

**Minutes of 1091st Meeting of the
Town Planning Board held on 14.8.2015**

Present

Permanent Secretary for Development
(Planning and Lands)
Mr Thomas C.C. Chan

Chairman

Mr Stanley Y.F. Wong

Vice-Chairman

Mr Roger K.H. Luk

Professor P.P. Ho

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Dr W.K. Yau

Professor K.C. Chau

Mr H.W. Cheung

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Mr Lincoln L.H. Huang

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Ms Christina M. Lee

Mr H.F. Leung

Mr Stephen H.B. Yau

Mr F.C. Chan

Mr David Y.T. Lui

Mr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Laurence W.C. Poon

Deputy Director of Environmental Protection
Mr C.W. Tse

Director of Lands
Ms Bernadette H.H. Linn

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

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

Director of Planning
Mr K.K. Ling

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

Secretary

Absent with Apologies

Professor S.C. Wong

Mr Laurence L.J. Li

Ms Anita W.T. Ma

Ms Bonnie J.Y. Chan

Dr Wilton W.T. Fok

Ms Janice W.M. Lai

In Attendance

Assistant Director of Planning/Board

Miss Fiona S.Y. Lung

Chief Town Planner/Town Planning Board

Ms Lily Y.M. Yam

Senior Town Planner/Town Planning Board

Miss Anissa W.Y. Lai

Agenda Item 1

[Open meeting]

Confirmation of Minutes of the 1090th Meeting held on 24.7.2015

[The meeting was conducted in Cantonese.]

1. The minutes of the 1090th meeting held on 24.7.2015 were confirmed without amendments.

Agenda Item 2

Matters Arising

[The meeting was conducted in Cantonese]

- (i) Judicial Review against the Decision of the Town Planning Board in respect of the Draft Central District (Extension) Outline Zoning Plan No. S/H24/8 (HCAL 49/2014)
-

[Open Meeting]

2. The Secretary reported that on 8.5.2014, a Judicial Review (JR) was lodged by Designing Hong Kong Limited (the Applicant) against the decision of the Town Planning Board (the Board) not to amend the draft Central District (Extension) Outline Zoning Plan (OZP) No. S/H24/8 in respect of the Central Military Dock (CMD) site. The Board was briefed on the case on 16.5.2014, 6.6.2014, 1.8.2014 and 15.5.2015.
3. The draft OZP was exhibited for public inspection on 15.2.2013 mainly to amend the zoning of a strip of the Central waterfront from “Open Space” (“O”) to “Other Specified Uses” annotated “Military Use (1)” (“OU(MU)1”) for the CMD site.
4. The reliefs sought by the Applicant included, amongst others, a protective cost order (PCO) protecting the Applicant from the costs of the Board, or limiting the costs to

HK\$10,000.

5. On 21.7.2014, the Court of First Instance (CFI) granted leave for the JR. On 23.7.2014, the CFI ordered an interim stay of the submission of the draft OZP to CE in C pending CFI's decision on the JR.

Protective Cost Order Application

6. The court hearing of the PCO application was held on 16.12.2014 and 17.12.2014. On 30.4.2015, the CFI handed down its judgment refusing the PCO application. On 30.7.2015, the CFI granted leave to the Applicant to appeal against its decision on the PCO application for the following reasons:

- (a) this was the first time where the CFI was required to more comprehensively consider the basis of a PCO. The questions arising were generally of general public interest;
- (b) whether the court could as a matter of principle take into account the financial position of the directors and shareholders of a corporate applicant appeared not to have been properly and fully considered by authorities. It might have a wider impact on potential corporate applicants for JR backed by voluntary organisations, charities, and other non-governmental organisations and pressure groups; and
- (c) the questions of (i) whether the principles in the Corner House case, upon which the court had relied in the PCO judgment, sufficiently covered the question of the right of access to the court in the Basic Law and Bill of Rights contexts; and (ii) how the "overriding purposes" in terms of giving wide public access to justice and protecting public interest should guide the exercise of discretion in deciding the grant of a PCO were raised for the first time and should be tested in the Court of Appeal.

7. The CFI Judge, however, commented that he would not otherwise grant leave to the Applicant on merit basis because the Applicant could not convince him that he had erred in any principle or in law. A copy of the CFI's judgment on the leave application for the

appeal had been sent to Members.

8. Members noted the progress of the JR and that the court hearing dates of the appeal and the substantive JR had not yet been fixed. Members agreed that the Secretary would represent the Board in all matters relating to the JR in the usual manner.

[Mr Peter K.T. Yuen and Mr David Y.T. Lui arrived to join the meeting at this point.]

(ii) New Judicial Reviews lodged against the Decisions of the Town Planning Board
[Open Meeting]

9. The Secretary reported that four applications for leave for Judicial Review (JR) had recently been lodged against the decisions of the Town Planning Board (the Board). The JR applications were summarised in the following paragraphs.

(a) Judicial Review lodged against the Decision of the Town Planning Board in respect of the Draft Kwu Tung North Outline Zoning Plan No. S/KTN/1 and the Draft Fanling North Outline Zoning Plan No. S/FLN/1 (HCAL 141/2015)

10. The following Members had declared interests in the item:

Ms Julia M.K. Lau - being a representer and a commenter in respect of the Fanling North (FLN) Outline Zoning Plan (OZP) (FLN-R13 and FLN-C6009), and being a member of the Hong Kong Housing Authority (HKHA) and a member of Commercial Properties Committee and Tender Committee of the HKHA;

Mr Patrick H.T. Lau - his company had involved in the submission of proposals for a consultancy study on the Development of Kwu Tung North (KTN) and

FLN New Development Areas (NDAs), Phase 1–Design and Construction; and having current business dealings with HKHA, MTR Corporation Limited (MTRCL) which was a representer of KTN and FLN OZPs, and Henderson Land Development Co. Ltd. (HLD) which subsidiaries were representers of KTN and FLN OZPs;

Mr Dominic K.K. Lam
Ms Janice W.M. Lai

] having current business dealings with HKHA,
] MTRCL and HLD;

Mr Ivan C.S. Fu

- having current business dealings with MTRCL and HLD;

Professor S.C. Wong

- being the Chair Professor and Head of Department of Civil Engineering, University of Hong Kong (HKU) which had received sponsorship before from MTRCL for organising some activities; and being an employee of HKU which had received a donation before from a family member of the Chairman of HLD;

Mr Stanley Y.F. Wong

- being a member of HKHA and Chairman of the Subsidised Housing Committee of HKHA;

Professor P.P. Ho

- being a member of the Building Committee of HKHA; and being an employee of the Chinese University of Hong Kong (CUHK) which had received 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 employee of HKU which had received a donation before from a family member of the Chairman of HLD;
- Mr K.K. Ling - being a member of the Strategic Planning Committee and Building Committee of HKHA;
(as Director of Planning)
- Ms Bernadette H.H. Linn - being a member of HKHA;
(as Director of Lands)
- Mr Martin W.C. Kwan - being an alternative member for the Director of Home Affairs who was a member of the Strategic Planning Committee and Subsidised Housing Committee of HKHA;
(as Chief Engineer (Works), Home Affairs Department)
- Dr Lawrence W.C. Poon - his wife being an employee of the Housing Department but was not involved in planning work;
- Mr Clarence W.C. Leung] being directors of Non-Government
Dr W.K. Yau] Organisations which had received private donation before from a family member of the Chairman of HLD;
- Mr Roger K.H. Luk - being a member of the Council of CUHK which had received a donation before from a family member of the Chairman of HLD;
- Professor K.C. Chau - being an employee of CUHK which had received a donation before from a family member of the Chairman of HLD;

- Dr Wilton W.T. Fok - being an employee of HKU which had received a donation before from a family member of the Chairman of HLD;
- Ms Christina M. Lee - being Secretary-General of the Hong Kong Metropolitan Sports Events Association which had received sponsorship before from HLD; and
- Mr Peter K.T. Yuen - being a Member of the Board of Governors of the Hong Kong Arts Centre which had received a donation before from an Executive Director of HLD.

11. As the item was to report the receipt of the JR application, Members agreed that the above Members should be allowed to stay at the meeting. Members noted that Professor S.C. Wong, Ms Janice W.M. Lai and Dr Wilton W.T. Fok had tendered apologies for not being able to attend the meeting and Ms Julia M.K. Lau, Mr Dominic K.K. Lam, Ms Christina M. Lee, Ms Bernadette H.H. Linn, and Mr Clarence W.C. Leung had not yet arrived to join the meeting.

12. The Secretary reported that on 28.7.2015, a JR application was lodged by 曾廣權 (HCAL 141 of 2015) against the Board and the Chairman of the Board. The Applicant sought to challenge the decision of the Board made on 29.4.2015 not to amend the draft KTN OZP No. S/KTN/1 and the draft FLN OZP No. S/FLN/1, alleged that the Board's decision involved a breach of the Town Planning Ordinance, and raised the issue of conflict of interest. The Applicant had not provided any ground for the JR application.

13. The Applicant had applied for legal aid on 3.8.2015 which was being processed by the Legal Aid Department. The Court had not yet granted leave to the above JR application. A copy of the Notice of JR Application (Form 86) had been sent to Members before the meeting.

14. Members noted the JR application and agreed that the Secretary would represent

the Board in all matters relating to the JR in the usual manner.

- (b) Judicial Reviews lodged against the Decision of the Town Planning Board in respect of the Draft Shek Kip Mei Outline Zoning Plan No. S/K4/28 (HCAL 158 and 159/2015)

15. The following Members had declared interests in the item as the JRs were related to the Yin Ping Road site.

- Mr H.W. Cheung - owning a property at Parc Oasis;
- Mr Peter K.T. Yuen - co-owning with spouse a property at Parc Oasis; and
- Mr Clarence W.C. Leung - his mother owning a flat at Dynasty Heights, and the Owners' Committee of which was a representer.

