

**Minutes of 975<sup>th</sup> Meeting of the  
Town Planning Board held on 11.2.2011**

**Present**

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

Chairman

Mr. K.Y. Leung

Mr. Walter K.L. Chan

Mr. B.W. Chan

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Professor Paul K.S. Lam

Professor Edwin H.W. Chan

Mr. Timothy K.W. Ma

Professor P.P. Ho

Professor Eddie C.M. Hui

Dr. C.P. Lau

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Dr. W.K. Lo

Mr. Roger K.H. Luk

Ms. Anita W.T. Ma

Ms. Pansy L.P. Yau

Dr. W.K. Yau

Director of Lands  
Miss Annie K.L. Tam

Deputy Director of Environmental Protection  
Mr Benny Y.K. Wong

Director of Planning  
Mr. Jimmy C.F. Leung

Deputy Director of Planning/District  
Miss Ophelia Y.S. Wong

Secretary

**Absent with Apologies**

Mr. Stanley Y.F. Wong

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Dr. James C.W. Lau

Mr. Rock C.N. Chen

Mr. Maurice W.M. Lee

Dr. Winnie S.M. Tang

Professor Joseph H.W. Lee

Professor S.C. Wong

Mr. Stephen M.W. Yip

Assistant Director (2), Home Affairs Department  
Mr. Andrew Tsang

Principal Assistant Secretary (Transport)  
Transport and Housing Bureau  
Mr. Fletch Chan

**In Attendance**

Assistant Director of Planning/ Board  
Mr. Lau Sing

Chief Town Planner/Town Planning Board  
Ms. Christine K.C. Tse

Senior Town Planner/Town Planning Board  
Mr. J.J. Austin

**Agenda Item 1**

[Open Meeting]

Confirmation of Minutes of the 974<sup>th</sup> Meeting held on 21.1.2011

[The meeting was conducted in Cantonese.]

1. The minutes of the 974<sup>th</sup> meeting held on 21.1.2011 were confirmed without amendments.

**Agenda Item 2**

[Open Meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

- (i) Proposed Amendments to the Draft Central District Outline Zoning Plan No. S/H4/13 Arising from Consideration of Representations

2. The following Members declared interests on this item:

Mr. Raymond Y.M Chan	had current business dealings with Sun Hung Kai Properties Ltd. (SHK), Henderson Land Development Co. Ltd. (HDL), and Hong Kong & China Gas Co. Ltd. (HKCGC)
Dr. James C.W. Lau	) had current business dealings with HDL and
Dr. C.P. Lau	) HKCGC
Mr. Felix W. Fong	) had current business dealings with SHK
Mr. Y.K. Cheng	)
Ms. Julia M.K. Lau	being a former employee of SHK
Mr. Clarence W.C. Leung	being a Director of a non-government organisation that recently received donation from a family member of the Chairman of HDL
Mr. Roger K.H. Luk	being a member of the Council of Chinese

University of Hong Kong which received a donation from a family member of the Chairman of HDL

3. Members noted that Dr. James C.W. Lau and Mr. Y.K. Cheng had tendered apologies for not attending the meeting and Mr. Felix W. Fong, Ms Julia M.K. Lau and Mr. Clarence W.C. Leung had not yet arrived. As the interests of Mr. Roger K.H. Luk were indirect, Members agreed that he could stay in the meeting. Members noted that the interests of Mr. Raymond Y.M. Chan and Dr. C.P. Lau were direct and they were invited to withdraw from the meeting.

[Mr. Raymond Y.M. Chan and Dr. C.P. Lau left the meeting temporarily at this point.]

4. The Secretary reported that upon consideration of the representations and comments to the proposed amendments to the draft Central District OZP No. S/H4/13 on 21.1.2011, the Board decided to propose amendments to the Plan and the Notes to partially meet Representation No. R8 concerning the two elevated walkways linking up the two separate portions of the International Finance Centre (IFC) site, and to amend the Notes and the Explanatory Statement to address the concerns of Representations No. R2 and R5 on the possible loss of Government, Institution or Community (G/IC) facilities and public open space upon the rezoning of the Cheung Kong Center site.

5. The Plan was then amended by rezoning two areas shown as 'Road' at the IFC site to Sub-area (b) of the "Commercial (2)" ("C(2)") zone and designating the remaining areas of the "C(2)" zone as Sub-area (a). The proposed amendments to the Notes included the incorporation of a new user Schedule for Sub-area (b) of the "C(2)" zone and the incorporation of specific planning intentions for the "Commercial (1)" ("C(1)") zone and for Sub-areas (a) and (b) of the "C(2)" zone. Moreover, the Explanatory Statement for the "C(1)" zone was suitably amended to specify the required public car parking spaces, G/IC facilities and public open space to be provided on the site.

6. Members agreed that the proposed amendments to the draft Central District OZP No. S/H4/13 were suitable for publication for further representation under section 6(C)2 of the Ordinance and that the revised Explanatory Statement was suitable for

publication together with the proposed amendments.

[Mr. Raymond Y.M. Chan and Dr. C.P. Lau returned to join the meeting at this point.]

(ii) Abandonment of Town Planning Appeal

Town Planning Appeal No. 7 of 2010 (7/10)  
Shop and Services (Retail Shop) in “Industrial” Zone, Unit 6F(Part),  
G/F, Leader Industrial Centre, 57-59 Au Pui Wan Street, Fo Tan, Sha Tin  
(Application No. A/ST/687)

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7. The Secretary reported that an appeal had been abandoned by the appellant on his own accord. Town Planning Appeal No. 7/2010 was received by the Appeal Board Panel (Town Planning) on 29.4.2010 against the decision of the Town Planning Board on 26.3.2010 to reject on review an application (No. A/ST/687) for Shop and Services (Retail Shop) within the “Industrial” zone on the Sha Tin Outline Zoning Plan (OZP). It was abandoned by the appellant on 28.1.2011. On 1.2.2011, the Appeal Board Panel (Town Planning) formally confirmed that the appeal was abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations.

Appeal Statistics

8. The Secretary said that as at 11.2.2011, 23 cases were yet to be heard by the Appeal Board (Town Planning). Details of the appeal statistics were as follows:

Allowed	:	27
Dismissed	:	115
Abandoned/Withdrawn/Invalid	:	148
Yet to be Heard	:	23
Decision Outstanding	:	0
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Total	:	313

**Agenda Item 3**

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments to the Draft Tai Long Sai Wan Development  
Permission Area Plan No. DPA/SK-TLSW/1

**(TPB Paper No. 8725)**

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[The hearing was conducted in Cantonese.]

Presentation and Question Session

9. The following Member declared interests on this item:

Mr. Stephen M.W. Yip                      being a former consultant of the Executive  
Committee under the Sai Kung Rural Committee

10. Members noted that Mr. Stephen M.W. Yip had tendered apologies for not attending the meeting.

11. Members noted that reasonable notice had been given to the representers and commenters to invite them to attend the meeting. While representers R1, R3, R8, R13, R14, R26, R234, and R269 and commenter C1 would attend the meeting, the other representers and commenters had either indicated that they would not attend the hearing or made no reply. The Board agreed to proceed with the hearing in the absence of these parties.

12. The following representatives from the Planning Department (PlanD), the representers and commenters were invited to the meeting at this point:

Mr. Ivan Chung                      District Planning Officer/Sai Kung and Islands,  
PlanD

**R1 (Mr. Cheung Kwok Keung)**

Mr. Cheung Kwok Keung   -   Representer

**R3 (Mr. Lok Shui Sang – Chairman of Sai Kung Rural Committee)**

Mr. Lok Shui Sang - Representer

**R8 (Friends of Tai Long Wan)**

Mr. Wong Chi Keung - Representer's representative

**R13 (Designing Hong Kong Ltd.)**

Ms. Eva Tam - Representer's representative

**R14 (World Wild Fund for Nature – Hong Kong)**

Ms. Sandra Chow - Representer's representative

**R26 (Mr. Chan Yuk Ming)**

Mr. Chan Yuk Ming - Representer

**R234 (Ms. Jenny Leung)**

Ms. Jenny Leung - Representer

**R269 (Ms. Lixia Adamcova)**

Ms. Lixia Adamcova - Representer

**C1 (Sai Kung Rural Committee)**

Mr. Lok Shui Sang )  
Mr. Ho Koon Shun )  
Ms. Carmen Chan Ka Mun ) Commenter's representatives  
Mr. Tony Kan Chung Nin )  
Mr. Chan Hon Kwan )

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

14. With the aid of a Powerpoint presentation, Mr. Ivan Chung made the following main points as detailed in the Paper:

- (a) the draft Tai Long Sai Wan Development Permission Area (DPA) Plan was exhibited for public inspection on 6.8.2010 under section 5 of the Town Planning Ordinance. A total of 350 representations were received during the publication period. On 22.10.2010, the representations were published for three weeks and 4 valid comments were received;
  
- (b) an overview of the representations and comments:
  - (i) six representations were submitted by interest groups and organizations. They included the Sai Kung Rural Committee (R3), Friends of Tai Long Wan (R8), Friends of the Earth (R11), Designing Hong Kong Limited (R13), World Wide Fund for Nature Hong Kong (WWF) (R14) and The Conservancy Association (R16);
  
  - (ii) the remaining 344 representations were submitted by individuals;
  
  - (iii) commenter C1 was submitted by the Sai Kung Rural Committee which was also representer R3; and
  
  - (iv) commenters C2 to C4 were submitted by individuals;
  
- (c) the grounds of representations, the representer's proposals and the views of the commenters were summarized as follows:

Opposing Representations (R1 and R2)

- (i) the designation of the planning scheme area (the Area) as "Unspecified Use" could not fully protect the area. To ensure better protection of the existing environment, the area should be incorporated into the Sai Kung East Country Park; and
  
- (ii) the private land should be resumed and local villagers should be relocated;

Representation R3

- (iii) there should be a balance between environmental conservation and

village type development; and

- (iv) it would be unfair to the villagers if their private land were to be zoned “Green Belt” where planning permission would be required for Small House developments;

Supporting Representations (R4, R7, R11 to R15 and R21 to R314)

