Chief Engineer (Works), Home Affairs Department</i> | - being a representative of the Director of Home Affairs who was a member of the Strategic Planning Committee and 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 a donation before from |

a family member of the Chairman of HLD

- 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 a donation before from a family member of the Chairman of HLD

- Dr Lawrence W.C. Poon - residing in the staff quarters of the City University of Hong Kong; his wife being an employee of HD but was not involved in planning work

- Ms Janice W.M. Lai] having current business dealings with HKHA
Mr Dominic K.K. Lam] and HLD
Mr Patrick H.T. Lau]

- Mr Ivan C.S. Fu - having current business dealing with HLD

- Mr Roger K.H. Luk] being a member of the Council (Mr Luk) or an
Professor K.C. Chau] employee of CUHK (Professor Chau) which had received a donation before from a family member of the Chairman of HLD

- Professor S.C. Wong] being employees of HKU which had received
Dr Wilton W.T. Fok] a donation before from a family member of the Chairman of HLD

- Mr Clarence W.C. Leung - being a Director of a Non-Government Organisation (NGO) that had received a donation before from a family member of the Chairman of HLD; his mother owning a flat at

Dynasty Heights

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|---------------------|---|---|
| Dr W.K. Yau | - | being a Director of an NGO which had received a donation before from HLD |
| Ms Christina M. Lee | - | being Secretary-General of the Hong Kong Metropolitan Sports Event Association which had received sponsorship before from HLD |
| Mr Peter K.T. Yuen | - | being a member of the Board of Governors of the Hong Kong Arts Centre which had received donation before from the Executive Director of HLD; co-owning with spouse a property at Parc Oasis |
| Mr Thomas T.M. Chow | - | owning a property at Parc Oasis |
| Mr H.W. Cheung | - | owning a property at Parc Oasis |

59. As the item was procedural in nature and no discussion was required, Members agreed that the above Members should be allowed to stay in the meeting. Members noted that Mr Clarence W.C. Leung, Dr W.K. Yau and Mr H.F. Leung had tendered apologies for not being able to attend the meeting and Dr Wilton W.T. Fok had not yet arrived to join the meeting.

60. The Secretary briefly introduced the Paper. On 18.7.2014, the draft Shek Kip Mei Outline Zoning Plan (OZP) No. S/K4/28, incorporating amendments mainly to amend the building height restrictions for two sites at Pak Tin Street covering the Shek Kip Mei Estate Redevelopment Phases 3 (part) and 7 from 30 metres above Principal Datum (mPD) to 55mPD and 60mPD respectively; and to rezone a site to the north of Yin Ping Road at Tai Wo Ping from “Green Belt” to “Residential (Group C)13”, was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period of the draft OZP, a total of 5,111 valid representations were

received. On 14.11.2014, the representations were published for three weeks for public comments and one valid comment was received. After giving consideration to the representations and comment under section 6B(1) of the Ordinance on 6.3.2015, 9.3.2015, 10.3.2015, 16.3.2015 and 15.5.2015, the Town Planning Board (the Board) decided to note one representation providing views, and not to uphold the remaining 5,110 adverse representations and that no amendment should be made to the draft OZP to meet the representations.

61. On 31.5.2015, the Chief Executive, under section 8(2) of the Ordinance, agreed to extend the statutory time limit for the Board to submit the draft OZP to the Chief Executive in Council (CE in C) for approval for a period of six months from 18.6.2015 to 18.12.2015. Since the representation consideration process had been completed, the draft Shel Kip Mei OZP was ready for submission to the CE in C for approval under section 8 of the Ordinance. For submission to the CE in C, the draft Shek Kip Mei OZP No. S/K4/28 had been renumbered as S/K4/28A.

62. After deliberation, the Board agreed:

- (a) that the draft Shek Kip Mei OZP No. S/K4/28A 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 Shek Kip Mei OZP No. S/K4/28A as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and
- (c) that the updated ES was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 15

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations on the Draft Ting Kok Outline Zoning Plan No. S/NE-TK/18

(TPB Paper No. 9951)

[The item was conducted in Cantonese.]

63. The Secretary reported that as the Tai Po Rural Committee (TPRC) (R2) had submitted a representation in respect of the draft Ting Kok Outline Zoning Plan (OZP), Dr W.K. Yau, being an Executive Member of the TPRC, had declared interest on this item.

64. As the item was procedural in nature and no discussion was required, Members agreed that Dr W.K. Yau should be allowed to stay in the meeting. Members noted that Dr Yau had tendered apology for not being able to attend the meeting.

65. The Secretary briefly introduced the Paper. On 9.1.2015, the draft Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/18 (the Plan) incorporating the following amendments was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance):

- (a) rezoning of a site in Shan Liu from “Agriculture” (“AGR”) to “Village Type Development” (“V”) (Amendment Item A);
- (b) rezoning of a site in Shan Liu from “Green Belt” (“GB”) to “V” (Amendment Item B);
- (c) rezoning of a site in the western part of Shan Liu from “AGR” to “GB” (Amendment Item C1);
- (d) rezoning of a site in the southern part of Shan Liu from “AGR” to “GB” (Amendment Item C2); and

- (e) rezoning of a site in Shan Liu from “V” to “GB” (Amendment Item D).

66. During the two-month exhibition period, a total of 31 representations were received. On 8.5.2015, the representations were published for public inspection for three weeks and no public comment was received. Amongst the 31 representations, 18 of them including village representative of Shan Liu Village (R1), Tai Po Rural Committee (R2), Dr. Lau Chee Sing (Tai Po District Council Member) (R3), Tai Po Shan Liu Village (Leung Fook Hing Tong Villagers’ Committee) (R4) and 14 villagers/individuals (R18 to R31) opposed all Amendment Items of the OZP. Another eight representations, submitted by villagers (R5 to R12) opposed Amendment Item A and one representation submitted by a villager (R13) opposed Amendment Item D. Two representations from an individual (R14) and World Wide Fund for Nature Hong Kong (R15) opposed all Amendment Items and another two representations from Designing Hong Kong Limited (R16) and Kadoorie Farm and Botanic Garden Corporation (R17) opposed Amendment Items A and B.

67. As the number of representations was not large and the majority of the representations were similar in nature and interrelated, it was recommended that the hearing of the representations be conducted collectively in one group. The hearing could be considered by the full Board in its regular meeting and a separate hearing session would not be necessary. To ensure efficiency of the hearing, it was recommended that a maximum of 10 minutes presentation time be allotted to each representer in the hearing session subject to confirmation of the number of representers attending the hearing session and the aggregate presentation time required. Consideration of the representations by the full Board under section 6B of the Ordinance was tentatively scheduled for July 2015.

68. After deliberation, the Board agreed that:

- (a) the representations should be heard by the Board in the manner as proposed in paragraph 3 of the Paper; and
- (b) the Chairman would, in liaison with the Secretary, decide on the need to impose a 10-minute presentation time for each representer, taking into account the number of representers and commenters attending the

hearing.

Agenda Items 16 and 17

[Closed Meeting] [Confidential Item]

69. The two items were recorded under confidential cover.

Agenda Item 4

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Further Representations on the Proposed Amendments to the Draft Tai Po Outline Zoning Plan No. S/TP/25

(TPB Paper No. 9939)

[The item was conducted in Cantonese.]

70. 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 (amendment sites), the following Member had declared interests for having association with Tai Po Rural Committee (TPRC) (R1326) and Tai Po District Council (TPDC) (R1633) who were the original representers relating to the amendments sites:

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
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subject of representation for R16 to R19 (indirect interest)

71. Moreover, the following Members had declared remote or indirect interests as their properties were not in the vicinity of the amendment sites:

- Mr Stanley Y.F. Wong - owning with spouse a flat and car parking spaces at Deerhill Bay
- 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

72. As Dr W.K. Yau's interest was considered direct, Members considered that he should be invited to leave the meeting temporarily during discussion of the item. For other Members whose properties were not in the vicinity of the amendment sites, their interests were considered indirect and Members agreed that they should be allowed to stay in the meeting and participate in the discussion. Members noted that Dr W.K. Yau and Mr Frankie W.C. Yeung had tendered apologies for not being able to attend the meeting.

Presentation and Question Sessions

73. The following representatives from the Planning Department (PlanD), and the representers and their representatives were invited to the meeting:

- 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

R1133 – 李淑芬

Ms Betty Lee - Representer (Attending only)

R1412 – 謝維香

Ms Tse Wai Heung - Representer (Attending only)

R1413 – 葉志强

Mr Ip Chi Kang - Representer

R1625 – 黃葛祺

Mr Wong Kot Ki - Representer (Attending only)

74. The Chairman extended a welcome and informed the attendees that since some representers who had indicated that they would attend the hearing had yet to arrive as the previous agenda items were finished ahead of schedule, he suggested that the meeting be adjourned for a short while such that the Secretariat would contact those concerned representers to confirm their attendance again. The attendees agreed.

[The meeting was adjourned for 15 minutes.]

