

**Minutes of 1094th Meeting of the  
Town Planning Board held on 22.9.2015**

**Present**

Permanent Secretary for Development  
(Planning and Lands)  
Mr Michael W.L. Wong

Chairman

Mr Roger K.H. Luk

Professor S.C. Wong

Ms Julia M.K. Lau

Ms Bonnie J.Y. Chan

Professor K.C. Chau

Mr H.W. Cheung

Mr Lincoln L.H. Huang

Mr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Principal Environmental Protection Officer (Strategic Assessment)  
Environmental Protection Department  
Mr Johnson M.K. Wong

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

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

Chief Traffic Engineer /New Territories West, Transport Department  
Mr Kelvin K.M. Siu

Director of Planning  
Mr K.K. Ling

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

Secretary

**Absent with Apologies**

Mr Stanley Y.F. Wong

Professor P.P. Ho

Professor Eddie C.M. Hui

Dr C.P. Lau

Mr Clarence W.C. Leung

Mr Laurence L.J. Li

Ms Anita W.T. Ma

Dr W.K. Yau

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Mr. Sunny L.K. Ho

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Ms Christina M. Lee

Mr H.F. Leung

Mr Stephen H.B. Yau

Mr Frankie W.C. Yeung

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

**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

Mr Raymond H.F. Au

**Tune Mun and Yuen Long West District**

**Agenda Item 1**

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in respect of the Draft So Kwun Wat

Outline Zoning Plan No. S/TM-SKW/12

(TPB Paper No. 9988)

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[The meeting was conducted in Cantonese.]

1. The following Members had declared interests on the item for owning property in the proximity or having business dealings with Henderson Land Development Company Limited (HLD), the mother company of the Hong Kong and China Gas Company Limited (HKCGC) which had submitted a representation (R2):

Mr Dominic K.K. Lam	]	having business dealings with HLD
Ms Janice W.M. Lai	]	
Mr Patrick H.T. Lau	]	
Mr Ivan C.S. Fu	]	
Dr C.P. Lau	-	owning a flat in Kwun Tsing Road, So Kwun Wat
Professor P.P. Ho	]	being employees of the Chinese University
Professor K.C. Chau	]	of Hong Kong (CUHK) which had received donation before from a family member of the Chairman of HLD
Mr Roger K.H. Luk	-	being a Member of Council of CUHK which had received donation before from a family member of the Chairman of HLD

- |                     |   |   |
|---------------------|---|---|
| Professor S.C. Wong | ] | being employees of the University of  |
| Mr H.F. Leung       | ] | Hong Kong which had received donation   |
| Dr Wilton W.T. Fok  | ] | before from a family member of the<br>Chairman of HLD   |
| <br>                |   |   |
| Dr W.K. Yau         | - | being the director of a non-government<br>organisation which had received donation<br>before from a family member of the<br>Chairman of HLD         |
| <br>                |   |   |
| Ms Christina M. Lee | - | being Secretary-General of the Hong Kong<br>Metropolitan Sports Event Association<br>which had obtained sponsorship before<br>from HLD              |
| <br>                |   |   |
| Mr Peter K.T. Yuen  | - | being a member of the Board of Governors<br>of the Hong Kong Arts Centre which had<br>received donation before from an<br>Executive Director of HLD |

2. Members noted that Mr Dominic K.K. Lam, Mr Patrick H.T. Lau, Ms Janice W.M. Lai, Mr Ivan C.S. Fu, Dr C.P. Lau, Professor P.P. Ho, Mr H.T. Leung, Dr Wilton W.T. Fok, Dr W.K. Yau and Ms Christina M. Lee had tendered apologies for being unable to attend the meeting. As the interests of Professor K.C. Chau, Mr Roger K.H. Luk, Professor S.C. Wong and Mr Peter K.T. Yuen were remote or indirect, Members agreed that they should be allowed to stay in the meeting.

#### Presentation and Question Sessions

3. The Chairman said that reasonable notice had been given to the representers and commenters inviting them to attend the hearing, but other than those who were present or had

indicated that they would attend the hearing, the rest had either indicated not to attend or made no reply. As reasonable notice had been given to the representers and commenters, Members agreed to proceed with the hearing of the representations and comments in their absence.

4. The following government representatives, and the representers or their representatives were invited to the meeting at this point:

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

Miss Jessica Y.C. Ho - Senior Town Planner/Tuen Mun, PlanD

R2 – HKCGC

Mr Au Ming Tsun - Representer's representative

R4 – Kwok Wah Inn

R5 – Kwok Ming Chi

Mr Kwok Ming Chi - Representer and Representer's representative

R6 – So Shiu Shing, Tuen Mun District Council (TMDC) Member

Mr So Shiu Shing - Representer

R8 – Chu Shun Nga, TMDC Member

Ms Chu Shun Nga - Representer

R11 – Green Lotus Limited

Ms Teresa Lee ] Representer's representatives

Ms Amy Lau ]

R12 – Chan Tak Yan

R13 – Yan Chan

R14 – S.F. Chan

R18 – 劉秀鳳

Mr Chan Tak Yan - Representer and Representers' representative

R19 – 鍾遠鈴

Ms Chung Yuen Ling - Representer

R20 – 李蘭心

Ms Lee Lan Sum - Representer

R31 – 馮志雄

Mr Fung Chi Hung - Representer

R32 – 馮金容

Mr Fung Kam Yung - Representer

R42 – 陳俊峰

Mr Chan Chun Fung - Representer

R46 – 葉麗斌

Ms Ip Lai Pan - Representer

R47 – 葉吳玉萍

Mrs Ip Ng Yuk Ping - Representer

R55 – 顧植森

Mr Koo Chik Sum - Representer

R59 – 刁志榮

Mr Diu Chi Wing - Representer

R60 – 陳秀雯

Ms Chan Sau Man - Representer

R61 – 鍾啟雲

Mr Chung Kai Wan - Representer

R62 – 彭群弟

Ms Pang Kwan Tai - Representer

R65 – 何妹

Ms Ho Mui - Representer

R66 – 鍾鳳蘭

Ms Chung Fung Lan - Representer

R68 – 彭文樣

Mr Peng Wen Yang - Representer

R70 – 鍾一鳴

Mr Chung Yat Ming - Representer

R71 – 張芷華

Ms Cheung Tze Wah - Representer

R74 – 鍾仕雲

Mr Chung Sze Wan - Representer

R75 – 陳嘉偉

Mr Chan Ka Wai - Representer

R76 – 鍾佩珊

Ms Chung Pui Shan - Representer

R78 – 鍾焯橋

Ms Chung Cheuk Kiu - Representer

R80 – 盧廣石

Mr Lo Kwong Shek - Representer

R83 – 范國礎

Mr Fan Kwok Chor - Representer

R84 – 梁金枝

Ms Leung Kam Che - Representer

R85 – 范家玲

Ms Fan Ka Ling - Representer

R87 – 鍾鳳群

Ms Chung Fung Kwan - Representer

R99 – 余桐倫

Mr Yu Tung Lun - Representer

R100 – 鄺美鳳

Ms Kwong Mei Fung - Representer

R102 – 余佩瑩

Ms Yu Pui Ying - Representer

R103 – 余潔瑩

Ms Yu Kit Ying - Representer

R106 – 余濠輝

Mr Yu Ho Fai - Representer

R109 – 張海雄

Mr Cheung Hoi Hung - Representer

R110 – 羅夏萍

Ms Law Ha Ping - Representer

R112 – 羅夏冰

Ms Law Ha Ping - Representer

R115 – 曾啟豪

Mr Tsang Kai Ho - Representer

Mr Tsang Shun Cheong - Representer's representative

R119 – 鍾果蕘

Mr Chung Ko Lung - Representer's representative

R121 – 劉耀暉

Mr Lau Yiu Fai - Representer

Mr Sit Ho Yin - Representer's representative

R122 – 林碧珠

Ms Lam Pik Chu - Representer

R126 – 黃蔚舜

Mr Wong Wai Shun - Representer

R127 – 黃詠琴

Ms Wong Wing Kam - Representer

R128 – 羅文權

Mr Lam Man Wah - Representer

R130 – 黃美如

Ms Wong Mee Yu - Representer

R136 – 曾華昌

Mr Tsang Wa Cheong - Representer

R138 – 黃偉蓮

Ms Wong Wai Lin - Representer

R139 – 王艷紅

Ms Wong Yim Hung - Representer

Mr Shi Huan Gao - Representer's representative

5. The Chairman extended a welcome and explained the procedures of the hearing. He said that to ensure the efficient operation of the meeting, each representer or their representatives would be allotted 10 minutes for making oral submission. The representers had been informed about the arrangement before the meeting. There was a timer device to alert the representers and their representatives 2 minutes before the allotted time was to expire, and when the allotted time limit was up. The Chairman then invited the representatives of PlanD to brief Members on the representations.

6. With the aid of a Powerpoint presentation, Mr David C.M. Lam,

DPO/TM&YLW, made the following main points as detailed in the Paper:

Background

- (a) on 13.3.2015, the draft So Kwun Wat Outline Zoning Plan (OZP) No. S/TM-SKW/12 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The amendment of the Plan was to rezone a site to the north of Castle Peak Road – Tai Lam (the Site) from “Green Belt” (“GB”) to “Residential (Group B)2” (“R(B)2”) with stipulation of a maximum plot ratio (PR) of 3.6 and maximum building height (BH) of 80mPD for housing development. The amendment to the Notes of the OZP involved the revision to the Remarks for the “R(B)” zone to incorporate development restrictions and provision for minor relaxation for such restrictions within the “R(B)2” sub-zone;
- (b) a total of 143 valid representations and two comments were received. One representation (R2) submitted by HKCGC provided comments and 142 representations (R3 to R144) opposed the amendment item. The adverse representations were submitted by two Incorporated Owners (IOs) of residential developments in Tuen Mun, namely Castle Bay (R3) and Fiona Garden (R10); four TMDC Members (R6 to R9); Green Lotus Limited (R11); villagers of Siu Lam San Tsuen (with 117 signatures)(R15), Tuen Mun Rural Committee (TMRC)(R16); 128 individuals (R4, R5, R12 to R14, R17 to R139) and five village representatives (R140 to R144);

Representation Site and its Surrounding Areas

- (c) the Site, with an area of about 6.03 hectares, was elongated in shape and was located to the south of Tuen Mun Road, north of Castle Peak Road – Tai Lam, southeast of Siu Sau Village and west of Kwun Fat Street. It comprised an artificial slope and knoll partly covered with vegetation in the western portion, and agricultural land, temporary works area, temporary structures and squatters (namely Siu Lam San Tsuen as quoted by the

representers) in the eastern portion. Majority of the Site was government land;

