

**Minutes of 1236th Meeting of the
Town Planning Board held on 11.12.2020**

Present

Permanent Secretary for Development
(Planning and Lands)
Ms Bernadette H.H. Linn

Chairperson

Mr Lincoln L.H. Huang

Vice-chairperson

Mr Wilson Y.W. Fung

Mr Stephen L.H. Liu

Dr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Dr C.H. Hau

Mr Thomas O.S. Ho

Mr Alex T.H. Lai

Dr Lawrence K.C. Li

Professor T.S. Liu

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Stanley T.S. Choi

Mr L.T. Kwok

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Professor John C.Y. Ng

Professor Jonathan W.C. Wong

Mr Ricky W.Y. Yu

Dr Roger C.K. Chan

Dr Venus Y.H. Lun

Mr C.H. Tse

Dr Conrad T.C. Wong

Chief Traffic Engineer (New Territories East)
Transport Department
Mr Ken K.K. Yip

Chief Engineer (Works)
Home Affairs Department
Mr Gavin C.T. Tse

Assistant Director (Environmental Assessment)
Environmental Protection Department
Mr Terence S.W. Tsang

Director of Lands
Mr Andrew C.W. Lai

Director of Planning
Mr Raymond K.W. Lee

Deputy Director of Planning/District
Miss Fiona S.Y. Lung

Secretary

Absent with Apologies

Mr K.K. Cheung

Mr K.W. Leung

Dr Jeanne C.Y. Ng

Mr Y.S. Wong

In Attendance

Assistant Director of Planning/Board

Ms Lily Y.M. Yam

Chief Town Planner/Town Planning Board

Ms Caroline T.Y. Tang

Senior Town Planner/Town Planning Board

Miss Annie H.Y. Wong

Opening Remarks

[Open Meeting]

1. The Chairperson said that the meeting would be conducted with video conferencing arrangement.

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1235th Meeting held on 27.11.2020

[The item was conducted in Cantonese.]

2. The draft minutes of the 1235th meeting held on 27.11.2020 were sent to Members on 11.12.2020. Subject to any proposed amendments by Members on or before 14.12.2020, the minutes would be confirmed.

[Post-meeting Note: The minutes were confirmed on 14.12.2020 without amendments.]

Agenda Item 2

[Open Meeting]

Matters Arising

[The item was conducted in Cantonese.]

(i) Approval of Draft Outline Zoning Plan

3. The Secretary reported that on 24.11.2020, the Chief Executive in Council approved the draft Wong Nai Chung Outline Zoning Plan (OZP) (renumbered as S/H7/21) under section 9(1)(a) of the Town Planning Ordinance. The approval of the draft OZP was notified in the Gazette on 4.12.2020.

(ii) New Town Planning Appeal Received

Town Planning Appeal No. 7 of 2020

Proposed Redevelopment of House (New Territories Exempted House) in “Conservation Area” Zone, Lot 110, in D.D. 219, Kei Pik Shan, Tai Chung Hau, Sai Kung

(Application No. A/SK-PK/254)

4. The Secretary reported that a Notice of Appeal was received by the Appeal Board Panel (Town Planning) on 1.12.2020 against the decision of the Town Planning Board (the Board) on 16.10.2020 to reject on review an application No. A/SK-PK/254 for proposed redevelopment of a New Territories Exempted House at a site zoned “Conservation Area” (“CA”) on the approved Pak Kong and Sha Kok Mei Outline Zoning Plan.

5. The review application was rejected by the Board for the following reasons:

(a) the proposed development was not in line with the planning intention of the “CA” zone which was to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development. There was a general presumption against development in this zone. The applicant failed to provide strong justification in the submission for a departure from the planning intention; and

(b) the applicant failed to demonstrate a house was in existence on the application site on the date of the first publication in the Gazette of the notice of the interim development permission area plan, i.e. 12.10.1990, and that the development intensity of the proposed house would not result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on that day.

6. Members noted that the hearing date of the appeal was yet to be fixed and agreed that the Secretary would act on behalf of the Board in dealing with the appeal in the usual manner.

(iii) Town Planning Appeal Decision Received

Town Planning Appeal No. 2 of 2019

Proposed Office and Shop and Services/Eating Place in “Residential (Group A)”

Zone, 3-6 Glenealy, Central, Hong Kong

(Application No. A/H3/438)

7. The Secretary reported that the subject appeal was against the Town Planning Board (the Board)’s decision to reject on review an application No. A/H3/438 for proposed office and shop and services/eating place at 3-6 Glenealy, Central, Hong Kong (the Site), which fell within an area zoned “Residential (Group A)” on the Sai Ying Pun & Sheung Wan Outline Zoning Plan (OZP).

8. The appeal was heard by the Town Planning Appeal Board (TPAB) from 21.9.2020 to 23.9.2020. On 24.11.2020, the appeal was dismissed by TPAB for the reason that as the Site was situated in a locality which was a predominantly residential area, the main planning criteria of the Town Planning Board Guidelines No. 5 for Application for Office Development in Residential (Group A) Zone (TPB PG-No. 5) had not been satisfied. As one of the main planning criteria stated in TPB PG-No. 5 had not been satisfied, the application should be rejected.

9. The Secretary drew Members’ attention that the Board’s reasons for rejecting the review application were not adopted by TPAB. The Secretariat would further assess the implications of TPAB’s decision on similar applications and review the need for amending TPB PG-No. 5.

10. Members noted the decision of TPAB.

(iv) Appeal Statistics

11. The Secretary reported that as at 7.12.2020, a total of 12 cases were yet to be heard by the Appeal Board Panel (Town Planning). Details of the appeal statistics were as follows:

Allowed	36
Dismissed	164
Abandoned/Withdrawn/Invalid	203
Yet to be Heard	12
Decision Outstanding	6
<hr/> Total	<hr/> 421

(v) Enhancement of Submission Arrangement of Planning Applications

12. The Secretary reported that the Secretariat had reviewed the submission arrangement for application/review under s.12A, s.16, s.16A and s.17 of the Town Planning Ordinance with a view to encouraging softcopy submission of drawings and/or planning and technical statements for less paper consumption and facilitating public inspection of the applicant's submissions on Town Planning Board's website.

13. Under the new arrangement (which was not mandatory at the moment), an applicant providing softcopy of drawings and/or planning and technical statements for his s.12A/s.16/s.17 application would only need to submit 8 hardcopies and 1 softcopy instead of the 35 hardcopies and 35 CD-ROM under the current arrangement. For s.16A applications with softcopy, the submission requirement would be 1 softcopy and 3 hardcopies of the drawings and/or planning and technical statements. Softcopy of the submissions would be provided to the government bureaux/departments for seeking their comment on the applications. The TPB/PC paper, including the applicant's submissions, would be issued in softcopy for Members' consideration.

14. The application forms and the relevant Guidance Notes would be suitably revised to reflect the new arrangement. The new arrangement would take effect in early 2021.

15. Members noted the new arrangement of submission of planning applications.

[Mr Frankie Yu arrived to join the meeting at this point.]

Sai Kung & Islands District

Agenda Item 3

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/SK-CWBN/49

Proposed House and the associated Excavation of Land in “Green Belt” Zone and an area shown as ‘Road’, Lots 330, 331 RP (Part), 332 S.B and 333 S.B in D.D. 225, Pak To Avenue, Clear Water Bay, Sai Kung

(TPB Paper No. 10698)

[The item was conducted in Cantonese.]

Presentation and Question Sessions on the Request for Deferment

16. The following representative of the Planning Department (PlanD), the applicant and the applicants’ representatives were invited to the meeting:

Ms Donna Y.P. Tam	- District Planning Officer/Sai Kung & Islands (DPO/SKIs), PlanD
Mr Lau Siu Hung	- One of the Applicants
<i>Thomas Tsang Surveyors Limited</i>	
Mr Tsang Ka Kau]
Mr Andrew Li] Applicants’ representatives
Mr Wong Siu Lun]

17. The Chairperson extended a welcome and said that on 19.11.2020, the applicants’ representative wrote to the Secretary and requested the Town Planning Board (the Board) to defer making a decision on the review application for further two months in order to allow time to address departmental comments. It was the fifth time that the applicants requested

deferment of the review application. The Chairperson said that the Board would consider the applicants' request for deferment first and should the Board decide not to accede to the deferral request, the application would be considered by the Board at the meeting. She then invited DPO/SKIs to brief Members on the request for deferment.