16. As this item was to report the receipt of the JR applications, Members agreed that the above Members should be allowed to stay at the meeting. Members noted that Mr Clarence W.C. Leung had not yet arrived to join the meeting.

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

17. The Secretary reported that on 5.8.2015, two JR applications were lodged by Mr Kwok Ka Ping (HCAL 158 of 2015) and Mr Lau Tung Kiu, Marco (HCAL 159 of 2015) against the decision of the Board made on 15.5.2015 regarding the Shek Kip Mei OZP No. S/K4/28. The Applicants were representatives of the Student Union of the City University and the representatives of R5051 and R5055 respectively in respect of the draft OZP.

18. The Applicants sought relief from the Court to quash the Board's decisions not to uphold Representations No. R2 to R405, R407 to R5110 and R5112 and not to amend the draft OZP to meet the representations. The Applicants had not provided any grounds for the JR applications.

19. The Court had not yet granted leave to the above JR applications. A copy each of the Notices of JR Application (Form 86) had been sent to Members before the meeting.

20. Members noted the JR applications and agreed that the Secretary would represent the Board in all matters relating to the two JRs in the usual manner.

(c) Judicial Review Application lodged against the Decision of the Town Planning Board in respect of a Section 12A Application No. Y/H3/6 for Amendments to the Approved Sai Ying Pun and Sheung Wan Outline Zoning Plan No. S/H3/29 (HCAL 130/2015)

21. The following Members had declared interests in the item:

Mr Patrick H.T. Lau]	having current business dealings
Mr Dominic K.K. Lam]	with Kenneth To & Associates Ltd., the consultant of the applicant;

Professor P.P. Ho	-	his spouse owning a flat in Third Street and a flat in Kui Yan Lane; and
-------------------	---	---

Mr Clarence W.C. Leung	-	his mother owning a flat in Sai Ying Pun.
------------------------	---	---

22. As this item was to report the receipt of the JR application, Members agreed that the above Members should be allowed to stay at the meeting. Members noted that Mr Dominic K.K. Lam and Mr Clarence W.C. Leung had not yet arrived to join the meeting.

23. The Secretary reported that on 16.7.2015, a JR application was lodged by Jonnex International Limited against the decision of the Metro Planning Committee (MPC) of the Board made on 17.4.2015 not to approve a section 12A application (No. Y/H3/6). The Applicant was the owner of a major portion of the application site.

24. The application site was located at 1-7 Tak Sing Lane, Sai Ying Pun. The application was for amendments to the approved Sai Ying Pun and Sheung Wan OZP No.

S/H3/29 to rezone the application site from “Open Space” and “Pedestrian Precinct/Street” to “Residential (Group A)23” (with a proposed plot ratio restriction of 8.78 and a building height restriction of 120mPD).

25. Major grounds of the JR application were as follows:

- (a) irrelevant considerations taken by the MPC (e.g. merging the subject site with other sites for a more comprehensive redevelopment proposal and building orientation);
- (b) irrelevant and/or irrational reasoning (e.g. rezoning would result in permanent loss of open space and further aggravate the shortfall of local open space, and approval would set an undesirable precedent);
- (c) material error of fact (i.e. the basis of comparison in terms of planning merits and air ventilation assessment);
- (d) copying of the Planning Department’s reasons for not supporting the application; and
- (e) procedural impropriety (e.g. insufficient inquiry and handling of declaration of interest of MPC members).

26. The Applicant sought relief from the Court (i) to quash the Board’s decision to reject the planning application; and (ii) to order the Board or its committee to reconsider the application.

27. The Court had not yet granted leave to the JR application. A copy of the Notice of JR Application (Form 86) had been sent to Members before the meeting.

28. Members noted the JR application and agreed that the Secretary would represent the Board in all matters relating to the JRs in the usual manner.

(iii) Consideration of Applications for New Territories Exempted House (Small House) Development

29. The Secretary reported that a paper had been sent to Members on 12.8.2014 and a copy of which was tabled at the meeting. In response to Members' request, an information note had been prepared which covered the recent statistics on approved Small House applications involving "Green Belt" ("GB") and "Agriculture" ("AGR") zones and the general approach adopted by Members in consideration of applications for Small House development in recent years. From 2012 to July 2015, there was a total of 733 applications, under s.16 and s.17 of the Town Planning Ordinance, for Small House development involving "GB" and "AGR" zones, covering a total land area of about 2.5 ha and 11 ha respectively. The overall approval rate in the two zones had shown a decreasing trend from 66% to 53% in the past few years.

[Ms Julia M.K. Lau and Miss Winnie M.W. Wong arrived to join the meeting at this point.]

30. The Secretary further said that in adopting the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories (the Interim Criteria) in considering planning applications for Small House development, the Town Planning Board (the Board) and the Rural and New Town Planning Committee (RNTPC) had been more cautious in approving applications for Small House development in recent years. Some general observations were summarised as follows :

- (a) in considering if there was a general shortage of land in meeting the demand for Small House development, more weighting had been put on the number of outstanding Small House applications provided by the Lands Department;
- (b) factors such as the implementation progress of the approved Small House applications, location pattern of previously granted planning permissions for Small House development, and the amount of land still available within the "Village Type Development" ("V") zone had duly been taken into account;

- (c) due consideration would be given to Small House applications located close to the existing village clusters for an orderly development pattern, as well as for more efficient use of land and provision of infrastructures and services;
- (d) due consideration would be given to sites with previous planning approvals for Small House development; and
- (e) all assessment criteria in the Interim Criteria were still relevant criteria in the consideration of Small House applications.

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

31. A Member said that it should be clearly stated that the Board had refrained from adopting a ‘land bank’ approach to meet the 10-year Small House demand forecast. Instead, in considering each application for Small House, the Board had put more weighting on the actual applications received by Lands Department against land available within the “V” zone for Small House development. In response, the Secretary said that in considering whether there was sufficient land available for Small House development, the outstanding Small House applications, 10-year Small House demand forecast, as well as land available within the concerned “V” zone were all factors taken into account. Availability of land within the “V” zone was only one of the many factors that were taken into account in considering an application for Small House development.

32. Another Member said that in the past, it appeared that more emphasis had been put on whether there was land available within the “V” zone to meet the future Small House demand. However, the Board/RNTPC had adopted a more cautious approach recently in considering Small House applications and more weighting had been put on the number of outstanding Small House applications.

33. In response to a Member’s observation, the Secretary clarified that ‘the number of outstanding Small House demand’ mentioned in paragraph 3.2 (a) of the Paper should read ‘the number of outstanding Small House applications’.

34. The Chairman said that the information contained in the Paper was to facilitate

Members' future consideration of Small House applications and that each application would be considered on its individual merits. Members agreed.

(iv) [Confidential item] [Closed Meeting]

[Dr C.P. Lau, Mr Dominic K.K. Lam, and Ms Christina M. Lee arrived to join the meeting during discussion of the item.]

35. The item was recorded under confidential cover.

Housing & Office Land Supply Section

Agenda Item 3

[Open Meeting]

2014 Area Assessments of the Industrial Land in the Territory
(TPB Paper No. 9974)

[The item was conducted in Cantonese.]

36. The following representatives of Planning Department (PlanD) were invited to the meeting:

- | | | |
|-----------------------|---|---|
| Ms Christine K.C. Tse | - | Assistant Director of Planning/Special Duties (AD/SD), PlanD |
| Ms Elsa H.K. Cheuk | - | Chief Town Planner/Housing & Office Land Supply (CTP/HOLS), PlanD |
| Mr K.W. Ng | - | Senior Town Planner/ Housing & Office Land Supply (STP/HOLS), PlanD |

37. The Chairman extended a welcome and invited representatives of PlanD to brief Members on the Paper.

38. Ms Christine K.C. Tse, AD/SD, gave a brief introduction of the 2014 Area Assessments of the Industrial Land in the Territory (2014 Area Assessments), highlighting that it was the fourth round of area assessments of industrial land in Hong Kong, and there were some differences in the findings as compared with those in the previous area assessments.

39. With the aid of a PowerPoint presentation, Mr K.W. Ng, STP/HOLS, briefed Members on the details, findings and recommendations of the 2014 Area Assessments as follows:

Background

- (a) PlanD had completed three rounds of Area Assessments of Industrial Land in the Territory in 2000, 2005 and 2009. About 200.3 ha and 95.1 ha of “Industrial” (“I”) land were rezoned to “Other Specified Uses” annotated “Business” (“OU(B)”) and for other non-industrial uses respectively between 2001 and April 2015;

Objectives

- (b) the main objectives of 2014 Area Assessments were to have an updated overview and trend analysis on utilisation of existing private industrial buildings (IBs) in “I”, “OU(B)”, “Residential (Group A)” (“R(A)”), “Residential (Group E)” (“R(E)”) and “Comprehensive Development Area” (“CDA”) zones; to consider future planning of industrial land with the objective of meeting changing needs and optimising use of land resources in the territory; and to review the progress of transformation of the industrial land in “R(A)”, “R(E)” and “CDA” zones;

Approach and Methodology

- (c) the 2014 Area Assessments was mainly conducted through site inspection

and questionnaire survey of over 75,000 IB units in 1,448 existing IBs to collect information on their usage, business nature and number of workers. Other information such as building age, building condition and ownership pattern was also analysed;

Existing Stocks

- (d) the total industrial land stock covering the concerned five zones (i.e. “I”, “OU(B)”, “R(A)”, “R(E)” and “CDA”) was about 509.7 ha. The majority fell within “I” and “OU(B)” zones (about 256.14 ha and 198.63 ha respectively), which were located mainly in the North-east New Territories and Kowloon respectively;
- (e) there were 1,448 existing IBs and most of them fell within the “OU(B)” zone (788 IBs), which were located mainly in Kowloon;
- (f) the 1,448 IBs had a total gross floor area (GFA) of about 27.85 million m². The majority of GFA fell within “OU(B)” and “I” zones (about 15.16 million m² and 9.93 million m² respectively), which were located mainly in Kowloon and Kwai Tsing/Tsuen Wan respectively;