75. The Chairman said that the two representers who indicated that they would present their views at the hearing had informed the Secretariat that they had decided not to attend the hearing, while the remaining representer could not be successfully contacted. As Members and other attendees had waited for 15 minutes beyond the time set for the item, which had been relayed to all who had indicated that they would attend, but the concerned representer had still not yet arrived, he said that the meeting should be resumed. He then explained the procedures of the hearing and invited DPO/STN to brief Members on the background to the further representations.

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

Background

- (a) 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). A total of 6,322 representations and 439 comments were received. After considering the representations and comments, the Town Planning Board (the Board) on 13.2.2015 decided to uphold and partially uphold some representations by reverting the zoning of 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);

- (b) the proposed amendments to the OZP were exhibited for public inspection under section 6C(2) of the Ordinance on 13.3.2015. Four further representations (F1 to F4) were received;

[Mr Ivan C.S. Fu arrived to join the meeting at this point.]

- (c) on 15.5.2015, the Board agreed that since further representation F4 was not related to the subject of amendments, it was considered invalid and should be treated as not having been made. The Board also decided to hear the three valid further representations (F1 to F3) collectively in one group;

- (d) of the three valid further representations, F1 submitted by Tai Po Fung Yuen Village Office supported Proposed Amendment Items B1 and B2 whilst F2 and F3 of the same content were submitted by two individuals;

The Site near Fung Yuen and its Surrounding Areas

- (e) the site with an area of 4.78 ha was located at the eastern part of Fung Yuen Valley at the sub-urban fringe of Tai Po New Town. The southern portion

of the site along Ting Kok Road (Site B1) was flat and was being used by the Society of Horticulture (Hong Kong) Limited under a short term tenancy. The northeastern portion of the site (Site B2) was a gentle sloping area and largely a plantation woodland;

Planning Intention

- (f) Site B1 had been reverted to its original “G/IC” zoning. The “G/IC” zone was intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory;
- (g) Site B2 had been reverted to its original “GB” zoning. The “GB” zone was intended primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone;
- (h) the “CA” zone was intended to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Site of Special Scientific Interest or Country Park from the adverse effects of development. There was a general presumption against development in this zone;

Major Grounds of Further Representations and Further Representers’ Proposals

Supportive Representation

- (i) F1 supported Proposed Amendment Items B1 and B2 as the existing trees and shrine at the sites would not be affected, and that air pollution and traffic congestion would be reduced;

Adverse Representations

- (j) F2 and F3 considered that Site B2 currently reverted to “GB” should be rezoned to “Conservation Area” (“CA”). Besides, they opined that a holistic development and preservation plan should be prepared and implemented before any rezoning was undertaken in the future;
- (k) F2 and F3 also considered that the original “GB” zoning for the site to the west of Nethersole Hospital should be maintained;

Other Views not Directly Related to the Proposed Amendments

- (l) the original “GB” zoning on the draft OZP No. S/TP/25 should be maintained, and that the site at Kon Hang should be rezoned to “CA”;

Responses to Grounds of Further Representations and Further Representers’ Proposals

Supportive Representation

- (m) the supportive views of F1 were noted;

Adverse Representations

- (n) on the proposal of F2 and F3 to rezone Site B2 to “CA”, the further representers had not provided any justification for the proposed rezoning. The Director of Agriculture, Fisheries and Conservation advised that although some individual protected species (namely *Aquilaria sinensis* (土沉香), *Rhodoleia championii* (紅花荷) and *Pyrenaria spectabilis* (石筆木)) were found within the site, the site was mainly a plantation area dominated by exotic species, which had simpler structure and low plant and fauna diversity. According to the Lands Department’s tree survey record, there

were about 1,260 trees including both native and exotic species within the plantation woodland but no Old and Valuable Tree (OVT) was recorded in that survey;

- (o) whilst Site B2 together with the adjoining “GB” zone provided a landscape buffer among developments in the area, its overall ecological value for conservation was considered low. In this regard, there was no strong justification to rezone the site from “GB” to “CA”;

Other Views not Directly Related to the Proposed Amendments

- (p) as for F2 and F3’s other views to maintain the original “GB” zoning on the OZP and to rezone the site at Kon Hang from “GB” to “CA”, they were considered invalid as the sites involved were not the subject of the current proposed amendments, while the site to the west of Nethersole Hospital had already been reverted to its original “GB” zoning;

PlanD’s views

- (q) further representation F1’s support to Proposed Amendment Items B1 and B2 was noted;
- (r) PlanD did not support further representations F2 and F3 and considered that the Plan should be amended by the proposed amendments.

77. Noting that no further representer was present at the meeting, the Chairman then invited the representer to elaborate on his presentation.

R1413 - 葉志強

78. Mr Ip Chi Kang said that he was the Vice-chairman of the Fung Yuen Village Office who represented local villagers of Fung Yuen Village to indicate support for Proposed Amendment Items B1 and B2. He requested the concerned government departments to

carry out an assessment on the existing trees within Site B1 to ascertain if those trees should be considered as OVT.

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

80. The Chairman invited DPO/STN to respond Mr Ip's above request. In response, Mr C.K. Soh said that the Government would regularly maintain and update the register of OVT by carrying out an assessment on the value of the existing trees over the territory. PlanD would convey Mr Ip's request to concerned government department for consideration.

81. In response to a Member's question on whether the register of OVT would include trees within private lots and whether Site B1 was on private land, Mr C.K. Soh said that the concerned site was on government land, and the trees thereat would be eligible for nomination as OVT.

82. As Members had no further question to raise, the Chairman said that the hearing had been completed. He thanked PlanD's representatives as well as the representers for attending the meeting. They all left the meeting at this point.

Deliberation Session

83. Members noted the supportive views of further representation F1 to revert the zonings of the sites near Fung Yuen to "GB" and "G/IC" and considered that further representations F2 and F3 should not be upheld as the further representers had not provided any justification for rezoning Site B2 to "CA". Moreover, F2 and F3's other views on maintaining the "GB" zoning of the sites under the draft OZP and rezoning the site at Kon Hang from "GB" to "CA", they were not the subject of the current proposed amendments, while the site to the west of Nethersole Hospital had already been reverted to its original "GB" zoning.

84. After further deliberation, Members decided to amend the draft Tai Po OZP No. S/TP/25 by the Proposed Amendment Items A, B1 and B2. In accordance with section 6H

of the Ordinance, the draft Tai Po OZP No. S/TP/25 should thereafter be read as including the proposed amendments. The amendments would be made available for public inspection until the Chief Executive in Council had made a decision in respect of the draft Tai Po OZP under section 9 of the Ordinance.

85. Members then went through the proposed reason for not upholding further representations F2 and F3 in paragraph 5.2 of the Paper and considered that it was appropriate. The reason was:

“the site near Fung Yuen together with the adjoining “Green Belt” (“GB”) zone provides a landscape buffer among developments in the area. There is no strong justification to rezone the site to “Conservation Area” (“CA”).”

86. Moreover, the Board also agreed that F2 and F3 should be advised that the parts of their representations related to maintaining the original “GB” zoning on the OZP and rezoning of the site at Kon Hang from “GB” to “CA” were considered invalid as they were not the subject of the current proposed amendments, whilst the site to the west of Nethersole Hospital had already been reverted to its original “GB” zoning.

87. As the attendees of Agenda Item 5 had yet to arrive, the Chairman said that the meeting would be adjourned until their arrival.

[Ms Anita W.T. Ma left the meeting during the adjournment.]

Tsuen Wan and West Kowloon District

Agenda Item 5

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in respect of the Draft Kwai Chung Outline Zoning Plan No. S/KC/27

(TPB Papers No. 9936 and 9937)

[The item was conducted in Cantonese.]

Declaration of Interest

88. The following Members had declared interests on the item:

Mr Clarence W.C. Leung	:	his office was at Castle Peak Road, Kwai Chung
Ms Janice W.M. Lai	:	her spouse owning a flat at Wonderland Villa

89. As the properties of Mr Clarence W.C. Leung and Ms Janice W.M. Lai's spouse were not in the vicinity of the representation sites, their interests were considered indirect and Members agreed that they should be allowed to stay at the meeting and participate in the discussion.

Presentation and Question Sessions

90. The Chairman said that reasonable notice had been given to the representers and commenters inviting them to the hearing, but 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. As reasonable notice had been given to the representers and commenters, the Board should proceed with the hearing of the representations and comments in their absence.

Hearing for Group 1

(Representations No. R4(Part), R5 to R381; and Comments No. C1 to C3, C4(Part), C6 to C128)

91. The following representatives from the Planning Department (PlanD) were invited to the meeting at this point:

- Mr Lawrence Y.C. Chau - District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), PlanD
- Ms Fannie F.L. Hung - Senior Town Planner/Kwai Tsing (STP/KT), PlanD

92. The Chairman extended a welcome and said that no representer under Group 1 had registered to attend the meeting. He then explained the procedures of the hearing and invited the representative of PlanD to brief Members on the background to the representations.