- (d) to the immediate north of the Site was Tuen Mun Road, across which was a sloping area covered by vegetation. A residential development, namely Grandview Terrace, was located to the further north. To the immediate east of the Site was a building structure which fell within the “Residential (Group C)2” (“R(C)2”) zone. To the south of the Site were residential developments located within the boundary of the Tuen Mun OZP including The Hillgrove, Aqua Blue, and The Aegean within the “R(B)” zone; and Fiona Garden, Castle Peak Villas and villa houses within an area zoned “R(B)13”. A petrol filling station zoned “Other Specified Uses” annotated “Petrol Filling Station” was located immediately outside the southern boundary of the Site. To the west was an area zoned “R(B)” on the Tuen Mun OZP which was currently under construction for residential development;
- (e) the development parameters of the proposed housing development at the Site were as follows:

Zoning Area	6.03 hectares (about)
Development Site Area	3.38 hectares (about)
Maximum PR	3.6
Maximum Building Height	80mPD
Estimated No. of flats	2,000 (about)

#### Major Grounds of Representations, Representers’ Proposals and Responses

- (f) the major grounds of the representations, representers’ proposals, responses to grounds of representations and representers’ proposals, as summarised in paragraphs 4.2, 4.3, 6.3 and 6.4 of the Paper respectively, were highlighted below:

Representation Providing Views (R2)

- (i) R2 indicated that since there might be new developments in the vicinity of the existing intermediate pressure pipeline, they requested the future developers to conduct risk assessment for evaluating the potential risk and determining the necessary mitigation measures in consultation with them during the design and construction stages;
- (ii) the responses to the above views were:
- the Director of Electrical and Mechanical Services advised that for any development near gas transmission pipes, the project proponent/consultant/works contractor should maintain liaison/coordination with HKCGC in respect of the location of the existing or planned gas pipes routes/gas installations and the minimum setback distance, if any excavation works were required, during the design and construction stages. Risk assessment would not be required;

Adverse Representations (R3 to R144)

*Impact on Environment*

- (iii) the Government should refrain from selecting “GB” sites for development as it would destroy the trees and greenery on the Site;
- (iv) the Site, covered by dense vegetation, acted as a buffer zone between Tuen Mun Road and the Tuen Mun East area. It should not be rezoned for residential development as the natural green environment would be destroyed and it would be against the aspiration of the local community;

- (v) with increasing population, there was a need to reserve more GB land in the countryside;
- (vi) proposals - to maintain the original “GB” zoning, and to remove the “R(B)2” sub-zone and its Notes from the OZP and the provision of minor relaxation of BH restriction for the “R(B)” zone. The development intensity of the Kai Tak Development, instead of Tuen Mun East, should be increased;
- (vii) the responses to the above grounds and proposals were:
  - planning was an on-going process and the Government would continue to review zonings of different sites from time to time so as to provide land to meet the economic growth and development needs of Hong Kong. To increase and expedite housing land supply in the short to medium term, the Government was undertaking a multi-pronged strategy including rezoning of appropriate “GB” sites to increase supply of flats. The review of “GB” sites included those sites in the fringe of developed areas or in close proximity to existing urban areas or new development areas; and close to roads to make use of the existing available infrastructure and community facilities;
  - land suitable for development in Hong Kong was scarce and there was a need to optimise the use of land available to meet the increasing housing demand. The Site, largely comprising government land, was sandwiched between Tuen Mun Road in the north and Castle Peak Road to the south with several man-made slopes fronting the roads. It was partly covered with vegetation in the western portion and partly occupied by formed platforms with temporary structures and squatters clustering in the remaining portion. The Site was located at

the fringe of Tuen Mun New Town and was close to existing developed areas and public roads;

- to meet the pressing demand for housing land, the Site had been identified as suitable for housing development. To ascertain the technical feasibility, technical reviews carried out by concerned government departments confirmed that the proposed housing development with PR of 3.6 was feasible. The Director of Agriculture, Fisheries and Conservation (DAFC) advised that the ecological value of the Site was unlikely to be high due to the existence of human disturbance. The western portion of the Site was dominated by common species of relatively small size trees. The eastern portion was more disturbed where temporary structures and fruit trees were common. The tree survey covering the western part of the Site indicated that no Registered Old and Valuable Trees (OVTs) or Potentially Registrable Trees were found. For the remaining parts of the Site, “Pre-land Sale Tree Survey” would be undertaken by the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) as appropriate;
- to ensure that trees were not unnecessarily felled, or affected without consent, developers would be responsible to follow LandsD Practice Note 7/2007 on ‘Tree Preservation and Tree Removal Application for Building Development in Private Projects’. The future developers would be required to incorporate landscape treatment into the future design of the development and preserve any valuable trees found on the Site where possible;
- incorporation of minor relaxation clause for all zonings with BH restriction was a provision to cater for flexibility and specific site circumstances; and

- the Government had already proposed to increase the development intensity at Kai Tak taking into account the traffic and infrastructural support in the Kowloon East area. In the Policy Address 2013, the Chief Executive announced that the Government was committed to increasing the housing and office land supply in short to medium term by various means, which included increasing the development intensity of Kai Tak Development;

*Affected Villagers/Residents*

- (viii) about 20 households with 200 affected villagers in Siu Lam San Tsuen would lose their homes;
- (ix) villagers of Siu Lam San Tsuen moved to the Site in the 1970s as their original village near Lok On Pai had to make way for the construction of a desalination plant in Lok On Pai. The Government had promised the villagers that they could settle down at the Site. The Government now broke its promise and forced the same group of people to move out of the area again;
- (x) PlanD did not give an account of the affected villagers/residents in the zoning amendment;
- (xi) the responses to the above grounds were:
  - Siu Lam San Tsuen as quoted by the representers was not a recognized village. The eastern portion of the Site comprised mainly squatters or temporary structures on government land. Based on observation from site inspection, there might be about 20 residential dwellings. For affected villagers/residents, the Government would offer compensation, ex-gratia

allowances and/or rehousing arrangements to the eligible affected parties in accordance with the existing policies;

- the existence of squatters or temporary structures on the Site had been covered at the TMDC consultation process and properly reflected in the Rural and New Town Planning Committee (RNTPC) paper submitted to the RNTPC on 27.2.2015 in considering the zoning amendments; and
- concerned government bureau and departments including the Secretary for Development, the District Officer/Tuen Mun (DO/TM) and DLO/TM, LandsD had been consulted. They had no information on the relocation of villagers from Siu Lam San Tsuen near Lok On Pai;

#### *Housing Types*

- (xii) the Site was intended for private land sale to develop luxury homes. The OZP amendment would only facilitate private developers to build luxury houses and to make huge profits. The basic housing need of the society, i.e. public rental housing and Home Ownership Scheme, was neglected;
- (xiii) the responses to the above grounds were:
- there was an imminent need for housing land for both public and private housing to meet the Government's housing target of 480,000 residential units (public housing and private housing with a split of 60:40) in the coming 10 years under the Government's Long Term Housing Strategy. Having regard to the location settings, characteristics and proposed development parameters, private housing was considered more suitable for the Site;

*Traffic Aspect*

- (xiv) the traffic capacity had already reached the limits with serious traffic congestion. The rezoning involving population increase would lead to more traffic problems;
- (xv) the Government should provide sufficient traffic infrastructural and public transport facilities to support its housing policy, such as the railway proposal connecting Tuen Mun and Tsuen Wan;
- (xvi) the traffic impact assessment (TIA) conducted had not been disclosed for public inspection and it was not certain if all relevant factors had been taken into account;
- (xvii) the responses to the above grounds were:
  - according to the Commissioner for Transport (C for T), TIA had been carried out under the Highway Department (HyD)'s project "Widening of Castle Peak Road - Castle Peak Bay (CPR-CPB)". The CPR-CPB would be widened to dual two-lanes in order to meet the traffic demand arising from the anticipated intake of the proposed developments in the Tuen Mun East area including the proposed housing development on the Site. After widening, the carriageway and junctions along CPR-CPB would be adequate to cater for the increased traffic flow. The TIA demonstrated that there would be no insurmountable problems arising from the new housing developments subject to completion of the proposed junction improvement and CPR-CPB widening works before occupation of the proposed housing development. The works were scheduled for completion in 2019;

- the Chief Engineer/Railway Development, HyD indicated that the Tuen Mun and Tsuen Wan Link (TMTWL) was not included in the Railway Development Strategy 2014 on consideration that the local population was mainly concentrated at the eastern and western ends of the coastline between Tuen Mun and Tsuen Wan, while the remaining population was scattered and dispersed along the coast. The TMTWL would generate very limited travel time savings for passengers travelling between Tuen Mun and Tsuen Wan as compared with the existing West Rail Line. The building cost of the TMTWL project was expected to be very high due to the technical difficulties involved. The cost-effectiveness could hardly be established. Nevertheless, HyD would consider revisiting the railway proposal if there were further changes in the planning circumstances and population as well as increase in transport demand in the longer term in the coastal areas between Tuen Mun and Tsuen Wan or other relevant new considerations in the planning for development in the region; and
- C for T advised that where transport demand arose, the Transport Department (TD) would liaise with public transport operators to enhance the public transport service with a view to meeting the public transport demand;

*Environmental Aspect*

(xviii) the Site, bounded by Tuen Mun Road and Castle Peak Road, was unsuitable for residential development as it would be exposed to traffic noise and vehicular emission;

(xix) the responses to the above ground were:

- the Environmental Protection Department (EPD) indicated that there should be no insurmountable environmental problems for the proposed residential development at the Site provided that appropriate mitigation measures were adopted, which included submission of Noise Impact Assessment (NIA) by the future developer/project proponent to address the potential traffic noise impact arising from Tuen Mun Road and Castle Peak Road – Tai Lam, and designation of buffer distances to alleviate the vehicular emission (i.e. 20m from the Tuen Mun Road and 5m from Castle Peak Road – Tai Lam). The development parameters of the proposed housing development had taken into account the requirement for incorporating those mitigation measures. Consideration would be given to including those requirements in the land lease conditions as appropriate;

*Urban Design, Landscape, Air Ventilation and Visual Aspects*

- (xx) the proposed housing development under the OZP amendment was incompatible with the surrounding area. The proposed BH was excessive and would pose serious wall effect. The amendment was unfair to the developer of TMTL 435 located to the west of the Site as it was subject to a lower PR and lower BH restrictions which constrained the layout design;
- (xxi) the tree survey conducted did not cover the eastern portion of the Site where OVTs might be found. The ecological value was not assessed;
- (xxii) the air ventilation assessment (AVA) had not been fully completed. The living quality and health of the residents would be affected;
- (xxiii) proposals - to rezone the Site to “R(C)” or “Comprehensive

Development Area” (“CDA”), or to reduce the maximum PR to 1.3 and maximum BH to 58mPD. Other “GB” site on the Tuen Mun OZP should be rezoned to “R(B)” as a replacement;