- (v) quick action was required before the areas were destroyed due to lack of planning control. The DPA Plan was an important step for the development of an appropriate zoning plan to cover the private land at Tai Long Sai Wan and to protect the natural environment with high landscape value; (R11)
- (vi) supported the conservation of the landscape value of the area and the exertion of planning and development control over the private lots; (R7, R13, R14 and R21 to R314)
- (vii) the Small House policy was being exploited by local villagers for their own financial gain as many Small House applications were made by villagers who did not live in Hong Kong; (R311 to R314)
- (viii) DPA plans should be prepared for all other enclaves surrounded by or adjacent to Country Parks; (R11 to R14 and R21 to R314)
- (ix) the private land within the planning scheme area should be resumed; (R308 and R309) and
- (x) an inter-departmental task force should be set up to co-ordinate and review the conservation, planning and land policies on private land adjacent to Country Parks; (R14)

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

Representations offering comments and/or proposals (R5, R6, R8, R9,

R10, R16 to R20 and R315 to R350)

- (xi) planning guidance and development control in the Area should strive to maintain the *status quo* and avoid further development and destruction. The Area should be better protected against unauthorized developments or building works; (R6, R8, R9 and R315 to R350)
  
- (xii) the DPA Plan was an important step for the preparation of an appropriate zoning plan to cover private land in the Area to protect the natural environment with high landscape value. The existing Sai Wan village in the southern land parcel formed a rural ambience compatible with the tranquil environment of the countryside and should be preserved; (R16 to R20)
  
- (xiii) long term preservation planning of the Country Parks and their immediate neighbouring areas should be considered; (R5 and R19)
  
- (xiv) the private land in the area should be resumed and Government should be given the priority to buy the land from local villagers; (R10 and R20) and
  
- (xv) no agricultural or commercial activities should take place within a 10-mile radius of the Area or the beach area; (R6)

Representers' proposals

- (xvi) R1, R2, R5 and R14 proposed to incorporate the Area into the Sai Kung East Country Park;
  
- (xvii) R7, R13, R14 and R16 to R350 proposed to rezone the Area as "Conservation Area" ("CA") or "Coastal Protection Area" ("CPA"). R14 further proposed to rezone the areas adjoining the Kap Man Hang stream as "CA" to preserve the habitats for wildlife associated with the stream and to provide a buffer to protect the stream from adverse impact of potential development. R14 also

proposed to rezone the backshore area of Sai Wan as “CPA” to protect and retain the natural coastline and the coastal environment;

(xviii) R16 to R20 proposed to put “Agricultural Use” under Column 2 of the Notes so as to prevent landfilling and excavation works which could be disguised as agricultural activities; and

(xix) R8 proposed to allow existing village houses to be turned into small-scale home-stay or provisions stores and to provide a camping ground and public shower facility on Government land in the area. R282 also proposed to allow the development of seaside resort centres in the area;

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

#### Views of Commenters (C1 to C4)

(xx) commenter C1 was submitted by the Sai Kung Rural Committee which was also representer R3. Commenter C1 mainly reiterated that there should be a balance between environmental conservation and village type development and that it was unfair for Small House developments to require planning permission. Commenter C1 proposed that the Government should resume the land from the villagers; and

(xxi) commenters C2 to C4 were standard letters submitted by individuals who were in support of the DPA Plan;

(d) PlanD’s responses to the grounds of representations, the representer’s proposals, and the views of the commenters were:

#### *Designation of “Unspecified Use” on the DPA Plan*

(i) the preparation of the DPA Plan for Tai Long Sai Wan was a stopgap measure to effect development control providing planning

guidance in the area and to make provision for enforcement action on unauthorized developments in order to prevent further degradation of the natural environment. Owing to the urgency in preparing the DPA Plan, the entire planning scheme area was designated as “Unspecified Use” under which any use, other than ‘Agricultural Use’ and developments always permitted under the covering Notes, required planning permission from the Board. Detailed land use zonings for the Area would be worked out when the DPA Plan was replaced by an Outline Zoning Plan (OZP) in three years’ time; (R1 and R2)

*Proposal to designate the Area as “Country Park”*

- (ii) the designation of an area as “Country Park” was under the jurisdiction of the Country and Marine Parks Board. The Director of Agriculture, Fisheries and Conservation (DAFC) would critically assess and seek advice from the Country and Marine Parks Board in determining whether there were justifications to include the Area into the Sai Kung East Country Park; (R1, R2, R5 and R14)

*Proposal to rezone the Area to “CA” or “CPA”*

- (iii) the proposals to rezone the Area into “CA” or “CPA” needed studies in consultation with concerned departments. Upon detailed analysis and studies, detailed land use zonings would be worked out when the OZP was prepared, taking the representers’ proposals into account; (R7, R13, R14, and R16 to R350)
- (iv) on the proposal to rezone the Kap Man Hang stream to “CA” and the Sai Wan beach to “CPA”, these two areas were outside the boundary of the Tai Long Sai Wan DPA Plan and fell within the Sai Kung East Country Park. In this respect, development control in these two areas fell under the jurisdiction of the DAFC; (R14)

*Proposal to put ‘Agricultural Use’ under Column 2 of the Notes*

- (v) most of the private land in the Area were agricultural lots and in view of the existing rural environment of the area, 'Agricultural Use' was considered as a compatible use always permitted in the Area; (R16 to R20)
- (vi) to prevent any abuse of agricultural use, any diversion of stream and filling of land/pond or excavation of land, including that to effect a change of use to uses that were always permitted would require planning permission from the Board; (R16 to R20)

*Balance between environmental conservation and village type development*

- (vii) a balance between environmental conservation and village type development had been taken into account in preparing the DPA Plan. There were provisions for application for Small House development under section 16 of the Town Planning Ordinance; (R3)
- (viii) regarding the possible designation of the private land to "GB" zone, detailed studies would be carried out to establish the appropriate land use zonings in the OZP preparation stage; (R3)

*Proposal to provide home-stay, provisions stores, camping facilities and resort centres*

- (ix) the small eating place cum grocery store on the ground floor of village houses in existence before the publication of the DPA Plan could continue. Any proposal for home-stay facilities and provisions stores might be permitted through planning permission from the Board under section 16 of the Town Planning Ordinance; (R8 and R282)
- (x) on the proposal to provide camping facilities, DAFC advised that there was already an existing designated camp site at Sai Wan to meet the need for camping activities; (R8 and R282)
- (xi) the proposed resort centre was considered to be incompatible with

the existing land uses in the area as no details on the scale of development or planning justifications were provided; (R282)

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

*Other issues*

- (xii) the publication of the DPA Plan had already enabled enforcement action to be taken by the Planning Authority against any unauthorized development in the area; (R6, R8, R9, R11, R16 to R20 and R315 to R350)
  
- (xiii) there was no policy for resumption of private land for conservation purposes. There was also no provision under the Town Planning Ordinance for resumption of land affected by planning restrictions imposed by a statutory plan. Moreover, resumption of private land from the villagers was outside the purview of the Board; (R2, R10, R20, R308, R309 and C1)
  
- (xiv) though 'Agricultural Use' was always permitted, any agricultural use that involved the diversion of streams, filling of land/pond or excavation of land would not be allowed without planning permission from the Board. Moreover, any proposed commercial use would require planning permission from the Board; (R6)
  
- (xv) according to the 2010-11 Policy Address, the Government would either include the remaining enclaves into Country Parks or determine their proper uses through statutory planning in order to meet conservation and social development needs; (R5, R11 to R14, R19 and R21 to R314)
  
- (xvi) the proposal to set up an inter-departmental task force to deal with the conservation, planning and land policies concerning private land adjacent to Country Parks would be conveyed to the relevant bureau for consideration ; (R14) and

(xvii) the implementation of Small House Policy was outside the purview of the Board. (R311 to R314)

15. The Chairman then invited the representatives of the representers to elaborate on the representations.

Representation No. R1

16. Mr. Cheung Kwok Keung made the following main points:

- (a) although the Tai Long Sai Wan area would be put under planning control by designating it as DPA, he did not have confidence that the planning control was effective as excavation works were still taking place;
- (b) the natural environment of the Tai Long Sai Wan area should be kept intact and well-protected;
- (c) he proposed that the Government should pay for such activities as agricultural rehabilitation, renting of farmland and provision of subsidies for farming activities from the Environment and Conservation Fund so as to protect Tai Long Sai Wan and other Country Park areas. The Government had the responsibility to provide funding for a comprehensive plan to conserve these areas for the interest of the general public; and

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

- (d) the Board should designate the area as a Country Park in order to protect the natural landscape and environment of the area for the enjoyment of future generations.

Representation No. R3

17. Mr. Ho Koon Shun, representing Mr. Lok Shui Sang, made the following main points:

- (a) although the local villagers wanted to maintain their way of life and continue farming in Sai Wan, they were forced to move out to the city area or overseas as they were not able to make a living in the village;
- (b) the villagers of Sai Kung had sacrificed to make way for the development of Hong Kong. Due to the construction of the Plover Cove Reservoir, two villages had to be resited in Sai Kung Town. Upon resite, these villagers lost their right to build Small Houses. Likewise, to make way for the development of Tseung Kwan O New Town, many villages had been relocated;
- (c) Small House Policy was no different from policies on public housing and HOS. Indigenous villagers were not given special favours under Small House Policy;
- (d) many villages in Sai Kung had become dilapidated as they were enclosed by the Country Park;
- (e) the Government did not take care of the needs of the villagers in Sai Wan Village, in terms of the provision of road access, education, and medical treatment. The village school was closed down about 20 years ago and villagers were forced to move out for the sake of their children. Road access to Sai Wan Village was limited. When the only pathway leading to Sai Wan Village was blocked by landslides in July 2010, it took more than three months to open up the footpath again;

[Miss Annie K.L. Tam arrived to join the meeting at this point.]

- (f) the proposal of some representers that the Government should resume the land of the villagers in Sai Wan was a total disregard of the rights of the villagers to stay in their villages;
- (g) the planning for Sai Wan Village should not only be on development control but some planning proposals should be included to increase the

value of the area and to improve the livelihood of the villagers. Recreational uses and resort centres should be permitted and the preservation of the local heritage through re-construction of the dilapidated village houses should be promoted; and

- (h) the Government should be fair to the villagers. The land rights of the local villagers should not be sacrificed for the sake of conservation.