93. With the aid of a Powerpoint presentation, Ms Fannie F.L. Hung, STP/KT, PlanD, made the following main points as detailed in the TPB Paper No. 9936:

Background

- (a) on 9.5.2014, the draft Kwai Chung Outline Zoning Plan (OZP) No. S/KC/27 (the Plan) incorporating amendments to various zones was exhibited for public inspection under section 7 of the Town Planning Ordinance (the Ordinance);
- (b) upon expiry of the two-month exhibition period, a total of 381 representations were received. 377 of the representations were solely related to Amendment Item E (i.e. rezoning of a site at 2-6 Wing Lap Street from “Industrial” (“I”) to “Other Specified Uses” annotated “Columbarium 1” (“OU(Columbarium)1”), three solely related to Amendment Item F (i.e. rezoning of a site at Tai Lin Pai Road from “Government, Institution or Community (1)” to “Commercial (3)”), and one related to both Amendment Items E and F. On 25.7.2014, the Town Planning Board (the Board) published the representations for three weeks for public comments. A total of 128 comments were received, 123 of which were solely related to Amendment Item E, one solely related to Amendment Item F and four

related to both Amendment Items E and F;

- (c) on 5.12.2014, the Board agreed to consider the representations and comments collectively in two groups. Group 1 was for collective hearing of representations and comments relating to Amendment Item E and Group 2 was for collective hearing of representations and comments relating to Amendment Item F;

The Site and Its Surrounding Area

- (d) the site under Amendment item E (the Site) located at the fringe of the industrial area covered an area of about 799m². It was currently vacant and surrounded by industrial buildings to its north, the Kwai Chung crematorium and columbarium (KCCC) to its west, Tsuen Wan Chinese Permanent Cemetery (TWCPC) to the further west and the proposed Kwai Chung Park to its south. Together with the three proposed public columbaria in Kwai Chung, there would be altogether about 156,177 niches, 16,712 graves and 2,000 memorial plaques in the area;

The Representations

- (e) Group 1 comprised a total of 378 representations (377 supportive and one adverse) which were related to Amendment Item E;
- (f) Amendment Item E was to reflect the previous decision of Metro Planning Committee (MPC) on a rezoning application for a private columbarium. On 13.12.2013, MPC considered a s.12A application (No. Y/KC/3) to rezone the Site from “I” to “OU(Columbarium)” for a private columbarium development and decided to partially agree to the application by rezoning the Site from “I” to “OU(Columbarium)” with ‘Columbarium’ as a Column 2 use. However, MPC did not agree to the scale of the proposed development including the proposed 50,000 niches and a building height (BH) of 100mPD. Upon MPC’s request, PlanD submitted a study on the

proposed development parameters for columbarium development at the Site for MPC's consideration on 21.3.2014. After deliberation, MPC agreed to impose a maximum BH of 50mPD, a maximum number of niches of 23,000, and putting 'Columbarium' as a Column 2 use for the Site;

Major Grounds of Representations and Representers' Proposals

Supportive Representations

- (g) the major grounds of representations were summarised below:
 - (i) the proposed columbarium development would help alleviate the shortage of columbarium supply;
 - (ii) the Site was far away from residential areas and was suitable for columbarium development;
 - (iii) the owner of the Site had committed to provide shuttle bus services for visitors and adopt special traffic arrangements and pedestrian flow measures during the Ching Ming/Chung Yeung festivals; and
 - (iv) over 99% of the public comments supported the rezoning application and the government departments concerned had no objection to the rezoning application;

Adverse Representations

- (h) it was not necessary to impose BH restriction for the Site as there was already development control over the maximum number of niches under the "OU(Columbarium)1" zone;

Responses to Grounds of Representations and Representers' Proposals

Supportive Representations

- (i) the supportive views of R5 to R381 were noted.

Adverse Representation

- (j) in determining the BH restriction for the Site, three vantage points (VPs) easily accessible by the nearby residents (i.e. junction of Kwai Fuk Road and Shing Fuk Street, transfer plate on 16/F at Block 9 of Kwai Shing West Estate, and Tsing Yi Promenade) were selected for visual assessments and three building heights for columbarium development at the Site (i.e. 50mPD, 75mPD and 100mPD) had been assessed;
- (k) as demonstrated in the comparison photomontages (Plans H-6 to H-8 of the Paper), the 50mPD scenario which could be best shielded off by the existing ridgelines, vegetations and buildings, was considered the appropriate BH for columbarium development at the Site in terms of visual impact; and
- (l) the 50mPD scenario was considered appropriate as it had the least visual intrusion to the nearby residents and public space users, and was practical for the columbarium development at the Site;

Comments on Representations and Responses to Comments

- (m) the major grounds of comments were summarised below:

Traffic and Environmental Impacts

- (i) the approval of columbarium development at the Site by MPC would encourage similar applications in the area. There were concerns

that Kwai Chung would become a ‘Columbarium City’ and would impose heavy burden on nearby road networks and pedestrian flow;

- (ii) the burning of offerings would adversely affect the health of local residents and have fire safety problem;

Policy Consideration

- (iii) priority should be given to public columbarium developments. Demand for public columbarium was far greater than for private ones. The Government had suggested that every district should have a public columbarium. Once the planned public columbarium development in the area was implemented, the district-based columbarium development for the Kwai Chung district would have been fulfilled;

- (n) responses to major grounds of comments were summarised below:

Traffic and Environmental Impacts

- (i) the traffic impact assessment (TIA) previously submitted by the owner of the Site under Application No. Y/KC/3 was based on a maximum number of 50,000 niches on the Site and had already taken into account the traffic impact generated from the existing TWPC, the KCCC and the three proposed public columbarium developments in the vicinity. The Commissioner for Transport and the Commissioner of Police had no objection to the proposed private columbarium development at the Site from the traffic and crowd management points of view. Moreover, the number of niches currently proposed had been substantially reduced from 50,000 to 23,000 to avoid significant adverse traffic impact on the surrounding areas;

- (ii) the Site was located at the southern tip of an existing industrial area and there was no residential area in its vicinity. The nearest residential development Kwai Shing West Estate was about 420m away from the Site. Based on the submission under Application No. Y/KC/3, no furnace would be installed and no incense burning would be allowed within the development. Furthermore, the submitted Environmental Assessment demonstrated that the proposed development would not have adverse environmental impacts on the surrounding area. The Director of Environmental Protection had no objection to the application;

- (iii) according to the Guidelines for Provision of Columbarium Facilities in Industrial Buildings issued by the Food and Health Bureau, the location of the Site being adjacent to existing cemetery and at the fringe of the industrial area stood a high chance of successful redevelopment to columbarium;

Policy Consideration

- (iv) the Secretary for Food and Health and the Director of Food and Environmental Hygiene advised that in the interest of increasing the overall supply of niches in Hong Kong, the Government generally would not object to proposals that would help boost the availability of niches on the condition that the columbarium concerned would comply with all statutory and government requirements such as those on town planning, building and fire safety, as well as land lease.

PlanD's views

- (o) the supportive representations R5 to R381 were noted; and

- (p) not to uphold Representation R4(Part) and considered that the Plan should

not be amended to meet the representations.

94. As there was no representer attending the meeting, the Chairman then invited questions from Members.

95. Members had no question to raise. The Chairman said that the hearing of Group 1 had been completed and would proceed to the hearing of Group 2 representations and comments. Deliberation sessions would be held after the presentation and question sessions for the two groups.

Hearing for Group 2

(Representations No. R1 to R3, R4 (Part); and Comments No. C1(Part) to C4(Part) and C5)

96. The following representers' representatives were invited to the meeting at this point:

R1 - Lam Kin Kok

Ms Sal Chan Suet Ying] Representer's representatives

Ms Leung Yuk Ting]

R2 – Joe Chan

Mr Lee Lap Yan - Representer's representative

R3 – Liu Hon Wai

Mr Liu Hon Wai - Representer

97. The Chairman extended a welcome and explained the procedures of the hearing. He then invited the representative of PlanD to brief Members on the background of the representations and comments.

98. With the aid of a Powerpoint presentation, Ms Fannie F.L. Hung, STP/KT, PlanD, made the following main points as detailed in the TPB Paper No. 9937:

The Representations

- (a) Group 2 comprised four representations and five comments relating to Amendment Item F (i.e. rezoning of a site at Tai Lin Pai Road from “Government, Institution or Community (1)” to “Commercial (3)” for commercial use). All were in support of the rezoning;

The Site and its Surrounding Area

- (b) the site under Amendment Item F (the Site) was occupied by a one-storey cooked food hawker bazaar with ancillary refuse collection point and public latrine built in 1975. It was located at the centre of an industrial/business area. High-rise industrial and office buildings were found on both sides of Tai Lin Pai Road;
- (c) the adjoining government facilities including football field and public latrine had about 5m set back from Tai Lin Pai Road. In order to provide consistent visual openness and to minimise the visual impact arising from the proposed development, a 5m set back for the Site was imposed;

Major Grounds of Representations and Comments and Their Proposals

- (d) the major grounds of representations were summarised below:
 - (i) the existing cooked food hawker bazaar on the Site created nuisances to the public. The proposed commercial use would improve the hygiene of the neighbourhood;
 - (ii) the proposed use would create more commercial activities and more employment opportunities to the public and would thus be beneficial to the youth in future;
 - (iii) the representers suggested that a 24-hour footbridge linking Yip

Shing Street and Tai Lin Pai Road should be provided in the lease;
and

- (e) the commenters hoped that a 24-hour footbridge linking Yip Shing Street and Tai Lin Pai Road site could be implemented as soon as possible;

Responses to Grounds of Representations and Comments and Their Proposals

- (f) responses to grounds of representations and comments and their proposals are detailed in paragraph 5.4 of the Paper and summarised below:

- (i) the supportive views were noted;
- (ii) the Transport Department (TD) supported that a footbridge connection point with internal pedestrian walkway should be constructed within the proposed development at the Site, but no commitment or programme could be made at the current stage on the construction of the footbridge; and
- (iii) the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department advised that relevant clauses could be incorporated in the proposed land grant for the Site requiring the prospective lot owner to provide (i) a footbridge connection point within the Site to receive the future elevated walkway (to be constructed by the Government) and (ii) a 24-hour barrier free internal pedestrian walkway within the proposed commercial development so as to link up the future elevated walkway with the ground level of Tai Lin Pai Road. The proposed footbridge connection would be contingent upon successful implementation of the land disposal programme;

PlanD's views

- (g) the supportive representations of R1 to R3 and R4 (Part) were noted.