(xxiv) the responses to the above grounds and proposals were:

- visual appraisal was conducted to assess the visual compatibility of the proposed development scale and it was concluded that there would inevitably be a loss of greenery and some visual openness to the immediate vicinity of the Site would be diminished by the proposed new housing development. Albeit those changes, mitigation measures in the form of non-building areas (NBAs) had been designated within the Site as wind corridors which also served as visual corridors, and they might help provide building permeability. Significant visual impact due to the OZP amendment was not anticipated;
- the character of the overall townscape in Tuen Mun and So Kwun Wat was in the process of transformation with more residential developments. The proposed housing development would not be visually incompatible in the wider context comprising a span of high-rise developments;
- an AVA by Expert Evaluation had been completed to assess the likely impacts of the housing development at the Site on the pedestrian wind environment. According to the AVA, five NBAs had been recommended allowing major annual and summer prevailing winds to penetrate through the Site and alleviating the potential impact on the surrounding environment. With the incorporation of the NBAs, the Site would have no major ventilation issues;

- according to DAFC, fruit trees were common in the eastern portion of the Site and common species of relatively small size trees were found in the western portion. There were no documented records showing any species of conservation concern within the Site. The Site was unlikely to be of particularly high ecological value;
- the proposed PR of 3.6 to maximise development potential of the Site was in line with the policy directives to meet acute demand for housing land. Technical assessments had been conducted to confirm the technical feasibility of residential development of PR 3.6 at the Site, which was not incompatible with the intensity of developments in the area. It was not appropriate to reduce the PR as suggested by the representer;
- the planning intention of “CDA” zone was for comprehensive development/redevelopment of the area for residential and/or commercial uses with the provision of open space and other supporting facilities. The zoning was to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints. Since technical assessments to confirm the feasibility of the proposed development at the Site had been carried out, further planning control over the development mix, scale, design and layout of development was not necessary;
- the planning intension of “R(C)” zone was primarily for low-rise and low-density residential development. As such, the rezoning to “R(C)” as proposed was inappropriate; and
- no specific alternative site had been proposed by the

representer and the Site was identified as suitable for residential development after a comprehensive review. Planning was an on-going process and land use review of other sites would be conducted from time to time to meet the changing circumstances;

*Provision of Government, Institution or Community (GIC) and other Supporting Facilities*

(xxv) there was a shortage of community, recreational, retail and wet market facilities in Tuen Mun and Tuen Mun East;

(xxvi) the population increase would lead to solid waste problem;

(xxvii) the passive recreational space in the area, including walking path and cycling track at the upper platform, would be lost without compensation;

(xxviii) the responses to the above grounds were:

- the planned population of So Kwun Wat OZP (about 16,955 persons) had not reached a level that warranted the provision of facilities on the basis of the standards recommended in the Hong Kong Planning Standards and Guidelines (HKPSG). Since So Kwun Wat adjoined the eastern part of Tuen Mun District, the provision of GIC facilities in Tuen Mun District would also meet the GIC demand from the population in So Kwun Wat. Based on the planned population of about 590,215 for the Tuen Mun District, including the planned population of the Tuen Mun OZP, Lam Tei and Yick Yuen OZP and So Kwun Wat OZP (including the population of the proposed housing development), the provision of major GIC facilities in the district was generally sufficient. For indoor

recreation centres (IRC), there would be a total of nine existing and planned IRCs in Tuen Mun and the provision was generally sufficient;

- there would be a surplus of secondary school places in Tuen Mun District;
- retail development was primarily market-driven and flexibility should be exercised to enable retail provision to adapt to possible changes in demographic characteristics, people's aspirations, incomes and lifestyles and also to respond to changes in the geographical distribution of population and economic activities. There were existing commercial facilities in the vicinity such as those in Gold Coast Shopping Mall, Aegean Coast, Avignon and Palatial Coast. According to the Notes of the Plan, 'Shop and Services' and 'Eating Place' uses in "R(B)" zone might be permitted on application to the Board;
- the proposed addition of about 2,000 flats at the Site was not expected to generate significant amount of solid waste. The future developer(s) would need to carry out sewerage impact assessment (SIA) and make their own arrangements for sewage treatment and disposal to cater for the housing development. Consideration would be given to including those requirements in the land lease conditions as appropriate; and
- the OZP amendment would not affect any existing public open space or recreational facilities, and planned footpath and cycle track;

*Public Consultation*

- (xxix) local consultation was inadequate. The affected villagers as well as landowners were not informed or consulted in the rezoning process. The procedures to handle the OZP amendment were improper and unjust. PlanD did not post notice at the Site to inform the affected residents/land owners. PlanD should hold a meeting with the residents of Siu Lam San Tsuen;
- (xxx) TMDC's objection to the OZP amendment should be taken into account in considering the rezoning of the Site for residential use;
- (xxxi) the responses to the above grounds were:
- the statutory and administrative procedures in consulting the public on the proposed zoning amendment had been duly followed. Prior to the submission to the RNTPC, the TMDC were consulted on 6.1.2015 and PlanD's representative had explained at the meeting the gazetting procedures of the zoning amendment. PlanD also attended a local forum with residents held on 7.2.2015 organised by a TMDC member;
  - the minutes of the TMDC meeting held on 6.1.2015 and the gist of the comments collected in the local forum were submitted to the RNTPC for consideration on 27.2.2015. The proposed amendment was incorporated into the draft OZP and published for exhibition for two months according to the provisions of the Ordinance. The public and the stakeholders had been given the opportunity to provide views on the proposed amendment. All representers and commenters had been invited to the Town Planning Board (the Board) meeting to present their views; and

- as an administrative measure, during the exhibition period of the Plan, PlanD had sent letters to members of TMDC and TMRC inviting them to submit representations. PlanD's representatives also consulted TMDC on the OZP amendment at its meeting on 5.5.2015 and the TMDC Chairman's letter dated 12.5.2015 expressing their objection to the amendment had been attached in Annex VII of the Paper for the Board's consideration;

*Other Concerns*

- (xxxii) personal safety problems such as robbery and other crimes might occur due to more people moving into the area;
- (xxxiii) the Site was on steep slopes and was not suitable for high/mid-rise residential development. No geotechnical assessment had been carried out and views of the Civil Engineering and Development Department (CEDD) on geotechnical feasibility had not been sought;
- (xxxiv) the responses to the above grounds were:
- the OZP amendment had no causal relationship with law and order or crime problems; and
  - the Head of Geotechnical Engineering Office (GEO), CEDD had not raised concern over the OZP amendment. Slope safety issues would be considered in the detailed design stage. Developers would be requested to submit geotechnical assessment if appropriate;

Representers' Proposals Not Directly Related to the Amendment Item and Responses

- (g) the representers' proposals not directly related to the amendment item, as summarised in paragraph 4.3.2 of the Paper, and responses to those proposals were highlighted below:
  - (i) to provide more car parking spaces at Sam Shing Estate and to commence the railway proposal connecting Tuen Mun and Tsuen Wan;
  - (ii) to cancel the restriction on vehicles turning from Tai Lam to Tuen Mun Road before 9:00 a.m.;
  - (iii) to expand the market at Chi Lok Garden and provide more car parking spaces; and
  - (iv) to extend the "Village Type Development" zone on the OZP;
- (h) as those views were not directly related to the OZP amendment, they had been conveyed to relevant departments for consideration. Detailed responses could be found at Annex VIII of the Paper;

Comments on Representations and Responses

- (i) C1 conveyed the same views as R8 and R9 opposing the amendment item, and C2 opposed the amendment item on grounds of contravention with the planning intention of the "GB" zone, affecting the surrounding environment and communities, lack of public consultation on site selection, insufficient technical assessments to demonstrate no adverse impacts on environmental, traffic, noise, air ventilation, landscape, ecological and geotechnical aspects. The responses to the concerned representations and issues were relevant;

PlanD's Views

- (j) R2's views on the amendment item were noted; and
- (k) PlanD did not support R3 to R144 and considered that the Plan should not be amended to meet the representations.

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

R4 – Kwok Wah Inn

R5 – Kwok Ming Chi

8. With the aid of a Powerpoint presentation, Mr Kwok Ming Chi made the following main points:

- (a) Tuen Mun East was remote from the urban centre, i.e. 30 km from Central, 37 km from Island East, 28 km from Tsim Sha Tsui and 28 km from Kai Tak. However, transportation network between Tuen Mun East and the urban areas was poor as there were no existing and planned MTR connections. There were often long queues at the bus stops in Tuen Mun East during morning peak hours;
- (b) there was a shortage of job opportunities in Tuen Mun East. Provision of new jobs had been shifted to the eastern part of the Territory, with the Government taking the lead to move some of its offices to Tseung Kwan O and Chai Wan. New job opportunities in the Hung Shui Kiu New Development Area would only be created in the long-term;
- (c) there was a lack of community facilities in Tuen Mun. The population of Tuen Mun East was about 75,000 (which might increase to 100,000) which was comparable to those of Tung Chung. While a series of GIC

facilities had been provided in Tung Chung, including primary schools, secondary schools, swimming pool, sports centre, library, market and clinics, only primary schools were provided in Tuen Mun East. According to the HKPSG, nine indoor recreation centres (IRCs) were required to serve the population of Tuen Mun District. However, only eight existing and planned IRCs had been provided;

- (d) most areas in Tuen Mun East, including the Site, were covered with dense vegetation and many of the trees were worthy of preservation;
- (e) the density of the Kai Tak development should be further increased as it was located in the urban centre served by the MTR, and would become a new central business district with plenty of job opportunities, open spaces and world-class facilities. There were only flat lands in Kai Tak without the constraint of trees. The purported increase in development intensity as claimed by the Government was not sufficient. If the PR of the Kai Tak development was increased to 5.5, an additional 127,000m<sup>2</sup> residential GFA would be provided and many vegetated areas including the Site would not be required to be rezoned for residential use. He had previously made such point at the hearing in respect of the draft Tuen Mun OZP but his point was not taken by PlanD and the Board;
- (f) the planning for Tuen Mun East was illogical. Compared with Tseung Kwan O South and the Science Park, Tuen Mun East was more remote from the urban centre, not served by MTR and was provided with fewer job opportunities. However, the proposed PRs in Tuen Mun East (i.e. 3.6 to 4) were even higher than the PRs of developments in those two areas (i.e. 2 to 3 and 3.5);
- (g) the opportunity to provide more housing on Hong Kong Island should be explored. Potential housing sites included the Mount Butler quarry site, Shek O quarry site, Pok Fu Lam Village and the area west of Heng Fa Chuen; and

- (h) the Government owed the residents of Tuen Mun in that their aspiration for a well-planned new town was not met. During the past ten years, the Government had placed a lot of unwelcoming facilities and high-density residential developments in Tuen Mun. The Board should rectify the situation and disapprove the OZP amendment;

