

**Minutes of 987th Meeting of the
Town Planning Board held on 15.7.2011**

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

Mr. Raymond Y.M. Chan

Mr. Y.K. Cheng

Mr. Felix W. Fong

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Professor Edwin H.W. Chan

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

Professor S.C. Wong

Ms. Pansy L.P. Yau

Dr. W.K. Yau

Deputy Director of Environmental Protection (1)
Mr. Benny Wong

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

Principal Assistant Secretary (Transport 3)
Transport and Housing Bureau
Mr. Fletch Chan

Deputy Director (Gen), Lands Department
Mr. Jeff Lam

Director of Planning
Mr. Jimmy Leung

Deputy Director of Planning/District
Miss Ophelia Wong

Secretary

Absent with Apologies

Mr. Stanley Y.F. Wong

Vice-chairman

Ms. Maggie M.K. Chan

Dr. James C.W. Lau

Mr. Rock C.N. Chen

Mr. Maurice W.M. Lee

Mr. Timothy K.W. Ma

Dr. Winnie S.M. Tang

Professor P.P. Ho

Mr. Stephen M.W. Yip

In Attendance

Assistant Director of Planning/Board

Mr. C.T. Ling

Chief Town Planner/Town Planning Board

Miss H.Y. Chu (am)

Ms. Christine K.C. Tse (pm)

Senior Town Planner/Town Planning Board

Ms. Johanna W.Y. Cheng (am)

Mr. J.J. Austin (pm)

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 986th Meeting held on 24.6.2011

[The meeting was conducted in Cantonese.]

1. The minutes of the 986th Meeting held on 24.6.2011 were confirmed without amendments.

Agenda Item 2

Matters Arising

- (i) [Closed Meeting]

2. This item was recorded under confidential cover.

[Mr. Jimmy Leung returned to join the meeting at this point.]

- (ii) New Town Planning Appeal Received

[Open Meeting]

Town Planning Appeal No. 7 of 2011

Temporary Open Storage of Construction Machinery and Mechanical Spare Parts for a Period of 3 Years in “Agriculture” Zone, Lot 529 S.A (Part) in D.D. 84, Hung Lung Hang (Application No. A/NE-HLH/17)

[The meeting was conducted in Cantonese.]

3. The Secretary reported that an appeal was received by the Appeal Board Panel (Town Planning) on 8.7.2011 against the decision of the Town Planning Board (the Board) to reject on review an application (No. A/NE-HLH/17) for temporary open storage of construction machinery and mechanical spare parts for a period of 3 years at a site zoned “Agriculture” (“AGR”) on the approved Hung Lung Hang Outline Zoning Plan No. S/NE-HLH/7. The application was rejected by the Board for the following reasons:

- (a) the use under application was not in line with the planning intention of the “AGR” zone for the area which was primarily intended for retaining and safeguarding good agricultural land/farm/fish ponds for agricultural purposes, and retaining fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the use under application did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses No. 13E in that no previous planning approval had been granted to the application site and the applicant had failed to demonstrate that the development under application would not have adverse environmental impact on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the "AGR" zone, and the cumulative impact of approving similar applications would result in a general degradation of the environment in the area.

4. The hearing date of the appeal had not yet been fixed. Members agreed that the Secretary would act on behalf of the Board in dealing with the appeal in the usual manner.

Appeal Statistics

5. The Secretary reported that as at 15.7.2011, 22 cases were yet to be heard by Appeal Board Panel (Town Planning). Details of the appeal statistics were as follows:

Allowed	:	27
Dismissed	:	117
Abandoned/Withdrawn/Invalid	:	149
Yet to be Heard	:	22
<u>Decision Outstanding</u>	:	<u>4</u>
Total	:	319

Agenda Item 3

[Open Meeting]

Increasing Land Supply by Reclamation and Rock Cavern Development
(TPB Paper No. 8867)

[The meeting was conducted in Cantonese.]

6. Prof. S. C. Wong had declared interest on this item as he had current business dealings with Ove Arup & Partners Hong Kong Limited, which was the consultant of the Study for the subject briefing. As the item was a briefing to Members on the scope of the Study, Members agreed that Prof. S.C. Wong could be allowed to stay in the meeting and participate in the discussion.

7. The following government representatives were invited to the meeting at this point:

- | | |
|-----------------------|--|
| Mr. C.S. Liu | - Principal Assistant Secretary (Works),
Development Bureau |
| Mr. Raymond W.M. Wong | - Assistant Director of Planning/Territorial,
Planning Department (PlanD) |
| Miss Winnie B.Y. Lau | - Senior Town Planner/Strategic Planning,
PlanD |
| Mr. C.W. Kam | - Deputy Head of Civil Engineering Office
(Port & Land), Civil Engineering and
Development Department (CEDD) |
| Dr. Samuel K.C. Ng | - Chief Geotechnical Engineer/Planning,
CEDD |
| Mr. Ricky C.P. Wong | - Senior Engineer/Projects, CEDD |

8. The Chairman extended a welcome and invited the team to brief Members on the Paper. Mr. C.S. Liu gave an introduction covering the following main points:

- (a) the Financial Secretary announced in the 2011-12 Budget Speech that about HK\$300 million would be allocated for conducting relevant

studies and public engagement exercise for increasing land supply by reclamation outside Victoria Harbour and rock cavern development in the next few years. The initiative was a visionary attempt to provide land to meet Hong Kong's development needs in the long run;

- (b) the Government had briefed the Panel on Development of the Legislative Council in May this year. In July, CEDD had commissioned a consultancy for the 'Study on Increasing Land Supply by Reclamation and Rock Cavern Development'; and
- (c) a two-stage public engagement exercise would be carried out. Stage 1 was for roadmap setting and would be launched in the fourth quarter of 2011. Stage 2 involved site selection and would be carried out in the third quarter of 2012 the earliest.

[Mr. Raymond Y.M. Chan, Dr.W.K. Lo, Dr. C.P. Lau and Mr. Clarence W.C. Leung arrived to join the meeting at this point.]

9. With the aid of a powerpoint presentation, Mr. C.W. Kam made the following main points as detailed in the Paper:

Land Supply

- (a) the population of Hong Kong was projected to grow from 7.1 million in 2011 to 8.4 million in 2030 and 8.9 million in 2039. The number of household was also projected to grow from 2.4 million in 2011 to 2.9 million in 2030 and 3.1 million in 2039;
- (b) ensuring timely and adequate land supply in different economic and social sectors was important for providing a quality living and economic environment. At present, the land formation process, from study to implementation of associated infrastructure, normally took about 10 to 15 years to complete. Creating a 'land bank' could help to ensure that there would be no delay in the delivery of land to meet requirements. In

the 2010-11 Policy Address, the Chief Executive had also referred to creating a land reserve to meet the housing needs;

- (c) land supply might be provided from already formed land through means such as redevelopments, revitalization of existing buildings, rezoning of land for alternative uses, re-use of quarry sites and land resumption. However, there were increasing difficulties and uncertainties involved in pursuing these means to increase land supply due to rising expectation for compensation and re-housing, multiple ownership problems, negative public sentiments on some redevelopment projects and geotechnical issues involved in re-use of existing quarry sites. Hence, in addition to the current land development approach, the Government needed to explore other ways to provide land to meet Hong Kong's future needs and the options of reclamation and rock cavern developments were being explored in the Study;

Reclamation Outside Victoria Harbour

Land Production

- (d) according to the Hong Kong Geographic Data published by the Lands Department, 6,824 hectares (ha.) of land had been reclaimed since 1887. That was about 6% of the total land area of Hong Kong. Most of Hong Kong's existing new towns were built on reclaimed land;
- (e) from 1985 to 2004, about 500 to 700 ha. of land was created by reclamation every five years. Following the enactment of the Protection of the Harbour Ordinance (Cap. 531) in 1997 and the Court of Final Appeal's ruling in 2004, reclamation substantially declined to 84 ha. between 2005 to 2009 and to only 1 ha. in 2010. This would have knock-on effect on land supply in the coming years;
- (f) whilst reclamation within Victoria Harbour to create new land was legally constrained, such constraint was not applicable to other sea areas

outside Victoria Harbour. A possible way to increase land supply was to have reclamation at an appropriate scale outside Victoria Harbour;