Major Study Findings

Land and Buildings

- (g) majority of IBs were more than 30 years (about 62%) and under multiple ownership (about 65%) which were mostly found in East Kowloon, Kwai Tsing and West Kowloon. IBs in poor condition were mainly found in East Kowloon, West Kowloon and Fanling/Sheung Shui;

Usage and Vacancy

- (h) industrial use (i.e. Manufacturing/Workshop and Warehouse/Storage) occupied about 49.6% or 13.83 million m² of the GFA, while non-industrial use (i.e. Office and “Other Uses”) took up about 29.1% or

8.11 million m² GFA. Warehouse/Storage was the largest user in most of the industrial areas except Kwun Tong, Cheung Sha Wan, Kowloon Bay, Hung Hom and San Po Kong. Overall, the use took up about 41.8% or 11.65 million m² of the total GFA. The second largest user was Office (about 24.0% or 6.68 million m² GFA), followed by Manufacturing/Workshop (about 7.8% or 2.18 million m² GFA). “Other Uses” occupied about 5.1% or 1.43 million m² GFA. About 5.3% or 1.47 million m² GFA were vacant. The non-response rate was about 14.4% involving about 4.02 million m² GFA;

- (i) increasing “Other Uses” were identified as compared with the findings of previous Area Assessments. The major types of uses were shop and services, showroom, data centre, research and development/testing centre, studio and eating place. Some new emerging uses such as hydroponics and aquaculture were also identified, but the GFA involved was not significant. About 65.5% of the “Other Uses” GFA were found in the “OU(B)” zone, mostly in Kwun Tong, Cheung Sha Wan and Kowloon Bay;
- (j) the vacancy rates in terms of GFA identified in “I” and “OU(B)” zones were about 3.5% and 6% respectively, which were lower than 6.5% for “I” zone and 8.4% for “OU(B)” zone identified in 2009. Most of the vacant GFA were found in Kwun Tong and Chai Wan Kok;

Types of Business and Employment

- (k) majority of GFA (about 79%) were occupied by non-manufacturing business and the two largest types were :
 - Import/export, wholesale and retail trades; and
 - Transportation, storage, postal and courier services;
- (l) four largest manufacturing business in terms of GFA were :
 - Manufacture of food products, beverages and tobacco products;

- Manufacture of wearing apparel;
 - Manufacture of textiles; and
 - Printing and reproduction of recorded media;
- (m) about 401,640 workers were estimated to be engaged in the business found in the concerned 1,448 IBs which were equivalent to about 14.6% of total workers in the territory as at June 2014 (other than those in civil service). The majority (about 75%) were in the non-manufacturing business;

Transformation of Industrial Land

- (n) similar to the findings of the 2009 Area Assessments, about half of the total GFA in “I” and “OU(B)” zones was still for industrial use (mainly Warehouse/Storage), while about 30% of the GFA was still for non-industrial use (mainly Office). The split between industrial and non-industrial uses in the two zones had become stabilised;
- (o) a total of 128 sites (100 in “OU(B)” zone, 10 in “I” zone, 12 in “R(E)” zone, four in “CDA” zone and two in “R(A)” zone) had obtained approvals for non-industrial use from 2009 to April 2014, while 39 sites (22 in “I” zone and 17 in “OU(B)” zone) had approvals for industrial use during the same period. More active transformation was thus found in “OU(B)” zone. The approvals covered new development, redevelopment, and wholesale conversion obtained through planning permission, building plan approval, approval under revitalisation measures with special waiver/lease modification executed for wholesale conversion/redevelopment of existing IB, and other approval for redevelopment with lease modification executed not under the revitalisation measures;

Outstanding Rezoning Recommendations from 2009 Area Assessment

- (p) there were still outstanding rezoning from 2009 Area Assessments in the pipeline involving a total of about 8.6 ha “I” land. The Kennedy Town “I” area (about 0.6 ha) was recommended for commercial, leisure and

tourism-related uses; the Sha Tin Area 65 “I” area (about 2.8 ha) was recommended for columbarium use; and the Fanling Area 48 “I” area (about 5.2 ha) was under study for public housing development by the Housing Department (HD);

- (q) another three outstanding rezoning proposals recommended in the 2009 Area Assessments (involving a total of about 13.1 ha) had been further reviewed in the 2014 Area Assessments. They included the Siu Lek Yuen “I” area (about 7.5 ha) which were previously recommended for rezoning to “R(E)”, the Ap Lei Chau West “I” area (about 3.7 ha) and two sites in Fo Tan “I” area (about 1.9 ha in total) which were previously recommended for rezoning to “OU(B)”;
- (r) there were also about 29.2 ha “I” land under other studies for non-industrial use. An Ap Lei Chau West site (about 0.3 ha) was proposed for private housing development together with the adjoining sites. The Sheung Shui area (about 19 ha) was under study for public housing development by HD, and the Ping Shan area (about 9.9 ha) was recommended for mixed residential and commercial uses according to the ongoing Hung Shui Kiu New Development Area (NDA) Planning and Engineering Study;

Projected Floorspace Demand for Manufacturing and General Logistics/Warehousing in IBs

- (s) according to the preliminary projections undertaken under the “Review of Land Requirement for Grade A Offices, Business and Industrial Uses” commissioned by PlanD, the demand for two categories of industrial floorspace in IBs, i.e. manufacturing and general logistics/warehousing, would continue to increase. The estimated total demand was 16.06 million m² GFA in 2018 and 16.90 million m² GFA in 2023. Such increase was mainly due to an increase in general logistics/warehousing demand forecast. The preliminary projection for 2041 was 19.86 million m² GFA;

[Ms Bernadette H.H. Linn arrived to join the meeting at this point.]

Key Considerations

- (t) there were continued genuine demand for industrial floorspace to support a wide range of economic activities from traditional industrial uses to other industrial-related service/office uses. There was also a need to retain floorspace for appropriate types of activities in “I” zone in different areas to help achieve a better balance in the distribution of population and employment;

Recommendations

- (u) for “I” areas actively undergoing transformation such as Chai Wan Kok in Tsuen Wan and Ap Lei Chau West in the Southern District, it was recommended for rezoning to “OU(B)” to further facilitate their transformation and to provide more employment opportunities :

Chai Wan Kok “I” Area

- (i) Chai Wan Kok was a traditional industrial area with a portion undergoing transformation under “OU(B)” zoning. There were still 40 IBs in the “I” area and the vacancy rate was about 9% which was much higher than the territorial rate of 3.5% for “I” zone. More than half of the IBs (about 58%) were over 30 years old. About 38% of the IBs were under single ownership. Decreased GFA for industrial use was observed as compared with 2009 Area Assessments. The GFA for Office use amounted to about 23% and that for “Other Uses” had doubled from 2009. There was an approved planning application for wholesale conversion of two IBs into a fashion and textile centre;
- (ii) taking advantages of the high accessibility of the area which was not far from both MTR Tsuen Wan and Tsuen Wan West Stations, more employment opportunities and variety of jobs should be provided in

the area for a more balanced distribution of homes and jobs in Tsuen Wan;

- (iii) given the above, the whole “I” area was considered suitable for rezoning to “OU(B)” zone to form a cluster with the existing “OU(B)” portion to facilitate transformation in the longer-term;

Ap Lei Chau West “I” Area

- (iv) the area was expected to undergo transformation with the MTR South Island Line (East) to be completed in 2016 and a proposed residential site identified to the south of Lee Nam Road;
- (v) there were five IBs in the area to the north of Lee Nam Road. Two of them were under single ownership and another two had less than 10 owners each. Two IBs were mainly for shop and services, and office respectively, while another two were mainly for warehouse/storage. The remaining one was mainly for car repairing/servicing but with an approved application for rezoning to “OU(B)”;
- (vi) given the above, it was recommended to rezone an area of about 3.7 ha to the north of Lee Nam Road to “OU(B)” to provide more flexibility in the use of the land. The same area was recommended for rezoning to “OU(B)” in the 2009 Area Assessments;
- (v) while the current Outline Zoning Plans (OZPs) had already catered for a number of “Other Uses” in the IBs under “I” and “OU(B)” zones, it was recommended to provide more flexibility in land use zoning to allow for some more non-industrial uses in IBs so as to optimise site utilisation whilst not compromising building safety and fire risk. On the other hand, relevant government departments would be requested to further explore possible measures to safeguard the public against continuous exposure to fire risk in IBs;

- (w) taking into consideration that significant amount of “I” land had been rezoned for non-industrial uses since 2001, there was a stable usage and decreasing vacancy rate of IBs in “I” and “OU(B)” zones as compared with 2009, the projected demand for industrial floorspace would continue to increase, and there was a genuine need for industrial floorspace to meet the demand for general logistics/warehousing and certain industrial uses relating to local consumption and city operation, it was recommended to retain the majority of existing “I” and “OU(B)” zones, not to further pursue two outstanding rezoning proposals involving the Siu Lek Yuen “I” area and two sites in the Fo Tan “I” area, and to enhance selected “I” areas such as On Lok Tsuen in Fanling;