Representation No. R8

18. Mr. Wong Chi Keung tabled a document entitled “Comprehensive recovery and preservation proposal for Tai Long Sai Wan” and, with the aid of a Powerpoint presentation, made the following main points:

- (a) the preservation proposal was sponsored by the Wong T. Lap Foundation Limited and prepared by Mr. Chi Ti Nan who was a renowned architect based in northern Europe. The proposal was to revive the Tai Long Sai Wan area by the provision of appropriate economic activity in the area;
- (b) a proper balance should be maintained between the interests of the local people, private property rights, the need to comply with legal requirements, and the aspiration of the general public;
- (c) the study proposed 13 checkpoints covering Tai Long Sai Wan and the surrounding area where various forms of economic activity or minor improvement works such as rain shelters were suggested. On the piece of private land which was the focus of recent public attention, a hostel was proposed to enable local villagers to provide Bed-&-Breakfast services to visitors. The hostel would be an environmentally-friendly development with waste-recycling system, incorporating design which made use of natural ventilation, without the provision of air-conditioning system; and
- (d) instead of total conservation of the area, the provision of some small-scale developments in Tai Long Sai Wan to sustain the livelihood of the local

villagers would be an effective measure to prevent further unauthorized developments. According to the proposed development schedule, the total built-up area for lodging quarters would only take up 649m<sup>2</sup> of the site area; and

- (e) the Study should be a useful reference for government departments in considering the appropriate land use in the preparation of the OZP.

[Mr. Raymond Y.M. Chan left the meeting temporarily at this point.]

Representation No. R13

19. With the aid of a powerpoint presentation, Ms. Eva Tam made the following main points:

- (a) the Designing Hong Kong Limited supported the exertion of planning and development control over private lots in order to conserve areas with high landscape value;
- (b) DPA Plans should be prepared for existing enclaves not covered by the Sai Kung Country Park as well as for the whole of Sai Kung. As the number of visitors to the area was expected to increase which would cause pollution and adversely affect the natural environment, the Government should prepare a long term plan for Sai Kung. Issues such as the carrying capacity of the area and sewage treatment should be examined in detail and a quota on the number of visitors should be set;
- (c) according to a site visit conducted at the end of January 2011, excavation works were found to have resumed in the Area. The Government should introduce more stringent monitoring of the site even after the area was designated as DPA and should ensure that the Enforcement Notices issued by the Planning Authority were strictly complied with;
- (d) as 'Agricultural Use' was always permitted under the Notes of the DPA Plan, the developer might destroy the land under the disguise of organic

farming activities. The Board should prevent the situation of ‘destroy first, develop later’ from taking place; and

- (e) the preparation of other DPA Plans covering the remaining Country Park enclaves should take into account the local characteristics and opportunities of the areas concerned.

Representation No. R14

20. Ms. Sandra Chow made the following main points:

- (a) the WWF supported the DPA Plan and was of the view that the introduction of planning control would effectively preserve and protect the natural environment and habitat of Tai Long Sai Wan. However, the area should be rezoned to conservation-related zones;
- (b) WWF proposed to rezone the Kap Man Hang stream to “CA” so as to protect its natural habitat. The “CA” zoning would provide a buffer to prevent the natural stream from being affected by human activities and avoid pollution caused by developments along its banks;
- (c) WWF also proposed to rezone the back-shore area of the Sai Wan Beach to “CPA” so as to preserve the natural beach environment;
- (d) as Tai Long Sai Wan was located adjacent to the Sai Kung East Country Park, the Government should consider incorporating the area into the Country Park. The Government should also prepare DPA Plans as soon as possible to cover the other enclaves which were not within Country Park boundaries; and
- (e) the Government should set up an inter-departmental task force to co-ordinate and review the conservation, planning and land policies on private land adjacent to Country Parks.

[Mr. B.W. Chan left the meeting temporarily at this point.]

Representation No. R26

21. Mr. Chan Yuk Ming made the following main points:

- (a) he supported the use of the DPA Plan as an interim measure to protect Tai Long Sai Wan. However, the Government should work out a long term plan on the conservation of the rural environment;
- (b) as the land was already sold to a private owner, the development rights of the local villagers were no longer in question and the issue was about private property rights and impact of a development versus the public interest in conserving the natural environment;
- (c) although enforcement and prosecution actions were carried out, the penalty of only a few hundred dollars was too light to serve any purpose;
- (d) until the loophole of ‘destroy first, develop later’ was plugged, developers would continue to destroy areas with conservation value in the hope of obtaining planning permission to develop later;
- (e) as ‘Agricultural Use’ was always permitted, developers could fell trees and carry out excavation works in the area under the pretext of carrying out agricultural activities;
- (f) he doubted the Government’s determination and ability in nature conservation. While the Government was applying to designate the Geological Park as a World Heritage Site, it was unable to prevent the destruction of the natural environment at Tai Long Sai Wan which formed part of the proposed World Heritage Site;
- (g) with the current constraints in effecting development control in the rural areas, there was an urgent need to introduce a more stringent development control mechanism either through legislation or by the establishment of a Conservation Fund; and

- (h) in view of the urgency to protect the area from further destruction, the Government should consider taking special measures, such as freezing all development in the area and arranging land resumption or land exchange with the private owners.

Commenter No. C1

22. Mr. Chan Hon Kwan made the following main points:

- (a) the Sai Kung Rural Committee supported the preservation of the natural environment and the culture of Sai Wan Village. Many houses of Sai Wan Village were over 100 years old. The villagers and the general public would support the rebuilding of these dilapidated village houses;
- (b) the local villagers did not live in the village as it was very inconvenient. It took them 45 minutes to walk from the village to the nearest bus stop. The Government should improve the means of transport for the villagers;

[Mr. B.W. Chan returned to join the meeting at this point.]

- (c) if it was the public aspiration to preserve Sai Wan Village and the natural environment of Tai Long Sai Wan, public funds should be used either to resume the private land from the villagers, or arrange land exchange or a transfer of development rights. It would be unfair to ask the landowners to sacrifice their development right for the public purpose of conserving the natural environment;
- (d) if compensation was paid to the landowners, the conflict between the conservationists and the landowners would be resolved;

[Mr. Raymond Y.M. Chan returned to join the meeting at this point.]

- (e) the statement in paragraph 2.7(c) of the paper that the villagers submitting Small House applications did not live in Hong Kong was unfair as it was

due to the harsh circumstances of living in the village that many villagers had to leave. The claim that the villagers were financially supported by developers was also without basis;

- (f) he agreed with the proposal in paragraph 2.7(e) of the paper that the Government should resume the land for the purposes of conservation, provided that there was appropriate compensation to the landowners;
- (g) he reiterated the concern of the Sai Kung Rural Committee that the DPA Plan would adversely affect applications for Small House developments submitted by indigenous villagers; and
- (h) he noted that although Small House policy was not under the jurisdiction of the Board, the decision of the Board on the land use zoning of the area would affect Small House applications under the Small House Policy.

23. Mr. Ho Koon Shun supplemented with the following points:

- (a) he doubted whether the imposition of statutory planning control would effectively stop all unauthorised development in the area. To resolve the problems pertaining to Sai Wan Village, the Government should consider measures to improve the livelihood of existing villagers. The villagers were forced to sell their land to the developers as they were not able to make a living there;
- (b) due to the lack of road access, many indigenous villagers who obtained Small House Grants had not yet built their Small Houses in Sai Wan Village. If the Government decided to improve access to the village and encourage villagers to stay, there would not be unauthorised works in the area; and
- (c) it was unfair to freeze the development of the area for 3 years to wait for the preparation of the OZP. The Government should start planning the area as soon as possible. The future plan should allow for appropriate

economic development in the area so as to increase the land value. Any proposal for total conservation with no development would not be supported. The District Council and Rural Committee should be consulted on any plans for the area. Moreover, the Government should respect the choice of the individual landowners and villagers.

24. As the presentations from the representers and commenters had been completed, the Chairman invited questions from Members.

25. Noting a representer's proposal to put 'Agricultural Use' under Column 2 of the Notes, a Member enquired whether irrigation, excavation and landfilling associated with agricultural rehabilitation required planning permission and the action taken by the Planning Authority against the excavation works that had recently been resumed in an area within the DPA. In response, Mr. Ivan Chung explained that most of the existing land in the area were agricultural land and 'Agricultural Use' was compatible with the existing environment. Nevertheless, for any agricultural activity that involved excavation of land or the filling of land/pond, planning permission would still be required. Regarding the unauthorized excavation works that were being carried out on the site, the Planning Authority had issued an Enforcement Notice on 7.2.2011 to the parties concerned requiring them to stop the excavation works by 14.2.2011. If the excavation works were not discontinued by the deadline, the Planning Authority would consider the appropriate action to be taken.

[Mr. B.W. Chan left the meeting at this point.]

26. In response to a Member's enquiry, Mr. Ho Koon Shun said that about 10 villagers were usual residents in the village, running a provisions store providing services to visitors.

27. Another Member enquired whether the Sai Kung Rural Committee could provide the estimated number of villagers who intended to build Small Houses in Sai Wan Village. In response, Mr. Ho said that the Village Representative could not provide an accurate figure on the Small House demand as some of the villagers had already sold their Small House entitlement. There were roughly 100 villagers who were eligible to apply for Small House developments. In response to the same Member's enquiry, Mr. Ho said that

the Sai Kung Rural Committee did not have any figures on the number of villagers who had sold their entitlement. As regards the number of villagers who intended to rebuild their original village houses, he explained that although he did not have any concrete figures, there were only about 10 ancestral houses in the village, i.e. village houses that were built before 1898.

28. As the representatives of the representers and commenters had finished their presentation and Members had no more questions to raise, the Chairman said that the hearing procedures had been completed, the Board would deliberate on the representations in their absence and would inform them of the Board's decision in due course. The Chairman thanked the representatives of the representers and commenters and the PlanD representative for attending the hearing. They all left the meeting at this point.

#### Deliberation Session

29. In response to a Member's query on the penalty for an offence of unauthorized development, the Secretary explained that according to the Ordinance, a person who committed an offence of unauthorized development was liable to a fine of \$500,000 if it was a first conviction and \$1 million if it was a second or subsequent conviction. If the person continued to fail to comply after the date in the notice, the person would be liable to a fine of \$50,000 for each day in the case of a first conviction.

30. On the issue of 'destroy first, develop later' mentioned by some representers, the Secretary explained that there was a discussion at RNTPC last year and PlanD was requested to brief the Town Planning Board on how the subject could be handled. The Secretary said that discussion on the subject had been held with Department of Justice and a paper was being prepared by PlanD and would be submitted for the Board's consideration in due course.