Handling Surplus Public Fill

- (g) reclamation could be a way to accommodate the surplus public fill. Although the Government had encouraged the reduction of construction waste and implemented the construction waste charging scheme, the construction industry still generated about 6 to 7 million tonnes of public fill each year and there was additional surplus public fill produced from major infrastructure projects;
- (h) since 2007, 10 million tonnes of surplus public fill were delivered to a receptor site in the Mainland (Taishan) every year. As at end 2010, a total of 33 million tonnes of surplus public fill had been delivered to Taishan and 270 ha. of land had been reclaimed using the surplus public fill. It was estimated that the existing receptor site at Taishan would be full by end 2012. As the transport of surplus public fill to Taishan involved long haulage and hefty delivery costs, it was not sustainable in the long run. Moreover, reliance on a single spot outside Hong Kong to accept the surplus public fill was vulnerable;
- (i) currently, two temporary fill banks at Tuen Mun and Tseung Kwan O were used to store public fill before delivery to the receptor site. However, if there was no other suitable receptor site available, the two temporary fill banks would also be filled up by 2015;
- (j) it was estimated that 35 million tonnes of surplus public fill would need to be handled between 2015 to 2018. Hence, there was an urgent need to find ways to handle surplus public fill and reclamation was a medium to long-term solution;

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

Disposal of Contaminated Sediments

- (k) dredging of harbour fairways and other marine works generated about 2.4 million m³ of contaminated sediments each year. The existing off-shore mud pits at Sha Chau East and the planned off-shore mud pits to the south of The Brothers would be used up by 2017. Due to stringent environmental and site requirements, identifying new off-shore mud pits within Hong Kong waters was a remote possibility. CEDD had conducted research on the confined disposal facilities (CDF) technology of near-shore reclamation which could replace the mud pits for disposal of contaminated sediments. Land could be created by placing clean public fill to cover the contaminated sediments and put to some regulated uses;

Territory-wide Site Search

- (l) the Study would include a territory-wide search for sites suitable for reclamation. The consultancy would first review the reclamation sites which had previously been studied for their feasibility to accommodate different uses. Those sites included the Lung Kwu Tan and Southwest Tsing Yi which were studied for possible development of new container terminals; the Tuen Mun Area 27, Sunny Bay and Penny's Bay which were studied for possible tourism / theme park developments; the site studied for possible logistics park development at Lantau Island; and Sunshine Island and Shek Kwu Chau which were studied as feasible CDF sites for disposal of contaminated sediments. The previous studies would be reviewed and the suitability of these sites for reclamation would be re-assessed;

Rock Cavern Development

*'Study on the Enhanced use of Underground Space in Hong Kong'
(Underground Space Study)*

- (m) in the 2009-10 Policy Agenda, the Development Bureau put forward a new initiative to launch strategic planning and technical studies to facilitate planned development of underground space aiming to promote the enhanced use of rock caverns;
- (n) the CEDD commenced the Underground Space Study in March 2010. The Study explored the opportunities for enhancing the effective use of land resources in Hong Kong from a new perspective through the planned development of underground space. The Study was substantially completed in March 2011 and the findings were highlighted below;

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

Overseas Experience

- (o) the Study included a review of overseas cavern developments that had been successfully built with notable examples in Canada, China, Finland, Japan, Korea, Norway, Singapore, Sweden and the United States. A diverse set of cavern uses included municipal facilities (water and sewage treatment plants, refuse transfer stations and service reservoirs), storage facilities (archives, oil and gas, and food), community and recreational facilities (retail, sports halls and swimming pools) and special facilities (civil defence, laboratories and data centres);

Rock Cavern Developments in Hong Kong

- (p) the Tai Koo and Sai Wan Ho Mass Transit Railway stations were built in caverns in the 1980's. A few purpose-built rock caverns had been constructed since the mid-1990s to accommodate government facilities to meet the needs of the community, namely the Island West refuse transfer station, Stanley sewage treatment plant and Kau Shat Wan explosives depot. The Western Salt Water Service Reservoirs at the University of Hong Kong were reprovisioned in rock caverns in 2009 to

release land for its Centennial Campus development. The recently constructed West Island Line Explosives Magazine at Victoria Road was also located in a rock cavern;

Key Technical Findings of the Underground Space Study

- (q) the key technical findings of the Underground Space Study were that about 64% of Hong Kong's land area, underlain by strong granitic and volcanic rocks, was potentially suitable for cavern development. Five strategic cavern areas at the urban fringe were identified at Tuen Mun (Lam Tei), Sha Tin (Shek Mun), Lion Rock, Lantau (Siu Ho Wan) and Mount Davis;
- (r) a stock taking exercise was undertaken and had identified over 400 existing government facilities that had the potential for relocation to rock caverns in line with the potential land uses listed in the Hong Kong Planning Standards and Guidelines. A preliminary ranking system for individual facilities had been developed to highlight the relative merits of relocating these facilities, and it was shown that some government facilities had high potential for relocation to rock caverns, subject to detailed planning and engineering studies to assess their overall feasibility;
- (s) preliminary technical and financial feasibility assessments had broadly demonstrated that cavern schemes could be implemented to relocate two existing government facilities. The Sha Tin sewage treatment works was proposed to be relocated into a cavern site at A Kung Kok near Shek Mun. This relocation scheme would release 28 ha. of waterfront land, remove impacts of the existing sewage treatment works on surrounding residents, enhance land value and allow future expansion underground. The fresh water service reservoirs in Mount Davis and Kennedy Town were proposed to be relocated into cavern. This relocation scheme would release two ha. of prime land and would allow future expansion without further cutting into the hill slopes. Both cavern schemes were

subject to further detailed studies;

The Study and Public Engagement Exercise

- (t) in light of the above, CEDD commenced the consultancy on ‘Study on Increasing Land Supply by Reclamation and Rock Cavern Development’ and public engagement in July 2011. The Study would review sites identified for cavern development, conduct site search and broad technical assessments for reclamation and carry out preliminary feasibility studies on the selected sites. Some possible reclamation sites and some existing public facilities that could be relocated into cavern would be identified;

- (u) a wide range of public engagement activities would be undertaken to gauge public views, including consultation with established boards and committees (including the legislative council, District Councils, Heung Yee Kuk, green groups and professional institutions), focus group discussions with relevant stakeholders, public forums, roving exhibitions and interviews, e-Forum, telephone surveys, radio programmes, etc. Relevant professional institutions and academic bodies would be invited to be partners in conducting some of the public engagement activities. The public engagement exercise would be conducted in the following two stages:
 - (i) *Stage 1 : Roadmap Setting* - the public would be briefed on the existing conditions and issues of land supply and demand, pros and cons of land creation by reclamation and cavern development, the problem of handling surplus public fill and contaminated sediments and their potential for gainful reuse and application of the ‘land bank’ concept. The briefings aimed to arouse public’s interests and suggestions on possible ways of increasing land supply and the guiding principles and site selection criteria for accepting a proposal. Further detailed studies might be undertaken for the well-received proposals so as to expedite their implementation;

- (ii) *Stage 2 : Site Selection* - the key issues and concerns as identified in Stage 1 would be discussed and addressed at this stage. The public would be engaged at both territory-wide and district levels to discuss and deliberate potential sites for generating new land. Based on the outcome of Stage 1 and the established guiding principles, Stage 2 would evaluate a proposed list of potential sites drawn up during Stage 1 and seek public views. Acceptable sites would be taken forward for further detailed study;

- (v) the tentative timeline of the whole public engagement exercise was set out in paragraph 3.5 of the Paper. Apart from the two options of increasing land supply by reclamation and rock cavern development, other new and innovative ways that might be raised by the public during the public engagement exercise would also be considered;

Way Forward After Public Engagement

- (w) on completion of the Study and subject to the results of the public engagement exercise, detailed environmental and engineering studies, and detailed planning for the sites identified for reclamation and for the relocation of selected public facilities into cavern would be carried out;

- (x) in the longer term, a list of environmentally acceptable and engineering feasible sites for reclamation would be formulated for implementation in stages to meet future development needs; and

- (y) for cavern development, a long-term strategic plan would be drawn up for systematic relocation of suitable above-ground facilities to release surface land for other uses, preparation of cavern development master plans to reserve strategic cavern areas and formulation of policy guidelines to facilitate cavern development for both public and private sectors.