Siu Lek Yuen “I” Area

- (i) the area was originally recommended in the 2009 Area Assessment for rezoning to “R(E)” subject to the relocation of a bus depot. However, there was no relocation programme for the bus depot up till now;
- (ii) the nine IBs in the area had a vacancy rate of about 7.2%. The vacant GFA was mainly in one IB only. The area was still vibrant in industrial operations with about 35% of the GFA for Warehouse/Storage and about 15% of the GFA for Manufacturing/Workshop. One of the IBs had been converted for office and commercial uses and another site was under construction for a hotel;
- (iii) given the above, it was recommended not to further pursue the previous recommendation of rezoning the area to “R(E)”. On the other hand, noting that the area had a good accessibility to the MTR Ma On Shan Line City One Station, consideration might be given to disposing government sites currently occupied by temporary uses adjacent to the area for non-industrial uses such as commercial/office development so as to better utilise land resources, increase

employment opportunities and support the industrial activities in the area;

Two Sites in the Fo Tan “I” Area

- (iv) the two sites were originally recommended in the 2009 Area Assessments for rezoning to “OU(B)”;
- (v) there were five IBs on the two sites. All of them were found wholly for Warehouse/Storage use in the 2014 Area Assessments. Besides, about 92% of the GFA were related to the business of transportation, storage, postal and courier services;
- (vi) given the above, it was recommended to retain the two sites as “I” to continue meeting the requirements of industries and the demand for general logistics/warehousing floorspace;

On Lok Tsuen “I” Area

- (vii) the area was the largest “I” area in terms of land area (about 32.6 ha). It involved 98 IBs, about 75% of which were under single ownership. The vacancy rate was about 5%. About 53% of the GFA were for Warehouse/Storage and another 12% were for Manufacturing/Workshop;
- (viii) the area was currently mainly occupied by low-rise buildings with large number of temporary structures. According to the existing OZP, the area was subject to a maximum plot ratio and building height restriction of 5 and 25m respectively;
- (ix) given the strategic location of the area which was close to MTR East Rail Fanling Station, the Fanling North and Kwu Tung North NDAs, and the Sha Tau Kok Control Point and the future Liantang/Heung Yuen Wai Boundary Control Point, the area should better be retained as an employment node in the North District;

- (x) given the above, it was recommended to retain the area as “I” but to identify suitable government sites in the area for disposal for commercial/office and/or logistics/warehousing developments to encourage private redevelopment. Subject to technical assessment on the feasibility, relaxation of development restrictions on the OZP might also be considered to help optimise site utilisation and increase employment opportunities;

- (x) for the short to medium-terms, it was recommended that suitable government “I” sites might be disposed of for industrial use to help augment potential industrial space supply. In the long-term, it was recommended to review holistically the economic land requirements and spatial development strategy for various types of industrial uses among others in the “Hong Kong 2030+: Towards a Planning Vision and Strategy Transcending 2030” Study (Hong Kong 2030+ Study) being undertaken by PlanD;

- (y) for the industrial areas already rezoned to “R(A)”, “R(E)” and “CDA”, positive signs of transformation were identified, including higher vacancy rates and approvals for new developments/redevelopments for non-industrial use. It was considered not practical to rezone these areas back to “I” as they were located in districts dominated by/close to residential developments. As such, all the “R(A)”, “R(E)” and “CDA” areas were recommended to be retained to continue encouraging and facilitating transformation;

Implications

- (z) if all the recommended “I” rezoning proposals were taken on board, the total land area of “I” zone was expected to decrease by about 33.4 ha (13%) from about 256.1 ha to about 222.7 ha. In terms of GFA, it would decrease by about 1.28 million m² (12.9%) from about 9.93 million m² to about 8.65 million m². With the two “OU(B)” rezoning proposals, the total land area of “OU(B)” zone would increase from about 198.6 ha to

about 213.2 ha (by 14.6 ha or 7.4%). The GFA would also correspondingly increase from about 15.16 million m² to about 16.31 million m² (by 1.15 million m² or 7.6%);

- (aa) the total GFA of existing IBs in “I” zone would be insufficient to meet the manufacturing and general logistics/warehousing demand projected for 2018, 2023 and 2041. Nevertheless, it should be noted that the existing IBs in “OU(B)” zone would continue providing industrial floorspace to meet the increasing demand as they would not be wholly transformed in the short to medium-term; and
- (bb) no significant impact on employment was expected as the Chai Wan Kok and Ap Lei Chau West “I” areas would be retained for economic land use. Besides, both development intensity and worker density would increase after redevelopment of the existing IBs for business use which would result in more employment opportunities and variety of jobs.

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

40. As the presentation of PlanD’s representatives was completed, the Chairman invited questions from Members. Members had the following questions and comments:

[Mr Dominic K.K. Lam left the meeting temporarily at this point.]

- (a) the accuracy in the demand projection of industrial floorspace, which would very much depend on its assumption and methodology, was crucial in the exercise;
- (b) logistics industry was an important economic sector of Hong Kong. Sufficient industrial land supply to support port facilities and cater for the logistics sectors were essential in maintaining the competitiveness and economic development of Hong Kong;
- (c) in proposing not to pursue the two rezoning proposals for non-industrial use recommended in the previous Area Assessments, it appeared that the

Government had failed to made good use of the under-utilised industrial land/premises, particularly those in the Metro areas, to meet the pressing needs of the community and phase out incompatible uses;

- (d) whether recyclable collection use was considered an industrial use and covered by the 2014 Area Assessments. There were operators experiencing difficulties in operating their business in private IBs, particularly in dealing with the waiver or modification of user restrictions under the lease;
- (e) whether the implication of a particularly high vacancy rate in a district due to a wholly vacant building within an industrial area, such as the case of Tuen Mun Area 16 “I” area, had been taken into account in calculating the territorial vacancy rate;
- (f) having noted the increase in “Other Uses” within IBs, whether there was any progress in suggesting appropriate measures to safeguard the public against exposure to fire risk and building safety problems. While there were planning applications involving high patronage being rejected on the grounds of fire safety considerations, there were also abuse cases by changing the nature of permitted use. For example, a lot of approved showrooms were actually used for retail purposes. Incompatible uses co-existing within the same building or same area would jeopardise the safety of other users and the public. While on the one hand it would be good if the fire risk issues could be resolved, on the other hand, it would result in a further increasing trend of “Other Uses” occupying IBs. Competition for land and floorspace between such “Other Uses” and industrial use would thus be unavoidable. Noting that there were further reduction in industrial land supply and the projected demand for manufacturing and general logistics/warehouse would be increasing, there would be insufficient industrial floorspace to meet the demand, jeopardising industries and large-scale business/trade uses which had been supporting our economic development;

- (g) whether there was any further detailed information obtained from the survey regarding ‘Other Uses’ such as domestic use in particularly those living in sub-divided units, hydroponics and aquaculture, and whether there was any recommendations regarding such uses;
- (h) it was noted that the area assessments were carried out every five years to monitor change of use and to provide scope for review. However, it appeared that there was a lack of industrial policy in Hong Kong;
- (i) some of the previous recommended rezoning proposals had been reviewed and they were no longer recommended for residential use under the 2014 Area Assessments. This might not meet the current aspiration of the public. Besides, it was not clear whether there had been policy changes to support the recommendations under the Area Assessments, as the special waiver arrangement on wholesale conversion under the Government’s revitalisation measures for IBs in recent years had already resulted in a large number of conversion of old industrial buildings for non-industrial use;
- (j) whether there would be any concrete rezoning amendment programme to cover the outstanding recommendations in the 2009 Area Assessments, such as that for the Ap Lei Chau area and those recommended in the 2014 Area Assessments; and
- (k) having noted that the non-response rate of the survey was up to 15% and that many of new emerging uses might be operated during night-time, weekends and public holidays, the methodology of the survey in the future area assessments might need to be reviewed in view of the changing trend.

[Dr W.K. Yau left the meeting during the discussion and Mr Lincoln L.H. Huang arrived to join the meeting at this point.]

41. Ms Christine K.C. Tse and Mr K. W. Ng gave the following responses:

- (a) the 2014 Area Assessments focused on the existing private IBs in the five

concerned land use zones. While some industrial land had been reserved in the NDAs for logistics use, it was considered that the existing Metro areas, which accommodated more than half of the population in the territory, should continue to provide a variety of economic land uses in different districts so as to balance the distribution of homes and jobs and to meet the need for the community;

- (b) the 2014 Area Assessments had excluded rural industries, special industrial uses (such as specialised and port-related industries) and industrial estates. The demand projection on general logistics/warehouse uses was mainly on the general logistics sector for warehouse and storage uses in private IBs. The economic land requirements and spatial development strategy for various types of industrial uses would be reviewed holistically under the Hong Kong 2030+ Study. Suitable land for the development of new modern logistics facilities would then be identified and planned for;
- (c) as regards the projection of industrial floorspace requirements, the 2014 Area Assessments had adopted different forecasting approaches. The manufacturing floorspace was estimated based on the number of employment in the sector, while the estimate for the overall logistics floorspace had taken into account the domestic demand, import/export demand, impact of Gross Domestic Product growth, relevant cargo volume growth and trends in the logistics industry. Although the validity of the projections would depend on many factors, the projected demand for industrial floorspace was found to be on an increasing trend;
- (d) although hydroponics and aquaculture were new emerging uses being identified in IBs, the GFA involved currently was not significant. There were also no details on sub-divided domestic units within IBs. However, it was observed that domestic uses within IBs was very small, taking up only about 0.2% of the total GFA;
- (e) apart from ‘Art Studio (excluding those involving direct provision of goods and services)’, a cautious approach would be adopted in examining the

feasibility of allowing more “Other Uses” in IBs in view of the potential fire risk and building safety problems. The suitability of the uses might also vary among different districts, IBs and premises, and the categorisation of those uses would be complicated. Relevant departments would also be requested to explore possible measures to address the fire and building safety for some “Other Uses” with high patronage. PlanD would, in consultation with concerned departments, examine whether greater flexibility could be incorporated into statutory plans and in the interpretation of the type of uses;

- (f) while some of the existing IBs might be under-utilised, to help increase the industrial floorspace supply to meet the projected shortfall of industrial space and increase employment opportunities, suitable government sites within areas zoned “I” might be considered for disposal for industrial use to help augment potential industrial floorspace supply;
- (g) vacant IBs had been found in the survey, but their impact on the territorial vacancy rate was not significant. In the case of the Tuen Mun Area 16 “I” area, the amount of vacant GFA involved was only about 15,925m²;
- (h) PlanD, in consultation with concerned bureaux/departments, would work out the detailed rezoning schedules under the current recommendations. Any amendments to OZPs to incorporate the rezoning proposals would be submitted to the Board for consideration;
- (i) the survey was carried out during normal office hours. For those premises where site visits had been conducted twice but in vain, questionnaires were placed at the premises or mail boxes and also sent to the address so as to facilitate the collection of data; and
- (j) recyclable collection use was classified as an industrial use in the survey undertaken in 2014 Area Assessments.