31. A Member suggested that PlanD should consider how to publicise the message on the actions taken against unauthorized developments so as to set a warning for the parties concerned and to better inform the public of the Government's actions.

32. The Chairman then took Members through the various issues raised by the

representers and commenters. Members noted the support of the DPA Plan submitted by some representers. Regarding the concerns on Small House Policy, they were outside the purview of the Board. On the proposal to set up an inter-departmental task force to deal with the conservation, planning and land policies concerning private land adjacent to Country Parks, the views would be conveyed to the relevant bureaux for consideration. In particular, the resumption of land for conservation purposes was outside the purview of the Board and such matter would be conveyed to the Environment Bureau for consideration under their review of the nature conservation policy.

33. On the representers' proposals to include 'Agricultural Use' as a use requiring planning permission, the Chairman said that the Notes of the DPA Plan had included measures to protect the natural environment as any diversion of stream, filling of land/pond or excavation of land, including that to effect a change of use to uses that were always permitted would still require planning permission from the Board.

34. On the proposals to allow Small House development and to rezone the area to "CA" and "CPA", the Chairman said that the detailed land use zonings for the Area would be considered at the next stage when an OZP was prepared to replace the DPA Plan. The Chairman noted that Members generally agreed that the "Unspecified Use" designation for the Area was appropriate.

35. The Chairman noted that Members generally agreed not to uphold the adverse representations. Members then went through the suggested reasons for not upholding the representations as detailed in paragraph 7 of the Paper and considered that they were appropriate.

Representation No. R4, R7 (part), R9, R11, R12, R13 (part), R14 (part), R15 and R21 (part) to R314 (part)

36. After further deliberation, the Board noted the views of the above representations in support of the draft DPA Plan.

Representation No. R311 to R314

37. The Board also noted that the views of representations R311 to R314 concerning the implementation of the Small House policy were outside the purview of the

Board.

Representation No. R14

38. After deliberation, the Board agreed to note the proposal of representation R14 to set up an interdepartmental task force to deal with the conservation, planning and land policies concerning private land adjacent to Country Parks and to convey the proposal to the relevant bureau for its consideration.

Representation No. R1, R2, R3, R5, R6, R7 (part), R8, R10, R13 (part), R14 (part), R16 to R20, R21 (part) to R314 (part) and R315 to R350

39. After further deliberation, the Board decided not to uphold the representations for the following reasons:

*Oppose the Designation of “Unspecified use” on the DPA Plan*

- (a) in view of the excavation works detected in mid-2010, there was an urgency to prepare a DPA Plan to protect the Area. Under the “Unspecified Use” designation, any use or development, other than ‘Agricultural Use’ or developments always permitted under the covering Notes, required planning permission from the Board under section 16 of the Ordinance. Since any development within the “Unspecified Use” designation would require planning permission from the Board, it was an effective tool to prevent unauthorised developments or building works carried out in the Area and protect the natural environment with high landscape values in the Area. Detailed land use zonings would be worked out for consultation with the public and the consideration of the Board when the DPA Plan was replaced by an OZP in three years’ time; *(for R1 and R2)*

*Redesignation of Tai Long Wan as ‘Country Park’*

- (b) the designation of an area as ‘Country Park’ was under the jurisdiction of the Country and Marine Parks Board under the Country Parks Ordinance (Cap. 208) which was outside the purview of the Board; *(for R1, R2, R5 and R14)*

*Rezoning Tai Long Sai Wan as “Conservation Area” or “Coastal Protection*

*Area”*

- (c) the proposals of rezoning the Area into “Conservation Area” or “Coastal Protection Area” were noted and would be taken into account during the preparation of the future OZP; *(for R7, R13, R14 and R16 to R350)*
  
- (d) both Kap Man Hang stream and the Sai Wan Beach were outside the DPA Plan boundary and fell within the Sai Kung East Country Park. Development control of the areas was currently under the jurisdiction of the Director of Agriculture, Fisheries and Conservation; *(for R14)*

*Putting ‘Agricultural Use’ under Column 2 of the Notes*

- (e) although ‘Agricultural Use’ was an always permitted use, according to the Notes of the DPA Plan, any diversion of streams, filling of land/pond or excavation of land, including that to effect a change of use to the always permitted use or uses always permitted under the covering Notes should not be undertaken or continued on or after the gazettal of the DPA Plan. As such, it was considered that sufficient measures had been in place to prevent abuse; *(for R16 to R20)*

*Providing home-stay, provisions stores, camping facilities and resort centres*

- (f) there was already an existing designated camp site at Sai Wan in Sai Kung East Country Park. The need for additional facility would be studied during the OZP stage. The proposed home-stay and provisions stores might be permitted through planning permission from the Board under section 16 of the Ordinance; *(for R8 and R282)*
  
- (g) without detailed information, the proposed seaside resort centre was considered incompatible with the existing land uses of the Area; *(for R8)*

*Need to strike a balance between environmental conservation and village type development*

- (h) the need to strike a balance between environmental conservation and village type development had been taken into account in the preparation of the DPA Plan. Detailed land use zonings for the Area would be further studied in

the preparation of the OZP to replace the DPA Plan in three years' time;  
(for R3)

*Planning control of the Area*

- (i) publication of the DPA Plan had enabled enforcement action to be taken by the Planning Authority against any unauthorised development in the Area;  
(for R6, R8,R9, R11, R16 to R20 and R315 to R350)

*Resumption of Private Lands*

- (j) the decision of resumption of private lands from the villagers was outside the purview of the Board; (for R2, R10, R20, R308 and R309)

*Prohibition of agricultural or commercial activities*

- (k) though 'Agricultural Use' was always permitted, any diversion of streams, filling of land/pond or excavation of land, including that to effect a change of use to the always permitted use or development, were not allowed without the permission of the Board under section 16 of the Ordinance. Besides, only commercial use in existence before the gazettal of the DPA Plan was tolerated. Section 16 planning permission from the Board for any proposed commercial use was required; (for R6) and

*Long-term preservation of the Country Parks and Preparing DPA Plans for Other enclaves of the Country Parks*

- (l) to meet conservation and social development needs, the Government would either include the remaining enclaves into Country Parks, or determine their proper uses through statutory planning. (for R5, R11 to R14, R19 and R21 to R314)

**Agenda Item 4**

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/YL-HT/684

Temporary Open Storage of Vehicles Not Yet Licensed to Run on the Road for a Period of 1.5 Years in “Government, Institution or Community” zone, Lots No. 521 (Part), 522, 523, 524 (Part), 525 (Part), 526 (Part), 1247 RP (Part), 1249 (Part), 1250 (Part), 1251 RP, 1252, 1253, 1254, 1255 (Part), 1256 (Part), 1257, 1258 RP, 1259 (Part), 1260, 1261 and 1262 RP (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long

**(TPB Paper No. 8730)**

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[The hearing was conducted in Cantonese.]

Presentation and Question Session

40. The following representative of Planning Department (PlanD) and the applicant’s representatives were invited to the meeting at this point.

Ms. Amy Cheung	District Planning Officer/Tuen Mun and Yuen Long, PlanD
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Mr. Tang Yau Ming	)
Mr. Tang Ki Sum	) Applicant’s representatives
Mr. Tang Kam Chai	)
Mr. Tang Kei Cheung	)

41. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited Ms. Amy Cheung to brief Members on the background of the application.

[Professor Paul K.S. Lam left the meeting at this point.]

42. With the aid of a powerpoint presentation, Ms. Cheung did so as detailed in the Paper and made the following main points:

- (a) the applicant sought planning permission for temporary open storage of vehicles not yet licensed to run on public roads for a period of one and a half years at the application site which was zoned “Government, Institution or Community” (“G/IC”) on the Ha Tsuen Outline Zoning Plan

(OZP);

(b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 30.7.2010 and the reasons were:

(i) the development was not in line with the planning intention of subject "G/IC" zone which was intended for the expansion of the San Wai Sewage Treatment Works. There was no strong justification in the submission to merit a departure from such planning intention, even on a temporary basis;

(ii) the development was not in line with the Town Planning Board Guidelines No. 13E for 'Application for Open Storage and Port Back-up Uses' in that no previous approval for open storage use had been granted for the site, there were adverse departmental comments on the drainage and environmental aspects, and the development would have adverse drainage and environmental impacts on the surrounding areas; and

(iii) approval of the application would increase the risk of flooding in the area, and no technical assessment had been included in the submission to address the adverse drainage impacts of the development on the surrounding areas;

(c) the application site was subject to planning enforcement action for unauthorised storage use. An Enforcement Notice (EN) was issued to the concerned parties on 22.3.2010 requiring them to discontinue the unauthorised development. As the unauthorised development had not been discontinued after the expiry of the EN on 22.6.2010, the recipients of the EN were subject to prosecution action;

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

(d) the further justifications in support of the review submitted by the

applicant were set out in paragraph 3 of the Paper. The applicant submitted a drainage proposal and claimed that the proposed use was similar in nature to an open car park which was always permitted under the “G/IC” zone. Moreover, the proposed use was better than a ‘public vehicle park’ in that it would not create traffic congestion to Ha Tsuen Road. The applicant was prepared to deliver the site to the Government before December 2012 to facilitate Drainage Services Department’s (DSD) San Wai Sewage Treatment Works Upgrading Project. The applicant only wanted to utilise the land before its resumption;

- (e) departmental comments – the departmental comments were summarised in paragraph 4 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses along the access roads including Ha Tsuen Road and Tin Ha Road and environmental nuisance was expected. DEP indicated that one waste pollution complaint against the site was received in 2009. The Director of Drainage Services (DDS) commented that no existing DSD stormwater drains were available in the vicinity for connection to the site. In view of the large site area involved in the application, the applicant was required to conduct a drainage impact assessment (DIA) and all the drainage facilities proposed should be constructed and maintained by the applicant at his own costs. As the upgrading project for the sewage treatment works would not commence before the end of 2013, there was no objection to the application provided that the land required for the project would be available by December 2013. The other departments maintained their previous views which were mainly technical comments;
- (f) public comments – during the statutory publication period of the review application, one public comment was received objecting to the application on the grounds that the proposed use was not in line with the planning intention of the “G/IC” zoning of the area; and
- (g) PlanD’s view – PlanD did not support the application based on the assessment in paragraph 7 of the Paper. The application site fell within

Category 3 areas under the Town Planning Board Guidelines No. 13E (TPB PG-No. 13E) where applications would normally not be favourably considered unless the applications were on sites with previous planning approvals. According to TPB PG-No. 13E, the storage of vehicles for sale was considered as a kind of open storage use. The site was zoned "G/IC" and was reserved for the development of a sewage treatment facility. Although DSD indicated that the site would not be required until end-2013, it was still necessary to ensure that all adverse impacts generated by the applied use would be adequately addressed. In this respect, DEP did not support the application on the grounds of environmental nuisance of the applied use on the sensitive receivers along the access roads of Ha Tsuen Road and Tin Ha Road. DDS also considered that the drainage proposal submitted for the review application was not acceptable and that a DIA should be conducted. As no previous approvals for open storage use were granted for the subject site and there were adverse departmental comments on the application, the proposal did not meet the requirements of TPB PG-No. 13E.