18. With the aid of a PowerPoint Presentation, Ms Donna Y.P. Tam, DPO/SKIs, briefed Members on the grounds given by the applicants for the deferral request and PlanD's views as detailed in TPB Paper No. 10698 (the Paper).

[Ms Sandy H.Y. Wong and Dr Conrad T.C. Wong joined the meeting during PlanD's presentation.]

19. The Chairperson then invited the applicant to elaborate on the request for deferment.

20. Mr Tsang Ka Kau, the applicants' representative, said that the applicants had kept liaising with the concerned government departments to address their comments throughout the deferment periods. It took time to address the departmental comments especially with uncertainties under the COVID-19 pandemic. After addressing the Transport Department (TD)'s concerns on traffic engineering aspect, other associated comments from the Lands Department (LandsD) on the land matters and landscape aspect were recently received. A further deferral request was thus required in order to allow time to address the departmental comments.

21. In response to the Chairperson's question on whether the Paper contained sufficient information for the Board to consider the review application, Ms Donna Y.P. Tam, DPO/SKIs, confirmed that the Paper covered both the request for deferment and the details of the review application.

22. In response to the question from Mr Raymond K.W. Lee, the Director of Planning (D of Plan), on the details of the departmental comments to be addressed, Mr Tsang Ka Kau, the applicants' representative, said that while the applicants agreed to keep the height of the vegetation to 1m in the lawn/planter area between the application site (the Site) and Pak To Avenue to address TD's concern on sightline, the District Lands Officer/Sai Kung (DLO/SK), LandsD commented that the applicants were not allowed to interfere with the trees and

vegetation on the concerned lawn/planter area which fell within the unleased and unallocated government land (UUGL). They were informed by TD a few days before the subject meeting that the issue could be addressed by paving the concerned lawn/planter area as a pedestrian footpath and TD might take up the management responsibility. With this piece of new information, they hoped that more time could be allowed for them to further liaise with the concerned departments.

23. The Vice-chairperson and a Member raised the following questions:

- (a) whether the deferral request was related to the late receipt of LandsD's comments;
- (b) when the applicants submitted the proposal to TD to address the sightline concern; and
- (c) any precedent to accede to the repeated request for deferment (i.e. the fifth deferment).

24. In response, Mr Tsang Ka Kau, the applicants' representative, said that he would not consider that it was a late receipt of LandsD's comments. Upon reaching a consensus with TD regarding the sightline concern, they updated PlanD and LandsD on such arrangement and subsequently received LandsD's comments on the land matters and landscape aspect as mentioned above. The applicants intended to further liaise with LandsD on the land matters before the Board considered the review application though they were prepared for the Board to consider the review application at the subject meeting should the request for deferment not be acceded to. He supplemented that the submission to TD had been made for one and a half years and the latest comments from TD were received about three days before the subject meeting. Given the special work arrangements of the government departments under the COVID-19 pandemic, it was not unreasonable for the Board to allow deferment of more than three to four times in the processing of an application. Moreover, time was required for seeking agreement from the property owners nearby on the proposed traffic arrangement.

25. In response, Ms Donna Y.P. Tam, DPO/SKIs, said that in general, no further deferment was granted by the Board after the fourth deferment. Also, sufficient time had

been allowed for the applicants to address the departmental comments and the applicants had been advised at the fourth deferment that it was the last deferment and no further deferment would be granted.

26. As the applicant and the applicants' representative had no further point to raise and there was no further question from Members, the Chairperson informed the applicant and the applicants' representatives that the Board would deliberate on the request for deferment in their absence and inform them of the Board's decision after the deliberation session. PlanD's representative, the applicant and the applicants' representatives were invited to leave the meeting temporarily.

[Ms Donna Y.P. Tam, DPO/SKIs, the applicant and the applicants' representatives left the meeting temporarily at this point.]

Deliberation Session on the Request for Deferment

27. Before the deliberation, the Secretary reported that Ms Sandy H.Y. Wong had declared an interest on the item as she knew Mr Tsang Ka Kau, the applicants' representative, in person. As Ms Sandy H.Y. Wong had no involvement in the review application, Members agreed that she could stay in the meeting.

28. The Chairperson considered that similar to many other planning applications, the implementation details of the traffic arrangement could be dealt with in the later stage should the review application be approved. In considering the review application, the focus should be on whether the application had addressed the concerns raised by the Rural and New Town Planning Committee (RNTPC) of the Board at the s.16 planning application stage. Members should consider if there was sufficient justification to accede to the request for fifth deferment.

29. Mr Andrew C.W. Lai, the Director of Lands, remarked that details of the development proposal, including the handling of vegetation on government land, would be examined at the land exchange stage, if the planning application for the proposed development was approved. As such, land matters arising from the traffic arrangement proposed by the applicants might not be a relevant consideration to the request for deferment at this stage.

30. Mr Raymond K.W. Lee, D of Plan, drew Members' attention to paragraphs 2.1(a) and 2.1(b) of the Paper that the applicants made the review application on 3.9.2019 while the proposed traffic arrangement was only submitted in the form of further information in October 2020. Noting that the Paper already had sufficient information to facilitate the Board's consideration, and the applicants and their representatives informed the Board that they were ready to proceed to the review application, Member might consider not acceding to the request for deferment.

31. Members generally considered that the applicants did not have sufficient justification for the fifth deferment as adequate time had been allowed for the applicants to address departmental comments and the further departmental comments related to land matters needed not be resolved at the planning application stage.

32. After deliberation, the Board decided not to accede to the request for deferment and to proceed to consider the review application at this meeting.

[Ms Donna Y.P. Tam, DPO/SKIs, the applicant and the applicants' representatives were invited to return to the meeting at this point.]

33. The Chairperson informed the applicant and the applicants' representatives about the Board's decision of and reasons for not acceding to their request for deferment, and said that the meeting would proceed to consider the review application.

Presentation and Question Sessions on the Review Application

34. The Chairperson invited DPO/SKIs to brief Members on the review application.

35. With the aid of a PowerPoint Presentation, Ms Donna Y.P. Tam, DPO/SKIs, briefed Members on the background of the review application including the consideration of the application by RNTPC, departmental and public comments, and planning considerations and assessments as detailed in the Paper.

36. The Chairperson then invited the applicant to elaborate on the review application.

37. With the aid of a PowerPoint Presentation, Mr Tsang Ka Kau, the applicants' representative, made the following main points:

- (a) Mr Lau Siu Hung, one of the applicants, had been living in the area for many years. Mr Lau surrendered some land for the construction of Pak To Avenue. The concerned lawn/planter area was eventually not used for the road works and became the UUGL;
- (b) under the review application, they changed the location of the proposed ingress/egress from the eastern boundary to the southern boundary of the Site in response to TD's comments on the sightline of the access to Pak To Avenue. Furthermore, as advised by TD, since the issue could not be addressed by using fisheye mirrors, they would set back the proposed development along Pak To Avenue by 2m to improve the sightline on one hand and to address the potential risk of the access to Gospel Villa on the other. Even without the proposed development, the sightline issue of the access to the adjacent Gospel Villa should be addressed. The improvement resulted from the proposed traffic arrangement could be regarded as a planning gain of the development proposal under the review application;
- (c) despite the fact that the Government should be responsible for managing the concerned lawn/planter area on the UUGL, the vegetation had not been well maintained over the years. The bushes around the existing trees in the concerned area affected the sightline of the access to Pak To Avenue. The applicants would keep the height of the vegetation to 1m to address such concern. To address the management issue in the long term, TD recently considered it possible to pave the area as a pedestrian footpath and might take up the management responsibility of the area after paving;
- (d) the proposed development complied with the Town Planning Guidelines No. 10 for Application for Development within Green Belt Zone (TPB PG-No. 10) in that the proposed residential development with a plot ratio (PR) less than 0.4 might be permitted (i.e. paragraph 2(b) of TPB PG-No. 10). The design and layout of the proposed development was compatible with the surrounding area,

and the development would not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, or cause any adverse visual impact on the surrounding environment (i.e. paragraph 2(g) of TPB PG-No. 10). With reference to the Paper, the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD had no disagreement with the above views;