[Mr. B.W. Chan and Mr. K.Y. Leung left the meeting temporarily at this point.]

Discussion Session

10. Members thanked the Study team for providing the briefing. Pertaining to specific issues, the following views and questions were expressed by Members:

General Support for the Study

- (a) there was general support for the Study to explore different options to increase land supply in the longer term;

Reclamation Outside Victoria Harbour

- (b) Members had different views on the reclamation option. Some Members considered that reclamation outside Victoria Harbour could be a good means for increasing land supply and the impacts on water quality and the fisheries industries should be addressed. However, some Members raised concern that there might be negative impacts on the marine ecology, objections from the green groups and local residents;
- (c) how much information would be available for the public engagement exercise to prepare for possible public objection (especially from the green groups) to the reclamation option?
- (d) what kind of contaminated sediments would be disposed of under the proposed CDF method?
- (e) as contaminated sediments might be exposed in open air under the CDF method, would the CDF method at near-shore locations create foul odour problems?
- (f) what kind of uses could be accommodated on land created by the CDF method?

Rock Cavern Development

- (g) Members generally considered that there was good potential to better utilize cavern development in Hong Kong;
- (h) one Member indicated support for the proposed relocation of the Sha Tin sewage treatment works as it would release a large piece of waterfront land and relocate the existing facilities that had created odour nuisance on the surrounding neighbourhood. This Member also asked about the geotechnical conditions of the cavern site near Shek Mun proposed for the relocation;
- (i) the two cavern schemes being considered were for relocation of government facilities to release the existing sites for alternative uses. Were there considerations for accommodating other uses within caverns?
- (j) it was agreed that cavern developments were appropriate as a source of back-up land supply. However, many examples shown in the presentation were from Norway which had considerably colder weather than Hong Kong. The relevance of the Norway experience and the suitability for the large-scale application of cavern developments in Hong Kong needed further study, taking account of the local geotechnical and weather conditions. The problems encountered in cavern developments in overseas examples should also be studied;

Others

- (k) fluctuation in the mobile population had affected the demand for land supply over the past decades. Taking this factor into account, there should be a critical analysis to assess whether there was real imminent pressure for creating more land as this might affect the strategy that should be adopted for increasing land supply in the longer term;
- (l) were there priorities for implementation of the different options for

creating land supply?

- (m) there should be a clear programme for implementation of the reclamation or cavern proposals. This would give the market a clear picture of the future developments and reduce market speculation;
- (n) there should be a review of the Country Park policies to allow flexibility for some types of developments at suitable locations within the Country Parks;
- (o) better utilization of basement developments should be studied; and
- (p) there were many other ways to recycle construction wastes that could help reduce the volume of surplus public fill that needed to be handled.

[Professor Paul K.S. Lam and Mr. B.W. Chan returned to join the meeting at this point.]

11. Mr. C.S. Liu, Mr. C.W. Kam, Dr. Samuel K.C. Ng and Mr. Raymond W.M. Wong responded to the views and questions of the Members as follows:

Reclamation Outside Victoria Harbour

- (a) the Study would provide more information and data to support the feasibility of the proposed reclamation proposals, and these would be presented in public engagement exercise to gauge public views. Environmental impacts of reclamation would be an important aspect that would be studied;
- (b) contaminated sediments from dredging of harbour fairways and other marine works would be tested before deciding on the disposal method. Highly contaminated sediments would be contained within a suitable medium before disposal;
- (c) whilst near-shore disposal under the CDF method would create some

odour problems, the two previously proposed locations for CDF, at Sunshine Island and Shek Kwu Chau, were relatively far away from residential settlements;

- (d) land created by the CDF method could be used for some kinds of recreational uses. It might not be suitable for residential developments. The actual use of such land needed to be further studied;

Rock Cavern Development

- (e) south of the proposed cavern site near Shek Mun was previously the Nui Po Shan quarry site which was currently occupied by Sha Tin refuse transfer station. There was also an existing tunnel of the Tolo Harbour Effluent Export Scheme under the Nui Po Shan. According to the available information, the site was formed of strong granitic rocks which should be suitable for cavern development and the rock excavated could be used for construction purposes. The cavern scheme would be subject to more detailed studies;
- (f) there were many different uses that could be accommodated within caverns such as recreational and storage facilities. Specific proposals for cavern development in Hong Kong would be considered taking into account a number of factors, including the actual requirements of the proposed uses and cost effectiveness;
- (g) apart from Norway, there were cavern developments in other Asian places like Singapore and Mainland. Operating facilities in caverns were generally not affected by surface weather conditions. However, relevance of the overseas examples would be further studied, taking account of the local geotechnical conditions and technical requirements;

Others

- (h) there was real pressure for more land in Hong Kong, which was

supported by objective indicators such as development intensity, livable space per person, property value etc.;

- (i) priority was currently given to increasing land supply through planning and development of new development areas, urban renewal projects, rezoning of land for alternative uses and further developments in existing new towns (such as Tseung Kwan O and Tung Chung). According to the Hong Kong 2030 Planning Vision and Strategy, these means could provide sufficient land to meet our housing and economic development needs up to 2030. However, the pace of meeting our development needs from these existing means was increasingly hindered by social, political and economic factors. To allow the Government to better cope with uncertainties and unexpected changes in land requirements in the longer term, there was a need to explore ways to establish a 'land bank' by reclamation and cavern developments so as to address the mismatch in supply and demand;
- (j) in terms of development programme, the two government facilities proposed for relocation into caverns (including the Sha Tin sewage treatment works and the fresh water service reservoirs in Mount Davis and Kennedy Town) had undergone preliminary technical and financial feasibility assessments. Detailed studies would soon be commissioned to carry forward the proposed cavern schemes and the relevant district councils would be consulted;
- (k) in terms of time lag for realization of land supply, reclamation would require a shorter timeframe than cavern schemes as the latter involved building of new facilities and decommissioning of existing facilities;
- (l) there were already a lot of underground developments in Hong Kong, such as railway and drainage tunnels, and the feasibility for more extensive basement developments could be further considered; and
- (m) whilst there was a general presumption against development within

Country Parks or conservation related zonings, consideration could be given to underground developments in these areas so as to utilize development potential in some of these sensitive areas.

12. The Chairman concluded that Members generally supported the Study and the 'land bank' concept. Members noted that the Government was using different ways to encourage redevelopment and increase land supply. The suggestion for a review of the Country Park policies to allow flexibility for some development within the Country Parks would need to be debated and discussed in the wider society. The team was asked to brief Members on the findings of the Study in future. The Chairman thanked the representatives of DEVB, CEDD and PlanD for attending the meeting. They left the meeting at this point.

[Ms. Anna S.Y. Kwong and Mr. Andrew Tsang arrived to join the meeting, Mr. K.Y. Leung returned to join the meeting and Mr. B.W. Chan and Mr. Fletch Chan left the meeting at this point.]

Agenda Item 4

[Open Meeting]

Kai Tak Development – Urban Design Enhancement Proposals

(TPB Paper No. 8859)

[The meeting was conducted in Cantonese.]

13. Mr. Raymond Y.M. Chan had declared interest on this item as he owned a property in Kowloon City. Members agreed that his interest was indirect and could be allowed to stay in the meeting and participate in the discussion.