43. The Chairman then invited the applicant's representatives to elaborate on the application. Mr. Tang Kei Cheung remarked that public car park was always permitted within "G/IC" zone and he considered that the applied use for open storage of vehicles not yet licensed was similar in nature.

44. Mr. Tang Kam Chai made the following main points:

- (a) as the site was currently surrounded by open storage uses, he did not understand why the application site could not be used for open storage. Since the land would be resumed by the Government in the near future, the applicant only wanted to make better use of the land in the interim period;
- (b) if the application was approved, the landowners would likely be more co-operative when the Government resumed land for the sewage project in future;

- (c) the applicant received a notice from the Government on 7.12.2010 and was only given one month's time for the removal of the stored vehicles. The time allowed for the applicant to comply with the notice was simply not enough; and
- (d) the pollution arising from the open storage of vehicles was minimal as compared with that caused by the other open storage sites in the vicinity. As for the storage of the I-beams on the site, the applicant had already requested the tenant to remove them from the site.

45. Mr. Tang Ki Sum made the following main points:

- (a) as a member of the Ha Tsuen Rural Committee, he had liaised with the relevant government departments on the proposal and he was informed that the open storage of vehicles would unlikely cause any pollution to the environment; and
- (b) the Ha Tsuen Rural Committee supported the proposed temporary open storage use of the site which would not cause any pollution or traffic congestion problem.

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

46. Mr. Tang Yau Ming made the following main points:

- (a) as the surrounding areas were already used for open storage purposes, the open storage of cars on the site would cause minimal impact on the environment; and
- (b) although the villagers were aware that the site was reserved for the sewage treatment plant, they did not realize that Government needed the site so urgently. As the applicant had invested on the open storage business, he hoped that the Government would allow time for the operator to recoup

the costs involved.

47. Mr. Tang Kam Chai supplemented his views above with the following points:
- (a) there was a natural drain at the back of the site that would drain away any storm water from the application site. The site had never suffered from flooding problems;
  - (b) he only needed to have a few months' time to find a suitable site for relocation. The one-month period specified in the notice issued by the Government was too short; and
  - (c) he requested the Planning Authority not to proceed with prosecution as his mother, who was one of the owners of the site, was already over 80 years old and was no longer mobile. His mother would not be able to cope with the need to attend the Court in person if she was prosecuted.

48. A Member enquired about the use of the site before the application was submitted. In response, Ms. Amy Cheung explained that when the application was submitted in May 2010, the site was already used for open storage of vehicles. According to the aerial photo taken in 2006 which Ms. Cheung showed on the visualiser, the site was vacant with no open storage use at that time.

49. A Member noted that after the EN was issued to the concerned parties on 22.3.2010, an application for open storage use was submitted in May 2010. That Member asked why the applicant claimed that only very short notice was given. In response to this point, Mr. Tang Kam Chai said that he had never received the EN in March 2010 and the notice issued by the Government on 7.12.2010 was the only notice he received. The same Member asked whether the case was already under court proceedings and whether the court had fixed the date of hearing. Ms. Amy Cheung explained that as the unauthorized use had not been discontinued, the notice recipients were subject to prosecution action. However, prosecution action had not started yet and the court had not yet fixed a date for the hearing.

[Post-meeting Note: PlanD confirmed after the meeting that no EN was issued to the

applicant in December 2010. PlanD had no information on the notice dated 7.12.2010 mentioned by the applicant.]

50. Mr. Tang Ki Sum supplemented that as the application site was owned by over 20 landowners, some of the landowners might not have received the EN issued in March 2010. At the request of the Chairman, Ms. Amy Cheung explained that the EN was issued by registered post to all registered owners of the application site as shown in the Land Registry.

51. The same Member asked why a public car park was always permitted on the application site while the storage of cars was not permitted. In response, Ms. Amy Cheung explained that public vehicle park and the open storage of vehicles for sale were two distinct types of uses. Under TPB PG-No. 13E, it was clearly stated that the storage of vehicles for sale was a kind of open storage activities.

52. Mr. Tang Yau Ming supplemented that the landowners only wanted the Board to give them more time to comply with the EN requirements. They had already cleared about half of the site but they would need more time to identify suitable sites to relocate the rest of the open storage use on the site.

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

[Dr. W. K. Yau left the meeting at this point.]

#### Deliberation Session

54. A Member noted that the applicant had not conducted the DIA to properly address the concerns of DDS and there was no justification to support the review application. This Member did not see any reason to give sympathetic consideration to the application.

Three other Members shared the same view.

55. A Member noted that there were a number of sites in the vicinity which were currently used for open storage purposes. The Secretary explained that the sites to the east were Category 1 sites under TPB PG-No. 13E where open storage use would normally be permitted while a few sites to the north were Category 2 sites where planning approvals had been granted. The subject site fell within Category 3 areas.

56. The Chairman concluded that Members generally considered that the application should not be approved as it was not in line with Town Planning Board Guidelines No. 13E in that no previous planning approval for similar use had been granted on the site and there were no merits to justify granting approval by the Board.

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

- (a) the development was not in line with the planning intention of “Government, Institution or Community” zone which was intended for the expansion of the San Wai Sewage Treatment Works. There was no strong justification in the submission to merit a departure from such planning intention, even on a temporary basis; and
- (b) the development was not in line with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ in that no previous approval for open storage use had been granted for the site, there were adverse departmental comments on the drainage and environmental aspects, and the development would have adverse drainage and environmental impacts on the surrounding areas. No technical assessment had been included in the submission to address the environmental impact, and the drainage proposal submitted could not demonstrate that the drainage impact would be adequately mitigated.

[Dr. W.K. Lo, Mr. Felix W. Fong and Ms. Maggie M.K. Chan left the meeting at this point.]

### **Agenda Item 5**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/NE-LYT/426

Proposed 2 Houses (New Territories Exempted Houses – Small Houses) in “Agriculture” zone, Lots 206 S.B, 206 RP, 207 S.A and 207 S.B in D.D. 85, Fu Tei Pai Tsuen, Fanling

**(TPB Paper No. 8726)**

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[The hearing was conducted in Cantonese.]

### **Presentation and Question Session**

58. The following representative of Planning Department (PlanD) and the applicant’s representative were invited to the meeting at this point.

Mr. Hui Wai Keung	District Planning Officer/Shu Tin, Tai Po and North, PlanD
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Mr. Sit Kwok Keung	- Applicant’s representative
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59. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited Mr. Hui Wai Keung to brief Members on the background of the application.

60. With the aid of some plans and photos, Mr. Hui Wai Keung made the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for two proposed New Territories Exempted House (Small House) developments at the application site which was zoned “Agriculture” (“AGR”) on the Lung Yeuk Tau and Kwan Tei Outline Zoning Plan (OZP);

- (b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 15.10.2010 and the reasons were:
- (i) the proposed development was not in line with the planning intention of “AGR” zone in the Lung Yeuk Tau and Kwan Tei South area which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes;
  - (ii) the proposed development was not in line with the Interim Criteria for Assessing Planning Applications for New Territories Exempted House (NTEH)/Small House Development in the New Territories (Interim Criteria) in that the footprints of the proposed two Small Houses fell entirely outside both the village ‘environs’ (‘VE’) and “Village Type Development” (“V”) zone of Fu Tei Pai Village and there was no shortage of land in meeting the demand for Small House development in the “V” zone of Fu Tei Pai Village. There were no exceptional circumstances to merit special consideration of the application;
  - (iii) Small Houses should be developed within the “V” zone so as to ensure an orderly development pattern, efficient use of land and provision of infrastructure and services; and
  - (iv) the approval of the application, which did not comply with the Interim Criteria, would set an undesirable precedent for other similar applications within the “AGR” zone. The cumulative impact of approving such similar application would result in general degradation of the environment of the area;
- (c) the further justifications in support of the review submitted by the applicant were set out in paragraph 3 of the Paper. The applicant claimed that the application site was already formed and had been vacant

for many years and was not suitable for rehabilitation for cultivation purposes. The assessment of the Director of Agriculture, Fisheries and Conservation (DAFC) was questionable as the potential for agricultural rehabilitation of a hard paved site was low. The application site formed part of rezoning request No. Z/NE-LYT/1 which was partially approved by the Board. This showed that the site should not be retained for agricultural purposes. There were existing residential developments in close proximity to the application site. The village representative confirmed that there was a general shortage of land in the “V” zone to meet the Small House demand. The applicant also claimed that the District Lands Officer/North, Lands Department (DLO/N, LandsD) had no comment/objection to the 300-foot VE drawn by the applicant in his submission. PlanD should prepare a Layout Plan for the area if the planning intention was to ensure an orderly development pattern, efficient use of land and provision of infrastructure and services. Small House development should be considered as a compatible use in rural areas as it would help to address rural housing needs and was a major means to replace dilapidated houses, pigsties, and chicken sheds. The Board should not be bound by the criteria of ‘percentage of footprint’ as stated in the Interim Criteria. Moreover, the Board should approve the application with a condition that Small House application should be submitted to the Director of Lands within one year from the date of approval if the intention was to ensure that the Small House would be developed by an indigenous villager;

- (d) departmental comments – the departmental comments were summarized in paragraph 5 of the Paper. DAFC did not support the application as the application site was located in the vicinity of some active agricultural fields. The site was of high potential for rehabilitation of agricultural activities. Although the site was hard-paved, it could be used for such purposes as greenhouse farming. DLO/N, LandsD did not support the application as the application site was located outside the ‘VE’. Even if the application was approved by the Board, the Small House applications could not be considered by DLO/N, LandsD under the prevailing Small