[Speaking time: 11 minutes]

R8 – Chu Shun Nga

9. With the aid of the visualiser, Ms Chu Shun Nga made the following main points:

- (a) she was the TMDC member for the concerned constituency;
- (b) although the TMDC was briefed on the proposed OZP amendment at its meeting on 6.1.2015, PlanD had not presented the full picture of the amendment to TMDC. For example, the exact number of houses affected by the amendment was not indicated in the TMDC paper;
- (c) while TMDC had no objection to the proposed amendment, TMDC was of the view that PlanD should consult the affected residents before proceeding to the next stage of the plan-making process. However, the Plan was gazetted in March 2015 without the endorsement of TMDC;
- (d) the villagers of Siu Lam San Tsuen had not been consulted on the amendment prior to the publication of the Plan. Although PlanD had attended a consultation forum organised by her in February 2015, the villagers of Siu Lam San Tsuen had not been invited to the forum as the exact location of the village was not known by then. The villagers of Siu Lam San Tsuen were only made aware of the OZP amendment in April 2015;

- (e) in view of the above, the consultation procedure for the OZP amendment was defective. Since the amendment was not agreed by the affected villagers, they should be thoroughly consulted before proceeding with the OZP amendment; and
- (f) on 5.5.2015, the TMDC resolved to write to the Board, reflecting its views and highlighting its opposing comments on the rezoning of the Site. A letter was subsequently issued by the TMDC Chairman to the Board on 12.5.2015 expressing its objection to the OZP amendment. However, the said letter had not been regarded as a representation. The opposing views of the TMDC and the local residents should be duly considered by the Board.

[Speaking time: 11 minutes]

R12 – Chan Tak Yan

R13 – Yan Chan

R14 – S.F. Chan

R18 – 劉秀鳳

10. With the aid of a Powerpoint presentation, Mr Chan Tak Yan made the following main points:

- (a) he was an architect and had been living in Tuen Mun for over 30 years;
- (b) he objected to rezoning the Site from “GB” to “R(B)2”;

*Traffic Review*

- (c) the traffic problem in Tuen Mun had been a daily concern of the Tuen Mun community;
- (d) traffic along Castle Peak Road was already saturated. The proposed

development at the Site would worsen the traffic problem in Tuen Mun;

- (e) as the HyD's project of "Widening of CPR-CPB" was subject to judicial review (JR), it was unlikely that the project would be completed in 2019 as originally scheduled. The assumptions adopted in the traffic review were therefore unrealistic;

*Landscape Appraisal*

- (f) the eastern portion of the Site was not covered by tree survey. The proposed development could result in a loss of over 150 existing trees including OVTs and rare species which were of conservation value. The Board should not rezone the Site for residential use without knowing the number and species of trees to be felled;
- (g) after the amendment, the areas zoned "GB" on the So Kwun Wat OZP had reduced by about 2% from 310.81 hectares to 304.78 hectares. The percentage in So Kwun Wat was more than the average 1% of "GB" areas to be rezoned for residential use in the whole territory;

*Visual Amenity*

- (h) the findings of the visual appraisal were misleading. The vantage points chosen for assessing the visual impact of the proposed development (i.e. Gold Coast, Maclehose Trail and a barbecue site) were either unrealistic or remote from the Site. The visual impact from vantage points closer to the Site should be assessed;
- (i) the proposed development would destroy the hillside scenery of the area. The resultant walled buildings would block the views of tourists and cyclists. The major view corridors would also be blocked by the noise screens required for the proposed development. It was also uncertain whether an existing public toilet within the Site, which served as a resting station for cyclists and joggers, would be re-provisioned upon implementation of the proposed development;

*AVA and Noise Impact*

- (j) the air ventilation impact of noise screens for the proposed residential development had not been assessed in the AVA. While no NIA had yet been conducted, he was concerned that any tall noise screens, if required, would adversely affect the air ventilation of the Site and its neighbouring area;
  
- (k) there would be significant traffic noise and vehicular emissions arising from Tuen Mun Road and Castle Peak Road. The proposed designation of buffer distances to alleviate vehicular emissions (i.e. 20m from the Tuen Mun Road and 5m from Castle Peak Road – Tai Lam) would not be sufficient in view of the increased traffic along Castle Peak Road upon completion of the CRP-CPB widening project. Larger setbacks had been provided for other developments along Tuen Mun Road and Castle Peak Road;

*Drainage and Sewerage Impacts*

- (l) it was misleading to say that the Site was endowed with adequate infrastructure since there was no existing public drains and public sewers for connection to the proposed development;
  
- (m) the Site and its adjoining areas would be subject to high flooding risk as tremendous tree felling and increase in hard surface would be required for implementation of the proposed development. However, public stormwater drains were currently not available on the Site. It was doubtful if the drainage impact of the proposed development could be adequately addressed in the drainage impact assessment (DIA) to be conducted by the future developers;
  
- (n) as there were no existing public sewers in the vicinity of the Site to receive the sewage discharge arising from the proposed development, the future developers would be required to conduct a SIA and to provide

sewerage and sewage treatment facilities in support of the proposed development. He was concerned that sewage discharge arising from the proposed development would contaminate the water gathering grounds for Tai Lam Reservoir and the nearby beaches;

- (o) the proposed development, with about 2,000 flats and not served by public sewerage networks, should be regarded as a designated project under the Environmental Impact Assessment Ordinance (EIAO) requiring Environmental Permit from EPD;

*Geotechnical Concerns*

- (p) as the Site was located mainly on sloping areas, extensive site formation and tree felling would be required for implementation of the proposed housing development. The future developers would have to shoulder the burden to maintain the man-made slopes and retaining walls. He was also concerned that the slopes along Tuen Mun Road and Castle Peak Road would be adversely affected by developing the Site;

*Provision of Facilities*

- (q) there was a lack of GIC and retail facilities in the vicinity of the Site. The basic needs of the future residents had been ignored;
- (r) the nearest convenience store, wet market, sports centre, clinic/health centre and hospital were at distances of 2 km to 12 km away from the Site, and would not be accessible to future residents on foot. The need for commuting between the Site and the said facilities would lead to an increase in traffic along Castle Peak Road;
- (s) retail study had not been conducted even though the problem had been raised in the TMDC meeting before gazettal of the Plan. Future developers would be discouraged from providing retail facilities at the Site since planning permission for 'Shops and Services' use was required for from the Board;

- (t) there was a shortage in hospital beds, clinic and sports centre in Tuen Mun even on a district basis;

*Site Access*

- (u) access to the Site would become a problem given the small developable area of the Site, the interface with the adjoining petrol filling station and the need to fulfil requirements in terms of sustainable building design, site formation and provision of noise mitigation measures;

*Villagers and Agricultural Needs*

- (v) the villagers of Siu Lam San Tsuen were holding valid permits for cultivation and farming and had been engaged in agricultural practice for years. The rezoning would wipe out the existing agricultural activities. The potential of agricultural rehabilitation on the Site should be assessed;

*Affordable Housing*

- (w) as the future developers would be required to provide sewage treatment facilities, slope maintenance, drainage facilities, noise mitigation measures and tree maintenance for the proposed development, it was likely that the related capital and maintenance costs would be transferred to future buyers. The proposed development would unlikely be affordable housing;
- (x) there were no existing and planned public housing developments in So Kwun Wat. Insufficient justifications had been given for providing only private housing development on the Site. In view of the local objections, the Site should also be considered for public housing development;

*Alternative Sites*

- (y) the OZP amendment should be reconsidered after completion of the widening of CPR-CPB and development of the CDA sites in the vicinity.

There were other GB sites along the southern side of Castle Peak Road available for development; and

*Conclusion*

- (z) the Site was of conservation value and was not provided with sufficient supporting infrastructure and public facilities. The proposed development at the Site would have unacceptable impact on the surrounding area. In view of the above reasons, the Site was not suitable for residential development. Agreeing to the OZP amendment would be harmful to Tuen Mun and was unfair to the villagers, local residents, developers, future owners, residents of Tuen Mun and those queuing for public rental housing. As no one would be benefitted from the OZP amendment, his representation should be upheld in the interest of the general public.

[Speaking time: 30 minutes]

R6 - 蘇紹成

11. Mr So Siu Shing made the following main points:

- (a) the Site had been a subject of concern of the TMDC. In particular, the TMDC was of the view that the proposed development thereon should not be taller than 10 storeys;
- (b) as the OZP amendment was submitted to TMDC for consultation on 6.1.2015 together with other sites on the Tuen Mun OZP, details of the subject amendment had not been clearly explained to the DC members. Moreover, the exact location of the Site was not known at that time. The OZP amendment should not be gazetted without the endorsement of TMDC. PlanD should consult the affected residents before proceeding to the next stage of the plan-making process;

- (c) although Siu Lam San Tsuen was only formally named in 1996, its villagers had been living and engaged in farming and cultivation in the Castle Peak Road area for 70 to 80 years;
- (d) traffic along Castle Peak Road was already congested. The Site was originally reserved for railway development purpose but the Government had no plan to implement the TMTWL. The proposed development with 2,000 flats would worsen the traffic problem in the Tuen Mun area. The traffic problem should be resolved before proceeding with the OZP amendment; and
- (e) the opposing views of TMDC and the local residents should be duly considered by the Board.

[Speaking time: 5 minutes]

12. The Chairman said that after verification of the authorizations submitted by Ms Lee Lan Sum, R20, the eight representers/authorised representatives of ten representers would be given a total presentation time of 100 minutes. At the request of Ms Lee, the Chairman indicated that the oral presentations of the representers could be arranged following the sequence proposed by her (i.e. R20, R65, R121, R130, R100, R42, R74 and R70). The meeting had no objection to that arrangement.

R20 – 李蘭心

13. With the aid of a Powerpoint presentation, Ms Lee Lan Sum made the following main points:

- (a) she was a resident of Siu Lam San Tsuen;
- (b) the villagers of Siu Lam San Tsuen moved to the Site in the 1970s as their original village near Lok On Pai had to make way for the construction of

the desalination plant in Lok On Pai. There were media reports on the relocation of Siu Lam San Tsuen to its current location;

- (c) as compensation for the relocation, each household had received a sum of \$200 from the Government and had been permitted to resite their houses on a piece of land at the current Siu Lam San Tsuen area. At that time, the Site was a piece of derelict land and villagers had to borrow construction equipment and materials from others to rebuild the village;
- (d) the villagers were holding valid permits issued by the then New Territories District Office (NTDO) for cultivation and farming. They should not be regarded as illegal occupants of government land. The Government should agree to abide by its promise that the villagers could settle permanently at the Site and should not force them to move again;
- (e) Siu Lam San Tsuen was a proper village with public road signs, street lighting, fire hose, public toilets and letter boxes served by the Hongkong Post. The Government should have no problem in finding the village to carry out local consultation. However, residents of Siu Lam San Tsuen had not been consulted prior to the gazetting of OZP amendment. The local consultation exercise should be re-conducted before approving the proposed OZP amendment;
- (f) according to the information of the Rating and Valuation Department, there would be a supply of 83,000 new private housing units in the coming three to four years. The real need of the society should be public housing. The proposed private housing development at the Site would become luxury housing and would not be in the interest of the general public;
- (g) Siu Lam San Tsuen had already sacrificed several times for such public projects as the desalination plant, Tuen Mun Road and the widening of Castle Peak Road. The villagers had not raised any objection to those

projects since those projects were for the benefits of Hong Kong. Siu Lam San Tsuen should not make sacrifice again, in particular because the proposed private housing would not be in the interest of the society; and

- (h) the Board should duly consider the sentiments and circumstances of the villagers of Siu Lam San Tsuen.