42. With regard to the interpretation of recyclable collection use, Ms Bernadette H.H. Linn, Director of Lands, supplemented that there might be different interpretation on

industrial use under the town planning and land regimes respectively. While some industrial uses that were permitted under the statutory plans might not be permitted under the lease, she said that application for lease modifications or short-term waiver were practicable means to cater for the use and would be considered by the Land Authority on a case by case basis. There were also specific uses such as research and development use where waiver fee could be exempted if policy support had been obtained.

43. In response to some Members' earlier questions, the Chairman said that the Building Authority had been carrying out regular patrols on suspected use and/or subdivisions in IBs for domestic purposes. As for industrial polices, various bureaux and departments were responsible for looking after the requirements and policies for different economic/industrial sectors.

44. The Chairman said that the rezoning proposals as recommended under the 2014 Area Assessments would be subject to more detailed assessments and consultation with concerned departments. The relevant District Planning Offices of PlanD, in consultation with concerned departments, would work out the detailed rezoning proposals of individual sites in the form of proposed amendments to the relevant OZPs for the Board's consideration. Members noted.

45. The Chairman thanked the representatives of PlanD for attending the meeting and they left the meeting at this point.

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

[Ms Christina M. Lee and Professor P.P. Ho left, and Mr Dominic K.K. Lam returned to join the meeting at this point]

Sai Kung and Islands District

Agenda Item 4

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/SK-PK/213

Proposed House in “Green Belt” Zone, Lots 242A S.A and 242A RP in D.D.213 and adjoining Government land, Lung Mei Tsuen Road, Pak Kong, Sai Kung

(TPB Paper No. 9975)

[The item was conducted in Cantonese.]

46. Ms Janice W.M. Lai had declared an interest in the item as her spouse owned a shop in Sai Kung. Members noted that Ms Janice W.M. Lai had tendered apologies for not being able to attend the meeting.

47. The following representative from the Planning Department (PlanD), the applicant and the applicant’s representatives were invited to the meeting :

Mr Ivan M.K. Chung	- District Planning Officer/Sai Kung & Islands (DPO/SKIs), PlanD
Ms Pauline Ha Bich-van	- Applicant
Ms Nancy Liu]
Mr Ted Chan]
Ms Michelle Kwok]
Ms Jacqueline Ho]
Mr Anthony Chan] Applicant’s Representatives
Ms Joey Li]
Ms Ip Hei Lai]
Ms Chan Man Ying]

Mr Philip Leung]
Mr Tse Wai Leung]
Mr Edmond Ng]

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

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

- (a) on 22.9.2014, the applicant sought planning permission to develop a 3-storey house at the application site (the Site) located in Lung Mei Tsuen Road, Pak Kong. 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 17.4.2015, the Rural and New Town Planning Committee (the RNTPC) of the Town Planning Board (the Board) decided to reject the application for the following reasons:
 - (i) the proposed residential 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 this zone. The applicant failed to provide strong justification in the submission for a departure from the planning intention;
 - (ii) the proposed residential development did not meet the Town Planning Board Guidelines No. 10 (TPB PG-No. 10) for ‘Application for Development within “GB” Zone’ in that there

were no exceptional circumstances to justify the application; and

- (iii) the 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 a general degradation of the natural environment and brought about adverse landscape impact on the area;
- (c) on 18.5.2015, the applicant applied for a review of the RNTPC’s decision to reject the application. On 2.6.2015, the applicant submitted further information in support of the review application;
- (d) the Site and its surroundings – the Site abutting Lung Mei Tsuen Road was occupied by one single-storey temporary structure. The immediately surrounding of the Site was covered with natural vegetation including trees. To the further north was an area zoned as “Conservation Area”, comprising densely vegetated natural slope. To the south was a church, and the village type houses at Springfield Villa and the low-rise residential development at Sea View Villa were to the northwest and east respectively. Further west was the village settlement of Ngau Liu. The Site was accessible via a small strip of government land from Lung Mei Tsuen Road;
- (e) aerial photos had shown that the Site in 1990 and 1998 had formed an integrated part of the “GB” zone and was later segregated from the “GB” zone subsequent to the extensive clearance of vegetation in 1999;
- (f) the proposal was to develop at the Site (about 526.1m²) into a 3-storey (9m) house with 2 car parking spaces with a plot ratio, domestic gross floor area and site coverage of about 0.397, 209m² and 19.93% respectively;
- (g) the applicant’s justifications were summarised in paragraph 3 of the Paper and were outlined briefly. The proposed development was not in conflict with the TPB PG-No. 10. The approval of the planning application would not set an undesirable precedent. The applicant would provide a

comprehensive landscape scheme to improve the site condition and sympathetic consideration should be given to the application;

- (h) the planning intention of the “GB” zone was primarily to define 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;
- (i) TPB PG-No. 10 was relevant to the consideration of the current s.17 review application. It 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;
- (j) previous applications – the Site was the subject of three previous applications submitted by the current applicant (applications No. DPA/SK-SKM/7, A/SK-PK/128 and 131) for three village type houses, two houses, and a single house respectively. The applications were rejected by the Board/RNTPC on 12.2.1993, 19.12.2003 and 20.8.2004;
- (k) similar applications – two similar applications for house development on the same site within the “GB” zone (applications No. A/SK-PK/107 and 197) were rejected by the RNTPC in 2001 and 2012 on similar grounds;
- (l) departmental comments – comments from the relevant government departments were detailed in paragraph 5 of the Paper and summarised below :
 - (i) District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD) had no comment on the review application and advised that the development on the Site was permitted for agricultural purposes only under the lease. No permit or approval had been granted for the proposed driveway on government land (GL);

- (ii) Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD had doubt that the proposal had design merits which would enhance local townscape diversity. Unless there were strong justifications, development within the “GB” zone was generally not supported, and might lead to adverse precedent effect if approved; and
 - (iii) other relevant government departments had no objection to or no adverse comment on the application;
- (m) public comments – three public comments were received and they objected to the application on the grounds of adverse traffic, visual and environmental impacts, undesirable precedent for other similar applications, no impact assessment provided, and incompatibility with the planning intention;
- (n) PlanD’s view – PlanD did not support the review application based on the planning considerations and assessments set out in paragraph 7 of the Paper, which were summarised below:
 - (i) the proposed private residential development was not in line with the planning intention of “GB” zone and the applicant failed to provide strong planning justifications for a departure from the planning intention;
 - (ii) the application was not in line with TPB PG-No. 10 in that the proposed development within “GB” zone would only be considered in exceptional circumstances and must be justified with very strong planning grounds. The private lot within the Site was an agricultural lot and only single-storey agricultural structures were permitted by LandsD. There were no exceptional circumstances or strong planning justifications for the proposed house development within “GB” zone. Any development within the “GB” zone should not involve extensive clearance of existing natural vegetation.

Extensive clearance of vegetation within the Site and the adjoining GL without approval was found. Approval of the application could give the impression that the Board condoned the “destroy first, build later” approach;

- (iii) the application involved a proposed vehicular access road involving unleased GL which was zoned “GB”. DLO/SK, LandsD commented that there was no approval given for using the proposed access road within GL. If the proposed driveway on GL was not successfully implemented eventually, the proposed house, even if approved, would not be served by any vehicular access; and
- (iv) the previous and similar applications had all been rejected, rejection of the application was in line with the previous decisions; and
- (v) the applicant had requested for sympathetic consideration of the application since the Site was bought long ago and intended for family accommodation. The permitted use under the lease was for agricultural purpose only, and rejection of the application would not deprive the development right of the applicant.

50. The Chairman then invited the applicant and the applicants’ representatives to elaborate on the review application.

51. Ms Pauline Ha Bich-van, the applicant, made the following main points:

- (a) she bought the Site in 1976 and had left it vacant since then;
- (b) she intended to develop the land for residential use since early 1990’s. The first application for three houses at the Site was rejected in 1993, and the subsequent applications for two houses and one house were rejected in 2003 and 2004 respectively;
- (c) she then decided to use the land for growing fungus in a green house but

not economical due to the high electricity cost; and

- (d) the current proposal was to build a house for the accommodation of her family members and she would engage professional consultants to meet the requirements of concerned government departments.