14. The following government representatives were invited to the meeting:

Mr. Stephen Tang Head of Kai Tak Office, CEDD

Mr. Anthony Lo Chief Engineer/Kowloon, CEDD

Mr. Eric Yue District Planning Officer/Kowloon, PlanD

Ms. Jessica Chu Senior Town Planner/Kowloon, PlanD

15. Mr. Stephen Tang gave an introduction and said that the Board had been briefed on several occasions about the Kai Tak Development (KTD) and preservation of Lung Tsun Stone Bridge (the Bridge). The presentation would concentrate on the urban design enhancement proposals. Subject to Members' comments, the amendments to the Kai Tak Outline Zoning Plan to incorporate the urban design enhancement proposals would be submitted to the Board for consideration in August 2011.

16. With the aid of a powerpoint presentation, Mr. Anthony Lo made the following main points as detailed in the paper:

Background

- (a) since the approval of the Kai Tak Outline Zoning Plan (approved OZP) in November 2007, the implementation of KTD was in full swing. The construction of the key projects targeted for completion in 2013 was progressing well. These projects included the cruise terminal building together with the first berth at the former runway, the early phase of a district cooling system, the public housing development at North Apron and Phase 1 of the Runway Park as well as the supporting infrastructures. CEDD had also obtained funds for the improvement works for the Kai Tak Approach Channel and Kwun Tong Typhoon Shelter, infrastructures supporting the site for 'flat for flat' residential development by the Urban Renewal Authority and the residential sites at the Kai Tak Grid, and re-provisioning of the radar facilities at the cruise terminal building;

Major Urban Design Enhancement Proposals

- (b) on the basis of the approved OZP, some urban design enhancement proposals were proposed to meet public aspirations and the vision of developing 'A Distinguished, Vibrant, Attractive and People-oriented

Kai Tak by Victoria Harbour' that included the preservation of the remnants of the Bridge as well as relocation of roads away from the waterfront to enhance accessibility;

Kai Tak City Centre

Preservation of Remnants of Lung Tsun Stone Bridge

- (c) the proposed amendments were to reflect the public views collected in the public engagement exercises conducted from mid 2010 to early 2011, which included site visits, public engagement workshops and consultations with the stakeholders such as District Councils and the Antiquities Advisory Board (AAB). The Board was also briefed in June 2010 and April 2011;
- (d) a 30m-wide corridor was proposed for preserving the remnants of the Bridge (Preservation Corridor). The Preservation Corridor and the plaza at its southern end connecting to the Station Square of KTD was proposed to be rezoned "Open Space" ("O");
- (e) as the pedestrian street, originally of 10m wide, was proposed to be widened to a 30m-wide Preservation Corridor, the disposition and configuration of the three development sites that abutted the Preservation Corridor were proposed to be adjusted and rezoned as "Comprehensive Development Area" ("CDA"). The proposed rezoning would require section 16 planning application with master layout plan submission to the Board to ensure that the design and layout of these sites would be in harmony with the ambience of the Preservation Corridor;
- (f) a dedicated link with heritage theme, in the form of a subway across Prince Edward Road East (PERE), was proposed to connect the Preservation Corridor with the Shek Ku Lung Road Playground and the heritage resources in the vicinity (in particular the Kowloon Walled City Park). The PERE section for the planned curvilinear-landscaped-elevated

walkway as shown on the approved OZP was proposed to be curtailed;

Other Refinements due to Incorporation of the Preservation Corridor

- (g) the incorporation of the Preservation Corridor would reduce the area of the adjoining residential sites on the approved OZP. The domestic plot ratios for the two nearby “Other Specified Uses” (“OU”) annotated “Mixed-use” zones were proposed to be increased to maintain the development quantum in the Kai Tak City Centre;
- (h) as the PERE section of the planned curvilinear-landscaped-elevated walkway was proposed to be curtailed, the walkway was proposed to merge with a development site proposed to be rezoned as “OU” annotated “Arts and Performance Related Uses”. The planning intention was to provide venues for art performance that might serve the local art groups and creative communities including those operating in San Po Kong, a public viewing platform on the roof top and grand steps leading down to the view corridor alongside the site reserved for the multi-purpose stadium complex;
- (i) the commercial gross floor area (GFA) for the original “Commercial (5)” (“C(5)”) site on the approved OZP would be transferred to the “CDA(2)” site to the west of the Kai Tak River. The development in the “CDA(2)” site would echo the landmark building in the “CDA(1)” site on the other side of Kai Tak River to reinforce the gateway image of KTD by a twin-tower design. The same development parameters, i.e. a plot ratio of 8 and two building height sub-zones of 40mPD and 175mPD, were proposed for both “CDA” zones;

Grid Neighbourhood

- (j) the Kai Tak Grid was designated on the approved OZP with a planning intention to create a distinctive residential neighbourhood with intimately scaled urban street blocks. To manifest the planning intention, it was

proposed to enhance visual permeability by refining the massing and disposition of high and low building blocks within the development sites as well as incorporating a courtyard design approach to project a well-proportioned neighbourhood environment and vistas to reinforce urban intimacy. In this regard, the height control along the pedestrian street as specified in the approved OZP was proposed to be refined from ‘not exceeding 3 storeys’ to ‘not exceeding 6 storeys’;

Underground Shopping Street

- (k) the layout of the Underground Shopping Street (USS) connecting to Kowloon City and San Po Kong was proposed to be refined to reflect the adjusted layout of sites and enhance the connectivity with the Preservation Corridor, Kai Tak River and the To Kwa Wan Station of the Sha Tin to Central Link. The refinement would provide flexibility for achieving a holistic design for the USS as well as flexibility in the implementation programme and the future management of the USS;

The Runway Area

- (l) two planned roads serving developments at the former runway and the associated landscaped deck were proposed to be relocated away from the waterfront to the central Runway Boulevard so as to enhance public accessibility and enjoyment at the waterfront;
- (m) the relocated road would be designed as an at-grade carriageway with connections to the planned residential and commercial developments in the area, the Cruise Terminal as well as the Metro Park and the Runway Park. Similar to the original arrangements, a landscaped deck would be provided above the road at the central Runway Boulevard, which would serve as an open space and a walkway, as well as an effective traffic noise mitigation barrier for residential developments along the northern side of the central Runway Boulevard;

- (n) after the road relocation, the development intensity of the area would be maintained, the north and south promenades would together remain as about 60m wide and the area zoned for “O” would remain similar to that shown on the approved OZP;

The South Apron

- (o) the planned local road along the waterfront was proposed to be relocated to an area next to Trunk Road T2 to enhance public accessibility and enjoyment at the waterfront. The existing and the proposed pedestrian links would be extended to enhance the connectivity with the Kowloon Bay hinterland;
- (p) the proposed layout of a road interchange near Kai Fuk Road was refined to minimise the visual intrusion of above-ground structures;
- (q) a number of amenity areas south of Kai Fuk Road and the Hong Kong International Trade and Exhibition Centre were proposed to be merged and be rezoned for “G/IC” use (about 1.7 hectares);

Overall Development Intensity

- (r) by incorporating the above preservation and enhancement proposals, the overall development quantum of KTD, including the domestic and non-domestic GFAs, would remain largely the same as compared with those in the approved OZP; and

Amendments to the OZP

- (s) subject to Members’ comments, the proposals would form the basis for PlanD to amend the approved Kai Tak OZP. The proposed amendments to the OZP were tentatively scheduled to be submitted to the Metro Planning Committee (MPC) of the Board for consideration in August 2011.

17. Members thanked the government representatives for providing the briefing and noted the urban design enhancement proposals as presented. The Chairman said that there was general support from Members on the proposals for KTD and the MPC would consider the proposed amendments to the OZP to be submitted by PlanD. The Chairman thanked the representatives of CEDD and PlanD for attending the meeting. They left the meeting at this point.