R65 – 何妹

14. Ms Ho Mui made the following main points:

- (a) she was 90 years old and had lived in the former and current locations of Siu Lam San Tsuen for 40 and 50 years respectively. She had been growing vegetables for living; and
- (b) Siu Lam San Tsuen was moved to its current location to make way for the construction of the desalination plant. The villagers had worked hard to resite their village at its current location. It would be unfair to the villagers if their homes were to be demolished.

15. At this juncture, Ms Ho broke into tears and was unable to continue her oral presentation. Her son requested and the Board agreed to allow him to continue the presentation on Ms Ho's behalf. The son of Ms Ho then made the following main points:

- (a) he was born in 1955 and his father was one of the villagers responsible for establishing Siu Lam San Tsuen;
- (b) in early 1970s, a desalination plant was proposed at the former site of Siu Lam San Tsuen in Lok On Pai in order to solve the potable water shortage problem in Hong Kong. At that time, his father had been attending meetings with government officials to discuss the relocation of Siu Lam San Tsuen and the then NTDO had promised the villagers that they could settle down permanently at its current location. He did not understand

why no record on Siu Lam San Tsuen and its relocation could be traced. The concerned departments should verify the existence of the village on site; and

- (c) although Siu Lam San Tsuen was a small village and was not a village of the TMRC, the villagers still had the right to be consulted.

R121 – 劉耀暉

16. Mr Sit Ho Yin made the following main points:

- (a) he was authorised by the New Territories Heung Yee Kuk to make oral representation on behalf of the villagers of Siu Lam San Tsuen;
- (b) although the rezoning of the Site for private housing development would bring about significant income to the Government, the villagers of Siu Lam San Tsuen would not get any share of the benefits;
- (c) if the Site was rezoned for public housing development which was in the interest of the general public, there might have been no opposition from the villagers. The proposed luxury private housing development was however objected to by the villagers. As private developers had been maintaining land banks for future development, there should not be an imminent shortfall in the supply of private housing units. Moreover, developers could make planning applications to the Board to change the use of a land or building for residential purpose;
- (d) town planning should cater for the needs of people. The Board should make decisions to improve people's living rather than rezoning land for development aimlessly;
- (e) local consultation pertaining to the OZP amendment was inadequate. As stated in TMDC Chairman's letter to the Board issued on 12.5.2015,

PlanD had not explained clearly to the TMDC the gazetting procedures for the OZP amendment, the purpose of the “GB” zone and the implications of the amendment on the affected villagers. The Government should consult the villagers proactively before proceeding with the OZP amendment;

- (f) although majority of the residents of Siu Lam San Tsuen did not own the land, they had been living in the current location for more than 40 years. Their houses were built with the consent of the Government and should be permitted under the Squatter Policy. Those houses should not be touched unless the concerned land was required for development by the Government. If those houses were to be demolished, reasonable compensation and rehousing arrangements should be provided for the villagers; and

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

- (g) the Board, as an independent organization, was empowered to veto the recommendations of PlanD. The Board should carefully consider the views of the local people as the OZP amendment would have significant impact on their living as well as the Tuen Mun community. Given the opposing views of TMDC, TMRC and local residents, the OZP amendment should be remitted to PlanD for review and reconsideration taking account of the local aspirations.

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

[Professor K.C. Chau left the meeting at this point.]

R130 - 黃美如

17. Ms Wong Mee Yu made the following main points:

- (a) she had been living in Siu Lam San Tsuen for tens of years;
- (b) the villagers of Siu Lam San Tsuen had been cooperative with the Government. They had given in land for highway projects which were of benefits to the community and tolerated the noise and vibration of the highways. The villagers had been living a hard life and should be treated fairly by the Government; and
- (c) she was very disappointed with the Government and hoped that the Board would look after the needs of the villagers of Siu Lam San Tsuen.

R100 - 龐美鳳

18. Ms Kwong Mei Fung made the following main points:

- (a) her family, with 10 people of three generations, was living in Siu Lam San Tsuen. She had been seriously disturbed by the OZP amendment and worried that her family would become homeless;
- (b) the villagers of Siu Lam San Tsuen had been living peacefully in the current location for years. It was the common will of the villagers to continue their way of living and to enjoy the rest of their lives there;
- (c) she did not understand why the villagers had not been consulted on the OZP amendment; and
- (d) she hoped that the Board would respect the aspirations of the villagers.

R42 - 陳俊峰

19. Mr Chan Chun Fung made the following main points:

- (a) the residents of Siu Lam San Tsuen had not been consulted on the OZP amendment. He only learnt about the amendment from the media;
- (b) he had been living in Siu Lam San Tsuen for 40 years and did not want to change his way of living; and
- (c) the Board should duly consider the local sentiments and find ways to address the needs of the villagers.

R74 - 鍾仕雲

20. With the aid of the visualiser, Mr Chung Sze Wan made the following main points:

- (a) he was a resident of Siu Lam San Tsuen and had been living in the current location of Siu Lam San Tsuen for 45 years;
- (b) the OZP amendment had disturbed him seriously and made him sleepless;
- (c) when he got married in 1970, 'Siu Lam San Tsuen' was the address shown on his marriage certificate. Moreover, after his father had passed away, LandsD processed his application for the transfer of government licence in Siu Lam San Tsuen. He did not understand why there was no government record of the village;
- (d) his house was neither an illegal nor temporary structure. There was 'red numbers' at the entrance of the house and he had been paying government rent every year;
- (e) the villagers of Siu Lam San Tsuen had contributed positively to the society. It was a common goal of the villagers to maintain their way of

living and to enjoy the rest of their lives there; and

- (f) he hoped that an alternative site could be identified for development so that Siu Lam San Tsuen could be kept intact.

R70 – 鍾一銘

21. With the aid of the visualiser, Mr Chung Yat Ming made the following main points:

- (a) he was a resident of Siu Lam San Tsuen and younger brother of R74;
- (b) Siu Lam San Tsuen had a history of about 70 to 80 years and was originally located in Lok On Pai. In early 1970s, the Government proposed to construct a desalination plant in Lok On Pai in order to solve the potable water shortage problem in Hong Kong. With the efforts of the villagers and after liaison with the Government, Siu Lam San Tsuen was relocated to its current location with the consent of the Government. Details of the relocation of Siu Lam San Tsuen were notified to the public in a newspaper in 1972. The houses in Siu Lam San Tsuen were therefore not squatters nor illegal structures;
- (c) during village relocation, officers from the then NTDO had promised the villagers that they could settle down in the new site as it was not planned for any future development. The Government should keep its promise of not developing the Siu Lam San Tsuen site;
- (d) although the villagers were only farmers or engaged in low profile jobs, they were the major stakeholders in the OZP amendment and their views should be duly respected; and
- (e) the Board was respectfully requested to reject the OZP amendment.

[Total speaking time: 80 minutes]

22. As the presentation from the representers or their representatives was completed, the Chairman invited questions from Members.

23. A Member enquired about the development programme of the Siu Lam San Tsuen site. Mr David C.M. Lam, DPO/TM&YLW, said that the western portion of the Site had been included in the Land Sale Programme and would be disposed of for private housing development first. For the remaining part of the Site including the Siu Lam San Tsuen portion, the development programme had not been formulated since there were temporary works area, structures and people living on the site. The land use of the whole site was reviewed in a comprehensive manner, albeit the Site would be disposed of by stages.

24. The same Member followed up and asked whether the Siu Lam San Tsuen portion could be excluded from the “R(B)2” zone. Mr Lam said that after a comprehensive review, the whole site was found suitable for residential use as it was with relatively low buffer or conservation value, and close to the existing developed areas and public roads. It was suitable for rezoning to “R(B)2” to reflect the planning intention for residential use. If the Siu Lam San Tsuen portion was to be excised from the “R(B)2” zone, it would become surrounded by roads and developments in the future and would not function as green buffer even though it was zoned “GB”.

25. A Member asked whether there was any record showing that Siu Lam San Tsuen was relocated from Lok On Pai to the current location and enquired on the status of structures in the Siu Lam San Tsuen. Mr Lam said that in the 1970s, matters relating to village relocation and compensation were under the purview of the NTDO. However, both LandsD and DO/TM, the successor offices of NTDO, had no record on the relocation of Siu Lam San Tsuen. According to aerial photos taken in the 1970s, there were structures existed in Lok On Pai prior to the construction of the desalination plant, and some structures started to appear on the current Siu Lam San Tsuen site in the early 1970s. Mr Lam continued to say that most of the structures in Siu Lam San Tsuen were located on government land and included structures under government licence and squatters. Based on observation from site inspection, there were roughly 20 residential structures. If the structures in Siu Lam San

Tsuen were to be cleared for development, further investigation would be carried out by the LandsD to verify the status of the structures. For the affected villagers/residents, the Government would offer compensation, ex-gratia allowances and/or rehousing arrangements to the eligible affected parties in accordance with the prevailing policy.

26. The same Member asked whether the Site would be considered for public housing development. Mr Lam said that the suitability of a site for public or private housing development should be considered on the basis of the location, setting and characteristics of individual sites. In general, public housing developments were of higher development intensity and hence more suitable to be provided on large sites with good accessibility in order to achieve better use of the land resource and to provide more public facilities. Taking into account the site location, characteristics and proposed development parameters, the whole site was considered suitable for private housing development. Mr Lam said that the ratio of public/private housing provisions had to be examined on a district basis. PlanD had reported to the TMDC on 5.1.2015 that a number of sites in Tuen Mun District, including the subject site in So Kwun Wat, had been identified suitable for housing development in the next five years. Among those sites, three were proposed for private housing development and the remaining 10 sites would be examined for public housing development. The ratio of public/private housing sites was generally in line with the policy objective.