99. The Chairman then invited the representer and the representer's representative to elaborate on their representations.

R1 – Lam Kin Kok

100. Ms Sal Chan Yuet Ying made the following main points:

- (a) her office was located at Yip Shing Street;
- (b) the provision of a 24-hour footbridge linking Yip Shing Street and Tai Lin Pai Road would provide more direct and convenient access; and
- (c) the requirement for provision of 24-hour footbridge connection within the proposed development on the Site should be incorporated into the future land lease.

R3 – Liu Hon Wai

101. Mr Liu Hon Wai said that he was working in Yip Shing Street and the street was always heavily congested with traffic. The provision of a 24-hour footbridge connecting Yip Shing Street and Tai Lin Pai Road via the Site would provide a safe and convenient pedestrian environment for accessing to MTR station. He urged that the requirement on provision of pedestrian connection point within the future development on the Site should be incorporated into the lease.

102. As Members had no question to raise, the Chairman said that the hearing of Group 2 had been completed. He thanked the government representatives as well as the representers' representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

103. The Chairman invited Members to consider the representations and comments of the two groups, taking into account the written submissions and the oral submissions.

Group 1

104. Members noted that a large majority of the representations supported Amendment Item E which was to take forward the MPC's previous decision on a s.12A application for a private columbarium. As there was a great demand for both public and private columbarium facilities in Hong Kong and the proposed development, which had been substantially reduced in scale from the provision of 50,000 to 23,000 niches, would not cause significant adverse impacts on the surrounding area, the rezoning to facilitate the development of private columbarium was supported.

105. After deliberation, the Board noted the supportive representations under representation Nos. R5 to R381 and decided not to uphold representation R4 (part) and considered that the Plan should not be amend to meet the representation. Members then went through the suggested reason for not upholding the representation as stipulated in paragraph 8.2 of the Paper and considered the reason was appropriate. The reason was:

“the proposed maximum building height of 50mPD for the “Other Specified Uses” annotated “Columbarium (1)” zoning is considered appropriate as it has the least visual intrusion to the nearby residents and public space users and practical for the proposed columbarium development at the Site.”

Group 2

106. Members noted that all the representations and comments supported the proposed rezoning under Amendment Item F. Regarding the representers' proposal to construct a 24-hour footbridge linking Yip Shing Street and Tai Lin Pai Road and to incorporate such requirement into the future lease condition of the Site, the Chairman said that the proposed footbridge fell outside the boundary of the Site and the proposal was not

directly related to the rezoning. However, consideration might be given to conveying the representer's proposal to LandsD for consideration outside the statutory plan-making process. LandsD, in consultation with other concerned departments, would decide whether it was necessary or justified to incorporate relevant clauses in the proposed land grant for the Site such that future lot owner should provide a footbridge connection point within the Site to receive the future elevated walkway. Members agreed.

107. After further deliberation, the Board noted the supportive views of Representations R1 to R3 and R4(Part). Regarding the suggestion of the representers and commenters on the provision of footbridge linking Yip Shing Street, the Board agreed to convey the suggestion to LandsD for consideration outside the statutory plan-making process and to advise the representers and commenters the following:

“the proposal will be conveyed to the Lands Department (LandsD) outside the statutory plan-making process such that LandsD might consider at the land grant stage the request that the future land owner provides a footbridge connection point within the Site to receive the future elevated walkway (to be constructed by the Government) and to provide a 24-hour barrier free internal pedestrian walkway within the Site so as to link up the future elevated walkway with the ground level of Tai Lin Pai Road.”

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

Sai Kung and Islands District

Agenda Item 6

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/SK-PK/217

Proposed 3 Houses (New Territories Exempted Houses (NTEH) - Small Houses) in “Green Belt” zone, Lots No. 470 S.B ss.2, 470 S.B ss.3 and 470 S.B RP in D.D. 222, Pak Kong Village, Sai Kung

(TPB Paper No. 9942)

[The item was conducted in Cantonese.]

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

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|---------------------|---|---|
| Mr Ivan M.K. Chung | - | District Planning Officer/ Sai Kung and Islands (DPO/SKIs), PlanD |
| Mr Lok Chiu Nam | - | Applicant |
| Mr Kong Chee Cheung | - | Applicants' representative |

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

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

- (a) on 26.1.2015, the applicants sought planning permission for the development of three New Territories Exempted Houses (NTEHs) - Small Houses at the application site (the Site) under s.16 of the Town Planning Ordinance (the Ordinance). The Site fell within an area zoned "Green Belt" ("GB") on the Approved Pak Kong and Sha Kok Mei Outline Zoning Plan (OZP) No. S/SK-PK/11;
- (b) on 13.3.2015, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the application and the reasons were:
 - (i) the proposed development was not in line with the planning intention of the "GB" zone which was primarily for defining the limits of

urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within that zone. There was no strong justification in the current submission for a departure from the planning intention of the "GB" zone;

- (ii) the proposed development was not in line with the Town Planning Board Guidelines No. 10 (TPB PG-No. 10) for 'Application for Development within "GB" zone under section 16 of the Town Planning Ordinance' in that there were no exceptional circumstances or strong planning grounds to justify the application;
 - (iii) land was still available within the "Village Type Development" ("V") zone of Pak Kong where land was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services; and
 - (iv) approval of the application would set an undesirable precedent for other similar applications within the "GB" zone. The cumulative effect of approving such similar applications would result in the encroachment on the "GB" zone by development and a general degradation of the rural environment of the area;
- (c) on 8.4.2015, the applicants' representative applied, under section 17(1) of the Ordinance, for a review of the RNTPC's decision to reject the application. The applicants had not submitted any written representation in support of the review;
- (d) the Site and its surroundings – the Site was flat, formed and currently used as a plant nursery. It was located within the village 'environs' ('VE') of

Pak Kong Village, and accessible to Pak Kong Road via an access track. To the further east of the Site was the Pak Kong Water Treatment Works (PKWTW);

- (e) planning intention - the “GB” zone was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within the zone;
- (f) TPB PG-No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ was relevant to the consideration of the current s.16 application. TPB PG-No.10 set out in particular that there was a general presumption against development within the “GB” zone; an application for new development in a “GB” zone would only be considered in exceptional circumstances; and there should not have any adverse impacts on landscape and visual aspects;
- (g) previous applications - there were three previous applications (No. A/SK-PK/63, 64 and 65) for NTEH (Small House) development at the Site, submitted by the same applicants of the current review application. The three applications were rejected by the RNTPC on 6.2.1998;
- (h) similar applications - since the promulgation of the latest Interim Criteria for Consideration of Application for NTEH/Small House in New territories (Interim Criteria) in 2007, there were two similar planning applications for NTEH (Small House) development within the same “GB” zone. They were approved with conditions by the RNTPC as there was a general shortage of land in meeting the Small House demand in the “V” zone of Pak Kong Village and the proposed developments were considered not incompatible with the surrounding areas;
- (i) departmental comments – comments from the relevant government departments were detailed in paragraph 4 of the Paper and summarised

below:

- (i) the Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) had no objection to the application. For provision of fresh water supply to the development, the applicants might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicants should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. He noted that the Site fell within the Consultation Zone (CZ) of PKWTW, which was a Potential Hazardous Installation (PHI);

- (ii) the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD) had no objection to the application. The subject lots were Old Schedule Agricultural Lots. At present, the number of outstanding Small House applications within the "V" zone in Pak Kong Village was 27, without any outstanding Small House application outside the "V" zone. The 10-year forecast for Small House application for Pak Kong Village reported by Indigenous Inhabitant Representative of Pak Kong Village was 205. The applicants, being indigenous villagers in Pak Kong, submitted their Small House applications on the Site on 23.11.2010 and 25.11.2010. The Site fell entirely within the 'VE' of Pak Kong;

- (iii) the Director of Agriculture, Fisheries and Conservation (DAFC) had no strong view on the application from the nature conservation point of view. The Site was currently used for horticultural purposes and part of the Site was covered with some temporary structures;