52. With the aid of a PowerPoint presentation, Mr Anthony Chan, the applicant's representative made the following main points:

- (a) the proposed house was only a small-scale development and was technically feasible. The proposed residential development would help increase the housing land supply;
- (b) while the Site was within a "GB" zone, many parts of the area had already been carved out for residential developments. The government should respect the development right of the owner though the Site was allowed for agricultural use under the lease, agricultural use was no longer the most suitable use for the Site;
- (c) the design of proposed house development had taken into account the following considerations :
 - (i) as regards design concept, to make the development compatible with the environment of the "GB" zone, outstanding and distinctive designs were considered not appropriate for the Site, and the current design was a response to the site characteristics and building design requirements;
 - (ii) as regards sustainability, future maintenance of the development including refuse collection, pedestrian and vehicular accesses was an important consideration. As the Site adjoined a large-scale church development, with a densely populated village settlement nearby, and was located next to an access road for the adjoining church and a refuse collection point (RCP), the Site had no potential to be kept as a "GB" site. Besides, sandwiched between two existing roads, the

proposed development would not have any additional adverse impact on traffic and development density of the surrounding areas;

- (iii) as regards sensitivity, constructions of building structures were permitted. The total site coverage of the permitted agricultural structures was even larger than that of the proposed house. The applicant had reduced the footprint of the proposed house development and it was more sensitive to the environment than the permitted structures. The intensity of the proposed house with a plot ratio of 0.39 was lower than those of the surrounding 3-storey houses which were about 0.4 to 0.6. The proposed house would be located at the centre of the Site and the surrounding new tree and vegetation would provide sufficient screening for the development; and
- (iv) the wood siding design of the proposed house would provide more landscaping opportunity and further screening to the house.

53. With the aid of a PowerPoint presentation, Mr Edmond Ng, the applicant's representative, made the following main points :

- (a) the trees along the boundary line of the development would be preserved in order not to affect the landscape value of the Site and the surrounding areas. In order not to affect the trees along the boundary line, the existing fence wall would not be demolished and the area in front of the fence wall would be landscaped with vegetation and trees;
- (b) existing trees within the Site would not be affected and 20 new trees would be planted according to the landscape proposal. The proposed tree planting would increase the landscape value of the Site, which would make the proposed development compatible with the "GB" zone and the surrounding areas; and
- (c) as the proposed development would be screened by the existing and newly planted trees with a greening ratio of 50%, no visual impact would be

resulted;

54. With the aid of a PowerPoint presentation, Mr Ted Chan, the applicant's representative, made the following main points in response to the rejection reasons recommended by PlanD :

- (a) regarding the rejection reason on the proposed residential development was not in line with the planning intention of the "GB", his response was :
 - (i) with the existing developments on both sides of Lung Mei Tsuen Road, there had been significant changes in the land use character and site character;
 - (ii) the Site was already segregated from the adjacent "GB" zone by an access road and Lung Mei Tsuen Road and the "GB" function could not be performed; and
 - (iii) the proposal, with a low plot ratio and with planting of new trees, was to improve the environment;
- (b) regarding the rejection reason on the proposed house development was in conflict with the TPB PG-No. 10, his response was :
 - (i) the proposal had a high greening ratio but a lower development intensity than the surrounding uses. The landscape proposal would enhance local landscape value and the Site could serve as a buffer area between the adjacent residential developments;
 - (ii) the replacement of the three permitted agriculture structures by a house would be an improvement for the Site. The vehicular access road proposed under the current application was much reduced and involved less GL as compared to that of a previous application. The applicant would apply for a land exchange for the GL involved to implement the access road if the application was approved; and

(iii) relevant government departments, including the Agriculture, Fisheries and Conservation Department (AFCD) had no objection to the application; and

(c) regarding the rejection reason on the approval of the application would set an undesirable precedent, his response was :

(i) the proposed house development had been properly designed and was compatible with the local topography and the adjacent residential developments; and

(ii) the proposal would enhance the local town and landscape amenity and would unlikely set an undesirable precedent but rather would set a desirable precedent for residential development in “GB” zone.

55. As the presentation of DPO/SKIs, the applicant and applicant’s representatives had been completed, the Chairman invited questions from Members.

56. Members raised the following questions :

(a) whether the existing structure on-site was an authorised development or not;

(b) whether there would be more trees on the Site if the application was approved and implemented;

(c) whether the access road leading to the adjoining church was a proper road with relevant approval; and

(d) what was the necessity of a house development at the Site given that the land was restricted to agricultural purpose under the lease.

57. In response, Mr Chung, DPO/SKIs, said that three structures were permitted by LandsD for agricultural use, fungus shed and harvest treatment area at the Site. There was currently one structure on-site. Lease modification was required for the proposed residential

development if the planning application was approved. The adjoining church was already in existence before the first Interim Development Permission Area (IDPA) Plan prepared for the area in 1990. The road next to the Site was currently serving as an access road to the church and the RCP, but there was no information on any application for building that road. With reference to the Development Permission Area (DPA) Plan for the area exhibited for public inspection in 1991, Mr Chung pointed out that the extent of “GB” zone was the same as the “GB” zone on the current OZP. The residential development to the east and the village settlement to the west of the Site were already zoned “Residential (Group C)” (“R(C)”) and “Village Type Development” respectively on the DPA published in 1991. Except some access roads to serve the existing developments, the subject “GB” zone was largely undisturbed. No previous application at the Site and no similar application within the same “GB” zone for house development had been approved by the RNTPC/the Board.

58. In response to the above questions, Mr Edmond Ng said that more trees planting were proposed and the greening ratio was 50% within the site boundary. Mr. Ted Chan pointed out that only one of the three structures permitted by LandsD were built currently. The site coverage would be about 39% if all the three permitted structures were built, however, the site coverage of proposed house development was only 19% which involved a substantial reduction in building bulk. He further said that the existing structure was purposely-built for fungus growing, but the use was discontinued because of the high cost involved. The access road to the adjoining church development was rather wide, at least 4.5m, and had involved slope cutting. It was not understood that why such substantial works was allowed in the “GB” zone, while a house for family accommodation was not permitted. He further said the large residential development across the road was zoned “R(C)” during the DPA Plan preparation stage, but it was then covered by more vegetation than the Site. The residential development had already set an undesirable precedent on vegetation clearance.

59. Mr Chung, DPO/SKIs, clarified that the residential development across the road was already zoned “R(C)” since the first DPA plan published in 1991 and was reserved for low-rise low-density residential development. Though vegetation cover was observed on the site before implementation of the residential development, it was the planning intention to use the site for residential use.

[Mr Clarence W.C. Leung left the meeting at this point.]

60. In response to a Member's question on the existing structure on the Site, Mr Anthony Chan said that LandsD had allowed for erection of three agricultural structures, i.e. two fungus sheds (10.8m x 9.8m and 7.2m x 9.8m) and one post-harvest treatment room (3m x 2.8m). The applicant had built only one of the permitted structures. If all of the three structures were built, the site would be mostly occupied by man-made structures. The applicant had discontinued fungus growing as the cost of electricity was too expensive. Approval of the house development would result in better utilization of the land resource by the applicant instead of leaving the Site vacant. Ms Pauline Ha said that the dimension of the existing structure on the Site did not contravene those as permitted by LandsD.

61. In response to the Chairman's query, Mr. Ivan M.K. Chung said that while the dimensions of the three structures for which permission had been give were provided by LandsD, there was no information on the dimension of the existing structure as-built at the Site.

62. In response to the question on the necessity of residential use at the Site, Ms Pauline Ha reiterated that the size of the existing structure was as permitted by LandsD. She had discontinued agricultural use on the Site as it was not economical to grow fungus due to the high electricity cost.

63. As Members had no further question to raise, the Chairman informed the applicant and her representatives 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 applicant of the Board's decision in due course. The Chairman thanked the applicant and the applicant's representatives and the PlanD's representative for attending the meeting. They left the meeting at this point.

Deliberation

64. A Member, having noted that the Site was restricted to agricultural purpose under the lease, said that no strong planning justification had been given by the applicant to convince the Board for a departure from the RNTPC's previous decision in rejecting the application. An approval of the application would set an undesirable precedent for future similar applications. The Chairman supplemented that there had been no material change in planning circumstances for the Site and its surrounding areas since the publication of the DPA

Plan and no planning application in the “GB” zone had so far been approved. A Member did not consider building a house for family accommodation a strong justification for the application. Another Member pointed out that the land was bought 40 years ago, long before the first statutory plan for the area and any comments on the “GB” zoning of the Site should have been brought up and taken into consideration during the plan-making stage. Besides, the applicant’s argument that the erection of the three agricultural structures would occupy a much larger area than the proposed house was not a convincing ground to justify the land use change. Another Member, whilst noting that there was no existing trees at the Site, considered that approval of the application would set an undesirable precedent.

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

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

- “(a) the proposed residential development is not in line with the planning intention of the “GB” zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. The applicant fails to provide strong justification in the submission for a departure from the planning intention;
- (b) the proposed residential development does not meet the TPB Guidelines No. 10 for ‘Application for Development within “GB” Zone’ in that there are no exceptional circumstances to justify the application; and
- (c) the 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 a general degradation of the natural environment and bring about adverse landscape impact on the area.”

[Mr Ivan C.S. Fu left the meeting at this point.]

Agenda Item 5

[Open Meeting]

Draft Yi O Outline Zoning Plan No. S/I-YO/B – Preliminary Consideration of a New Plan
(TPB Paper No. 9978)

[The item was conducted in Cantonese.]