House Policy. He further advised that the total outstanding Small House application for the village was 14 and the 10-year demand estimate was 85 Small Houses;

- (e) public comments – two public comments were received with one indicating support for the application and the other objecting to the application on the grounds that the proposed use was not in line with the planning intention, and that the conditions of the application site were suitable for agriculture; and
  
- (f) PlanD's views – PlanD did not support the application based on the assessment as stated in paragraph 7 of the Paper. The proposed development was not in line with the planning intention of the "AGR" zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. In this regard, DAFC did not support the application as agricultural life in the vicinity of the application site was active and the site was of high potential for agricultural rehabilitation. Moreover, the application did not comply with the Interim Criteria in that there was sufficient land in the "V" zone to meet the estimated 10-year demand for Small House developments as a total of 3.51 ha of land (equivalent to about 140 Small House sites) was available within the "V" zone. Besides, the application site and the footprints of the two proposed Small Houses fell entirely outside the 'VE' and "V" zone of Fu Tei Pai Village. DLO/N, LandsD also did not support the application under the prevailing Small House Policy as the proposed houses were located outside the 'VE' of the village. It was noted that when the RNTPC considered the rezoning request No. Z/NE-LYT/1 proposing to rezone part of the "AGR" zone to "V" zone, the RNTPC did not agree to rezone the application site (which formed part of the rezoning request) for the reason that the "AGR" zoning was appropriate for the site which was located away from the village proper of Fu Tei Pai Village and was primarily under cultivation.

61. The Chairman then invited the applicant's representative to elaborate on the application and Mr. Sit Kwok Keung made the following main points:

- (a) he did not agree with DAFC's view that the site was still suitable for agricultural rehabilitation as the site was already hard paved and it was surrounded on both sides by built structures. The suggestion of DAFC that the site could be used as a greenhouse was unreasonable;
- (b) there was insufficient land within the "V" zone to meet the Small House demand. The village representative had confirmed in a letter which was included in the submission that all the land in the "V" zone which was not yet built had been held up by villagers and no land was available for sale;
- (c) the applicant only wanted to build Small Houses on his own land. It was not reasonable to require the applicant to buy land within the "V" zone to build Small House;
- (d) based on his understanding, the boundary of 'VE' should be 300 ft from the last old schedule building lot of the village. Given the above, the 'VE' of Fu Tei Pai Village should have included the application site;
- (e) he considered that granting approval to the application would not set an undesirable precedent as each application would be considered on its individual merits;
- (f) he considered that the Paper prepared by PlanD was prejudiced against the applicant and did not present a balanced view of all the pros and cons of the application to the Board. PlanD had already formed a view on the application as set out in paragraph 8 of the Paper and the planning assessment in paragraph 7 was only made up to justify the formed view. The Board only acted as a rubberstamp in confirming PlanD's view. This had resulted in a confrontation between the applicant and the Board. He considered that the paragraph on PlanD's view should not be included

in the Paper to avoid influencing Members' consideration of the application;

(g) referring to the decision of the Appeal Board on Appeal No. 05/2003, an extract of which was tabled for Members' reference, he pointed out that the Appeal Board considered that it would not serve the purpose of retaining and safeguarding good agricultural land for agricultural purposes by refusing the application when there was no plan for the land to be used for agriculture again. As the application site was already hard-paved, there was no prospect for the application site to be converted to agricultural use, and hence it was not unreasonable to use the site for Small House development; and

(h) he suggested replacing the approval conditions suggested in paragraph 8.2 of the Paper by a single approval condition that the applicant should submit a Small House application to the Director of Lands within one year from the date of approval of the application so as to ensure that the Small House would be developed by an indigenous villager. The other approval conditions were not necessary as LandsD would have imposed a set of conditions when the Small House approval was granted. This would avoid double-handling of the approval conditions.

62. A Member enquired about the actual area of land which the village representative referred to in his letter. In response, Mr. Sit Kwok Keung said that he did not have the exact amount of vacant land in the "V" zone that were held by villagers but the Village Representative had consulted the villagers verbally on their intention to sell the land. The same Member asked whether the views he made on the format of the TPB paper represented the applicant's views or his own views. In response, Mr. Sit said that his views also represented the applicant's views.

63. In response to a Member's enquiry on the boundary of the 'VE' as claimed by the applicant, Mr. Hui Wai Keung said that LandsD had confirmed that the 'VE' boundary as shown on Plan R-2 of the Paper was the correct 'VE' boundary for Fu Tei Pai Village. He said that the applicant should liaise directly with DLO/N of LandsD if he disagreed with

the VE boundary.

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

64. Miss Annie K.L. Tam supplemented that the VE boundaries for recognized villages were drawn up according to established principles and procedures. If the applicant did not agree with the 'VE' boundary, he should discuss the matter with DLO/N, Lands D separately. As DLO/N had already confirmed that the application site fell outside the 'VE' boundary of Fu Tei Pai Village, LandsD would not process the Small House application under the prevailing Small House Policy.

65. Mr. Sit Kwok Keung pointed out that according to the minutes of the RNTPC meeting held on 15.10.2010, a Member suggested that the boundary of the "V" zone should be reviewed. This showed that the Member supported the application. He claimed that as the RNTPC Paper had down-played the pros and highlighted the cons of the application, this caused the application to be rejected. He reiterated the point that when there were no plans to use the site for agricultural purpose again, the Board should not reject the application based on the planning intention of the "AGR" zone.

66. The Chairman clarified that PlanD, as the department serving the Board, was responsible for preparing the TPB papers for consideration of the Board. In considering a planning application, the Board would consider all relevant factors related to the application including the views of all the relevant government departments as well as all the submissions of the applicant. Members would make their own decisions independently and there was no question of the Board acting as a rubberstamp. He considered that paragraphs 7 and 8 of the TPB Paper had a neutral assessment of the application. Moreover, he explained that in the review hearing of the planning application, any views and comments not related to the substance of the application itself would not be considered. He further pointed out that the Board's consideration of the application should not be seen as a confrontation between the applicant and the Board. The planning application procedures had ensured that all relevant information and justifications could be put before the Board for consideration before a decision was made.

67. Mr. Sit Kwok Keung reiterated his view that there was no need to include a

paragraph on “PlanD’s Views” in the TPB Paper especially when the Director of Planning was a Member of the Board. The Chairman said that the paragraph on “PlanD’s Views” acted as a useful reference for Members and he assured the applicant that Members would have their own independent view in assessing an application.

68. A Member enquired whether the statement quoted from the extract of the Appeal Board’s Decision as tabled by the applicant represented the view of the Appeal Board Chairman or the view of the Appeal Board. That Member also asked whether the Appeal Board Decision for that particular application was of any relevance to the current application noting that the subject of the application and the approval period were totally different. The Appeal Decision was related to a temporary shop use for 3 years while the current application was for permanent development of two Small Houses. In response, Mr. Sit Kwok Keung said that the statement in the extract represented the views of the Appeal Board Members. On the second point, he said that though there were differences between the two applications, the same spirit behind the decision should apply, i.e. if there were no concrete plans to use the site for agricultural purpose again, the Board should not reject the application on the grounds that the land should be retained for agricultural purposes.

69. Another Member considered that without the full set of Decision of the Appeal Board, it would be difficult for the Board to consider whether that decision was relevant to the current application. In response, Mr. Sit Kwok Keung said that it was the responsibility of PlanD to provide such an important decision to the Board for its consideration. The Secretary said that if the Board considered it necessary, the Secretariat would provide copies of the Appeal Board Decision for Members to consider at the Deliberation Session.

70. A Member disagreed with the claim of Mr. Sit that the Board had been led by PlanD in its consideration of a planning application by including a paragraph on “PlanD’s Views” in the TPB Paper and that the Board had become a rubberstamp. This Member disagreed with Mr. Sit’s view which implied that Members could not make their decision independently. The same Member pointed out that there had been cases where the decision of the Board was different from PlanD’s view. This Member considered that such a serious allegation was unfair to the Board and PlanD.

71. Mr. Sit said that he did not intend to accuse the Board for being a rubberstamp but as the TPB Paper had included PlanD's views, the Board would have been led to agree to PlanD's recommendations.

72. As the applicant's representative had no further comment to make and Members had no further question to raise, the Chairman informed him that the hearing procedures for the review had been completed and the Board would further deliberate on the application in his absence and inform the applicant of the Board's decision in due course. The Chairman thanked the applicant's representative and PlanD's representative for attending the meeting. They left the meeting at this point.

#### Deliberation Session

73. A Member noted that the applicant had not provided any additional information to justify a departure from the decision of the RNTPC. Although the applicant disagreed with the boundary of the 'VE', he did not take steps to discuss with DLO/N to sort out the issue.

74. A Member considered that the Appeal Board Decision tabled by the applicant was not relevant to the consideration of this application as the substance of the two applications were totally different and each application should be considered on its individual merits. This Member considered that there was no negligence or bias on the part of PlanD for not including that Appeal Board Decision into the TPB Paper which was clearly irrelevant.

75. Another Member considered that the application should be rejected on review as the applicant had not provided any additional or substantial justifications to support the review application.

76. The Chairman concluded that Members generally considered that the application should not be approved as the proposed development was not in line with the planning intention of the "AGR" zone and it did not comply with the Interim Criteria in that the application site and the footprints of the proposed Small Houses fell entirely outside both the 'VE' and "V" zone.

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

- (a) the proposed development was not in line with the planning intention of “Agriculture” (“AGR”) zone in the Lung Yeuk Tau and Kwan Tei South area which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes;
- (b) the proposed development was not in line with the Interim Criteria for Assessing Planning Applications for New Territories Exempted House (NTEH)/Small House Development in the New Territories in that the footprints of the proposed two Small Houses fell entirely outside both the village ‘environs’ and “Village Type Development” (“V”) zone of Fu Tei Pai Village and there was no shortage of land in meeting the demand for Small House development in the “V” zone of Fu Tei Pai Village. There were no exceptional circumstances to merit special consideration of the application;
- (c) Small Houses should be developed within the “V” zone so as to ensure an orderly development pattern, efficient use of land and provision of infrastructure and services; and
- (d) the approval of the application, which did not comply with the Interim Criteria for Assessing Planning Applications for New Territories Exempted House (NTEH)/Small House Development in the New Territories, would set an undesirable precedent for other similar applications within the “AGR” zone. The cumulative impact of approving such similar application would result in general degradation of the environment of the area.