- (iv) the Chief Town Planner/Urban Design and Landscape (CTP/UD&L) PlanD had no objection to the application since there was no

significant tree found on the Site and the Small House development was considered not incompatible with the surrounding landscape;

- (v) the Director of Environmental Protection (DEP) advised that on the risk issue, the Site was very close to PKWTW and special planning restriction might apply depending on whether the development was a committed development. The septic tank and soakaway system should follow the requirements stipulated in Environmental Protection Department (EPD)'s Practice Note for Professional Persons ProPECC PN 5/93 "Drainage Plans Subject to Comment by the EPD" available in EPD's website; and
- (vi) other relevant government departments had no objection to or no adverse comment on the application;
- (j) public comments – during the statutory publication period at the s.17 review stage, seven public comments from Designing Hong Kong Limited (DHK), villagers of Pak Kong Village and an individual were received. DHK and three comments from villagers objected to the application mainly on the grounds that the proposed use was not in line with the planning intention of the "GB" zone; it would create adverse impact on the environment and the neighbourhood but no relevant impact assessments were included in the submission; land was currently available within Pak Kong Village to develop Small Houses; and approval of the application would set an undesirable precedent. Two comments from villagers supported the application as there was no tree, river or stream at the Site and it was not certain why the Site was designated as "GB"; the Site was located within the 'VE' of Pak Kong Village and was previously zoned "V"; and there was a general shortage of land within the village for Small House development. The remaining comment submitted by an individual considered that the village representative of Pak Kong Village should be consulted;

- (k) PlanD's view – PlanD did not support the review application based on the planning considerations and assessments set out in paragraph 6 of the Paper, which were summarised below:
- (i) the Site fell entirely within the “GB” zone on the OZP. The proposed Small House development was not in line with the planning intention of the “GB” zone. There was no strong justification for a departure from the planning intention of the “GB” zone;
 - (ii) according to DLO/SK, the number of outstanding Small House applications for Pak Kong Village was about 27 while the 10-year Small House demand forecast was about 205. Thus, the total demand for Small House sites was 232. Based on PlanD's latest estimation, about 0.91 ha of land (equivalent to about 36 Small House sites) were available within the “V” zone of Pak Kong Village. Although there was insufficient land to fully meet the future Small House demand of the village in the long run, there was still land currently available within the “V” zone to meet the outstanding demand of 27 Small Houses. It was considered more appropriate to concentrate the proposed Small House development close to the existing village cluster within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services;
 - (iii) the applicants' representative mentioned in the s.16 application that the existing open space and the car parking sites in the village should not be taken into account in estimating the developable area for new Small House development. The existing open space had already been excluded from the estimation while the car parking site, which was a short-term use, should not pre-empt Small House development in future;
 - (iv) according to TPB PG-No.10, an application for new development in a “GB” zone would only be considered in exceptional circumstances and

must be justified with very strong planning grounds. There were no exceptional circumstances or strong planning grounds to justify the current application;

(v) the proposed use was not incompatible with the rural character of the areas and significant adverse impacts were not anticipated. Concerned departments also had no objection to the application. However, approval of the application would set an undesirable precedent for other similar applications within the “GB” zone. The cumulative effect of approving such similar applications would result in encroachment on the “GB” zone and a general degradation of the rural environment of the area; and

(vi) while the application sites of the two approved planning applications for Small House in the vicinity straddled the “GB” and “V” zones, the Site under the current application fell wholly within “GB” zone and entirely outside “V” zone, and the current application did not warrant the same consideration as the similar applications.

111. The Chairman then invited the applicant and the applicants’ representative to elaborate on the review application.

112. Mr Lok Chiu Nam, one of the applicants, made the following main points:

- (a) he was an indigenous villager of Pak Kong and his family had been living in the area for a few hundred years;
- (b) most of the indigenous villagers practised farming in the area in the past but he had gone to England in 1959 to make a living. After retirement, he would now like to return to Pak Kong and live together with his brothers in the area;

- (c) he intended to build three Small Houses for himself and his sons on a piece of land inherited from his father but the application was rejected by the Board in 1990s, probably for the reason that the site fell within the “GB” zone. He had also submitted Small House application to the Lands Department (LandsD) in 2010 but no approval was ever given; and
- (d) he urged the Board to given sympathetic consideration to the application.

113. Mr Kong Chee Cheung said that some materials including (i) a comparison table showing the reasons for rejection for the previous three applications submitted by the same applicants and rejected by the Board in 1998 and the current application rejected in March 2015, and (ii) an aerial photo taken in 1994 overlaid with the approved Development Permission Area (DPA) Plan published in 1994 were tabled for Members’ reference.

114. With the aid of Powerpoint presentation and the tabled materials, Mr Kong made the following main points:

“GB” zoning for the Site was inappropriate

- (a) the existing “GB” zone to the west of Pak Kong Road where the Site was located was first zoned “V” on the draft DPA Plan published in 1991 and the “V” zoning had remained unchanged when the draft DPA Plan was approved in 1994. At that time, the area to the east of Pak Kong Road was zoned “GB” and PKWTW was located to its further east;
- (b) the area was subsequently rezoned to “GB” in 1994 when the OZP was published since the government departments had adopted more stringent planning measures for the PKWTW which was a PHI. For the same reason, the three previous applications were rejected by the Board in 1998 and one of the rejection reasons was that the proposed development was undesirable as it would result in an increase in population within the 250m radius CZ of PKWTW which was a PHI;

- (c) the planning intention for “GB” zone was primarily for defining the limits of urban and sub-urban development areas by natural features and for containing urban sprawl. The western boundary of the existing “GB” zone, which was delineated in a straight line, was arbitrarily drawn up with reference to the requirement of the 250m radius CZ instead of based on the natural features of the area. The characteristics of the area were highly compatible with the rural character of the adjoining area under “V” zoning. Pak Kong Road could naturally serve as a physical barrier to clearly define the limits of urban and sub-urban development areas. Hence, there was no strong reason for designating the area as “GB”;

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

Land was still available within the “V” zone

- (d) according to the estimation of PlanD, land was still available within the “V” zone to cater for outstanding Small House demand. A few pockets of undeveloped land within the “V” zone, as shown on a plan prepared by PlanD, should not be taken into account as land that could be used for future Small House development:
- (i) area 1 - an area at the south-eastern part of the old Pak Kong Village, which was currently let by DLO/SK as a car park serving the local villagers under Short Term Tenancy, could not be used for Small House development due to fung shui reason. Moreover, given the remote location of the village, car parking spaces were necessary. Strong local objection from the existing users of the car park was anticipated if the land was taken back by the Government for Small House development;
 - (ii) area 2 - a small area to the further north of the existing car park at area 1, which was in the vicinity of a small temple, was also not suitable for development according to local custom;

- (iii) area 3 - an area at the western part of the new Pak Kong Village which was on sloping ground covered by dense vegetation should not be included in the estimation as development in that area would involve felling of trees. Moreover, its adjacent area on steep sloping ground requiring extensive site formation works was also not feasible for Small House development;
 - (iv) area 4 - another strip of land which was currently used as a vehicular access serving some developments and a small parking area for local villagers should be excluded from the estimation as any Small House developments in the area would likely arouse complaints from local villagers;
 - (v) area 5 – an existing vehicular access used by the local villagers with cars parked on both sides of the road would have strong objection from the local villagers if the land was used for Small House development;
 - (vi) area 6 – although the area was considered suitable for Small House development, a portion of the area had been constructed as an existing access serving various parts of Pak Kong;
 - (vii) due to the need to fulfil the requirement to maintain a distance of 30m from the river if septic tank and soakaway system was to be constructed for Small House development, those areas in close proximity to the river should be excluded from PlanD's estimation on available land for Small House development;
- (e) with a view to preserving the existing access roads as far as practicable, even though some of them were constructed on private land, DLO/SK had adopted a special arrangement in processing Small House applications in the Sai Kung area by adjusting site boundary and disposition/footprint of

building block. Such arrangement had effectively helped to foster social harmony among the local villagers;

Not in line with TPB PG-No. 10

- (f) although the Site was entirely within the “GB” zone, concerned government departments had no objection to or no adverse comments on the application as revealed in the Paper;
- (g) the Site and its adjoining area were rezoned from “V” to “GB” on the first OZP published in late 1994 mainly on consideration of the need to contain the increase in population within the 250m radius CZ of PKWTW. While one of the rejection reasons for the previous applications was that the proposed development was within the 250m radius CZ, the same rejection reason was no longer used in the current application and concerned departments such as Water Supplies Department (WSD) and EPD had not raised specific objection to the current application on that aspect. With technological advancement over the years, more effective mitigation measures could be implemented to address the potential hazard associated with the storage and leakage of chlorine within PKWTW. As the reason for designating the area as “GB” had already been overtaken by events, consideration should be given to reviewing the need for and appropriateness of retaining the area as “GB”;