27. A Member enquired about the provision of retail facilities in the So Kwun Wat area. Mr Lam said that the planned population of So Kwun Wat was around 17,000. As the population was scattered throughout the area, providing retail facilities at individual developments might not be financially viable. The existing commercial facilities in Gold Coast Shopping Mall, Aegean Coast and Palatial Coast were providing retail and food and beverages facilities to serve the local population. With the anticipated increase in population, additional retail facilities would be provided in the Tuen Mun East and So Kwun Wat areas including 2,000m<sup>2</sup> GFA of retail facilities proposed in the Cross Road site upon redevelopment. Consideration would also be given to requiring the provision of retail facilities in the new developments within the CDA sites and a proposed public housing site in the area. The Member said that since no retail facilities would be provided on the Site, the future residents had to commute outside of the Site for such facilities. Mr Lam supplemented that provision of retail facilities was primarily market-driven and the future

developer(s) would take into account such considerations as financial viability and population thresholds. In the “CDA” site of Avignon, retail facilities had previously been proposed in one of the approved planning applications but subsequently those facilities had not been provided. He said that provision of retail facilities would be considered in those new developments in the area to serve the local community.

28. A Member asked whether it was the established practice to post site notices to notify the affected residents in respect of OZP amendments. Another Member said that the local consultation procedures might have to be reviewed given that the villagers of Siu Lam San Tsuen had not been consulted on the OZP amendment. Mr Lam said that the statutory and administrative procedures in consulting the public on the proposed OZP amendment had been duly followed. On the statutory procedure, the amendment was incorporated into the draft OZP and published for public inspection on 13.3.2015 for two months according to the provisions of the Ordinance. The public and stakeholders had been given the opportunity to provide their views on the OZP amendment, and all representers/commenters had been invited to the Board’s meeting to present their views in accordance with the provisions of the Ordinance. On the administrative procedure, PlanD had sent letters to members of TMDC and TMRC inviting them to submit representations; TMDC was consulted on the OZP amendment on 6.1.2015 and 5.5.2015; and a local forum with residents had been organised by a TMDC member on 7.2.2015 before the publication of the Plan. In addition, relevant government departments including the Home Affairs Department (HAD) had tendered assistance to solicit views from the local residents on the OZP amendment. It was not the existing practice to post site notices to notify the affected residents in respect of OZP amendments. The consultation procedures for the draft OZP were the same as those of other OZP amendment exercises which were considered generally efficient and effective. Mr Lam added that he had no idea why villagers of Siu Lam San Tsuen were not consulted through the TMDC and TMRC networks, and one possible reason might be Siu Lam San Tsuen was not represented in the TMRC.

29. In response to a Member’s question regarding EIAO, Mr Lam said that the Site comprised three individual portions, each with different land disposal and development programme. The proposed development thereon would not be regarded as a designated project under the EIAO as advised by DEP.

30. A Member asked whether tree survey had been conducted to verify the ecological and landscape values of trees on the eastern part, i.e. the Siu Lam San Tsuen portion, of the Site. Another Member said that the whole Site should be considered as a whole and asked whether the carrying out of tree survey by stages was an established practice for OZP amendments. Mr Lam said that tree survey covering the western portion of the Site had been carried out and no trees of conservation value were found. As for the eastern portion covering the Siu Lam San Tsuen site, based on the advice of AFCD, fruit trees were commonly found and the ecological value of that portion was unlikely to be high due to human disturbance. In order to ascertain the landscape and ecological values of that portion, a “Pre-land Sale Tree Survey” would be undertaken by LandsD as appropriate prior to disposal of the Site for development. The future developer(s) would be required to incorporate landscape treatment into the future design of the development and preserve any valuable trees found on the site where possible. The ecological impact of the OZP amendment was not insurmountable.

31. Another Member enquired about the traffic impact of the future developments at the Site. Mr Lam said that in considering the OZP amendment, close liaison had been maintained with TD to review the traffic conditions of the area. According to the TIA undertaken for the widening of CPR-CPB project, the existing road network had sufficient capacity to accommodate the additional traffic generated from the future development on the western portion of the Site. Upon completion of the proposed road widening and improvement works under the CPR-CPB project, the road network would be capable of handling the additional traffic generated by the planned new housing sites in Tuen Mun East. In the light of the findings of the TIA, the proposed developments in the remaining parts of the Site would be implemented taking into account the infrastructural provisions including the implementation programme of the road widening and improvements works.

32. A Member enquired about the sewage and drainage impacts arising from the proposed development of 2,000 units. Another Member asked whether the existing developments in the vicinity of the Site were connected to public sewers. Mr Lam said that there were existing public sewers in the vicinity of the Site and connections had been made to the existing developments in the vicinity as well as the adjoining development at TMTL 435

currently under construction. Since the Pillar Point Sewage Treatment Works might not have the capacity to accommodate the sewage discharge from the new developments (including the proposed development at the Site), EPD advised that on-site sewerage treatments facilities could be provided on the Site to cater for the sewage discharge. The provision of on-site sewage treatment facilities was technically feasible and not uncommon in the New Territories West area. In the medium term, a sewage treatment works would be provided in Tuen Mun East to serve the new developments in the area. In terms of drainage, relevant government departments consulted had confirmed that the OZP amendment would not cause insurmountable drainage problems from a technical point of view. The future developers would be required to conduct a drainage impact assessment and provide the necessary drainage facilities to address the drainage impact of the proposed development.

33. In response to a Member's enquiry, Mr Lam said that the proposed development with a maximum BH of 80mPD would have heights ranging from about 14 to 20 storeys given that the site formation levels would vary with the topography of the Site. According to the visual appraisal, the proposed development was not visually incompatible with the surrounding environment.

34. In response to another Member's enquiry, Mr Lam said that during the second stage of GB review, continual dialogue had been maintained between PlanD and the Housing Department in identifying suitable sites for public housing development. During the review, a total of 13 sites had been identified as suitable for housing development in Tuen Mun District in the next five years, and 10 of the 13 sites would be earmarked for public housing development. Though the Site was proposed for private housing development, there would be public housing developments in other parts of Tuen Mun District.

35. A Member asked if the Siu Lam San Tsuen portion had been considered for public housing development, how many public housing units could be provided and whether the proposed BH restriction was able to accommodate public housing development. Mr Lam said that the OZP amendment was to rezone the Site for residential use and the whole site was considered suitable for private housing development while some others sites in Tuen Mun District had been earmarked for public housing developments. The Site would be disposed for development by stages and the western portion had already been included in the

Land Sale Programme. The programme of development for the remaining portion of the Site including the Siu Lam San Tsuen site would be subject to further study during which the compensation and rehousing arrangements for those affected by the development would be dealt with. The Siu Lam San Tsuen site had not been examined for public housing development in the OZP amendment exercise. Mr Lam also said that there were examples of 10-storey public housing development in the Yuen Long District.

36. The same Member said that if the development programme for the Siu Lam San Tsuen portion had not been fixed, it appeared that there was no imminent need to rezone that portion to “R(B)2” at the current stage. The Member asked whether the Siu Lam San Tsuen portion could be excised from the amendment pending further consultation with the villagers and stakeholders. Mr Lam said that to achieve more comprehensive planning, it was considered appropriate to include the Siu Lam San Tsuen portion in the “R(B)2” zone as the whole site was found suitable for housing development. Moreover, the retention of Siu Lam San Tsuen as “GB” would not function as a green buffer. Mr Lam also said that the rehousing and compensation arrangements for those affected by the development would have to be dealt with before implementation of the intended residential development.

37. In response to the meeting’s request for information on the local consultation issue, Ms Chu Shun Nga (R8) said that the local forum held on 7.2.2015 was organised by her but since the exact location of the Siu Lam San Tsuen site was not known then, she had not invited the villagers of Siu Lam San Tsuen to the forum. The villagers therefore had not been consulted on the OZP amendment before its publication. She also said that TMDC had voiced out the concerns on the OZP amendment on behalf of the Siu Lam San Tsuen villagers. On 12.5.2015, the Chairman of TMDC wrote a letter to the Board expressing the TMDC’s objection to the amendment. However, TMDC’s objection had not been regarded as a representation in respect of the amendment OZP. She invited Members to consider carefully the opposing views of TMDC as stated in the letter.

38. As the representers and the representer’s representatives had finished their presentations and Members had no further question to raise, the Chairman said that the hearing procedures had been completed and the Board would deliberate on the representations and comments in their absence and would inform them of the Board’s

decision in due course. The Chairman thanked them and PlanD's representatives for attending the hearing. They all left the meeting at this point.

[Ms Bonnie J.Y. Chan left the meeting at this point.]

### Deliberation Session

39. The Secretary reported that Mr Chung Yat Ming, R70, had submitted a letter to the Chairman of the Board before the meeting conveying the comments stated in his written submission and his oral presentation at the meeting.

40. The Chairman recapitulated the major grounds raised by the representers or their representatives and invited Members to consider the representations and comments taking into account the written submissions and the oral submissions.

### *GB Review*

41. Members considered that the rezoning of the Site from "GB" to "R(B)2" was in compliance with principles set out in the second stage of GB review as the Site, being located at the fringe of Tuen Mun New Town and close to the existing developed areas and public roads, had a relatively low buffer and conservation value.

### *Sewerage and Sewage Treatment Facilities*

42. A Member wondered whether the existing public sewers and sewage treatment facilities would have the capacities to cater for the sewage discharge from the proposed development at the Site. The Chairman noted that since there would not be sufficient capacity in the existing public sewers and/or sewage treatment facilities to receive the sewage discharge from the new developments, on-site sewage treatment facilities had to be provided on the Site. Mr Johnson M.K. Wong, Principal Environmental Protection Officer (Strategic Assessment), EPD, said that since the Pillar Point Sewage Treatment Works did not have sufficient capacity to accommodate the new developments in Tuen Mun East, which comprised the proposed development within the subject "R(B)2" zone, the future developer(s)

would need to make their own arrangements for sewage treatment and disposal before public sewerage facilities were available in the event of programme mismatch. As an interim measure, on-site domestic sewerage treatment facilities could be provided to handle the sewage discharge generated from the proposed development. In the medium-term, new public sewage treatment works were under planning to meet the needs of the increasing population in the Tuen Mun East area. Upon completion of the new sewage treatment works, the proposed development would be able to connect to the public sewerage system such that the sewage discharge could be directed to the new works for treatment.

43. Mr K.K. Ling, the Director of Planning, invited Mr Wong to elaborate on the standards regarding effluent discharge from on-site sewage treatment facilities. Mr Wong said that effluent discharge from domestic sewage treatment facilities was subject to control under the 'Technical Memorandum for Effluents Discharged into Drainage and Sewerage Systems, Inland and Coastal Waters' (TM) issued under the Water Pollution Control Ordinance (WPCO) which defined discharge limits to different types of receiving waters. Under the TM, effluents discharged into the drainage system, as in the case of the proposed developments might select, would be subject to relevant effluent discharge standards.