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

67. Mr Ivan M.K. Chung, DPO/SKIs, drew Members' attention that there was a typographical error in the first column of Table 1 (page 7) of the Paper, which should read "Small House Demand Figure in 2012" instead of "Small House Demand Figure in 2013". With the aid of a PowerPoint presentation, Mr Chung made the following main points as detailed in the Paper:

Background

- (a) on 23.11.2012, the draft Yi O Development Permission Area (DPA) Plan No. DPA/I-YO/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The Yi O DPA Plan was effective for a period of three years until 23.11.2015;
- (b) on 7.5.2015, under the power delegated by the Chief Executive, the Secretary for Development directed the Town Planning Board (the Board), under section 3(1)(a) of the Ordinance, to prepare an Outline Zoning Plan (OZP) to cover the Yi O area (the Area) in order to maintain statutory planning control over the Area;

Planning Context

- (c) the Area (about 23.34 ha) covered Yi O (about 23.05 ha) and a site at Nga Ying Kok (about 0.29 ha), and both of them were surrounded by Country Parks along the north-western coast of Lantau;

- (d) the Area was not served by any vehicular access and was only accessible by walking trails, or by boat during high tide;
- (e) according to the 2011 Census, there was no population in the Area. The Yi O Village (also known as Yi O San Tsuen) was a recognized village in the Area but was largely abandoned. The Area also contained various types of landscape such as woodlands on steep rolling slopes with streams, grasslands, wetlands, active farmland and fallow agricultural land. The coastal area contained mudflats, rocky shores, mangroves and coastal plants;
- (f) only a structure was found near the coast of Nga Ying Kok. The area at the rear of Nga Ying Kok had been partly cleared and partly grown with fruit trees;
- (g) ruined and abandoned village houses were scattered in Yi O. A local temple as well as an abandoned village school were also found. Active agricultural activities were found near Yi O Village and to the north of Yi O Kau Tsuen, while some abandoned farmland could be found to the west of Yi O Village, the mouth of Yi O Valley and its estuary;
- (h) about 70.5% of the land in the Area was government land. The remaining 29.5% of the land was under private ownership and mainly located within village 'environs' ('VE') of Yi O Village which covered an area of about 4 ha;

Development Constraints

- (i) the overall character of the Area was remote and tranquil. The Area was well vegetated and ecologically-linked with the adjacent Lantau North and South Country Parks, which provided foraging and nursery grounds for animals;
- (j) various types of landscape such as woodlands on steep rolling slopes with streams, low-lying fallow agricultural land, mudflats, rocky shores and

mangroves in the estuarine area at the mouths of the eastern and southern valley were observed;

- (k) sites of cultural heritage including the Yi O Site of Archaeological Interest and Yi O – Fan Lau Boulder Trackway located in the Area were worthy of preservation;
- (l) there were no drainage systems and potable water supply in the Area nor any committed/planned drainage and water supply projects for the Area;
- (m) the Area adjoining the Lantau North and South Country Parks was located below steep natural terrain and might be affected by potential natural terrain landslide hazards;
- (n) the Area was limited in accessibility. It was not served by vehicular access and was only accessible by walking trails or by boat during high tide;

Issues Arising from Consideration of the DPA Plan

- (o) environmental groups suggested that the natural habitat of Romer's Tree Frog, wetland, mangroves and the buffer zones along the stream courses should be covered by conservation zonings such as "Conservation Area" ("CA"), "Coastal Protection Area" ("CPA") and "Site of Special Scientific Interest". The future zonings of the Area should facilitate the restoration of the natural habitats. On the other hand, some representers considered that the designation of land as conservation areas would affect private properties and infringe the right of land owners;
- (p) Tai O Rural Committee (TORC) and some representers considered that the boundaries of the "Village Type Development" ("V") zone should follow the 'VE' of Yi O Village which was a recognized village, and sufficient land should be reserved for Small House development;
- (q) Some representers considered that the plan should not affect the

reinstatement of the Yi O Village and the rehabilitation of agricultural activities;

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

Views Received in the Course of Preparation of the OZP

- (r) since the draft DPA Plan was exhibited for public inspection on 23.11.2012, no planning application had been received;
- (s) preliminary views of green groups, TORC and Indigenous Inhabitant Representative (IIR) of Yi O Village were sought on 16.6.2015, 2.7.2015 and 15.7.2015 respectively. Green groups had suggested to provide a 20m to 30m buffer to protect the mangrove at Yi O Bay, and to designate conservation zonings (such as “CA”) along the stream courses and the area adjoining country parks. TORC expressed concerns on private development right and the right of indigenous villagers. The IIR of Yi O requested the Government to provide infrastructural facilities including pier, road, water supply and sewerage facilities and to indicate such on the OZP. As the villagers had plans to revitalize the area, the boundary of “V” zone should follow the ‘VE’ of Yi O Village to meet future Small House demand;

Land Use Planning Considerations

- (t) land for village development and agriculture, as well as environmental conservation were the major land use planning considerations in preparing the OZP. The general planning intention of the Area was to protect its high conservation and landscape value and the rural settings which complemented the overall natural character and the landscape beauty of the surrounding Country Parks and to make provision for future Small House development for the indigenous villagers of the Area;

Land Use Zoning Proposals

- (u) taking into account the planning considerations and planning intention for the Area, the proposed land use zones for the draft OZP were as follows:

“Village Type Development” (“V”) zone (0.34 ha)

- (i) located around existing clusters having regard to existing building structures, ‘VE’, approved Small House applications, outstanding Small House applications, building lots, local topography, site characteristics and estimated Small House demand. Areas of dense vegetation, active agricultural land, ecologically sensitive areas and stream courses had been avoided where possible;
- (ii) the only recognised village in the Area was Yi O Village and the ‘VE’ covered about 4 ha. The area of “V” zone was about 0.19 ha on the approved Yi O DPA Plan. According to the IIR of Yi O Village, the 10-year forecast for Small House demand was 130, as compared to the forecast of 40 provided in 2012. There were six approved Small House applications and no outstanding Small House application. As no justification was provided for the substantial increase in the 10-year forecast, the previous 10-year forecast of 40 provided in 2012 was adopted. Land required for meeting the Small House demand was 1.15 ha. Given the value of the natural environment and inaccessibility of the area, an incremental approach for designation of “V” zone for Small House development should be adopted to consolidate development at suitable locations. The proposed “V” zone of about 0.34 ha (developable land of about 0.32 ha) would provide about 13 Small House sites and satisfying 28% of the 10-year forecast of Small House demand provided in 2012;

“Agriculture” (“AGR”) zone (4.84 ha)

- (iii) active agricultural activities were found around Yi O Village and to the north of Yi O Kau Tsuen. Some abandoned agricultural land,

grassland and wetland plants were found along the trail from Yi O Kau Tsuen to the mouth of the valley and its estuary. The abandoned agricultural land had good potential for rehabilitation for cultivation and other agricultural purposes. Diversion of streams or filling of land would require permission from the Board;

“Green Belt” (“GB”) zone (16.78 ha)

(iv) covered the natural vegetated areas which consisted of stream courses and woodlands. Most of the woodlands and areas adjoining the Lantau North and Lantau South Country Parks were within the zone. Diversion of streams, filling of land or excavation of land would require permission from the Board; and

“Coastal Protection Area” (“CPA”) zone (1.38 ha)

(v) covered the coastal areas along the eastern side of Yi O Bay, which primarily consisted of mudflat, rocky shore, mangrove and coastal plants. Only developments that were needed to support the conservation of the existing natural landscape or scenic quality of the area or were essential infrastructure projects with overriding public interest might be permitted. New residential development was not permitted and redevelopment of existing houses, diversion of streams, filling of land or excavation of land might be permitted on application to the Board; and

Consultation

(v) Relevant government bureaux and departments had been consulted. No adverse comment on or objection to the land use proposals had been received. Subject to the agreement of the Board, the draft Yi O OZP No. S/I-YO/B would be submitted to the Islands District Council (IsDC) and the TORC for consultation, and their comments would be submitted to the Board for further consideration.

68. A Member said that the boundary of the “CPA” zone was very close to the “AGR” zone without any buffer. While the planning intention of the “CPA” zone was for protection and conservation, ‘Agricultural Use’ and ‘On-farm Domestic Structure’ being Column 1 uses which would always be permitted might be contradictory to the intention of the zone. In response, Mr Ivan M.K. Chung, DPO/SKIs, said that the schedule of uses of the proposed “CPA” zone had followed the Master Schedule of Notes to Statutory Plans endorsed by the Board. The schedule so formulated was also to respect the right of the existing agricultural lots within the “CPA” zone. Besides, filling of land or excavation of land within the zone would require planning permission from the Board. As the majority of the land within the “CPA” zone were government land, large-scale farming activities or other types of land use activities were not envisaged. The same Member expressed reservation on the proposed zoning allowing agricultural activities, having noted that vegetation covers were essential in protecting the natural features and preventing wind erosion of coastal features in the Area.

69. In response to the question of Ms Bernadette H.H. Linn, Director of Lands, Mr Chung said that even though both the DPA Plan and the current proposed draft OZP had used the 10-year forecast for Small House demand provided in 2012 as one of the many factors in the designation of the “V” zone, the “V” zone on the DPA Plan was drawn up at that time around the existing village clusters and with reference to approved Small Houses in the Area. However, as explained to the Board during the preparation of the DPA Plan and to the representers during the hearing of representations in respect of the DPA Plan, the boundaries of the “V” zone would be looked into during the preparation of OZP stage to take account of Small House demand, suitability of land for development, and the results of assessments/studies on various aspects.

70. After deliberation, the Board agreed that the draft Yi O OZP No. S/I-YO/B together with its Notes and Explanatory Statement was suitable for consultation with the IsDC and TORC. After consultation, comments from the IsDC and TORC would be submitted to the Board for consideration prior to publication of the draft OZP under section 5 of the Ordinance.

71. The Chairman thanked Mr Ivan M.K. Chung for attending the meeting and he left the meeting at this point.

Agenda Item 6

[Closed Meeting]

[The meeting was conducted in Cantonese.]

72. This item was recorded under confidential cover.

Procedural Matters

Agenda Item 7

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments for the Draft Tseung Kwan O Outline Zoning Plan No. S/TKO/21

(TPB Paper No. 9976)

[The item was conducted in Cantonese.]

73. The Secretary briefly introduced the Paper. On 27.2.2015, the draft Tseung Kwan O Outline Zoning Plan No. S/TKO/21 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 385 representations and nine comments were received.

74. Among the 385 representations received, one representation (R1) supported and 382 representations (R2 to R383 (part)) objected to Amendment Item A for rezoning of a site to the east of Wan Po Road at Tseung Kwan O (TKO) Area 85 from “Other Specified Uses” annotated “Sewage Treatment Works” (“OU(Sewage Treatment Works)”) to “Government, Institution or Community (9)” (“G/IC (9)”) to facilitate data centre developments. The representations (R383 (part) and R384 to R385) were related to Amendment Item B2 for rezoning of two areas of land along Road P2 from areas shown as ‘Road’ to “Open Space” (“O”).