Undesirable precedent

- (h) given the unique background of Pak Kong where the area was zoned “GB” mainly due to its close proximity to PKWTW, it was unlikely that the approval of the current application would set an undesirable precedent for other “GB” zones;
- (i) in pursuit of wider public interest, the local villagers of Pak Kong had allowed the development of PKWTW in the vicinity of the village. In

was unreasonable that the expansion of the village was significantly constrained by the PKWTW in the past few decades as two large “GB” areas fell within the ‘VE’ of the village. In view of the anticipated substantial 10-year Small House demand forecast, additional land was required for Small House developments by indigenous villagers of Pak Kong;

- (j) consideration should be given to rezoning the “GB” areas to “V” to facilitate Small House developments in the long term. In the interim, concerned departments should also liaise with WSD and EPD on whether Small House developments within those two “GB” areas, which would only result in small increase in population, could be tolerated;
- (k) the risk posed by the storage of chlorine within PKWTW should not be very significant. Otherwise, the existing footpath along Pak Kong Road should more appropriately be constructed on the western side of the road instead of the eastern side in order to maintain a farther distance from the PHI;
- (l) the PKWTW was the second largest water treatment works in Hong Kong serving a wide catchment including Tseung Kwan O, Kowloon and Hong Kong Island East. In view of the selflessness of the local villagers in the past for allowing the development of PKWTW near their villages, the Board was urged to give sympathetic consideration to the application; and
- (m) as the “GB” zoning was no longer required for that area and the area should more appropriately be rezoned to “V”, the approval of the application would unlikely create any undesirable precedent for other similar cases in other “GB” zones.

115. As the presentation of the applicants’ representative was completed, the Chairman invited questions from Members.

116. In response to the Vice-chairman's question on the discrepancy on the estimated land available within the "V" zone for Small House development between PlanD and the applicants' representative, Mr Ivan M.K. Chung, with the aid of a Powerpoint slide, said that in deciding whether the land should be included in the estimation, consideration would be given as to whether the existing land use in the concerned area was temporary or permanent in nature. Given that the existing car park at the old Pak Kong Village (i.e. area 1 as presented by the applicants' representative) was a temporary use, it was considered appropriate to count the area towards land available for Small House development. For other designated car parks in the new Pak Kong Village currently managed by the Government, those land had been excluded in the estimation. As regards area 3 as presented by Mr Kong, the area was on gentle sloping ground covered with some vegetation where development of Small House was considered technically feasible. Moreover, Small House applications on that sloping area near area 3 were received and being processed by LandsD. Mr Chung said that in identifying land available for Small House developments within the "V" zone, concerned departments including the Civil Engineering and Development Department and the Transport Departments were consulted.

117. The Chairman asked Mr Chung to explain the criteria as set out in the Interim Criteria for assessing Small House application which involved a site in the midst of a "GB" zone but there was a shortage of land within the "V" zone to meet the Small House demand. Mr Chung said that according to the Interim Criteria, sympathetic consideration might be given if not less than 50% of the proposed NTEH/Small House footprint fell within the 'VE' of a recognised village and there was a general shortage of land in meeting the demand for Small House development in the "V" zone of the village. In this regard, the application basically did not contravene the Interim Criteria. Notwithstanding that, the application was rejected by the RNTPC on consideration that the proposed development was not in line with TPB PG-No. 10 in that there were no exceptional circumstances or strong planning grounds to justify the application.

118. A Member asked whether the PKWTW might have potential impact on the proposed Small House development in the "GB" zone. The Chairman said that despite that the proposed development fell within the 250m radius CZ of PKWTW, it was not a consideration of RNTPC in examining and rejecting the current application.

119. Mr Kong Chee Cheung said that the existing “GB” area to the west of Pak Kong Road and to the east of “V” zone was previously zoned “V” at the time when the DPA Plans were in force from 1991 to 1994. The area was rezoned to “GB” on the first draft OZP published in late 1994. The main reason for such rezoning was that the concerned area fell within the 250m radius CZ of the PKWTW. After the Union Carbide disaster which happened in India in December 1984, concerned departments had grave concern on the potential hazard caused by those PHIs including the PKWTW and more stringent preventive measures were implemented. Noting that EPD and WSD no longer raised objection to the current application, possibly due to improved mitigation measures, the Board could exercise its discretion to decide whether the application should be approved. Given that the potential hazard impact of the PKWTW was no longer a constraint for Small House development, there was no reason for designating the area as “GB”. Concerned department should carry out a review for the “GB” zone. Prior to the completion of the review, sympathetic consideration should be given to the current application taking into account the substantial Small House demand for Pak Kong Village. Mr Kong further said that it was undesirable to use the existing temporary car park for Small House development as strong local objection was anticipated.

[Professor P.P. Ho left the meeting at this point.]

120. Referring to comments of WSD and EPD that the Site fell within the CZ of PKWTW and special planning restriction might apply depending on whether the development was a committed one, Mr C.W. Tse, Deputy Director of Environmental Protection (1), asked DPO/SKIs to explain what special consideration had to be taken into account in assessing those applications which fell within the CZ of a PHI.

121. Mr Ivan Chung said that according to WSD, the project proponent of any new development within the CZ of any PHI might be required to carry out a hazard assessment to the satisfaction of concerned government departments if the new development would result in population increase. For the subject application, WSD and EDP were specifically consulted on the aspect of potential hazard of the PKWTW and they had no specific objection to the application.

122. In response to the Chairman's enquiry, Mr Chung said that the reasons for rejecting the application were set out in paragraph 1.2 of the Paper and the concern that the Site fell within the CZ of PKWTW was not a rejection reason of RNTPC for the current application.

123. In response to a Member's enquiry about the exact boundary of 'VE' for Pak Kong Village, Mr Chung used a Powerpoint slide to present the 'VE' boundary. In gist, the 'VE' boundary, while largely aligned with the boundary of "V" zone, included the two "GB" zones to the east and west of Pak Kong Road but excluded the "Agriculture" ("AGR") zone to the south of Pak Kong Road.

124. A Member said that the Government had the authority to take back the government land which had been let for temporary use if such land was required for development. The same Member asked Mr Kong to explain why the existing temporary car park on government land (i.e. area 1) should not be taken back by the Government for Small House development. With the aid of a Powepoint slide, Mr Kong said that the reasons were of two folds : one was related to fung shui and the other was related to car parking demand. Due to fung shui reasons, the existing temporary car park area, together with the adjacent "AGR" zone to the south of Pak Kong Road had never been used for Small House development by the local villagers. The existing "AGR" zone was used by the local villagers for holding ceremonies. Having regard to the existing population and the car ownership pattern, the car parking demand of the local villagers was very high. If the existing car park ceased operation, very strong local objection was anticipated and the existing social harmony of the village would be disrupted.

125. As Members had no further question to raise, the Chairman informed them that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application in their absence and inform the applicants of the Board's decision in due course. The Chairman thanked the representative of PlanD, the applicant and the applicants' representative for attending the meeting. They all left the meeting at this point.

Deliberation Session

126. As Dr Wilton W.T. Fok had not attended the whole part of the review hearing, the Chairman invited him to temporarily leave the meeting during the deliberation session.

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

127. The Chairman said that although the applicants' representative had repeated several times that the proposed Small House development was not supported based on the consideration that the Site fell within the CZ of the PKWTW, it should be noted that the proximity of the Site to the PHI was not a rejection reason for the application at s.16 stage, and should not be a subject for review.

128. Members noted that the Site fell entirely within the "GB" zone and the proposed development was not line with the planning intention of the "GB" zone and also not in line with the TPB PG-No. 10. Moreover, land was still available within the "V" zone of Pak Kong Village to meet the outstanding Small House demand. Besides, it was considered more appropriate to concentrate Small House developments close to the existing village cluster for orderly development and efficient use of land and provision of infrastructures.

129. A Member agreed that the review application should not be approved. The same Member said that the Board might consider reviewing the assessment criteria of the Interim Criteria when the opportunity arose. According to the Interim Criteria, sympathetic consideration might be given if not less than 50% of the proposed Small House footprint fell within the 'VE of a recognised village and there was a shortage of land in meeting the demand for Small House development in the "V" zone of the village. That would give the applicant a reasonable expectation that the application for Small House development would be approved if there was a shortage of land within the "V" zone. The current application was rejected as land was still available within the "V" zone. However, the Board might be bound to approve a similar application if no land was available in the "V" zone. As compared with the Small House demand and 10-year Small House forecast of various villages when the Interim Criteria was promulgated in 2007, there was a drastic increase in Small House demand and forecast in recent years. In this regard, the same Member

wondered if the assessment criteria of the Interim Criteria should be suitably revised to deal with the change in circumstances.

130. At the request of the Chairman, the Secretary briefed Members about the practice recently adopted by the RNTPC when considering applications for Small House development. While the criteria of the Interim Criteria that sympathetic consideration might be given if there was insufficient land within the “V” zone to meet the Small House demand would generally be followed, the RNTPC Members, in assessing whether there was sufficient land within the “V” zone, would make reference to those figures relating to the number of outstanding Small House applications, the amount of land available within the “V” zone and the estimated 10-year Small House demand. For the scenario where there was insufficient land within the “V” zone to meet the demand of outstanding Small House applications, sympathetic consideration would normally be given to the applications. However, for the scenario that there was sufficient land within the “V” zone to meet the demand of the outstanding Small House applications but insufficient to cater for the estimated 10-year Small House demand which was very substantial in number, a more stringent approach might be taken.