[Miss Annie K.L. Tam. and Mr. Raymond Y.M. Chan left the meeting at this point.]

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

### **Agenda Items 6 to 8**

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/NE-TK/324

Proposed House (New Territories Exempted House – Small House) in "Agriculture" zone, Lot 595 S.B in D.D. 15, Shan Liu Village, Tai Po

Review of Application No. A/NE-TK/325

Proposed House (New Territories Exempted House – Small House) in "Agriculture" zone, Lot 611 S.A in D.D. 15, Shan Liu Village, Tai Po

Review of Application No. A/NE-TK/326

Proposed House (New Territories Exempted House – Small House) in "Agriculture" zone, Lot 611 S.B in D.D. 15, Shan Liu Village, Tai Po

### **(TPB Paper No. 8727)**

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[The hearing was conducted in Cantonese.]

### **Presentation and Question Session**

78. The following representative of Planning Department (PlanD) was invited to the meeting at this point.

Mr. Hui Wai Keung	District Planning Officer/Shan Tin, Tai Po and North, PlanD
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79. The Chairman extended a welcome and explained the procedures of the review hearing. He noted that the three applications were grouped together as they were similar in nature and were located adjacent to each other. He also noted that the applicants had decided not to attend the meeting. The Board would proceed with the review hearing in

the absence of the applicants. He then invited Mr. Hui Wai Keung to brief Members on the background of the application.

[Professor P.P. Ho and Ms. Pansy L.P. Yau left the meeting at this point.]

80. With the aid of a few plans and photos, Mr. Hui Wai Keung made the following main points as detailed in the Paper:

- (a) the applicants sought planning permission to build one New Territories Exempted House (NTEH) – Small House on each of the three application sites which fell within an area zoned “Agriculture” (“AGR”) on the Ting Kok Outline Zoning Plan (OZP);
- (b) the three applications were rejected by the Rural and New Town Planning Committee (RNTPC) on 15.10.2010 and the reasons were:
  - (i) the proposed development did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories as there was uncertainty on the technical and legal feasibility in connecting the proposed Small House in the Water Gathering Ground to the planned sewerage system in the area. The applicant failed to demonstrate that the proposed development would not cause adverse impact on the water quality in the area; and
  - (ii) the applicant failed to demonstrate that the proposed development would not cause adverse impact on the rural landscape of the area;
- (c) no further written justifications in support of the review were submitted by the applicants;
- (d) departmental comments – the departmental comments were summarized in paragraph 4 of the Paper. The District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) advised that the total outstanding Small House applications for Shan Liu Village were 17 while the 10-year

demand forecast for the same village was 250 Small Houses. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) advised that there were no public stormwater drains available for connection in the vicinity of the sites while the trunk sewer system would commence construction in 2011 for completion in 2013. The Director of Environmental Protection (DEP) did not support the applications as the sites were within water gathering grounds (WGG) and there was uncertainty on the connection to the nearest trunk sewer which was more than 100 metres away and would need to pass through private land. The Director of Water Supplies objected to the application as there was insufficient information to demonstrate that the three sites were able to be connected to public sewers. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as the sites concerned had a high potential for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the applications from the landscape planning point of view as the sites were located on the edge of the existing woodland and were highly sensitive to urban development. Approval of the application would set an undesirable precedent for other Small House developments in the area;

- (e) public comments – during the statutory publication period of the review applications, one public comment was received objecting to the applications on the grounds that the proposals were incompatible with the planning intention of the “AGR” zone and the applications did not comply with the Interim Criteria; and
- (f) PlanD’s views – PlanD did not support the applications based on the assessment as stated in paragraph 6 of the Paper. The application sites were located within the upper indirect WGG and there was uncertainty on the technical and legal feasibility in connecting the proposed Small Houses to the trunk sewer. As DWS and DEP raised concern on potential water quality impact on the WGG, the applications did not comply with the Interim Criteria as the applicant had failed to demonstrate

that the proposed developments would not cause adverse impact on the water quality in the WGG. Moreover, the area was highly sensitive to urban development and approval of the applications would set an undesirable precedent. Besides, DAFC considered that the sites had a high potential for agricultural rehabilitation.

81. As Members had no questions to raise, the Chairman said that the hearing procedures for the review applications had been completed and the Board would deliberate on the applications and inform the applicants of the Board's decision in due course. The Chairman thanked DPO/STN for attending the meeting. He left the meeting at this point.

#### Deliberation Session

82. The Chairman noted that the applications were within the WGG and there was uncertainty on the feasibility in connecting the proposed Small Houses to the public sewers. The applications were therefore not in line with the Interim Criteria.

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

- (a) the proposed development did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories as there was uncertainty on the technical and legal feasibility in connecting the proposed Small House in the Water Gathering Ground to the planned sewerage system in the area. The applicant failed to demonstrate that the proposed development would not cause adverse impact on the water quality in the area; and
- (b) the applicant failed to demonstrate that the proposed development would not cause adverse impact on the rural landscape of the area.

#### **Agenda Item 9**

[Open Meeting]

Request for Deferral for Review of Application No. A/NE-MUP/62

Proposed 2 Houses (New Territories Exempted Houses – Small Houses) in “Agriculture” zone, Lot 326 SB ss.4 and ss.5 in D.D. 37, Man Uk Pin, Sha Tau Kok

**(TPB Paper No. 8731)**

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[The hearing was conducted in Cantonese.]

84. The Secretary reported that on 17.1.2011, the applicant submitted a request for deferment of consideration of the review application to allow time for the village representative to provide updated information on the Small House demand of the village. However, on 9.2.2011, the applicant submitted another letter to withdraw the request for deferral. As there was not enough time to prepare the TPB Paper for consideration of the application at this meeting, the Secretary requested the Board to defer the consideration of the application to the next meeting.

85. After deliberation, the Board decided to defer a decision on the application at this meeting and to consider the review application at the next TPB meeting on 25.2.2011.

**Agenda Item 10**

[Open Meeting]

Request for Deferral for Review of Application No. A/H18/62

Proposed Minor Relaxation of Plot Ratio and Site Coverage Restrictions for Permitted House Development in “Residential (Group C) 4” zone, 45 Tai Tam Road, Tai Tam

**(TPB Paper No. 8732)**

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[The hearing was conducted in Cantonese.]

86. The Secretary reported that on 20.1.2011, the applicant submitted a request for deferment of consideration of the review application for two months to allow time for the applicant to prepare additional technical information in relation to the building design. The justifications for deferment met the criteria set out in Town Planning Board Guidelines No. 33 in that the applicant needed more time to prepare documentation for the review hearing, the deferment period was not indefinite, and that the deferment would not affect the

interests of other relevant parties.

87. After deliberation, the Board decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Board agreed that the application should be submitted to the Board for consideration within three months upon receipt of the further submission from the applicant. The Board also agreed to advise the applicant that two months were allowed for the preparation of the submission of further information and no further deferment would be granted unless under very special circumstances.

### **Agenda Item 11**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Causeway Bay Outline Zoning Plan No. S/H6/15

#### **(TPB Paper No. 8733)**

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[The meeting was conducted in Cantonese.]

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

- |                      |   |
|----------------------|---|
| Mr. Jimmy C.F. Leung | - his mother owned a property in the area |
| Mr. Maurice W.M. Lee | - owned properties in the area            |
| Mr. Roger K.H. Luk   | - spouse owned a flat in Tai Hang         |

89. As the item was procedural in nature and no deliberation was required, Members agreed that the above Members could stay at the meeting. Members noted that Mr. Maurice W.M. Lee had tendered his apology for not attending the meeting.

90. The Secretary briefly introduced the Paper. On 17.9.2010, the draft Causeway Bay Outline Zoning Plan No. S/H6/15 was exhibited for public inspection under section 5 of the Town Planning Ordinance. During the 2-month exhibition period, 166 representations were received. On 27.11.2010, the representations were published for three weeks for public comments and 13 public comments were received. As the

amendments were mainly related to the imposition of building height restrictions, building setback requirements and the rezoning of “Commercial/Residential” (“C/R”) sites which had attracted much public interest, it was suggested that the representations should be heard by the full Board and the hearing should be arranged in two groups as follows:

- (a) Group 1: collective hearing of the 164 representations (R1 to R163 and R165), and C2 to C4 and the related parts of C1 and C5 which were on the building height restrictions, the setback requirements and the rezoning of the “C/R” sites; and
- (b) Group 2: collective hearing of R164 and the related part of C1 which was concerned with the building height restriction for a specific “G/IC” site.

91. The Secretary also reported that representation R166 opposed the Schedule of Uses for the “Other Specified Uses” annotated “Residential Development with Historical Site Preserved In-situ” zone in relation to the Haw Par Mansion site. However, as the amendment to the “OU(RDHSPi)” zone was mainly on imposing a building height restriction of 4 storeys without any amendment to the Schedule of Uses, representation R166 should be regarded as invalid. In connection with that, consideration of the related comment C6 to C13 and C5 (part), which shared R166’s view of limiting the permissible uses for the site and C1 (part) opposing R166’s proposed amendment, would not be necessary.

92. After deliberation, the Board agreed to the proposed hearing arrangement for the consideration of representations and comments as detailed in paragraph 2 of the Paper. The Board also agreed that representation R166 was invalid.

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

## **Agenda Item 12**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and

Comments to the Draft Mong Kok Outline Zoning Plan No. S/K3/28

**(TPB Paper No. 8734)**

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[The meeting was conducted in Cantonese.]

93. The following Member had declared interests on this item:

Mr. Walter K.L. Chan - owned a flat in Argyle Street

94. As the item was procedural in nature and no deliberation was required, Members agreed that Mr. Walter Chan could stay at the meeting.