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

Agenda Item 5

[Open Meeting]

Arrangements to Implement Conservation and Development Proposals Involving the
Priority Sites for Enhanced Conservation
(TPB Paper No. 8869)

[The meeting was conducted in Cantonese.]

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

- | | | |
|-----------------------|---|--|
| Mr. Raymond Y.M. Chan |) | had current business dealings with Sun |
| Mr. Y.K. Cheng |) | Hung Kai Properties Limited, (Sun Hung
Kai & Co. Ltd. was one of the project
proponents of the public-private partnership
(PPP) scheme at Fung Lok Wai) |
| Ms. Julia M.K. Lau | - | being a former employee of Sun Hung Kai
Properties Limited |
| Mr. Felix Fong | - | had current business dealings with Sun
Hung Kai Properties Limited and
Hutchison Whampoa Limited (a subsidiary
of Cheung Kong (Holdings) Limited) |

(Sun Hung Kai & Co. Ltd. and Cheung Kong (Holdings) Limited were project proponents of the PPP project at Fung Lok Wai)

Dr. W.K. Yau - being Chairman of the management committee of the Tai Po Environmental Association which managed the Fung Yuen Butterfly Reserve and Education Centre (Fung Yuen was one of the priority sites, but the Butterfly Reserve was a management agreement project and not a PPP scheme)

Mr. Benny Wong - being Deputy Director of Environmental Protection and the New Nature Conservation Policy was under the policy purview of Environmental Protection Department (EPD)

19. Members noted that Dr. W.K. Yau had not arrived to join the meeting. As the item was a briefing to Members on the general approach to implement the PPP scheme on the priority sites and not about the specific PPP schemes, Members agreed that the above Members could be allowed to stay in the meeting and participate in the discussion.

20. The following government representatives were invited to the meeting at this point:

Mr. Albert Lam - Deputy Director (Environmental Protection), EPD

Mr. Elvis Au - Assistant Director (Nature Conservation & Infrastructure Planning), EPD

- Mr. Wilson So - Assistant Director of Planning/New Territories,
PlanD
- Mr. K.F. Chan - Senior Conservation Officer (Biodiversity),
Agriculture, Fisheries and Conservation Department
(AFCD)

21. The Chairman extended a welcome and invited the government representatives to brief Members on the Paper.

22. Mr. Albert Lam made a presentation covering the following main points as detailed in the ACE paper at the Annex to the Paper:

- (a) under the New Nature Conservation Policy (NNCP) that was launched since 2004, 12 priority sites of high ecological importance were identified for enhanced conservation. As a substantial portion of those sites were in private ownership, EPD had launched amongst others, the PPP scheme to better protect these sites;
- (b) under the PPP scheme, developments of an agreed scale would be allowed at the less ecologically sensitive portions of the priority sites, provided that the developer undertook to conserve and manage the rest of the site that was ecologically more sensitive on a long-term basis. Some PPP schemes would require planning permission from the Board;
- (c) when the Advisory Council on the Environment (ACE) considered the Fung Lok Wai and Sha Lo Tung proposals and their Environmental Impact Assessment (EIA) /Environmental Assessment (EA) Reports, it had asked the Government to develop necessary mechanism to ensure that the ecological mitigation and enhancement measures proposed would be fully implemented and sustained;
- (d) the Government had decided to implement a funding and land management framework to sustain the long-term management of the

ecologically sensitive portion of the priority sites to take forward the PPP schemes. This briefing would focus on the funding arrangement whilst the land management arrangement was set out in paragraph 7 of the ACE paper in the Annex of the Paper; and

- (e) it was proposed that an upfront lump sum donation sufficient to generate recurrent incomes to support the pledged conservation programmes of the PPP schemes would be made to the Environment and Conservation Fund (ECF). ECF was a statutory fund established under the ECF Ordinance (Cap. 450) and was overseen by the Secretary for the Environment as a trustee. As a statutory trust, the ECF had put in place a credible and accountable mechanism for holding the donations by the project proponents.

[Professor Paul K.S. Lam returned to join the meeting at this point.]

23. Members thanked the government representatives for providing the briefing and noted the new arrangements that would be implemented to ensure the long-term conservation of the ecologically sensitive portions of the PPP schemes.

24. The Chairman asked whether the new arrangements would be applicable to sites other than the 12 priority sites identified under NNCP. Mr. Albert Lam said that the new arrangements were mainly formulated for the PPP schemes on the 12 priority sites. However, for proposals on other sites that were in private ownership and were considered to have ecological merits, the ECF Committee would examine each case on its merits. If considered appropriate, similar arrangements could be applied.

25. In response to the Chairman's question, Mr. Albert Lam said that the appropriate ecological mitigation and enhancement measures for each PPP scheme would be assessed by experts in EPD and AFCD. The amount of upfront donation to the ECF required for each PPP scheme would be derived having regard to the estimated expenditure for conserving the ecologically sensitive portion of the site and the assumed long-term rate of investment return of the ECF.

26. The Chairman asked whether the ECF would appoint a particular conservation agent for the PPP schemes. Mr. Albert Lam said that the ECF had their own guidelines to assess the ECF applications submitted by conservation agents identified by the project proponents. The ECF Committee would decide on the ECF applications having regard to various factors including the performance / capability of the conservation agents and the nature and expertise required for the conservation schemes. A good working relationship between the conservation agent and the project proponent would also be a factor for consideration.

27. In response to a Member's question, Mr. Albert Lam said that the ECF was an existing statutory fund that was established under the ECF Ordinance (Cap. 450). The ECF provided funding to education and research as well as other projects which were related to environmental protection and conservation. The lump sum donation to the ECF in association with PPP schemes was a new initiative for the ECF, and this had been agreed with the ECF Committee. The ECF Investment Committee, which membership included experts in the private investment sector and a representative of the Director of Accounting Services, would be invited to review the investment strategies with a view to generating sufficient income to support the recurrent funding requirements of the conservation programmes as pledged for the specific sites in the long term.

28. As Members had no further question, the Chairman concluded that the Board supported the new funding and land management arrangements to take forward the conservation and development proposals for the PPP schemes on the priority sites. The Chairman thanked the representatives of EPD, AFCD and PlanD for attending the meeting. They left the meeting at this point.

[Mr. Felix Fong, Dr. C.P. Lau and Mr. Raymond Y.M. Chan left the meeting temporarily and Mr. Clarence W.C. Leung left the meeting at this point.]

Agenda Item 6

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-PS/340

Renewal of Planning Approval for Temporary Public Vehicle Park for Private Cars, Lorries and Coaches under Application No. A/YL-PS/317 for a Period of 3 Years in "Village Type Development" zone, Lots 429, 431 (Part), 436 (Part), 437, 438 S.A, 446 (Part), 447 (Part) and 449 RP (Part) in D.D. 122, Hang Mei Tsuen, Ping Shan, Yuen Long (TPB Paper 8860)

[The meeting was conducted in Cantonese.]

29. The following government representative and the applicant's representatives were invited to the meeting at this point:

Ms. Amy Cheung - District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), PlanD

Mr. Francis Lau] Applicant's Representative

Mr. So Lek Hang]

30. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited DPO/TMYL to brief Members on the application.