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and for containing urban sprawl as well as providing passive recreational outlets. There is a general presumption against development within this zone. There is no strong justification in the current submission for a departure from the planning intention of the “GB” zone;
- (b) the proposed development is not in line with Town Planning Board Guidelines No. 10 (TPB PG-No. 10) for ‘Application for

Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that there are no exceptional circumstances or strong planning grounds to justify the application;

- (c) land is still available within the “Village Type Development” (“V”) zone of Pak Kong where land is primarily intended for Small House development. It is considered more appropriate to concentrate the Small House developments close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services; and
- (d) approval of the application would set an undesirable precedent for other similar applications within the “GB” zone. The cumulative effect of approving such similar applications would result in the encroachment on the “GB” zone by development and a general degradation of the rural environment of the area.”

[Professor K.C Chau and Ms Julia M.K. Lau left the meeting and Dr Wilton W.T. Fok returned to join the meeting at this point.]

Sha Tin, Tai Po and North District

Agenda Items 7 and 8

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/DPA/NE-TT/5

Proposed House (New Territories Exempted House - Small House) in "Unspecified Use" Area, Lots 910 S.C, 911 S.D and 913 S.B in D.D. 289, Uk Tau, Tai Po, New Territories
(TPB Paper No. 9940)

Review of Application No. A/DPA/NE-TT/6

Proposed House (New Territories Exempted House - Small House) in "Unspecified Use" Area, Lots 909 S.B, 910 S.B and 911 S.C in D.D. 289, Uk Tau, Tai Po, New Territories (TPB Paper No. 9941)

[The items were conducted in Cantonese.]

132. The Chairman said that the two review applications under Agenda Items 7 and 8 were similar and represented by the same representative, and the application sites were adjacent to each other. The Chairman proposed and Members agreed that the two applications should be considered together. Members noted that a replacement page (Annex D) for each Paper was tabled at the meeting.

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

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

Mr Hung Shu Ping - Applicants' representative

134. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited the representative of PlanD to brief Members on the review applications.

135. With the aid of a Powerpoint presentation, Mr C K Soh, DPO/STN, made the following main points as detailed in the Papers:

- (a) on 19.11.2014, the applicants sought planning permissions to build a house (New Territories Exempted House (NTEH) – Small House) at each application site (the Site) under s.16 of the Town Planning Ordinance (the Ordinance). The two Sites fell within an area designated as “Unspecified Use” on the approved Tai Tan, Uk Tau, Ko Tong and Ko Tong Ha Yeung Development Permission Area (DPA) Plan No. DPA/NE-TT/2 (the

approved DPA Plan);

(b) on 16.1.2015, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the two applications on the same following reasons:

(i) the application did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories (Interim Criteria) in that the proposed development would cause adverse landscape impact on the surrounding areas; and

(ii) the approval of the application would set an undesirable precedent for other similar applications in the area, the cumulative impact of which would have adverse impacts on the natural environment and landscape character of the area;

(c) on 8.2.2015, the applicants' representative applied, under s.17(1) of the Ordinance, for review of the RNTPC's decision to reject the applications. On 25.3.2015, the applicants' representative submitted further information (FI) to provide the same justifications in support of the review applications. The justifications put forth by the applicants' representative in support of the review application were highlighted in paragraph 3 of the Papers and summarized below:

(i) the rejection reason that the proposed development would cause adverse landscape impact on the surrounding areas was not valid, as the proposed development could not extend beyond the Site given that they were private lots within the village 'environs' ('VE') of the Uk Tau Village and surrounded by other private lots. Vegetation clearance at the Sites had been unavoidable for agriculture or development;

- (ii) the adverse impacts of the proposed Small House had been exaggerated. According to Criterion (e) of the Interim Criteria, the application of the relevant criteria in the Interim Criteria would be on individual NTEH/Small House basis. That had not been taken into account when the Board considered the application and rejected it on the reason that the cumulative impact of approving similar applications in the area;
 - (iii) based on the Explanatory Statement of the approved DPA Plan, the applicant considered that the statutory plan was not to deter the village type development in the Area, but to concentrate it within the 'VE' for a more orderly development pattern; and
 - (iv) most of the government departments had no objection to the s.16 application and there would be no adverse traffic impact on Pak Tam Road in the future 10 years;
- (d) the Sites and their surroundings – the Sites were now vacant with sloping site profile situated on a vegetated hillslope within the native woodland. Vegetation within the Sites had recently been cleared and the Sites were currently covered with wild grass. The Sites had no proper access but could be reached via an indistinct track running on the vegetated slope connecting to the village cluster in a distance of about 30m to its further east;
- (e) general planning intention – it was to protect its high conservation and landscape value and the rural settings which complemented the overall naturalness and the landscape beauty of the surrounding Sai Kung East and West Country Parks. The planning intention was also to reflect the existing recognized villages. The future zonings of the "Unspecified Use" area were pending detailed analysis and studies to establish the appropriate land uses in the course of the preparation of an Outline Zoning Plan (OZP);

- (f) previous application - there were no previous applications for NTEH/Small House development on the Sites.

- (g) similar applications - when the s.16 application was considered by the RNTPC, there was only one similar application for proposed house (NTEH - Small House) within the same “Unspecified Use” area on the approved DPA Plan. After that, there were 15 additional similar applications. Of those, three applications were rejected by the RNTPC from January to May 2015 mainly for the reasons that the application did not comply with the Interim Criteria in that the proposed development would cause adverse landscape impact on the surrounding area; and the approval of the application would set an undesirable precedent for other similar applications in the area. The other 13 applications were approved with conditions by the RNTPC from November 2014 to April 2015 mainly on the considerations that the application could generally meet the Interim Criteria in that more than 50% of the proposed Small House footprint fell within the ‘VE’ of the concerned village; there was insufficient land within the “Village Type Development” (“V”) zone of the concerned village to meet the Small House demand; the proposed Small House was not incompatible with the surrounding environment; significant landscape impact was not anticipated/ concern on landscape impact could be addressed by approval condition and concerned government departments including Agriculture, Fisheries and Conservation Department (AFCD) had no objection or no adverse comment on the application. Besides, the RNTPC, on 5.6.2015, decided to defer consideration of 26 similar applications in Uk Tau and two similar applications in Ko Tong as requested by the applicants;

- (h) departmental comments – comments from the relevant government departments on the two review applications were the same and detailed in paragraph 5 of the Papers:

- (i) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) maintained her previous objection to the two s.16 applications. To recapitulate, according to the aerial photo dated 3.5.2014, the Sites were within native woodland and covered with dense and mature vegetation. With reference to the site photos taken on 8.12.2014 and 9.12.2014, the Sites had recently been cleared including large mature trees felled within and outside the Sites. Approval of the application would set an undesirable precedent for other similar applications to extend the village into the secondary woodland to the west of Uk Tau Village. The cumulative effect of approving similar applications would result in a general degradation of the woodland and cause adverse impacts on landscape resources and the landscape character of the area. The Sites were located on the woodland hillslope to the west of the Uk Tau Village and there was no access connecting to the Site. The slope was steep, and the construction of the proposed Small House development and temporary access might involve extensive slope cutting/ site formation and further vegetation clearance likely causing adverse landscape impacts beyond the Sites;
- (ii) the Director of Agriculture, Fisheries and Conservation (DAFC) advised that the Sites had recently been cleared of vegetation. She had no comment on the Sites themselves from the nature conservation point of view. Nevertheless, the Sites were only accessible via a narrow track, and further tree felling might be required for transporting construction materials and machinery to the Sites. The Sites were surrounded by woodland consisting mostly of native plant species. Transportation of construction materials and machinery might cause adverse impact on vegetation along the existing track of about 1.2m wide;
- (iii) the Commissioner for Transport had reservation on the applications. Such type of development should be confined within the “V” zone as

far as possible. Although additional traffic generated by the proposed development was not expected to be significant, such type of development outside the “V” zone, if permitted, would set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. Notwithstanding the above, the application only involved construction of one Small House, and he considered that the application could be tolerated unless it was rejected on other grounds;

- (iv) the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) had no objection to the applications, but updated that the total number of outstanding Small House applications was 45 and the latest 10-year Small House demand forecast (2015-2024) for Uk Tau was 45;
- (v) other relevant government departments had no objection to or no adverse comment on the applications;
- (i) public comments – during each of the two statutory publication periods at the s.17 review stage, three public comments submitted by the Kadoorie Farm & Botanic Garden Corporation, World Wide Fund for Nature Hong Kong and Designing Hong Kong Limited were received for each application. They objected to the application mainly on the grounds that the application was not in line with the general planning intention of the DPA Plan/ “Unspecified Use” area; no environmental, traffic, drainage and sewerage impact assessments had been provided; approval of the application would set an undesirable precedent for other similar applications; the proposed development would cause ecological and landscape impacts; there had been vegetation clearance; and no development should be approved prior to the detailed planning of the “Unspecified Use” area, etc;