75. All of the nine comments on representations (C1 to C9) received generally echoed

the views of representations R383 to R385 on matters relating to the Tseung Kwan O – Lam Tin Tunnel and government developments in TKO Area 72.

76. Since the amendments incorporated on the Plan had attracted general local concerns, it was recommended that the representations and comments should be considered by the full Town Planning Board (the Board) without the appointment of a Representation Hearing Committee. The hearing could be accommodated in the Board's regular meeting and a separate hearing session would not be necessary. As the representations and comments were similar in nature, it was suggested to consider the hearing of them collectively in one group.

77. As a large number of representations and comments were received, to ensure efficiency of the hearing, it was recommended to allot a maximum of 10 minutes presentation time to each representer/commenter in the hearing session.

78. Consideration of the representations and comments by the full Board under section 6B of the Ordinance was tentatively scheduled for September 2015.

79. 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 representatives and commenters attending the hearing.

Agenda Item 8

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representation and Comments on the Draft Sha Tin Outline Zoning Plan No. S/ST/31

(TPB Paper No. 9977)

[The item was conducted in Cantonese.]

80. The Secretary reported that the following Members had declared interests in the item for owning properties in the area :

- Mr Clarence W.C. Leung - spouse owning a flat in Fo Tan;
- Mr Frankie W.C. Yeung - owning a flat with spouse at Sui Wo Road, Sha Tin;
- Professor K.C. Chau - owning a flat in Royal Ascot, Fo Tan;
- Professor Eddie C.M. Hui - owning a flat in Shatin City One; and
- Ms Christina M. Lee - spouse owning a flat in Mei Tin Road, Tai Wai.

81. Dr Laurence W.C. Poon also declared interests in the item as his parents, brothers and sisters all lived in Sha Tin. As the item was procedural in nature, Members agreed that the above Members should be allowed to stay in the meeting. Members noted that Ms Christina M. Lee, Mr Frankie W.C. Yeung and Mr Clarence W.C. Leung had left the meeting.

82. The Secretary briefly introduced the Paper. On 17.4.2015, the draft Sha Tin Outline Zoning Plan No. S/ST/31 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). One representation and three comments were received.

83. The only representation (R1) was submitted by Designing Hong Kong Limited which opposed Amendment Items B, C and D of the Plan rezoning three “Green Belt” (“GB”) sites at Lai Ping Road, and To Shek to “Residential (Group B)2”, and at Tai Po Road to “Residential (Group B)3” (“R(B)3”) for residential use.

84. Among the three comments on the representation received, C1 submitted by Kadoorie Farm & Botanic Garden Corporation opposed Amendment Item D for rezoning the site near Tai Po Road – Sha Tin section from “GB” to “R(B)3”. C2 submitted by an individual considered that it was not suitable to further increase housing supply and population of both Sha Tin and Ma On Shan. C3 submitted by Green Sense supported the representation (R1).

85. As only one representation and three comments on representation were received, it was considered more efficient for the full Town Planning Board (the Board) to hear the representation and comments without the appointment of a Representation Hearing Committee. The hearing could be accommodated in the Board’s regular meeting and a separate hearing session would not be necessary. Members agreed.

86. To ensure efficiency of the hearing, it was recommended in the Paper to allot a maximum of 10 minutes presentation time to each representer/commenter in the hearing session.

87. Consideration of the representations and comment by the full Board under section 6B of the Ordinance was tentatively scheduled for September 2015.

88. The discussion on the general practice for imposing a time limit on the presentation time was conducted in close meeting and was recorded under confidential cover.

[Post Meeting Note : The Board agreed that the representation and comments for the Plan would be heard by the full Board and that the maximum 10-minute presentation time would not be imposed due to the small number of representation and comments received. Depending on the circumstances at the hearing, the Chairman would decide on the actual time to be allocated to each oral submission.]

Agenda Item 9

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments on the Draft So Kwun Wat Outline Zoning Plan No. S/TM-SKW/12

(TPB Paper No. 9980)

[The item was conducted in Cantonese.]

89. The Secretary drew Members' attention that a replacement Paper was tabled at the meeting. The Secretary reported that the following Members had declared interests in the item for owning property in the area or for having affiliations with Henderson Land Development Company Limited (HLD) which was the mother company of the Hong Kong and China Gas Company Limited (HKCGC) which had submitted a representation (R2):

- | | | |
|---------------------|---|--|
| Professor S.C. Wong |] | being employees of the University of Hong |
| Mr H.F. Leung |] | Kong (HKU) which had received a donation |
| Dr Wilton W.T. Fok |] | before from a family member of the Chairman |
| | | of HLD; |
| Mr Dominic K.K. Lam |] | |
| Ms Janice W.M. Lai |] | having business dealings with HLD; |
| Mr Patrick H.T. Lau |] | |
| Mr Ivan C.S. Fu |] | |
| Mr Roger K.H. Luk |] | being a member of Council (Mr Luk) and |
| Professor K.C. Chau |] | employees (Professor Chau and Professor Ho) |
| Professor P.P. Ho |] | of the Chinese University of Hong Kong |
| | | (CUHK) which had received a donation before |
| | | from a family member of the chairman of |
| | | HLD; |
| Ms Christina M. Lee | - | being Secretary-General of the Hong Kong |
| | | Metropolitan Sports Event Association that had |

obtained 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 a donation before from a family member of the Chairman of HLD;
- Mr Clarence W.C. Leung] being directors of non-governmental
Dr W.K. Yau] organisations that had received a private donation before from a family member of the chairman of HLD;
- Dr C.P. Lau - owning a flat in Kwun Tsing Road, So Kwun Wat; and
- Mr C.W. Tse - owning a flat in Peridot Court, Castle Peak Road.

90. As the item was procedural in nature, Members agreed that the above Members should be allowed to stay in the meeting. Members noted that Professor S.C. Wong, Ms Janice W.M. Lai and Dr Wilton W.T. Fok had tendered apologies for not being able to attend the meeting, and Ms Christina M. Lee, Professor P.P. Ho, Mr Clarence W.C. Leung and Mr Ivan C.S. Fu had already left the meeting.

91. The Secretary briefly introduced the Paper. On 13.3.2015, the draft So Kwun Wat OZP No. S/TM-SKW/12 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 144 representations and two comments on the representations were received.

92. While 143 of the representations (R2 to to R144) were related to the amendment item for rezoning of a site to the north of Castle Peak Road – Tai Lam from “Green Belt” (“GB”) to “Residential (Group B) 2” (“R(B)2”) (i.e. Amendment Item A), the remaining one (R1) was not related to any amendment items.

93. The representation submitted by the HKCGC (R2) provided comments on the

proposed amendment, the 142 representations (including two Incorporated Owners of residential developments in Tuen Mun (R3 and R10), four Tuen Mun District Council (TMDC) members (R6 to R9), villagers of Siu Lam San Tsuen with 117 signatures (R15), Tuen Mun Rural Committee (TMRC) (R16), 129 individuals (R4, R5, R11 to R14, R17 to R139) and five village representatives (VR) (R140 to R144)) opposed the Amendment Item A.

94. The representation submitted by the VR of the So Kwun Wat Tsuen (R1) was not related to any of the amendment items but related to a proposal to extend the “Village Type Development” zone at the So Kwun Wat Tsuen. In accordance with section 6(2) of the Ordinance, a representation should indicate the particular matter in the representation related. Since R1 was not related to any amendment items, R1 was considered invalid and should be treated as not having been made in accordance with section 6(3)(b) of the Ordinance.

95. Among the two comments on the representations received, C1 submitted by a member of the Legislative Council and TMDC conveyed the same view as representations R8 and R9 who opposed Amendment Item A. C2 submitted by Designing Hong Kong Limited opposed Amendment Item A.

96. Since all the valid representations and comments were related to the same site, it was recommended that the representations and comments should be considered by the full Town Planning Board (the Board) collectively. The hearing could be accommodated in the Board’s regular meeting and a separate hearing session would not be necessary.

97. In view of the large number of representations and comments received, and to ensure efficiency of the hearing, it was recommended to allot a maximum of 10 minutes presentation time to each representers and commenters in the hearing session.

98. Consideration of the representations and comments by the full Board under section 6B of the Ordinance was tentatively scheduled for September 2015.

99. After deliberation, the Board agreed that :

- (a) R1 should be considered as invalid and as not having been made;

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

Agenda Item 10

[Open Meeting]

Submission of the Draft Shap Sz Heung Outline Zoning Plan No. S/NE-SSH/10A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance
(TPB Paper No. 9979)

[The item was conducted in Cantonese.]

100. The Secretary briefly introduced the Paper. On 7.11.2014, the draft Shap Sz Heung Outline Zoning Plan (OZP) No. S/NE-SSH/10 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). After giving consideration to the five representations and one comment on the representations on 12.6.2015, the Town Planning Board (the Board) decided not to propose any amendment to the Plan to meet the representations.

101. As the representation consideration process had been completed, the Plan was ready for submission to the Chief Executive in Council (CE in C) for approval. For submission to the CE in C, the draft Shap Sz Heung OZP No. S/NE-SSH/10 had been renumbered as S/NE-SSH/10A.

102. After deliberation, the Board agreed :

- (a) that the draft Shap Sz Heung OZP No. S/NE-SSH/10A 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 Shap Sz Heung OZP No. S/NE-SSH/10A 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.

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

Agenda Item 12

Any Other Business

[The meeting was conducted in Cantonese.]

[Confidential Item] [Closed Meeting]

103. The item was recorded under confidential cover.

104. There being no other business, the meeting was closed at 1:40 p.m.