- (e) subsequent to the liaison with TD, the criterion under paragraph 2(h) of TPB PG-No. 10 was met as the vehicular access road and parking provision proposed were appropriate to the scale of the development and complied with the relevant standards. There was no dispute that the access and parking should not adversely affect existing trees or other natural landscape features. If there was concern about removal of trees might be required after the clearance of the bushes at the concerned lawn/planter area, a relevant clause could be included in the lease requiring the submission of tree preservation and landscaping proposals;
- (f) according to the relevant government departments' comments, the proposed development would not overstrain the capacity of existing and planned infrastructure such as sewerage, roads and water supply. It would not adversely affect drainage or aggravate flooding in the area. Moreover, the proposed development was not situated within water gathering grounds. The criteria under paragraphs 2(i) and 2(j) of TPB PG-No. 10 were met;
- (g) the proposed development would not overstrain the overall provision of government, institution and community facilities in the general area nor be susceptible to adverse environmental effects from pollution sources nearby such as traffic noise. The criteria under paragraphs 2(k) and 2(l) of TPB PG-No. 10 were hence complied with. For the geotechnical concern under paragraph 2(m) of TPB PG-No. 10, the proposed development was not on a slope or hillside. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department had no in-principle objection to the review application;
- (h) it should be noted that the Site was owned by the applicants and one of them

had a genuine need to build a house for their grown-up children. The development proposal was a self-help scheme in response to the housing problem identified in the Policy Address; and

- (i) the similar applications quoted in the Paper were for New Territories Exempted Houses (Small Houses) within “GB” zones of the OZP and were rejected by the Board in which the project proponents failed to demonstrate that land was not available for Small House developments within the “Village Type Development” (“V”) zones. Those applications were considered irrelevant to the subject review application. On the contrary, the Board should make reference to the application allowed by the Town Planning Appeal Board (TPAB) for a proposed house development at Lots 184 and 199 in D.D. 233, Ha Yeung, Sai Kung.

38. Mr Andrew Li, the applicants’ representative, introduced the design of the proposed house development that it involved a gross floor area of about 203m² and a PR of 0.31 which did not exceed the PR restriction of 0.4 under the TPB PG-No. 10. Besides, one private car parking space would be provided within the Site.

39. Mr Wong Siu Lun, the applicants’ representative, supplemented on the landscape aspect that while the proposal of replanting had not yet been provided, the applicants were willing to make the relevant submission if it was a requirement for obtaining the planning permission. Given that there was a possible proposal to address the sightline issue and the applicants agreed to undertake the maintenance responsibility of the concerned lawn/planter area at their own cost, it would address the traffic issue arising from the proposed development and improve the landscaping and traffic safety in the area.

40. As the presentation of PlanD’s representative, the applicant and the applicants’ representatives had been completed, the Chairperson invited questions from Members.

41. The Chairperson remarked that while the technical issues concerning the proposed development were observed, the discussion should focus on the rejection reasons given by RNTPC.

The Proposed House Development

42. In response to Members' questions on the purpose of the proposed house development, Mr Lau Siu Hung, the applicant, said that he was the owner of Lot 330 in D.D. 225 which was one of the lots within the Site. Mr Steven Philip Beaver, another applicant of the application, intended to develop the proposed house at the Site adjacent to his own house for his grown-up children. Mr Lau further provided the background information of Gospel Villa and said that it was located next to the Site and originally owned by his father and then sold to an entrepreneur who offered to build the site as dormitories for the retired teachers and members of the clergy of Hong Kong Adventist College. Mr Tsang Ka Kau, the applicants' representative, supplemented that Mr Lau who was an indigenous villager had applied for a New Territories Exempted House (NTEH) (Small House) at the Site but the application was rejected on the ground that the Site did not fall within the "V" zone nor the Village 'Environs'. Mr Lau then jointly made the subject application with Mr Beaver for meeting the housing need of Mr Beaver's family.

43. The Chairperson pointed out that there was no need for the applicants to disclose the future occupant(s) of the proposed development, which was not a relevant consideration of the application. Members were more concerned about the justification for the proposed development.

44. In response to a Member's question on whether the garden of the proposed development would be open to the public, Mr Tsang Ka Kau, the applicants' representative, said that the garden would not be open to the public since the lots under the application were private land.

45. Noting that one of the applicants owned a house adjacent to the Site, a Member raised a question on whether the permissible development intensity of the lot occupied by the said house would be included in the proposed development, should the application be approved. In response, Ms Donna Y.P. Tam, DPO/SKIs, explained that the adjacent lot occupied by the said house owned by the one of the applicants was not included in the Site and the development proposal of the subject application only involved one single house. Since the Site was a piece of leasehold agricultural land, application for lease modification to allow the proposed development was required should the planning approval be granted. The terms

and conditions of the new land grant for the proposed development would be subject to the scheme approved under the planning application. If the applicants wished to develop the subject Site together with adjacent lot and the said existing house, a fresh planning application would be required

Planning Context

46. The Chairperson and some Members raised the following questions:
- (a) condition of the Site and its surrounding areas;
 - (b) the zoning history of the two sites zoned “Residential (Group C)1” (“R(C)1”) to the west of the Site, and whether there was any structure erected at the Site when the first draft statutory plan was gazetted;
 - (c) the residential development at the end of Pak To Avenue and its planning history;
 - (d) the structures that were permitted to be erected on the lot demised for agricultural use; and
 - (e) details of the application allowed by TPAB mentioned by the applicant.
47. In response, Ms Donna Y.P, Tam, DPO/SKIs, made the following main points:
- (a) the Site mainly fell within an area zoned “GB” with a minor portion of area shown as ‘Road’ on the OZP. It was demised for agricultural use under the Block Government Lease without any building entitlement. To the west of the Site was a site zoned “R(C)1” with a house erected and owned by one of the applicants. To the northwest of the Site within the same “GB” zone were a swimming pool and a tennis court, which were associated with the applicant’s house but currently abandoned. To the further west of the Site was another site zoned “R(C)1”. To the northeast of the Site was Gospel Villa which was the dormitories of a church and zoned “Government,

Institution or Community” (“G/IC”);

- (b) for the two sites zoned “R(C)1”, there were houses erected on the lots with building entitlement and hence they were designated for a development zone on the first draft statutory plan to reflect the ‘existing use’. As for the subject Site, there was no structure erected, as shown in the aerial photo taken in 2001 when the first draft statutory plan was gazetted, and there was no building entitlement, it formed an integral part of the green belt area and was therefore zoned as “GB”;
- (c) the residential development located about 100m away from the Site at the end of Pak To Avenue was The Portofino, which was completed before the publication of the first draft statutory plan and was an ‘existing use’ zoned “R(C)9”;
- (d) under the statutory planning regime, if the land was zoned “V” on the OZP, the development of NTEH was always permitted while project proponent was required to make an application to LandsD in accordance with the prevailing land policy. Under the land administration regime, for erecting any structure on the leasehold agricultural land including agricultural structures (e.g. greenhouses and store rooms), prior approval from LandsD should be obtained, for instance, a Letter of Approval for Agricultural Structures. In processing the applications, the Agriculture, Fisheries and Conservation Department would examine the need for erecting such structures from the agriculture or fisheries point of view and whether the structures would be used directly for farming purposes or related to the farming operation; and
- (e) the application for a proposed house development within the “GB” zone in Ha Yeung, Sai Kung was rejected by RNTPC and the Board upon review in 2004 and 2005 respectively. It was allowed with conditions by TPAB in 2007 mainly on the consideration that the proposed development would bring a great improvement to the environment as a whole and the then ‘existing use’ of the site as a car park would inevitably generate more traffic than that from the proposed five houses. It should be noted that it was the only planning

permission for house development within “GB” zone in Sai Kung on leasehold agricultural land while other similar approvals were for development/redevelopment of house on land with building entitlement or for NTEH (Small House).