31. With the aid of a powerpoint presentation, DPO/TMYL presented the application and covered the following main points as detailed in the Paper:

The Application

- (a) the applicant sought renewal of planning permission under application No. A/YL-PS/317 to use the site for temporary public vehicle park for private cars, lorries and coaches for a period of 3 years. However, as the previous application No. A/YL-PS/317 was revoked on 8.3.2011 (after submission of the current application) due to non-compliance with the condition prohibiting the parking of medium and heavy goods vehicles

on-site, the current application was considered as a fresh application under No. A/YL-PS/340 instead of a renewal application;

- (b) the application proposed 165 parking spaces for cars and 80 parking spaces for lorries and coaches which were the same as the previous application (No. A/YL-PS/317). The applicant had proposed a parking layout arrangement at the section 16 planning application stage. The vehicle park was proposed to be divided into two portions. Small vehicles such as private cars, light goods vehicles and light buses were proposed to be parked on the eastern portion, while coaches and lorries were proposed to be parked on the western portion further away from the village houses;

The Site and Its Surrounding Areas

- (c) the site, with an area of about 12,514m², was zoned “Village Type Development” (“V”) on the draft Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/12 at the time of application and the draft Ping Shan OZP No. S/YL-PS/13 currently in force;
- (d) the site was mostly fenced by planters, wire nets and corrugated metal sheets and paved with asphalt but covered with a layer of sand. The site was currently being used for parking of private cars, coaches, medium and heavy goods vehicles. Goods vehicles exceeding 5.5 tonnes and coaches were found parking at the eastern portion of the site nearer to the village houses, which were proposed by the applicant for parking of small vehicles only. As medium and heavy goods vehicles were not allowed under approval condition (b) and the parking layout arrangement under condition (e) were not adhered to, a warning letter had been issued to the applicant;
- (e) the site was located mostly within the Sheung Cheung Wai Archaeological Site and accessed from a local track to connect with Tsui Sing Road leading to Ping Ha Road;

- (f) to the immediate north of the site was a vehicle park, storage yards and the village settlement of Sheung Cheung Wai. Further north were a number of vehicle parks. To its east were the village settlement of Hang Tau Tsuen and a parking area. Hang Mei Tsuen was at its southeast with a number of graded historical buildings such as Tsui Sing Lau Pagoda and Tang Ancestral Hall along the Ping Shan Heritage Trail. To its south were a site office, an open storage yard, vacant land and vehicle parks. To its immediate west and north west were the Sheung Cheung Wai floodwater pumping stations and the flood ponds, the T.W.G.Hs. Kwok Yat Wai College and the Tin Shui Wai West Rail Station. Ping Ha Road was located further west of the site;

The Review Application

- (g) on 18.3.2011, the Rural and New Town Planning Committee (the RNTPC) approved the application on a temporary basis for a period of 1 year (i.e. up to 18.3.2012) with a number of conditions as detailed in paragraph 1.2 of the Paper. The following conditions were relevant to the subject review:
- (i) condition (b) - no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance were allowed to be parked on the site at any time during the planning approval period;
 - (ii) condition (c) - a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailers/tractors as defined in the Road Traffic Ordinance was allowed to be parked/stored on the site at any time during the planning approval period; and
 - (iii) condition (e) - the parking layout arrangement, as proposed by

the applicant, should be adhered to at all times during the planning approval period;

- (h) on 20.4.2011, the applicant applied for a review of the RNTPC's decision to impose approval conditions (b) and (c). The applicant had not submitted any written representation to support the review application;

Departmental Comments

- (i) the departmental comments were detailed in section 4 of the Paper and the main points were:

- (i) the Director of Environmental Protection (DEP) did not support the application for the temporary public vehicle park which included lorries and coaches on the site as there were sensitive uses in the vicinity of the site and along the access road and environmental nuisances, including noise and dust, were expected. With regard to the suggestion raised by the public comment to impose an approval condition for paving of the site with concrete, DEP advised that paving the site would minimise the possible dust impacts arising from the operation of the vehicle park. DEP also advised that the on-site dusty materials, including the layer of sand over the vehicle park, should be cleared as far as practicable; and
- (ii) other government departments maintained their previous views of having no adverse comment or no objection to the review application;

Public Comment

- (j) one public comment was received objecting to the application on environmental, fung shui, traffic and road safety grounds. The commenter suggested an approval condition for paving the site with

concrete to reduce dust impact if the planning permission was to be approved. No public comment was received during the section 16 stage of the application;

Planning Considerations and Assessments

- (k) the planning considerations and assessments were detailed in paragraph 6 of the Paper and the main points were:
- (i) the current application was approved by the RNTPC on 18.3.2011 mainly on the consideration that parking of private cars and light goods vehicles was not incompatible with the surrounding village settlements and would help meet the parking demand of local villagers in the area;
 - (ii) as the site was close to the Ping Shan Heritage Trail which was a popular tourist attraction and there was demand for coach parking in the area, parking of coaches on the western portion of the site further away from the village houses was tolerated;
 - (iii) since DEP maintained his view of not supporting parking of medium and heavy goods vehicles as there were sensitive users in the vicinity of the site, RNTPC had imposed approval conditions (b) and (c) to prohibit medium and heavy goods vehicles and to require posting of appropriate notice. There was no change to the planning consideration since imposing the subject approval conditions;
 - (iv) the imposition of approval conditions (b) and (c) had taken into account the 'Code of Practice on Handling Environmental Aspects of Temporary Uses & Open Storage Sites' issued by the Environmental Protection Department in that uses causing heavy vehicle traffic should not be located close to sensitive uses. This was also in line with the Board's general practice

for imposing such restrictions to address potential environmental concerns on nearby residential dwellings;

- (v) there were seven previously approved applications (No. A/YL-PS/57, 123, 243, 266, 278, 294 and 317) for public vehicle parks on the site. Due to local concerns or complaints received, two of the applications No. A/YL-PS/243 and 266 were approved in 2006 and 2007 with an approval condition prohibiting the parking of medium and heavy goods vehicles and coaches. Application No. A/YL-PS/266 was revoked due to a breach of the said approval condition;
- (vi) application No. A/YL-PS/278, which also included parking of medium and heavy goods vehicles and coaches, was approved by the Board on review in 2008 on sympathetic considerations that the Ping Shan Heritage Trail was a popular tourist spot and the provision of a proper and convenient coach park was necessary. While the parking of medium and heavy goods vehicles was not prohibited, a shorter approval period of 1 year, instead of 3 years sought, was given. Subsequently, Application No. A/YL-PS/294 was approved by the Committee in 2009 on similar considerations;
- (vii) in consideration of the latest previous application (No. A/YL-PS/317), it was noted that a local complaint concerning excessive medium and heavy goods vehicles parked on-site was received by PlanD. Hence, a condition to prohibit parking of medium and heavy goods vehicles was included in the permission. This condition was subsequently found to be breached and resulted in the revocation of that permission;
- (viii) although the previous planning permission (application No. A/TL-PS/317) was revoked due to breaching of the planning condition which prohibited the parking of medium and heavy

goods vehicles, the applicant had committed at the section 16 stage of the current application No. A/TL-PS/340 that he would try his best to prevent parking of medium and heavy vehicles on the site in future and the planning permission was granted with conditions that prohibited parking of medium and heavy goods vehicles;

- (ix) there were 15 similar applications for temporary public vehicle park within the same “V” zone previously approved by the RNTPC. Except Application No. A/YL-PS/18, which was zoned “Undetermined” at the time of application, these applications were approved for the parking of private cars, light goods vehicles and 24-seat buses only. Some of the sites with similar application were in close proximity to the site. Allowing the current application for parking of medium and heavy goods vehicles would set an undesirable precedent for similar uses to proliferate in the area. The cumulative effect of approving such applications would result in a general degradation of the environment of the area; and
- (x) there was a public comment received objecting to the review application on environmental, feng shui, traffic and road safety grounds. The commenter suggested that an approval condition of paving the site with concrete should be included in the planning permission if the application was approved. In this connection, DEP had advised that paving the site would minimise the possible dust impacts; and
- (l) PlanD’s views – given that there was no major change in planning circumstances since the RNTPC approved the application on 18.3.2011 and taking account of the public comment received objecting to the review, PlanD did not support the review application. In view of DEP’s advice, it was suggested that an additional approval condition (as set out in paragraph 7.3 (j) of the Paper) and an additional advisory

clause (as set out in paragraph 7.4 (j) of the Paper) requiring paving of the site be imposed.