95. The Secretary briefly introduced the Paper. On 17.9.2010, the draft Mong Kok Outline Zoning Plan No. S/K3/28 was exhibited for public inspection under section 7(2) of the Town Planning Ordinance. During the 2-month exhibition period, 10 representations were received. On 26.11.2010, the representations were published for three weeks for public comments and one public comment was received. As the representations were related to the imposition of building height restrictions, non-building area and building setback requirements which had attracted much public interest, it was suggested that the representations should be heard by the full Board and the hearing should be arranged in two groups as follows:

- (a) Group 1: collective hearing of 2 representations (R1 and R5) opposing the imposition of building height restrictions and building setback requirement on institutional and/or community facilities (i.e. electricity substations, schools and church) in the “Government, Institution or Community” and “Residential (Group A)” zones; and
- (b) Group 2: collective hearing of the remaining 8 representations (R2 to R4 and R6 to R10) and one related comment (C1) which were concerned with the imposition of building height restrictions, non-building area and building setback requirements on various zones.

96. After deliberation, the Board agreed to the proposed hearing arrangement for the consideration of representations and comments as detailed in paragraph 2 of the Paper.

**Agenda Item 13**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Wang Tau Hom & Tung Tau Outline Zoning Plan No. S/K8/20

**(TPB Paper No. 8735)**

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[The meeting was conducted in Cantonese.]

97. The following Members had declared interests on this item:

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|--|--|
| Mr. Jimmy C.F. Leung<br>as the Director of Planning                                | - being a non-executive director of the URA,<br>Member of the Strategic Planning Committee of<br>the HKHA and member of the Supervisory Board<br>of the HKHS                                 |
| Mr. Raymond Y.M. Chan  | ) being a Member of the Home Purchase<br>) Allowance Appeals Committee   |
| Ms. Maggie M.K. Chan   | )  |
| Mr. Maurice W.M. Lee   | - being a former non-executive director of URA   |
| Mr. Felix W. Fong  | ) having business dealings with Cheung Kong<br>) (Holdings) Ltd. which was a joint venture partner<br>) with the URA   |
| Professor P.P. Ho  | )  |
| Miss Annie. K.L. Tam<br>as Director of Lands                                       | - being a non-executive director of the URA and<br>Member of the Supervisory Board of the HKHS   |
| Mr. Andrew Tsang<br>as the Assistant Director of<br>the Home Affairs<br>Department | - being an assistant to the Director of Home<br>Affairs who was a non-executive director of the<br>URA and a Member of the Strategic Planning<br>Committee and Subsidised Houseing Committee |

of HKHA

98. As the item was procedural in nature and no deliberation was required, Members agreed that the above Members could stay at the meeting. Members noted that Mr. Maurice W.M. Lee and Mr. Andrew Tsang had tendered their apologies for not attending the meeting and Ms. Maggie M.K. Chan, Professor P.P. Ho, Mr. Felix W. Fong and Mr. Raymond Y.M. Chan had already left the meeting.

99. The Secretary briefly introduced the Paper. On 17.9.2010, the draft Wang Tau Hom & Tung Tau Outline Zoning Plan No. S/K8/20 was exhibited for public inspection under section 5 of the Town Planning Ordinance. During the 2-month exhibition period, 5 representations were received. On 26.11.2010, the representations were published for three weeks for public comments and 2 public comments were received. In view of the small number of representations, it would be more efficient for the representations to be heard by the full Board. The hearing was suggested to be arranged in two groups as follows:

- (c) Group 1: hearing of one representation (R1) and one related comment (C1) which were concerned with the imposition of building height restrictions on the electricity substations; and
- (d) Group 2: collective hearing of the remaining 4 representations (R2 to R5) and one related comment (C2) which were concerned with the imposition of building height restrictions for a specific “Residential (Group A)” site.

100. After deliberation, the Board agreed to the proposed hearing arrangement for the consideration of representations and comments as detailed in paragraph 2 of the Paper.

**Agenda Item 14**

[Open Meeting]

**(TPB Paper No. 8736)**

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[The meeting was conducted in Cantonese.]

101. The following Members had declared interests on this item:

- |                      |   |
|----------------------|---|
| Mr. Stephen M.W. Yip | - being a former Consultant of the Executive Committee under the Sai Kung Rural Committee |
| Ms. Anna S.Y. Kwong  | - being the Consultant for a proposed international boarding school in the area           |

102. As the item was procedural in nature and no deliberation was required, Members agreed that the above Members could stay at the meeting. Members noted that Mr. Stephen M.W. Yip and Ms. Anna S.Y. Kwong had tendered their apologies for not attending the meeting.

103. The Secretary briefly introduced the Paper. On 30.9.2010, the draft Pak Lap Development Permission Area Plan No. DPA/SK-PL/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance. During the 2-month exhibition period, 14 representations were received. On 10.12.2010, the representations were published for three weeks for public comments and no public comment was received. As the representations were concerned with the conservation of the natural landscape of Pak Lap and the "Unspecified Use" designation on the DPA Plan, it was suggested that the representations should be heard collectively in one group by the full Board.

104. After deliberation, the Board agreed to the proposed hearing arrangement for the consideration of representations and comments as detailed in paragraph 2 of the Paper.

**Agenda Item 15**

[Open Meeting]

Submission of the Draft Tai O Fringe Development Permission Area Plan No. DPA/I-TOF/1A to the Chief Executive in Council for Approval Under Section 8 of the Town Planning Ordinance

**(TPB Paper No. 8737)**

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[The meeting was conducted in Cantonese.]

105. The Secretary briefly introduced the Paper. On 4.6.2010, the draft Tai O Fringe Development Permission Plan No. DPA/I-TOF/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance. During the 2-month exhibition period, 9 representations were received. On 13.8.2010, the representations were published for three weeks for public comments and 2 public comments were received.

106. On 3.12.2010, after giving consideration to the 9 representations and 2 comments, the Board decided not to uphold the representations. As the plan-making process had been completed, the draft Tai O Fringe DPA Plan was ready for submission to the Chief Executive in Council (CE in C) for approval.

107. After deliberation, the Board agreed:

- (a) that the draft Tai O Fringe Development Permission Plan No. DPA/I-TOF/1A together with its Notes at Annex I and Annex II of the Paper were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) to endorse the updated Explanatory Statement (ES) for the draft Tai O Fringe Development Permission Plan No. DPA/I-TOF/1A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for various land-use zones on the draft DPA Plan and issued under the name of the Board; and
- (c) that the updated ES for the draft Tai O Fringe Development Permission Plan No. DPA/I-TOF/1A was suitable for submission to CE in C together with the draft DPA Plan.

**Agenda Item 16**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Wan Chai Outline Zoning Plan No. S/H5/26

**(TPB Paper No. 8739)**

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[The meeting was conducted in Cantonese.]

108. The following Members had declared interests on this item:

Mr. K.Y. Leung	- spouse owned a flat in Lockhart Road
Ms. Julia M.K. Lau	- owned properties in Star Street
Mr. Laurence L.J. Li	- owned a flat in Wan Chai
Mr. Rock C.N. Chen	- owned a flat in Star Street

109. As the item was procedural in nature and no deliberation was required, Members agreed that the above Members could stay at the meeting. Members noted that Mr. Rock C.N. Chen had tendered his apology for not attending the meeting.

110. The Secretary briefly introduced the Paper. On 24.9.2010, the draft Wan Chai Outline Zoning Plan No. S/H5/26 was exhibited for public inspection under section 5 of the Town Planning Ordinance. During the 2-month exhibition period, 106 representations were received. On 3.12.2010, the representations were published for three weeks for public comments and 293 public comments were received. As the amendments were mainly related to the imposition of building height and other development restrictions as well as rezoning for the Wan Chai area, which had attracted much public interest, it was suggested that the representations should be heard by the full Board and the hearing should be arranged in two groups as follows:

- (a) Group 1: collective hearing of the 98 representations (R1 to R32, R34 to R44, R46 to R87 and R94 to R106) and 12 related comments (C1 to C4 and C286 to C293) in relation to the building height restrictions of various development zones and the rezoning of “C/R”. “R(A)”, “G/IC”, “O” and area shown as ‘Road’ to other uses; and
- (b) Group 2: collective hearing of 38 representations (R1, R5 to R26, R28 to

R30, R33 to R36, R45, R88 to R93 and R105) and 284 related comments (C1, C2 and C4 to C285) in relation to amendments concerning the “G/IC”, “O” and “OU” sites.

111. The Secretary also reported that part of representation R4 suggested to rezone the Stone Nullah Lane/Kennedy Street area from “Residential (Group A)” (“R(A)”) to “OU” without suggesting the specific use and to delete certain uses from Column 2 of the “R(A)” zone. However, as no amendment had been made to the “R(A)” zoning or to its Schedule of Uses, this part of the representation submitted by R4 should be regarded as invalid.

112. After deliberation, the Board agreed to the proposed hearing arrangement for the consideration of representations and comments as detailed in paragraph 2 of the Paper. The Board also agreed that part of representation R4 concerning the rezoning of an area from “R(A)” to “OU” without any specific use proposed and the deletion of certain uses from Column 2 of the “R(A)” zone were invalid.

### **Agenda Item 17**

[Closed Meeting]

113. This item was recorded under confidential cover.

### **Agenda Item 18**

[Open Meeting]

### **Any Other Business**

[The meeting was conducted in Cantonese.]

114. A Member enquired about the recent media coverage of a regional plan for the Pearl River Delta. In response, Mr. Jimmy C.F. Leung explained that Planning Department was currently consulting the public on the initial proposals of the “Study on Action Plan for the Bay Area of the Pearl River Estuary” (the Study). He explained that the Study was conceptual in nature with a view to identifying principles to enhance the

livability of the Bay Area covering Hong Kong, Macau and the 17 districts abutting the Pearl River Estuary of Shenzhen, Dongguan, Guangzhou, Zhongshan and Zhuhai. It was a joint study among Hong Kong, Macau and Guangdong. The concept of ‘livability’ was explored and initial recommendations to establish a green network, green transport, low carbon communities, convenient boundary crossing etc. had been proposed in the Study. Under the One Country, Two Systems framework, the Governments of the three places would formulate their respective action plans or projects to realize the objectives and directions identified in the Study, taking into consideration their own individual circumstances and in accordance with their own established procedures.

115. He supplemented that the Study did not recommend any specific projects and that the proposals put forward mainly concern planning principles or directions that could serve as a reference by the three Governments when considering their own development projects or policies. The three sides would take into account their own situation in considering the feasibility and implementation of individual proposals. There was no question of any plan or proposals being imposed on Hong Kong.

116. There was some concern that the public consultation period was too short. Mr. Leung said that PlanD would organise further briefing sessions and discussion forums over the next two months to collect public views.

117. There being no other business, the meeting was closed at 12:40 p.m.