48. In response, Mr Tsang Ka Kau, the applicants’ representative, said that the Site was occupied by a garden and a parking space ancillary to the adjacent house when the first draft statutory plan was gazetted. In that regard, while the Site was demised for agricultural use under the Block Government Lease, the uses on site were associated with the adjacent land with building entitlement.

49. Mr Raymond K.W. Lee, D of Plan, by referring to Plan R-2, enquired about details of the Site and its surrounding developments. In response, with the aid of the visualiser, Ms Donna Y.P. Tam, DPO/SKIs, explained that the Site was the area edged red in which the hatched grey area was the proposed single house development. Mr Tsang Ka Kau, the applicants’ representative, and Mr Lau Siu Hung, the applicant, confirmed that the adjacent site zoned “R(C)1” with an annotation of ‘Lot 748’ was the house owned by Mr Steven Philip Beaver, another applicant of the application. The existing ingress/egress of that house was in the area annotated ‘Lot 333 S.B.’. Lot 331 RP in D.D. 225, where the new proposed house development would be erected, together with the area annotated ‘Lot 181 S.A.’ with a tennis court belonged to the same owner of the house at ‘Lot 748’, i.e. Mr Beaver.

50. In response to a further enquiry from Mr Raymond K.W. Lee, D of Plan, on the application allowed by TPAB, Ms Donna Y.P. Tam, DPO/SKIs, by showing a location plan with the aid of the visualiser, said that the concerned development fell within the “GB” zone abutting Clear Water Bay Road in Ha Yeung, Sai Kung and was located to the farther south of the Site.

TPB PG-No. 10

51. The Chairperson and some Members raised the following questions:

- (a) whether the application complied with TPB PG-No. 10 as claimed by the applicants; and

- (b) whether the first two main criteria of TPB PG-No. 10 concerning the planning intention and exceptional circumstances for granting an approval were the primary considerations, while the remaining criteria were basically technical considerations for a proposed development in the “GB” zone.

52. In response, Ms Donna Y.P. Tam, DPO/SKIs, made the following main points:

- (a) while the application complied with some criteria of TPB PG-No. 10 in that the intensity of the proposed development was compatible with the surrounding area and would not generate adverse impacts on various aspects including geotechnical, it should be noted that the application did not fulfill certain fundamental criteria. Firstly, there was a general presumption against development in a “GB” zone. Secondly, an application for new development in a “GB” zone would only be considered in exceptional circumstances and must be justified with very strong planning grounds. However, the applicants failed to provide such grounds to justify the proposed development in the subject “GB” zone. The lots of the application were demised for agricultural use under the Block Government Lease, which did not have building entitlement. It was the major difference between the subject application and the previous planning approvals for development/redevelopment of house on sites with building entitlement granted by the Board;
- (b) thirdly, from landscape planning perspective, CTP/UD&L of PlanD had reservation on the application since the applicants failed to address the concern on the impact of the proposed development on the existing landscape resources which included some mature trees growing along the edge of an open lawn and the lot boundary serving as a planting buffer to Pak To Avenue. Moreover, arising from their proposed traffic arrangement, the applicants had not provided any tree preservation and landscaping proposal nor any assessment on the potential impact on the planter area outside the Site to demonstrate that the proposed access and traffic arrangement would not adversely affect the existing trees and other natural landscape features;

- (c) fourthly, the proposed ingress/egress would involve keeping the height of the vegetation in the lawn/planter area between the Site and Pak To Road to 1m to ensure the sightline. As the trees and vegetation of the planter area falling within the UUGL, the applicants failed to demonstrate the feasibility of the proposed ingress/egress arrangement and that no adverse traffic impact would be generated; and
- (d) the first two criteria of TPB PG-No. 10 were the primary planning considerations to be observed by the Board. Noting the general presumption against development in the “GB” zone and that the previous planning approvals granted were basically for development/redevelopment of houses on site with building entitlement only, it had been the Board’s practice to look for strong reasons to justify development proposals in the “GB” zone under exceptional circumstances to deviate from the planning intention.

53. In response to a Member’s enquiry, Ms Donna Y.P. Tam, DPO/SKIs, confirmed that the landscape impact of the proposed development on the surrounding areas was one of the rejection reasons given by RNTPC.

Pak To Avenue and Traffic Impact

54. Some Members raised the following questions:

- (a) whether Pak To Avenue was a private road or a public road, and the responsibility and mechanism of its management and maintenance; and
- (b) the sightline issue of Pak To Avenue, and whether the potential risk for road users, if any, could only be addressed through the subject application.

55. In response, Ms Donna Y.P. Tam, DPO/SKIs, made the following main points:

- (a) Pak To Avenue was a non-exclusive right-of-way which could be used by the public. It was a road leading to JC Studio and a residential development named The Portofino, which were the management and maintenance agents of

the road. If necessary, TD had the authority to require the relevant parties to improve the road conditions; and

- (b) as advised by the Commissioner for Transport (C for T), the sight distance of the existing access to the section of Pak To Avenue near the Site was less than the minimum requirement from traffic engineering perspective. The issue could be addressed by the management and maintenance agents of the concerned road rather than through the planning application.

56. In response, Mr Ken K.K. Yip, Chief Traffic Engineer (New Territories East), TD said that for new or revised ingress/egress proposed under a planning application, TD, as the transport authority, would provide comments from traffic engineering perspective including the traffic safety concern. In the subject application, there should be adequate sight distance at the proposed ingress/egress from both directions of Pak To Avenue. The project proponent should have the responsibility to address the safety issue arising from the proposed traffic arrangement. For traffic issues outside the scope of the planning application, for instance, if a complaint on the design of Pak To Avenue was received, TD would request the responsible management and maintenance agents of the road to carry out improvement works through the relevant land lease.

57. In response, Mr Tsang Ka Kau, the applicants' representative, said that the access of Gospel Villa to Pak To Road was not safely designed. Although the sightline issue could be addressed through ways other than the applicants' proposed traffic arrangement, it would be beneficial to address the issue and improve the environment of the area in one go by the subject application. Similar to the application allowed by TPAB, improvement to the environment was one of the grounds for consideration. Mr Wong Siu Lun, the applicant's landscape consultant, supplemented that an extensive period of time was spent on revising the proposed traffic arrangement in response to the concern on the sightline. Upon formulating a feasible traffic arrangement, landscape issue arose from such arrangement and therefore a deferral request was made in order to allow more time to address such concern.

58. As Members had no further question to raise, the Chairperson said that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application in the absence of the applicant and the applicants'

representatives and inform the applicants of the Board's decision in due course. The Chairperson thanked PlanD's representative, the applicant and the applicants' representatives for attending the meeting. They left the meeting at this point.

[Dr Frankie W.C. Yeung joined and Mr Thomas O.S. Ho left the meeting during the question and answer session.]

Deliberation Session on the Review Application

59. The Chairperson remarked that in the consideration of the subject review application, the Board should observe the main planning principles under TPB PG-No. 10 and the planning intention of the "GB" zone. For the Site without building entitlement, the cumulative effect of approving similar applications within the "GB" zone would result in degradation of the local environment and adverse impact on the landscape character of the area. It should be noted that the domestic structures in the surrounding areas of the Site were 'existing uses' since the publication of the first draft statutory plan and were designated for development zones, namely "R(C)1" and "G/IC". Regarding the sightline issue, it could be addressed separately and thus the proposed traffic arrangement as a planning gain put forward by the applicants might not be justified.

60. A Member pointed out that the subject "GB" zone served as a buffer for the surrounding areas which involved various conservation zones namely "Conservation Area" to the east and "Country Park" to the west of the "GB" zone. The Site formed part of the "GB" zone, which was intended for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl.

61. Members generally were of view that the application was not in line with the planning intention of "GB" zone. Moreover, the proposed development did not comply with TPB PG-No. 10 in that there were no exceptional circumstances for approving the application. The approval of the application would set an undesirable precedent for other similar applications encroaching onto the existing "GB" zone. In that connection, the cumulative effect of approving such similar applications should not be underestimated.