32. The Chairman then invited the applicant's representative to elaborate on the review application. Members noted that the applicant had tabled a speaking note with attachments (including site plans and support letters as detailed in paragraph 32(l) below). Mr. Francis Lau made the following main points:

- (a) the subject application was for a temporary public vehicle park for private cars, lorries and coaches for a period of 3 years. The site had an area of about 12,514 m² and under a "V" zoning;

Reasons for the Review Application

- (b) the site was owned by the 'Tso Tong' and the local villagers had no intention to develop Small Houses on the site. DLO/YL had confirmed that there was no Small House application being processed within the site;
- (c) there was no other parking facility planned for goods vehicle within one kilometer of the site. Therefore, the local villagers had been using the site for a communal parking for private cars, lorries and coaches as well as a loading / unloading area for over 10 years. The proposed vehicle park would help make good the shortage of parking spaces for local villagers and support the Ping Shan Heritage Trail as an attraction point for heritage tourism;
- (d) there were about 600 houses in the three nearby villages, namely Sheung Cheung Wai, Hang Mei Tsuen and Hang Tau Tsuen. There was high demand for parking spaces, especially for goods vehicle parking. The request for 80 parking spaces for lorries and coaches was only a very humble request, taking into account the needs of residents in the 600 village houses;
- (e) on 18.3.2011, the Board approved the parking of private cars and

coaches on the site on consideration that Ping Shan Heritage Trail was a popular tourist spot and the provision of a proper and convenient coach park was necessary. However, the approval had not been able to satisfy the need of the local villagers to park the goods vehicles which they owned for making a living;

Planning History

- (f) for the 12 years between 1999 and 2010, there were seven previous applications for public vehicle park approved on the site. There were four planning approvals permitting parking of 24-tonne goods vehicles and these approvals were valid for a total period of eight years. They were approvals of applications No. A/YL-PS/57 and A/YL-PS/123 (each of which was approved for three years) and applications No. A/YL-PS/278 and A/YL-PS/294 (each of which was approved for one year);
- (g) the applicant had complied with the planning conditions in most of the approved planning applications. Two planning permissions were revoked due to late submission of information to the Board although the works required under those conditions had been complied with. Two other planning permissions were revoked because of parking of goods vehicles exceeding 5.5 tonnes on the site;
- (h) the Board's change of the approval condition of the subject application to prohibit parking of medium and heavy goods vehicles exceeding 5.5 tonnes on the site had created difficulties for the villagers as they had parked their goods vehicles on the site for more than 10 years;

Parking of 24-tonne Goods Vehicles

- (i) two planning applications (No. A/YL-PS/123 and A/YL-PS/278), which permitted the parking of 24-tonne goods vehicles on the site were approved by the Board on review. In the previous review hearings, the

Board had discussed about the need for the vehicle park to satisfy both the demand for coach parking to support the Ping Shan Heritage Trail and the demand for goods vehicle parking from local villagers. The circumstances and grounds for approving the previous applications were similar to the current one;

The Public Comment

- (j) there was no objection received during the section 16 planning application stage. During the publication of the review application, one anonymous public comment was received. The objection was on the grounds of environment, fung shui, traffic and road safety. However, all these objection grounds had been addressed and resolved in the previous applications;
- (k) the commenter indicated that there was dust pollution and suggested that the vehicle park should be paved to reduce dust impacts. The applicant agreed to paving the site to reduce any dust impacts;

[Professor Edwin H.W. Chan arrived to join the meeting and Ms. Anna S.Y. Kwong left the meeting temporarily at this point.]

Support for the Review Application

- (l) whilst there was only one anonymous commenter objecting to the proposal, the whole Ping Shan Heung and local villagers supported the review application. In this regard, Members were referred to the following support letters tabled at the meeting:
 - (i) the letter from the Ping Shan Rural Committee;
 - (ii) the letter from Yuen Long District Councillor Mr. Tang Hing Yip;

- (iii) the letter from the village representatives of Ping Shan Village;
 - (iv) the support letters with signatures from local villagers of Sheung Cheung Wai, Hang Mei Tsuen and Hang Tau Tsuen; and
 - (v) the signature and information of goods vehicle drivers who parked on the site;
- (m) from the above, it was clear that the majority of the local villagers supported the review application after they had struck a balance between their own parking needs and the possible environment impacts of the vehicle park;

Environmental Protection Department (EPD)'s Comments

- (n) the concern on noise impact had been fully deliberated by the Board in the two previous review hearings (applications No. A/YL-PS/123 and A/YL-PS/278) before approving those applications on review. According to the applicant's proposed parking layout arrangement, the lorries and coaches would be parked in a designated portion of the site that was located further away from the village houses. There was no change in circumstances and the Board was requested to give similar sympathetic consideration and agree with the current review application to allow goods vehicles to be parked on the site;
- (o) the Board had already allowed coaches to enter and park on the site. The additional approval to allow goods vehicles to enter and park on the site would not increase the noise impact by a large extent as noise created by goods vehicles and coaches were similar;
- (p) EPD had no adverse comment on adopting asphalt as paving materials to reduce dust pollution and the applicant had agreed to carry out the paving;

- (q) according to the records of EPD, there had been no public complaint about the vehicle park on the site. A complaint about suspected water pollution received by EPD in 2008 was found to be unsubstantiated after investigation. This reflected that the villagers were accustomed to the vehicle park, including its use for parking lorries and coaches, and did not regard it as a nuisance. EPD was the only government department raising objection to the review application;

Approval conditions (b) and (c)

- (r) approval conditions (b) and (c), the subject of the current review, prohibited medium and heavy goods vehicles from entering and parking in the vehicle park. Under such conditions, goods vehicle could only stop in areas outside the site and the access road, which would be some 30m from the village houses. The villagers needed the site to serve as a loading / unloading area for delivery of goods, such as furniture, household electrical appliances, construction material and other bulky and heavy daily necessities;
- (s) if goods vehicles were to be allowed to enter into the site for loading and unloading purpose, it was necessary for vehicles to be parked for some time for delivery of the goods from the vehicles to the village houses. The applicant only requested for 80 parking spaces for lorries and coaches on the site, which was similar to the amount of parking spaces applied for in the previous applications;
- (t) according to the Hong Kong Planning Standards and Guidelines (HKPSG), the parking standard for village houses was 'up to 1 car parking space for each standard New Territories Exempted House (65 m²) with 10 to 15% of provision for overnight goods vehicles'. There were about 600 Small Houses in the three villages and the proposed 50 goods vehicle parking spaces would only be about 8.3% of the parking requirement;

- (u) the goods vehicle drivers were local villagers and it was important for them to have parking spaces near their residences. One of the main functions of the Board was to facilitate people to have a better living. To approve the application would help the village drivers as a lot of them owned goods vehicles;

Conclusion

- (v) the site had a special character as a communal open space for loading / unloading of goods delivered to the village houses, parking of coaches for tourists of the Ping Shan Heritage Trail and parking of private cars and goods vehicles driven by local villagers;
- (w) prohibiting goods vehicles from entering and parking on the site would create great grievance and discontent amongst the villagers;
- (x) EPD's concern on noise impacts could be addressed by parking the goods vehicles and coaches in the designated location further away from the village houses. The Board had previously considered this issue and approved the previous applications. For the concern on dust impacts, the applicant had agreed to paving the parking area. There was no complaint against the vehicle park on the site for the past years; and
- (y) the applicant had complied with all the approval conditions (except parking of and medium and heavy goods vehicles) for all previous planning applications. There were four planning approvals which permitted the parking of 24-tonne goods vehicles for a total duration of eight years. As there was no change in circumstances, all the grounds for approvals of the previous planning applications were still applicable to the current review. The Board was requested to consider the case sympathetically and allow the parking of 24-tonne goods vehicles on the site.

[Mr. Felix Fong returned to join the meeting at this point.]

33. A Member referred to the letter from the applicant's representative dated 10.3.2011 (Appendix 1c of RNTPC Paper No. A/YL-PS/340), which informed the Board that the applicant had asked the drivers to move away the goods vehicles parked on-site, and asked where would those goods vehicles be parked if not permitted to be parked on the site. Mr. Francis Lau said that he did not have information regarding where the goods vehicles displaced from the site would be parked. He said that the applicant had tried his best to ask the drivers to move away their goods vehicles.