- (j) PlanD's views - PlanD did not support the review applications based on the same planning considerations and assessments set out in paragraph 7 of the Papers, which were summarised below:
- (i) the Sites were vacant land with sloping site profile situated within the native woodland. Vegetation within the Sites had recently been cleared. The Sites had no proper access and were topographically about 7m higher than and about 30m away from the existing village cluster to its further east. The proposed Small Houses were considered not compatible with the surrounding natural woodland environment;
 - (ii) the CTP/UD&L, PlanD objected to the applications from the landscape planning perspective as the construction of the proposed Small Houses and access might involve extensive slope cutting/site formation and further vegetation clearance, which would likely cause adverse landscape impacts beyond the Sites, and approval of the applications would set an undesirable precedent for other similar Small House applications. The cumulative effect would result in a general degradation of the woodland and adverse impacts on the landscape resources and landscape character of the area. The DAFC also maintained his previous concern that the Sites were surrounded by native woodland and transportation of construction materials and machinery for construction of proposed Small Houses might cause adverse impact on the vegetation;
 - (iii) whilst the proposed Small House footprints fell within the 'VE' of Uk Tau and there was a general shortage of land in meeting the demand for Small House development in the "V" zone of the concerned village, the applications did not comply with the Interim Criteria in that the proposed developments would have adverse landscape impacts on the surrounding areas;

- (iv) Criterion (e) of the Interim Criteria simply set out that, for an application site involving more than one NTEH/Small House, the assessment criteria would be on individual NTEH/Small House basis. Whilst each application would be considered on its own merits, the possible precedent effect and the resulting cumulative impact of approving such applications were relevant planning considerations;
- (v) it was not the intention of the approved DPA Plan to prohibit development but rather to establish planning control of the area pending the preparation of an OZP. The general planning intention of the Area was to protect its high conservation and landscape value and the rural settings. The planning intention of the “V” zone was to reflect the existing recognized villages. Village type development was intended to be concentrated within the “V” zone for a more orderly development pattern rather than within the ‘VE’ as raised by the applicant;
- (vi) there had been no material change in planning circumstances for the Sites and their immediate environs since the rejection of the applications. There was no strong planning justification to warrant a departure from the RNTPC’s previous decisions; and
- (vii) there were six public comments objecting to each application mainly on the grounds of not in line with the general planning intention of the DPA Plan/ “Unspecified Use” area, adverse impacts on the surroundings, setting of undesirable precedent, etc.

136. The Chairman then invited the applicants’ representative to elaborate on the review applications.

137. With the aid of visualiser, Mr Hung Shu Ping made the following main points:

- (a) the two applicants were indigenous villagers of Tung Ping Chau (Ping Chau) and they had tried very hard to find a site for Small House development;
- (b) the justifications in support of the two review applications were submitted on 25.3.2015. It was reiterated that the two Sites were in full compliance with the planning intention of the DPA Plan and the Interim Criteria;
- (c) Uk Tau Village was located in mid-hill. The Sites, which were private agricultural land, were on gently sloping ground within the 'VE'. The description that the slope was steep, as set out in paragraph 5.2.7(a)(ii) of the Papers, was exaggerated and misleading;
- (d) the Sites were gently sloping towards the north as the area was previously used as terraced farmland. The level difference within 10m distance of the Sites was not more than 1.5m. The required site formation works would not affect the adjoining land;
- (e) as stated in paragraph 7.3 of the Papers, the Sites were topographically about 7m higher than the existing village clusters. However, as shown by the contour lines on the lot index plan, the level difference between the Sites and the existing village clusters was only about 4m and the topography of the Sites was rather flat;
- (f) some private land in the area had been reserved for the construction of vehicular access and emergency vehicular access (EVA) to serve a larger Small House development area, and the 1.2m footpath as proposed under the applications would not be used for transportation of construction materials and machinery if the applications were approved. Hence, the potential adverse impacts on the existing trees in the southern part of the area would be insignificant;

- (g) tree felling on those sites which were on private land was inevitable for construction of Small House and access road; and
- (h) mature trees and vegetation were concentrated in the southern part of the area. Future developments in Uk Tau Village would be concentrated at the large development area in the northern part.

138. As the presentation of the applicants' representative was completed, the Chairman invited questions from Members.

139. A Member asked whether there was any information about the number of usual residents of Uk Tau Village and whether the two applicants were indigenous villagers of Uk Tau.

140. Mr C.K. Soh said that he had no information about the number of usual residents of the village in hand. As a rough estimate, however, as there were less than 20 houses in the existing village cluster as shown on the survey plan, the existing residents of the village might be around 50 assuming three persons per flat. As advised by the applicants' representative, the two applicants were indigenous villagers of Tung Ping Chau (Ping Chau).

141. With reference to a site photo displayed in the presentation of the applicants' representative, the Chairman asked Mr Hung whether the existing vegetation and trees within the Sites had been cleared by the applicants. In reply, Mr Hung said that the Sites were previously covered with shrubs and a few small trees in poor condition. The vegetation was cleared under the applicants' arrangement to facilitate land survey and the clearance of vegetation was only carried out within the site boundary.

142. In response to a Member's question on the topography of the Sites, Mr C.K. Soh clarified that the Sites were topographically about 7m higher than and about 30m away from the existing village cluster to its further east. The Sites were on sloping ground and site formation would be required for Small House developments. As the Sites were situated within the native woodland and could only be reached by an existing indistinct narrow footpath, CTP/UD&L, PlanD and DAFC raised concern that transportation of construction

materials and machinery might cause adverse impact on those vegetation along the existing track of about 1.2m in width. Although there were 26 similar applications for Small House development in the vicinity of the Sites, the RNTPC, on 5.6.2015, decided to defer consideration of those applications as requested by the applicants. He had not received any development proposal to construct vehicular access and EVA serving the larger development area mentioned by the applicants' representative.

143. Mr Hung said that private land had been reserved in the area for construction of vehicular access and EVA in future. He reiterated that if the current applications were approved, the existing narrow and indistinct footpath would not be used for transportation of construction materials and machinery.

144. As the applicants' representative claimed that the two applicants were indigenous villagers of Tung Ping Chau (Ping Chau), a Member asked why DLO/TP said that the applicants' status of indigenous villagers were not yet confirmed. Mr Hung said that it was the usual practice of LandsD that verification of the applicant's status of indigenous villagers would only be conducted after the necessary planning approval for Small House development had been obtained. Referring to a letter dated 25.3.2014 from DLO/TP addressed to a company named 晉榮發展服務公司 (Annex I of the application form), the same Member asked the applicants' representative if he had any relationship with the company. Mr Hung said that 晉榮發展服務公司 was his company.

145. Another Member asked Mr Hung if he was also the authorised representative of those 26 deferred applications in the vicinity as shown on Plan R-2 of the Papers and the reason for the significant increase in Small House applications for the Uk Tau area.

146. Mr Hung said that he was only the authorised representative of the applicants of the current two applications. He further said that those deferred applications had been submitted to LandsD for more than six years prior to the preparation of the first DPA Plan covering the area. Upon publication of the DPA Plan, the applicants of those Small House applications were advised by LandsD of the need to obtain planning permission from the Board.

147. The Chairman requested DPO/STN to brief Members on the grounds of deferment submitted by the applicants of those 26 similar applications and the reasons why such deferral requests were agreed by the RNTPC. Mr Soh said that as some of the application sites had involved vegetation clearance, the applicants had requested the Board to defer consideration of the applications in order to allow them more time to prepare supplementary information to address the concern of AFCD and PlanD on the issue of vegetation clearance.

148. As the applicants' representative had no further comment to make and Members had no further question, the Chairman informed them that the hearing procedure for the review applications had been completed. The Board would further deliberate on the review applications in their absence and inform the applicants of the Board's decision in due course. The Chairman thanked the representative of PlanD and the applicants' representative for attending the meeting. They left the meeting at this point.

Deliberation Session

149. The Chairman said that Tai Tan was one of the country park enclaves. The DPA Plan was prepared to provide a statutory planning framework to guide future developments within the area prior to the preparation of the OZP. The designation of the area as "Unspecified Use" area was an interim measure pending detailed analysis and studies to establish the appropriate land uses in the course of preparation of an OZP. As confirmed by the applicants' representative, the existing trees and vegetation within the Sites had been cleared by the applicants to facilitate on-site land survey. That might have involved the undesirable practice of 'destroy first and develop later.'

150. Members generally considered that approval of the applications might pre-empt the future land use proposal for the area which were still subject to detailed analyses. Members also noted that the proposed Small House developments did not comply with the Interim Criteria in that the proposed developments would cause adverse landscape impact on the area. Moreover, approval of the applications would set an undesirable precedent.

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

- “(a) the application does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the proposed development would cause adverse landscape impact on the surrounding areas; and
- (b) approval of the application would set an undesirable precedent for other similar applications in the area, the cumulative impact of which would have adverse impacts on the natural environment and landscape character of the area. ”

Agenda Item 18

[Open Meeting]

Ant Other Business

[The item was conducted in Cantonese.]

152. There being no other business, the meeting was closed at 12:30 p.m.