62. Regarding the traffic concern raised in the s.16 application stage, Members noted that TD had no in-principle objection to the revised traffic arrangement proposed under the review application and the implementation details including the associated landscape impact could be dealt with in the later stage. The adverse traffic and landscape impacts generated by the proposed development should not constitute a ground for rejection of the review application. In that regard, the Chairperson proposed and Members agreed that the part of the rejection reason relating to adverse traffic and landscape impacts on the surrounding areas should be removed. That said, in view of the considerations set out in paragraph 61 above, there was no strong reason to depart from the RNTPC's previous decision.

63. After deliberation, the Board decided to reject the application on review for the following reasons:

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. The applicants fail to provide strong justification in the submission for a departure from the planning intention of the “GB” zone;
- (b) the proposed development is not in line with the Town Planning Board Guidelines No. 10 for Application for Development within Green Belt Zone in that there are no exceptional circumstances for approving the application; and
- (c) approval of the application would set an undesirable precedent for other similar applications within the “GB” zone. The cumulative effect of approving such similar applications would result in degradation of the local environment and adverse impact on the landscape character of the area.”

[Mr Alex T.H. Lai and Dr Lawrence W.C. Poon left the meeting at this point.]

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

Agenda Item 4

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/SLC/161

Proposed Holiday Camp (Caravan Holiday Camp and Tent Camping Ground) in “Coastal Protection Area” Zone, Lot 2366 in D.D.316L, Pui O, Lantau Island

(TPB Paper No. 10700)

[The item was conducted in Cantonese.]

Presentation and Question Sessions

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

- | | |
|----------------------|--|
| Ms Donna Y.P. Tam | - District Planning Officer/Sai Kung & Islands (DPO/SKIs), PlanD |
| Ms Au Yeung Kam Ping | - Applicant |
| Mr Kuo Han Kee |] Applicant’s representatives |
| Mr Kuo Ching |] |

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

66. With the aid of a PowerPoint Presentation, Ms Donna Y.P. Tam, DPO/SKIs, briefed Members on the background of the review application including the consideration of the application by the Rural and New Town Planning Committee (RNTPC) of the Board, departmental and public comments, and planning considerations and assessments as detailed in TPB Paper No. 10700 (the Paper).

67. The Chairperson then invited the applicant to elaborate on the review application.

68. With the aid of a PowerPoint Presentation, Ms Au Yeung Kam Ping, the applicant, made the following main points:

- (a) the departmental comments and public comments on the application were mainly related to the sewage and grey water to be generated from the proposed development, impacts on natural habitat, the land filling, the proposed development being not in line with the planning intention of “Coastal Protection Area” (“CPA”) zone and setting of an undesirable precedent for similar applications or ‘destroy first, build later’ activities;
- (b) the application aimed at promoting agriculture and organic crops, showing a compact model of sustainable development, demonstrating an organic lifestyle and reviving the local economy;
- (c) in response to the departmental comments on sewage and grey water to be generated from the proposed development, dry toilets and filter pool would be used and hence the rivers in the surroundings would not be affected. As the sewage and human waste collected in the dry toilets would be treated and decomposed for fertiliser, the sewage to be discharged would be reduced;
- (d) the construction works at the application site (the Site) was for erecting fencing to protect her own properties, including the crops, from damage caused by buffalos. The allegation of destroying the environment made by the green groups was unfounded;
- (e) there were many overseas examples such as in Australia, New Zealand and Taiwan to integrate education into the operation of organic farms. She joined the overseas visit organised by Hong Kong Organic Resource Centre Certification Limited in 2018 for observing overseas experience. She would apply similar concepts to the farm at the Site with the proposed caravan holiday camp for both agricultural and educational purposes;
- (f) while there were local organic farmlands in Hong Kong and some were with campsites, they were mainly for leisure purpose;
- (g) regarding the concern about the potential adverse environmental impacts of the

proposed development on the natural rivers, Pui O Beach and Pui O Campsite nearby, it should be noted that the rivers had already been polluted by other campsites;

- (h) a similar application for holiday camp in “CPA” zone near Pui O Lo Wai Tsuen was approved by the Board recently. Compared with the approved application, the Site was located even further away from residential use in about 100m. She queried why planning permission could be granted to such application but not hers;
- (i) there were also other campsites currently operated in the area including the one just opposite to the Site. Without involving construction works and tall fences, she doubted why the current application for promoting organic agriculture with leisure activity could not be allowed;
- (j) moreover, Treasure Island was a beach club for commercial purpose involving restaurant and bar at Pui O Beach zoned “CPA”. The sewage and trash from the development might create pollution and adverse impacts on the natural habitat; and
- (k) with all those campsites and developments in the Pui O area, the approval of the application would not set an undesirable precedent.

69. As the presentation of PlanD’s representative and the applicant had been completed, the Chairperson invited questions from Members.

70. The Secretary reported that Professor Jonathan W.C. Wong had declared an interest on the item as he was the Director of Hong Kong Organic Resource Centre Certification Limited and the applicant had joined the events organised by the Centre before. As Professor Jonathan W.C. Wong had no involvement in the application, Members agreed that he could stay in the meeting,

The Development Proposal

71. The Chairperson and some Members raised the following questions:
- (a) how long the applicant had operated organic farm at the Site, and whether the construction materials in the site photos shown by the applicant were still at the Site;
 - (b) whether the applicant had relevant experience in operating a farm and caravan holiday camp;
 - (c) how the environment of the Site could be improved through the development proposal;
 - (d) noting ‘Agricultural Use (other than Plant Nursery)’ was always permitted in the “CPA” zone and the applicant’s advocacy for sustainable agriculture, whether the applicant would consider only doing farming at the Site without involving the caravan holiday camp use, such that planning permission was not required;
 - (e) as the Site was located in the wetland and zoned “CPA” with the planning intention of conservation, whether the applicant, as an advocate of organic farming and sustainable development, would strike a balance between development and conservation;
 - (f) the height of fencing of the Site;
 - (g) details of the education programme for promoting agriculture;
 - (h) whether the detailed information presented by the applicant at the meeting had been submitted to the relevant government departments for comment;
 - (i) the technical feasibility of the sewerage proposal submitted by the applicant, and whether it was a statutory requirement to provide toilets for the caravans at the Site; and

- (j) according to the Definition of Terms (DoTs) used in statutory plans, 'Holiday Camp' meant any place where huts, cabins or other structures put up as short-term accommodation for leisure for people on outings or on vacation. Noting that the proposed development would only involve caravans parked at the Site but not the structures defined under the DoTs, whether the proposed development was regarded as 'Holiday Camp' and such proposed use was a conforming use.

72. In response, Ms Au Yeung Kam Ping, the applicant, made the following main points:

- (a) she bought the Site with tenancy in 2015 and took it back for her own use in 2017. The Site had been abandoned since then due to her engagement in family matter and the rejection of the previous application for proposed filling of land for permitted agricultural use submitted by her. The construction materials were used for erecting agricultural structures and fences at the Site. Two grape planters were made of those materials;
- (b) she had no relevant experience in operating caravan holiday camp. Whilst the Site had not yet been used for agriculture, she had experience in operating a farm;
- (c) the Site was full of silt which was too acidic for agriculture and the soil was too compact due to previous occupation of the Site by the buffalos. Turning the Site for active agricultural use would improve the soil quality;
- (d) agricultural activities involved nighttime operations and therefore short-term accommodation in caravans was proposed for letting visitors stay overnight and participate in those operations and observe the lifecycle of some plants. Also, from financial viability perspective, it was not sustainable to operate a farm purely involving cultivation;
- (e) the so-called wetland surrounding the Site was seasonal and it was a manmade wetland with low ecological value. The portion of wetland with rich

biodiversity was not the portion close to Pui O Beach. It was considered that the development proposal would contribute to conservation of the area;

- (f) the fencing at the Site was 1.2m in height. Prior to its installation, LandsD's view was sought and it was understood that no permission from LandsD was required for the fence in 1.2m high used for protecting private properties. To her understanding, no planning permission was required for land filling of 1.2m for cultivation; and
- (g) members of the public could join the education programme at the Site. The proposed holiday camp could accommodate a maximum of 20 visitors.