44. The Chairman invited Mr Wong to explain the control mechanism of on-site sewage treatment facilities. Mr Wong said that generally speaking, in those cases requiring the provision of on-site sewage treatment facilities and subject to planning permission under the Ordinance, the project proponent had to submit the necessary assessment and information in respect of the proposed sewage treatment and disposal facilities to the EPD and/or the Board for compliance with the relevant approval condition(s). In all cases, the project proponent had to indicate the proposed sewage treatment and disposal facilities in the building plan submission whereby EPD's comments would be sought. For the future development on the Site, the requirements to carry out a SIA and to provide on-site sewage treatment and disposal facilities to cater for the future development would also be included in the land lease conditions which the landowners had to comply. Mr Wong continued to say that the operator of an on-site sewage treatment plant would have to apply for a WPCO licence from EPD for effluent discharge from the sewage treatment plant. The licence would contain terms and conditions specifying the requirements of effluent discharge including quantity and quality of the effluent before any effluent discharge commenced.

45. Mr Jeff Y.T. Lam, Deputy Director of Lands (General), remarked that the concerned departments should advise that the proposed on-site sewage treatment facilities on the Site were technically feasible and would not cause insurmountable problem before the relevant requirements could be specified in the land lease conditions.

46. A Member asked Mr Wong whether the capacity of on-site sewage treatment facilities would be subject to control. Another Member asked if there were examples of on-site sewage treatment facilities for a similar scale of development with 2,000 units. Mr Wong said that the design and capacity of on-site sewage treatment facilities would be subject to the approval of EPD based on the proposals submitted by the project proponent. With advancement in technology, on-site sewage treatment facilities for the proposed development would be technically feasible and the sewage impact arising therefrom would not be insurmountable. Examples of on-site sewage treatment facilities were found in developments in Mai Po, the Deep Bay Area and other developments along Castle Peak Road.

47. Another Member enquired about the implementation programme of the proposed new sewage treatment works in Tuen Mun East. Mr Wong said that new government sewage treatment works were under study by the concerned departments. At the current stage, if new sewage treatment works would not be available in the short term, interim sewage treatment and disposal measures were required for the proposed development at the Site.

48. A Member said that in the past, the provision of on-site sewage treatment facilities could not be considered satisfactory due to hygiene concern arising from management and maintenance problems. In view of the advancement in technology, the performance of such facilities should have been improved. In the current case, future developers could be held responsible for undertaking the necessary impact assessments, providing sewage treatment and disposal facilities and addressing the management and maintenance issues in support of the proposed development. As the programme regarding the connection of the proposed development to the public sewerage network was uncertain, the developers could be required to provide on-site sewage treatment facilities of good quality

and durability. The potential liability in relation to the proposed on-site sewage treatment facilities should also be clearly spelt out to the future flat owners.

49. Another Member said that if on-site private sewage treatment plant was used as an interim measure, it might be unrealistic to connect the proposed development to the public sewerage system in future as individual flat owners might not be willing to bear the cost of the sewerage connection. Mr Johnson M.K. Wong said that under the WPCO, there was provision to require connection to the public sewerage system once it became available in the vicinity. Owners might also find it attractive to divert the sewage discharges from the proposed development into the public sewerage system as they would no longer need to operate the on-site sewage treatment facilities under respective WPCO licence. Mr Wong also said that consideration could be given to specifying the requirement to connect the proposed development with public sewers, as and when required by the Government, in the land lease conditions.

50. Two Members enquired about the liability of future flat owners if the sewage discharge from the on-site sewage treatment facilities did not comply with the specified effluent discharge standards and/or the mandatory requirement to connect to the public sewerage system. Mr Johnson M.K. Wong said that under the WPCO, effluent dischargers should comply with the relevant requirements in respect of effluent discharge standards and/or connection to public sewerage system, and any non-compliance could be subject to enforcement actions.

51. Mr K.K. Ling said that the developer, future flat owners and IOs of the proposed development should bear the responsibility to manage and maintain the on-site sewage treatment and disposal facilities as in the cases of other communal facilities such as escalators and meter rooms. He also said that the availability of public sewers connection should not be a pre-requisite for any proposed development when technically feasible solution regarding on-site sewage treatment and disposal was available.

#### *Traffic Impact*

52. A Member considered that the proposed development would inevitably result in

an increase in private car usage, noting that no retail facilities would be provided at the Site. Since the Site was sandwiched between two major thoroughfares, it might be difficult to extend the existing public transport service to serve the proposed development.

53. Mr Kelvin K.M. Siu, Chief Traffic Engineer/New Territories West, TD, said that there were existing public transport services along Castle Peak Road passing by the Site and connecting the Site to the shopping centre in Gold Coast. Where the demand for public transport arose, TD would liaise with the public transport operators to enhance the public transport service with a view to meeting the demand of the proposed development. The Chairman said that it was not uncommon for private residential developments to provide shuttle services to/from nearby shopping points for the convenience of the residents. Such arrangement could be further examined by the future developer(s) subject to the approval of TD.

54. Mr K.K. Ling said that the development pattern in Tuen Mun East, characterised by low to medium density residential developments scattering around the area, was similar to those neighbourhoods such as Tai Po East, Jardine's Lookout and Cloud View Road where the retail facilities were not within walking distance of all the residents. Thus, the residents, to a certain degree, had to rely on private cars or public transport to reach the retail facilities. In the current case, there were existing shopping facilities in the vicinity of the Site such as those in Gold Coast Shopping Mall which was accessible by public transport and with car parking facilities. Additional retail facilities would be provided in the new developments in Tuen Mun East to meet the needs of the increasing population, if required. There would be scope to improve the existing public transport service in terms of frequency and routing. As the shopping trips would not normally be made during peak hours, the traffic impact generated by those trips should not be insurmountable.

55. A Member said that some residents might choose to live in areas without big shopping centres. As shopping trips would not normally overlap with the peak hour traffic, the traffic impact generated from those trips should not be a major concern. Another Member said that the future residents could choose to make the shopping trips in a flexible manner in order to avoid the peak hour traffic, and concurred that the related traffic generation should not be a major concern.

56. A Member said that as HyD's project "Widening of CPR-CPB" was subject to JR, the implementation programme of the proposed road widening and improvement works might be delayed. Other Members generally considered that the JR issue would be handled in the usual manner and did not constitute a major concern.

57. Another Member said that while the proposed development at the Site might be implemented by phases, it should be ascertained that the traffic impact of the whole development was acceptable in the longer term. Mr Siu said that the traffic generated by the future development on the western part of the Site, which had been included in the Land Sale Programme, would not pose any insurmountable impact on the existing local road network. According to the TIA carried out under the HyD's project "Widening of CPR-CPB", the CPR-CPB would be widened in order to meet the traffic demand arising from the anticipated intake of the new developments in the Tuen Mun East area including the proposed development in the remaining parts of the Site. After completion of the project, the carriageway and junctions along CPR-CPB would be adequate to cater for the increased traffic flow.

58. The same Member said that the proposed development would be implemented by phases and asked whether there would be any control on traffic impact and/or population intake of development in the later phases. Mr Siu said that apart from the western part of the Site, there was at the moment no firm programme of implementation for the remaining parts of the Site. Provided that the proposed widening works and junction improvements were completed before the land disposal or population intake of development on the remaining parts of the Site, no insurmountable traffic problems would arise from the later phases of the development.

59. Mr Jeff Y.T Lam said that, generally speaking, if the Government had conducted the TIA before land sale and the TIA showed that the traffic generated by the proposed development on the sale site was acceptable, there would be no need to include TIA requirement in the land sale conditions.

60. The Chairman noted that with regard to the subject OZP amendment, the established statutory and administrative procedures in consulting the TMDC, TMRC and the general public had been duly followed. The exhibition of the Plan for public inspection and the arrangements for submission of representations/comments, which were part of the statutory consultation process under the Ordinance, had also been duly executed.

61. A Member enquired whether the lack of local consultation could be relied upon as a ground to challenge the decision of the Board. Mr K.K. Ling said that in respect of public consultation on new or amendment OZPs, there were broadly two types of consultation procedures, i.e. statutory and administrative procedures. On the statutory procedure, the Plan was published for public inspection on 13.3.2015 for two months according to the provisions of the Ordinance, and the public and stakeholders had been given the opportunity to submit representations on the amendments and comments on the representations. All the representers/commenters had been invited to the Board's meeting to present their views. As such, the statutory procedure as required under the Ordinance had been duly followed. On the administrative procedure, it had been an established practice to consult those public consultative bodies including district councils and rural committees, if applicable, before and/or after publication of the OZPs. In the current case, the administrative consultation procedures had also been followed by PlanD. In the paper submitted to TMDC for consultation on 6.1.2015, the location of the Site and the existence of structures thereon had been clearly indicated on the plans and the aerial photo attached to the paper. Mr Ling continued to say that, despite all the above efforts, there were still occasions that local residents complained that local consultation was inadequate or that they were only informed of the OZP amendment after the statutory consultation procedure had commenced. In such a case, the crux of the matter was whether the statutory procedures as set out in the Ordinance had been duly complied with.

62. The Chairman noted that the villagers of Siu Lam San Tsuen had submitted representations, attended the Board's meeting and made oral submissions pursuant to the applicable statutory consultation procedure.

63. A Member agreed that, as stated in the Paper and explained by DPO/TM&YLW,

the statutory and administrative public consultation procedures in respect of the OZP amendment had been duly followed.

64. A Member considered that there might be scope to enhance the administrative public consultation measures.

65. The Chairman invited Mr Jeff Y.T. Lam to elaborate on the compensation and rehousing arrangements for the affected persons should the OZP amendment be upheld by the Board. Mr Lam said that in broad terms, if the Government decided to dispose of the Site which was government land, LandsD would undertake a survey of the affected structures and occupants on the Site. The survey would serve as a basis for assessing their eligibility for ex-gratia allowance and/or rehousing arrangements in accordance with the prevailing policy. If some occupants were unwilling to move out of the Site, clearance action by LandsD would be required. The Site should be cleared before land sale.

66. In response to R8's complaint that TMDC's letter of 12.5.2015 had not been regarded as a representation, Mr K.K. Ling said that it was a general practice that all views expressed by District Councils would be included in the relevant TPB Paper for Members' consideration. Thus, the minutes of the relevant TMDC meetings as well as its letter of 12.5.2015 expressing its objection to the OZP amendment had been attached to Annexes V to VII of the Paper. As the concerned District Council might be consulted on a planning proposal or an OZP amendment on more than one occasion and had expressed an array of views and comments during the course of public consultation, such practice was considered the most effective way for setting out in a comprehensive manner all views expressed by the District Council for Members' consideration.

#### *Suitability for Rezoning*

67. A Member said that since the Site was located in a developed area, all the technical and infrastructural issues should be resolved before the amendment could be approved. As there were uncertainties pertaining to the traffic and sewage treatment issues, rezoning of the whole site for residential use might be premature at the current stage. It was envisaged that the circumstances on traffic and sewage treatment aspects would not be

changed in the short term. The Member therefore had reservation on the OZP amendment.

68. Another Member also expressed reservation on the sewerage aspect of the proposed development. The Member believed that there were uncertainties regarding the implementation of the sewage treatment arrangements at the Site. As there was currently no programme for land disposal and development of the eastern portion of the Site, that Member took the view that that portion could be excluded from the “R(B)2” zone pending resolution of the sewage treatment issues.

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

69. A Member considered that so far, only the western portion of the Site was confirmed to be suitable for residential use as demonstrated in the technical assessments. As for the remaining portion of the Site, there were still uncertainties regarding its ecological value and the traffic impact of the future development. Consideration could therefore be given to excluding the eastern portion from the “R(B)2” zone.

70. A Member said that the use of on-site sewage treatment facilities to serve some 2,000 flats on the Site might be problematic and considered that only the western portion of the Site was suitable for rezoning to “R(B)2” at the current stage. The remaining portion of the Site could be considered for rezoning later when all the technical concerns had been adequately addressed.

71. A Member opined that the Board should focus on the appropriate land use of the Site, and whether the whole site was considered suitable for residential use. If the eastern portion was excised from the “R(B)2” zone and remained as “GB”, it would be surrounded by roads and developments in the future and could no longer function as an effective green buffer. The compensation and rehousing issues for Siu Lam San Tsuen could not be avoided if the land was required for future development as in other parts of the New Territories under similar situation. As for the sewerage issue, since the Site would be disposed of and developed in phases, it was envisaged that more than one on-site sewage treatment plant would be provided to handle the sewage discharge from some 2,000 flats. The sewage discharge could in due course be directed to the new sewage treatment works for

treatment through the public sewerage system when that became available. If the provision of on-site sewage treatment facilities was found acceptable for the western portion of the Site, based on the same consideration, the remaining portion of the Site should also be considered suitable for development.

72. A Member considered that the Site should be considered as a whole and was suitable for residential use. There were no strong reasons to excise any part from the Site for other land use zones. As the Site was mainly on government land, clearance of the structures thereon would be inevitable if the land was required for future development. The status of the structures, the right of the villagers and the related compensation and rehousing arrangements should not affect consideration on the suitable land use of the Site. The timing of the availability of infrastructural provisions was an implementation issue that should not affect the consideration of the appropriate land use of the Site.

73. Another Member also considered that the Site should be treated as a whole. On the sewerage aspect, provided that the detailed management and maintenance requirements were clearly specified in the lease conditions or other relevant documents, there should not be any insurmountable impact from the proposed development. As for traffic aspect, TD had confirmed that the traffic generated by the future development in the western part of the Site would have no insurmountable impact on the existing local road network. In the longer term, after the completion of the project "Widening of CPR-CPB", the road network would be adequate to cater for the increased traffic flow from the proposed development of the whole site. Thus, the Site was considered suitable for residential use.

74. A Member said that the land use of the Site should be considered as a whole. On sewerage aspect, although the proposed use of on-site sewage treatment facilities was technically feasible, there were uncertainties regarding the implementation of the new sewage treatment works which should be separately addressed at a later stage. As for traffic aspect, TD had advised that upon completion of the proposed road widening and improvement works along Castle Peak Road, the traffic impact of the proposed development should not be insurmountable. In view of the above, the whole site was considered suitable for residential use.

75. A Member said that the LandsD should be cautious in examining the 'claims' of the villagers and handling the compensation and rehousing arrangements as those issues might become grounds of possible legal challenge in the future.

76. Mr K.K. Ling said that the land use zoning of the Site should be considered separately from the implementation aspect of the proposed development. It had been demonstrated that the whole site was suitable for residential use although the proposed development would be implemented by phases to tie in with the improvement works along Castle Peak Road. On sewerage aspect, the provision of on-site sewage treatment facilities was technically feasible and the effluent discharge would have to comply with the discharge standards specified under the WPCO. Both the traffic and sewerage issues would be under the control of and monitored by the relevant departments. As for the 'claims' of the villagers, Mr Ling said that the structures on the Site were mainly located on government land and the Government was entitled to take the land back if it was required for future development. Mr Ling suggested that should the OZP amendment be approved, the relevant government departments including PlanD, LandsD and HAD should collaborate in explaining to the villagers that their structures were on government land but their structures would not be cleared in the short term despite that the Site had been rezoned for residential use. The Government would offer compensation, ex-gratia allowances and/or rehousing arrangements to the eligible affected parties in accordance with prevailing policies.

77. In response to a Member's enquiry, Mr K.K. Ling said that the rezoning of the Site would not affect the structures and residents thereon immediately as the existing use and development were not required to conform to the land use zoning. It was not uncommon that land falling within development zones might yet to be developed due to various reasons such as pending availability of infrastructural provisions or funding for GIC facilities. It was also not uncommon that a relatively long time might be involved between the rezoning of the Site and disposal of the land. As such, there would be sufficient time for the Government to verify the status of the structures on the land and to discuss the compensation and rehousing arrangements with the eligible affected parties.

78. A Member said that if provision of on-site sewage treatment facilities was considered unacceptable at the Site, it might set a precedent for other similar cases and duly

affect other new developments in Tuen Mun East. While proper implementation of the technical solutions would be required, there was sufficient control on their implementation under the relevant laws and regulations and the existing administrative mechanism. Such technical issues could be adequately dealt with during the land disposal stage. There were also existing policies and mechanism governing the compensation and rehousing issues in clearing the Site for development. The Site should be considered as a whole and rezoning it for residential use was appropriate.

79. A Member said that the OZP amendment had followed the statutory plan-making procedure with which the villagers of Siu Lam San Tsuen might not be familiar, and the concerns of the villagers could be understood. The plan exhibition procedure was part of the plan-making process and the villagers had not been left out from the consultation. The villagers would not be required to move out immediately even though the Site was rezoned for residential use. That said, if the Site had been planned for future development, the villagers would have to accept that the structures thereon would be cleared eventually. The Member also opined that the Board's consideration should focus on the appropriate zoning of the Site but not the implementation details of the future development. While there might be uncertainties surrounding the subsequent phases of implementation, there were no reasons to reject the rezoning of the Site from "GB" to "R(B)2" from a land use point of view. The land use considerations would not change even after further review of the implementation aspects.

80. Another Member opined that if there was the possibility that certain part of the Site might be considered unsuitable for disposal later in the process, it would not be appropriate to rezone the whole site for residential use at this moment. Although the whole site was considered suitable for residential use, the possible technical constraints should also be taken into account when determining the appropriate zoning of the Site. Based on the information available, it would only be appropriate to rezone the western portion of the Site to "R(B)2" at the current stage.

81. Mr K.K. Ling said that although the project "Widening of CPR-CPB" had been subject to challenge by way of JR, it was still the Government's intention to implement the proposed road widening and improvement works under the project. As demonstrated in the

TIA, there would be no insurmountable problems arising from the proposed development on the whole site after completion of the road works. Besides, if the provision of on-site sewage treatment facilities was considered acceptable in the western portion of the Site, such arrangement should also be acceptable on the remaining parts of the Site. In the long run, it was possible that all development on the Site would be connected to public sewers so that the sewage discharge could be directed to the public sewage treatment works for treatment and disposal. Mr Ling said that the technical and implementation issues would be thoroughly considered by the relevant government departments at the appropriate stage before determining whether a piece of the land was suitable for inclusion in the Land Sale Programme. The implementation programme of the infrastructure provisions and the suitability of the Site for residential use should be considered separately.

82. Another Member considered that uncertainties were unavoidable, but the possibility of finding the remaining portion of the Site unsuitable for land disposal later seemed low. Land use planning was a continuous process and the zoning of the Site could always be reviewed based on the prevailing planning circumstances.

83. After deliberation, the Board noted Representation No. R2's view concerning gas pipelines in the proximity of the Site. Following the taking of a vote, the Board decided not to uphold Representations No. R3 to R144 and considered that the Plan should not be amended to meet the representations. The reasons were:

R3, R4, R5, R7 to R13, R16 to R144

- “(a) land suitable for development in Hong Kong is scarce and there is a pressing need for increasing housing supply. Rezoning of “Green Belt” sites is one of the measures under the multi-pronged strategy to meet housing and other development needs. As the site is suitable for housing development, it is appropriate to rezone the site for residential use to meet the housing needs of the community;
- (b) the site, though partly vegetated, has relatively less buffering effect and low conservation value and is located in proximity to existing urbanised

development and infrastructures. It is suitable for residential development to meet the pressing needs for housing. If tree felling is necessary, the future developer will be required to carry out tree survey and take appropriate mitigation measures in accordance with the existing guidelines and tree preservation mechanism;

- (c) various technical assessments have been conducted for the amendment item to ascertain the feasibility of the housing development proposals. Relevant departments have confirmed that the zoning amendment would not generate unacceptable impacts in terms of traffic, environment, infrastructure, air ventilation, visual impact, as well as provision of open space and community facilities;
- (d) the proposed plot ratio (PR) of 3.6 for the site to maximise the development potential is in line with policy directives to meet the acute demand for housing land. Technical assessments have been conducted to confirm the technical feasibility of residential development at PR 3.6 at the site, which is not incompatible with the intensity of developments in the area. There is no need to rezone the site to “Residential (Group C)” or reduce the maximum PR to 1.3 as proposed;
- (e) the “Comprehensive Development Area” (“CDA”) zone is mainly to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints. Since technical assessments to confirm the feasibility of the proposed development at the site have been carried out, the rezoning to “CDA” as proposed is not necessary;

R4 to R12, R14 to R144

- (f) for affected villagers/residents, the Government will offer compensation, ex-gratia allowances and/or rehousing arrangements to the eligible affected parties in accordance with the existing policies;

- (g) the provision of government, institution or community (GIC) facilities and open space within the So Kwun Wat area and the Tuen Mun district has been assessed. The additional population arising from the development at the site is not expected to have a significant impact on the provision of GIC facilities and open space in the area. Sufficient land has been reserved for the provision of open space, GIC and other supporting facilities in Tuen Mun; and

R6, R8, R9, R12, R15 to R144

- (h) the statutory and administrative procedures in consulting the public on the proposed zoning amendments have been duly followed. The exhibition of the Plan for public inspection and the provisions for submission of representations/comments form part of the statutory consultation process under the Town Planning Ordinance.”

## **Agenda Item 2**

[Open Meeting]

### Any Other Business

[The meeting was conducted in Cantonese.]

84. There being no other business, the meeting closed at 2:30 p.m.