73. In response, Ms Donna Y.P. Tam, DPO/SKIs, made the following main points:

- (a) the applicant only submitted information related to the proposed dry toilets in the s.16 application stage. The detailed information presented by the applicant at the meeting had never been submitted to the Board and hence not made available to relevant government departments for comment;
- (b) the main focus in the town planning regime was on the use and development of the land. For some developments, the operation and implementation details were regulated under other relevant legislations and mechanisms. For the subject application involving temporary accommodation, a licence under the Hotel and Guesthouse Accommodation Ordinance (HAGAO) (Cap. 349) might be required and the statutory requirements for providing facilities such as toilets and fire services installations, if any, should be observed; and
- (c) while caravan was not a structure, the development proposal involving short-term accommodation in the form of caravan or tent for leisure or recreational purposes was regarded as 'Holiday Camp' and 'Tent Camping Ground'. According to the Notes of the OZP for "CPA" zone, 'Holiday Camp' and 'Tent Camping Ground' were Column 2 uses which required planning permission from the Board.

74. On the fencing at the Site, Ms Donna Y.P. Tam, DPO/SKIs, supplemented that the fencing at the main entrance of the Site was higher than the fence wall along the site boundary.

75. On the environmental aspect, Mr Terence S.W. Tsang, Assistant Director (Environmental Assessment), Environmental Protection Department, said that the Site was located near Pui O Beach which was a sensitive receiver. The Director of Environmental Protection had reservation on the application since the applicant did not provide sufficient information under the s.16 application to justify the proposed handling method of wastewater and treatment system. The main concerns were the treatment and discharge of the wastewater and the management measure cum implementation mechanism to ensure that the visitors would properly dispose of wastewater at the designated collection tanks. The applicant failed to demonstrate that the proposed development would not result in adverse impacts on the water quality of the surrounding areas. As the further information on the sewerage proposal was newly presented at the meeting, the practicability and operability of the proposed system for treating sewage would be subject to further study.

The Planning Context

76. The Chairperson and some Members raised the following questions:

- (a) details of the 'tent camping ground' annotated on Plan R-2;
- (b) the enforcement action in respect of land uses on areas not covered by Development Permission Area (DPA) plans;
- (c) whether the use at the Site was a non-conforming use if the application was rejected, and whether enforcement action would be taken;
- (d) details of the similar application mentioned by the applicant and the reasons for granting the approval; and the difference between the similar application and the subject application;
- (e) any other planning approvals granted to similar applications for holiday camp in the area;

- (f) the existing campsites in the area;
- (g) whether the approved similar applications fell within the subject “CPA” zone and the Pui O wetland;
- (h) details of the previous rejected application at the Site, and whether there was non-conforming use after the rejection;
- (i) noting that the previous application for land filling for permitted agricultural use was rejected, whether there were any agricultural operations, such as ploughing, that were not allowed in the “CPA” zone; and
- (j) elaboration on the concern of ‘destroy first, build later’.

77. In response, Ms Donna Y.P. Tam, DPO/SKIs, made the following main points:

- (a) the site opposite to the Site was a tent camping ground currently in operation without planning permission. It was not a conforming use under the OZP. South Lantau Coast area was not previously covered by DPA plan, there was no provision for planning enforcement under the Town Planning Ordinance (the Ordinance);
- (b) enforcement and regulatory actions in respect of land use on areas not covered by DPA plans including South Lantau Coast were taken by other government departments such as the Lands Department (LandsD) and other licensing authorities, depending on individual circumstances, through leases and various licensing mechanisms, etc. For the case of the tent camping ground opposite to the Site, should a guesthouse licence be required for its operation under the HAGAO, enforcement actions could be taken by the relevant authorities;
- (c) if the application was rejected, whether enforcement action would be taken by the relevant authorities would depend on the actual use found on the Site. While non-conforming land uses or activities in South Lantau Coast were not

enforceable by the Planning Authority, the cases would be referred to the relevant government departments for follow-up action, as appropriate;

- (d) the similar application mentioned by the applicant was application No. A/SLC/155 annotated in cyan on Plan R-1 for proposed temporary holiday camp (caravan holiday camp). It was approved with conditions upon review by the Board on a temporary basis for a period of three years. The site was close to South Lantau Road. The applicant submitted technical assessments on aspects including drainage and sewage. The application was approved mainly on the grounds that the proposed development was an environmental improvement as compared to its previous operation as a vehicle repair workshop and other parts of the “CPA” zone nearby the site had already been disturbed. A temporary approval was given so as to closely monitor the situation of the site and the discharge of approval conditions. The planning circumstances of the subject application were different from that of the similar application, e.g. the Site formed part of the Pui O wetland and the applied use was permanent in nature;
- (e) there were four other similar applications (No. A/SLT/28, 29, 47 and A/SLC/88) for permanent holiday camp involving largely the same site within the subject “CPA” zone. After rejecting the first application (No. A/SLT/28), planning permissions for the remaining three applications had been granted since 1992 mainly on the grounds that the applications were in line with the then planning intention of the area for low-density recreational developments under the consultancy study ‘South Lantau Planning and Development Study’; and the proposed development would provide a variety of compatible recreational facilities to enhance Pui O as an attractive holiday resort in South Lantau. Since the promulgation of ‘South Lantau in the Sustainable Lantau Blueprint’ (the Blueprint) in 2017, there had been a change in the planning circumstances that South Lantau was proposed for conservation with sustainable leisure and recreational uses. These approved similar applications fell within the “CPA” zone but not the Pui O wetland;
- (f) there were some campsites operated in Lots 2404, 2406, 2423 and 2369 in D.D.

316L without planning permission;

- (g) the previous application at the Site was submitted by the same applicant for proposed filling of land (1.2m) for permitted agricultural use which was rejected by the RNTPC of the Board in 2018 mainly on the grounds of insufficient information to justify the need for 1.2m land filling for permitted agricultural use; adverse ecological and landscape impacts on the surrounding area; and setting of an undesirable precedent for similar applications within the “CPA” zone. When the previous application was submitted in December 2017, only a relatively small portion at the eastern part of the Site was filled and occupied by structures and construction materials. During the processing of the previous application in late 2017 and early 2018, it was observed that the western part of the Site had been gradually filled without planning permission and a brick wall had been constructed along the site boundary in the west. After the previous application was rejected, no further land filling, construction works or non-conforming use was observed;
- (h) ‘Agricultural Use (other than Plant Nursery)’ was always permitted in “CPA” zone but planning permission for filling of land was required. Regarding the applicant’s assertion that no planning permission was required for land filling of 1.2m for cultivation, it should be clarified that laying of soil not exceeding 1.2m for cultivation was generally permitted in areas zoned “Agriculture” only but not in “CPA” zone. That said, ploughing of soil for cultivation was not regarded as filling or excavation of land. The combination of leisure activities or recreational facilities into the permitted agricultural use was akin to ‘Hobby Farm’ which should be regarded as ‘Place of Recreation, Sports or Culture’; and
- (i) the concern of ‘destroy first, build later’ arose from the processing of the previous application as mentioned above when some on-going construction works for land filling and fence wall without planning permission were observed at the Site. It was considered that approval of the previous application might encourage such bad practice.

78. Arising from Members' questions concerning the enforcement authority in South Lantau, the Chairperson supplemented that the Administration was currently exploring the feasibility of amending the Ordinance to better protect areas of high ecological values previously not covered by DPA plans, so that the Planning Authority would have the power to take enforcement actions against unauthorised developments in such areas. Meanwhile, enforcement actions in those areas were taken by other relevant government departments under the prevailing regulatory mechanisms as mentioned above.

The Pui O Wetland and Conservation in South Lantau

79. Some Members raised the following questions:

- (a) the extent of the Pui O wetland and its position in the Blueprint;
- (b) whether there were any important or special species in the Pui O wetland, and whether it was a habitat for migratory birds;
- (c) whether the Sustainable Lantau Office of the Civil Engineering and Development Department (SLO, CEDD) was responsible for coordinating conservation projects in South Lantau; and
- (d) whether the study being conducted by SLO, CEDD covered the Pui O wetland and any proposal had been formulated.

80. In response, Ms Donna Y.P. Tam, DPO/SKIs, made the following main points:

- (a) the Pui O wetland referred to the abandoned agricultural land and marshes to the north of Pui O Beach and in the eastern portion of the subject "CPA" zone. The extent of the wetland was not identical to the area zoned as "CPA". The Pui O wetland had been proposed for conservation in the Blueprint. Under the policy directive of 'Development in the North, Conservation for the South' of the Blueprint, while South Lantau was planned to encourage conservation with sustainable leisure and recreational uses, only the suitable parts would be identified for such kind of developments. Also, before implementing any of

the development proposals, their scale, technical feasibility and environmental acceptability should be carefully assessed;

- (b) the wetland was abandoned agricultural land and had become a habitat for buffalos in South Lantau. Being rich in biodiversity of wetland plants and macro-invertebrates and forming part of the history and culture of South Lantau, the wetland as an ecosystem was proposed for conservation;
- (c) SLO, CEDD was playing an important role in taking forward development projects and conservation initiatives of Lantau. It prioritised, coordinated and integrated the planning, design and implementation of those projects and initiatives. For conservation, baseline environmental and ecological studies in areas of high ecological values were being conducted to identify suitable sites for conservation with sustainable leisure and recreational uses. The improvement of mountain bike trail network was one of the on-going projects. In addition, the Lantau Conservation Fund was to promote conservation and pursue minor local improvement works in villages and communities in support of the conservation initiatives. Financial support and liaisons with local communities, landowners and non-government organisations had been provided by SLO, CEDD; and
- (d) the baseline study being conducted by SLO, CEDD covered the Pui O wetland while the proposals had yet to be formulated.

81. A Member remarked that the Pui O wetland had rich biodiversity. It was a site of conservation importance for the amphibians of Hong Kong. Rare or uncommon species including Two-striped Grass Frog and Three-striped Grass Frog could be found there. Moreover, it was a habitat of migratory birds in which some rare species were identified.

82. As Members had no further question to raise, the Chairperson said that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application in the absence of the applicant and the applicant's representatives and inform the applicant of the Board's decision in due course. The

Chairperson thanked PlanD's representative, the applicant and the applicant's representatives for attending the meeting. They left the meeting at this point.

[Mr Daniel K.S. Lau left the meeting during the question and answer session.]

Deliberation Session

83. The Chairperson pointed out that 'Agricultural Use (other than Plant Nursery)' without involving land filling was always permitted in the subject "CPA" zone. For the Site falling within an area zoned "CPA" with the planning intention for conserving and protecting the sensitive coastal natural environment, the application resulting in human disturbance to the surrounding areas should be carefully considered. In addition, as a background, while there was a study on environmental and ecological aspects being conducted by SLO, CEDD which would formulate a more comprehensive framework for promoting conservation with sustainable leisure and recreational uses in South Lantau, the findings of the study were not yet available.

84. Members generally recognised the applicant's advocacy of organic farming and sustainable development and considered that farming at the Site, which was always permitted, should be encouraged. Whilst a Member asked whether there was scope to explore the possibility of granting a temporary approval to the application as a trial, majority of Members were of the view that the Site was located in the Pui O wetland with rich biodiversity and were concerned that the application, which was not technically justified, which would pose adverse environmental impacts on the sensitive receivers in the surrounding areas. Approval of the application would bring irreversible impacts on the area. In addition, while noting the intention of integrating the proposed holiday camp into the permitted agricultural use to enhance the financial viability of the development proposal, two Members had grave concern on the adverse environmental impacts that might be generated from the proposed development.

85. Noting that there was no enforcement power under the planning regime to stop the proliferation of non-conforming uses, e.g. holiday camp, in South Lantau, some Members considered it necessary to expedite the review of the Ordinance so as to formulate proposals for protecting areas of ecological importance but not covered by DPA plans. While

Members were aware that enforcement and regulatory actions were taken by other relevant authorities pursuant to the prevailing ordinances and regulations, SLO of CEDD, which oversaw the development of Lantau Island, should closely monitor the enforcement actions in a coordinated manner.

86. Members noted the role of SLO to take forward development projects and conservation initiatives in South Lantau and suggested that the development proposal under the application be referred to SLO to help facilitate the proposal. Also, Members believed that there were other proposals similar to the subject application involving sustainable development concepts and conservation initiatives but the applicant might require assistance in identifying suitable areas in the area for achieving conservation with sustainable leisure and recreational uses. Members considered that SLO should be urged to speed up the preparation of a more comprehensive framework based on the study findings. The Chairperson proposed and Members agreed that the Secretariat would, on behalf of the Board, refer the development proposal under the subject application to SLO for their consideration of possible facilitating measures. The general expectation for SLO to help monitor enforcement action in South Lantau should also be conveyed.

87. After deliberation, the Board decided to reject the application on review for the following reasons:

“(a) the application is not in line with the planning intention of the “Coastal Protection Area” (“CPA”) zone which is to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It is also intended to safeguard the beaches and their immediate hinterland and to prevent haphazard ribbon development along the South Lantau Coast. There is a general presumption against development in this zone. There is no strong planning justification in the submission for a departure from such planning intention;

(b) the applicant fails to demonstrate that the proposed development would not have adverse ecological, water quality, drainage and sewerage impacts on the

surrounding areas; and

- (c) approval of the application would set an undesirable precedent for similar applications within the “CPA” zone which fail to demonstrate that there is no adverse impact on the natural environment. The cumulative effect of approving such applications would lead to a general degradation of the natural environment of the area.”

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

Tuen Mun & Yuen Long West District

Agenda Item 5

[Open Meeting (Presentation and Question Sessions only)]

Request for Deferment of Review of Application No. A/TM/530

Columbarium Use in “Government, Institution or Community” Zone, Lot 2011 (Part) in D.D.

132, Tuen On Lane, Tuen Fu Road, Fu Tei, Tuen Mun

(TPB Paper No. 10702)

[The item was conducted in Cantonese.]

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

- | | | |
|--|---|---|
| Mr Lincoln L.H. Huang
(Vice- Chairperson) | - | being a member of the Private Columbaria Appeal Board (PCAB); |
| Mr K.K. Cheung | - | his firm being the legal advisor of the Private Columbaria Licensing Board (PCLB); and |
| Mr Alex T.H. Lai | - | being a past member of the PCAB, and his former firm being the legal advisor of the PCLB. |

89. Members noted that Mr K.K. Cheung had tendered apology for not attending the meeting and Mr Alex T.H. Lai had already left the meeting. As the interest of Mr Lincoln L.H. Huang was indirect, Members agreed that he could stay in the meeting.

90. The Secretary reported that the applicant's representative requested on 18.11.2020 deferment of consideration of the review application for two months so as to allow time to prepare further information to address departmental comments including details of the background history of the site and its surroundings. It was the third time that the applicant requested deferment of the review application. Since the last deferment, the applicant had submitted further information to address departmental comments.

91. After deliberation, the Board decided to defer a decision on the review application as requested by the applicant pending the submission of further information from the applicant. The Board agreed that the review application should be submitted for its consideration within three months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the review application could be submitted to an earlier meeting for the Board's consideration. The Board also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information. Since it was the third deferment and a total of six months had been allowed for preparation of submission of further information, it was the last deferment and no further deferment would be granted.

Kowloon District

Agenda Item 6

[Open Meeting (Presentation and Question Sessions only)]

Request for Deferment of Review of Application No. A/K15/124

Proposed Comprehensive Residential Development with Supporting Retail & G/IC Facilities in "Undetermined" Zone, Various Lots in S.D. 3 and Adjoining Government Land, Cha Kwo Ling Tsuen, Yau Tong, Kowloon

(TPB Paper No. 10703)

[The item was conducted in Cantonese.]

92. The Secretary reported that the following Members had declared interests on the item for having business dealings with Kenneth To & Associates Limited (KTA), AIM Group Limited (AIM) and C M Wong & Associates Limited (CMW), which were the consultants of the applicants:

- Mr Franklin Yu - having current business dealings with CMW;
- Mr K.K. Cheung - his firm having past business dealings with AIM;
- Mr Alex T.H. Lai - his former firm having past business dealings with AIM; and
- Mr Daniel K.S. Lau - being an ex-employee of the Hong Kong Housing Society which had business dealings with KTA.

93. Members noted that Mr K.K. Cheung had tendered apology for not attending the meeting and Messer Alex T.H. Lai and Daniel K.S. Lau had already left the meeting. As Mr Franklin Yu had no involvement in the application, Members agreed that he could stay in the meeting.

94. The Secretary reported that the applicants' representative requested on 19.11.2020 deferment of consideration of the review application for two months in order to allow more time for preparation of further information to address the reasons for rejecting the application. It was the first time that the applicants requested deferment of the review application.

95. After deliberation, the Board decided to defer a decision on the review application as requested by the applicants pending the submission of further information by the applicants. The Board agreed that the review application should be submitted for its consideration within three months from the date of receipt of further information from the

applicants. If the further information submitted by the applicants was not substantial and could be processed within a shorter time, the review application could be submitted to an earlier meeting for the Board's consideration. The Board also agreed to advise the applicants that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Sai Kung & Islands District

Agenda Item 7

[Open Meeting (Presentation and Question Sessions only)]

Proposed Amendment to the Draft Pak Lap Outline Zoning Plan No. S/SK-PL/3 Arising from Consideration of Representations and Comments and Application to the Chief Executive under Section 8(2) of the Town Planning Ordinance for Extension of Time Limit for Submission of the Draft Pak Lap Outline Zoning Plan No. S/SK-PL/3 to the Chief Executive in Council for Approval

(TPB Paper No. 10705)

[The item was conducted in Cantonese.]

96. The Secretary reported that the following Members had declared interests on the item for having business dealings/affiliation with the representers and/or commenters including Ms Mary Mulvihill (R1/C59), the Hong Kong Countryside Foundation (HKCF) (R2), Kadoorie Farm and Botanic Garden (KFBG) (R3), The Conservancy Association (CA) (R4/C54) and Hong Kong Bird Watching Society (HKBWS) (R5/C55):

Dr C.H. Hau

- being an ordinary member of HKBWS, a life member of CA and his spouse being the Vice-chairman of the Board of Directors of CA;

- Mr K.W. Leung - being a member of the executive board of HKBWS and the Chairman of the Crested Bulbul Club Committee of HKBWS;
- Professor John C.Y. Ng - being a director of the Board of HKCF;
- Mr K.K. Cheung - his firm having current business dealings with KFBG, past business dealings with CA, and hiring Ms Mary Mulvihill on a contract basis from time to time; and
- Mr Alex T.H. Lai - his former firm having current business dealings with KFBG, past business dealings with CA, and hiring Ms Mary Mulvihill on a contract basis from time to time.

97. Members noted that Messer K.W. Leung and K.K. Cheung had tendered apologies for not attending the meeting and Mr Alex T.H. Lai had already left the meeting. As Dr C.H. Hau and Professor John C.Y. Ng had no involvement in the submissions of the representations and comments, Members agreed that they could stay in the meeting.

Presentation and Question Sessions

98. The following representative of the Planning Department (PlanD) was invited to the meeting:

- Ms Donna Y.P. Tam - District Planning Officer/Sai Kung & Islands (DPO/SKIs)

99. The Chairperson invited DPO/SKIs to brief Members on the Paper.

100. With the aid of a PowerPoint presentation, Ms Donna Y.P. Tam, DPO/SKIs, briefed Members on the proposed amendment to the draft Pak Lap Outline Zoning Plan (OZP) No. S/SK-PL/3 arising from the consideration of representations and comments and the need for

an extension of time limit for a period of six months for submission of the OZP to the Chief Executive in Council for approval as detailed in TPB Paper No. 10705 (the Paper).

101. As the presentation of PlanD's representative had been completed, the Chairperson invited questions from Members.

102. Some Members raised the following questions:

- (a) as shown on Plan 2 of the Paper, whether the areas annotated 'land available for Small House development' were planned to meet the need for Small House development in future or the outstanding Small House applications under processing by the Lands Department (LandsD);
- (b) the agricultural rehabilitation potential for the land proposed to be rezoned to "Agriculture" ("AGR"); and
- (c) whether the land to the immediate north of the reduced "Village Type Development" ("V") zone sandwiched between the two pieces of 'land available for Small House development' could be rezoned from "AGR" to "V".

103. In response, with the aid of the PowerPoint slides, Ms Donna Y.P. Tam, DPO/SKIs made the following main points:

- (a) the reduced "V" zone included the main village cluster and its immediate surrounding vacant land. There were four outstanding Small House applications being processed by the District Lands Officer/Sai Kung, LandsD. It was estimated that the surrounding land which was available for Small House development could meet those outstanding demand;
- (b) as advised by the Director of Agriculture, Fisheries and Conservation, agricultural infrastructures such as footpath and water source were available in the area which could be used for agricultural activities to materialise the potential for agricultural rehabilitation; and

- (c) as shown in the site photo, since there were trees on the concerned land, it was considered more appropriate to retain the “AGR” zoning of that land.

104. As Members had no further question to raise, the Chairperson said that the Board would further deliberate on the proposed amendment in the absence of PlanD’s representative. The Chairperson thanked PlanD’s representative for attending the meeting. She left the meeting at this point.

Deliberation Session

105. The Chairperson said that after giving consideration to the representations and comments in respect of the draft Pak Lap OZP No. S/SK-PL/3 on 13.11.2020, the Town Planning Board (the Board) decided to propose amendment to the OZP to partially meet some of the representations by further reviewing the “V” zone with a view to reducing its area and providing a buffer area between the “V” zone and the stream abutting the “V” zone, taking into account the Small House demand forecast. After review, PlanD proposed that a piece of land to the east of the existing village cluster be rezoned from “V” to “AGR”. If the land within the “V” zone was not sufficient to meet the need for Small House development in future, planning applications for Small House development in the “AGR” zone could be made.

106. After deliberation, the Board agreed:

- (a) that the proposed amendment to the draft Pak Lap Outline Zoning Plan (OZP) No. S/SK-PL/3 at Annex II of TPB Paper No. 10705 was suitable for publication for further representation under section 6C(2) of the Town Planning Ordinance (the Ordinance), and the revised Explanatory Statement at Annex III of TPB Paper No. 10705 was suitable for publication together with the proposed amendment; and
- (b) that the Chief Executive’s agreement should be sought under section 8(2) of the Ordinance to extend the time limit for a period of six months from 3.3.2021 to 3.9.2021 for submission of the draft Pak Lap OZP No. S/SK-PL/3 to the Chief Executive in Council.

Fanling, Sheung Shui & Yuen Long East District

Agenda Item 8

[Open Meeting]

Request for Deferment of Review of Application No. A/YL-NTM/399

Proposed Public Utility Installation (Solar Photovoltaic System) in “Green Belt” Zone, Lots 978 (Part), 979 (Part), 1043 and 1047 in D.D. 102, Siu Hum Tsuen, San Tin, Yuen Long
(TPB Paper No. 10704)

[The item was conducted in Cantonese.]

107. The Secretary reported that the applicant requested on 7.12.2020 deferment of consideration of the review application for two months so as to allow time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the review application.

108. After deliberation, the Board decided to defer a decision on the review application as requested by the applicant pending the submission of further information by the applicant. The Board agreed that the review application should be submitted for its consideration within three months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the review application could be submitted to an earlier meeting for the Board’s consideration. The Board also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 9

[Open Meeting]

Any Other Business

[The item was conducted in Cantonese.]

109. Since it was the last Town Planning Board meeting attended by Mr Raymond K.W. Lee, the Director of Planning, before his retirement, on behalf of all Members, the Chairperson extended a vote of thanks for his contribution over the years.

110. There being no other business, the meeting was closed at 1:30 p.m.