34. Referring to the signatures of 24-tonne goods vehicle drivers tabled at the meeting, a Member asked whether these drivers were all local villagers and asked whether goods vehicles were still being parked on the site. Mr. Francis Lau said that he was unsure whether the drivers of the goods vehicles who had provided their signatures were all local villagers. However, he said that as the site was far away from the main road, it would be inconvenient for non-local villagers to park their vehicles on the site. He also admitted that goods vehicles were still being parked on the site as villagers needed the parking and there was no alternative goods vehicle park nearby. Hence, the applicant had lodged this review on the approval conditions that prohibited parking of medium and heavy goods vehicles on the site.

35. In response to a Member's question, Mr. Francis Lau said that fees were not charged for parking by local villagers and a fee would be charged for non-local villagers and he understood that the fee was not charged on an hourly basis. In response to the Member's follow-up question, Mr. Francis Lau said that the applicant and the village representative had tried their best to avoid revocation of the planning permission by asking the drivers to move away their goods vehicles.

36. The same Member said that the applicant had claimed that if medium and heavy goods vehicles were not allowed to enter the access road to the site, there was no means for loading / unloading activities for the village houses. In this regard, The Member asked DPO/TMYL whether there was alternative access to the village houses. Referring to Plan R1 of the Paper, Ms. Amy Cheung informed Members that a few vehicle park for private cars were approved to the north of the site with alternative access. These

vehicle parks, located near the Tsui Sing Lau Pagoda, served both the needs of the local villagers and visitors to the Ping Shan Heritage Trail. However, the site could only be accessed via the local track near T.W.G.Hs. Kwok Yat Wai College leading to Ping Ha Road. The Member opined that the access to the vehicle parks in the north were far away from the village houses.

37. A Member requested DPO/TMYL to respond to the Applicant's claim that parking of medium and heavy goods vehicles was allowed for some previous planning approvals on the site. Ms. Amy Cheung explained that the subject planning application No. A/YL-PS/340 for temporary public vehicle park for lorries, coaches and private car uses was the eighth approval on the site and different approval conditions were stipulated for the applications. She explained that for some planning permissions, the more stringent approval condition of prohibiting parking of goods vehicles exceeding 5.5 tonnes was stipulated, whereas some approvals only prohibited the parking of heavy goods vehicles (i.e. exceeding 24 tonnes). In response to a Member's question, Mr. So Lek Hang referred to a table of previous planning applications on the site as tabled and said that there were four approvals permitting the parking of 24-tonne goods vehicles on the site for a period of eight years.

38. The Chairman asked why the applicant had not prohibited medium and heavy goods vehicles from accessing the site. Mr. Francis Lau said that as the villagers were used to parking their goods vehicles on the site, it was difficult and impractical to request the applicant to turn away the local villagers without creating much conflict. He asked the Board to sympathise with the situation of the local villagers who needed a goods vehicle park close to home for parking of their own goods vehicles which they needed for making a living. He also requested Members to note the support of Ping Shan Rural Committee, a Yuen Long District Council Member, the Ping Shan Village Representatives as well as the supporting signatures of local villagers from Hang Tau Tsuen, Hang Mei Tsuen and Sheung Cheung Wai and the drivers of 24-tonne goods vehicles using the vehicle park on the site.

39. The Chairman noted that 66 signatures from 24-tonne goods vehicle drivers were tabled at the meeting, whilst only 50 goods vehicle parking spaces were applied for in the current application. In response, Mr. Francis Lau said that there were 600 houses in

the three villages. According to the HKPSG parking standard, there should be 600 parking spaces with 10% to 15% (i.e. 60 to 90 numbers) for overnight goods vehicles. Even with some 60 goods vehicle parking spaces, it would be within the range recommended in the HKPSG standard. He urged the Board to sympathise with the villagers' need for medium and heavy goods vehicles park as well as a loading / unloading area for delivery of bulky and heavy goods to the village houses.

40. A Member asked what were the views of DPO/TMYL and the applicant's representative if approval condition (b) regarding the prohibition of medium and heavy goods vehicles to enter the site was removed; and an approval condition to the effect that no heavy goods vehicles including container tractors / trailers would be allowed to be parked on the site be added. Ms. Amy Cheung said that according to the Road Traffic Ordinance, that would mean heavy goods vehicles exceeding 24 tonnes would be prohibited on the site. Mr. Francis Lau said that the applicant agreed that goods vehicles exceeding 24 tonnes, including container tractors / trailers, should be prohibited from parking on the site.

41. The Chairman asked DPO/TMYL what kind of goods vehicles was referred to in the HKPSG parking standard for village houses. Ms. Amy Cheung said that the HKPSG parking standard did not specify whether the goods vehicles should be for light, medium or heavy goods vehicles. However, light goods vehicles parking would be considered more compatible with the village house use.

42. In response to a Member's questions, Mr. Francis Lau said that the HKPSG parking standard for village houses was provided for Member's reference although it was an administrative guidelines rather than a mandatory requirement. The vehicle park was mainly used by the local villagers to park their cars and goods vehicles and the public vehicle park was mainly for coaches serving the Ping Shan Heritage Trail. The local access road to the vehicle park was the only access to the village houses because there was a 4m-level difference between the main road and the village houses and there was no alternative access point.

[Mr. Andrew Tsang left the meeting at this point.]

43. In response to a Member's question, Ms. Amy Cheung said that approval condition (c) required the posting of notice to indicate that parking and storing of medium and heavy goods vehicles, including container tractors / trailer, were prohibited on the site. However, it would not prohibit access of goods vehicles for short-term loading / unloading to serve the normal daily needs of the villagers. Mr. Francis Lau stated that if goods vehicles were allowed to access the car park for goods delivery, it was inevitable that such goods vehicles would need to be parked on-site for a period of time. In addition, he reiterated that the local villagers' main request was for the Board to permit the parking of 24-tonne goods vehicles on the site.

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

[Dr. C.P. Lau returned to join the meeting at this point.]

Deliberation

45. A Member noted that there was strong support for the review application from the local villagers and the Ping Shan Rural Committee and the application site was a piece of 'Tso Tong' land owned by the local villagers. In addition, the site had been used for parking for many years and there was previous planning permissions that allowed parking of 24-tonne goods vehicles for a duration of eight years. In view of the above, this Member opined that the review application could be supported.

46. A Member considered that allowing the parking of medium goods vehicles of 24 tonnes or below on the site could meet the loading / unloading needs of the local villagers. This Member also opined that noise nuisance created by coaches (which were already permitted to be parked on the site) and medium goods vehicles would be similar. The Chairman said that while the medium goods vehicles might enter / leave the site in the early hours and cause noise nuisance to the surrounding sensitive receivers, coaches would

normally enter / leave the site during the day time with less noise disturbance. In this regard, Mr. Benny Wong said that the approval condition regarding operating hours should address the noise nuisance concern.

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

47. Another Member said that since the public vehicle park had been used for parking of medium goods vehicles for many years and there had been no major complaint received, the conditions could be varied to allow the parking of medium goods vehicles but not heavy goods vehicles and container tractors / trailers. Two other Members agreed as the site was 'Tso Tong' land owned by the local villagers who supported the review.

48. The Chairman concluded Members' view and said that there was general agreement that medium goods vehicles should be allowed to be parked on the site. In this regard, the Secretary said that approval conditions (b) and (c) could be varied to prohibit only heavy goods vehicles exceeding 24 tonnes, including container tractors / trailers. The approval condition regarding the paving of the site (condition (j) in paragraph 7.3 of the Paper) should be added and the applicant's representative had indicated that the new proposed condition was acceptable to the applicant. Members agreed.

49. Members then went through the approval conditions and advisory clauses in paragraphs 7.3 and 7.4 of the Paper and decided that they should be suitably amended. After further deliberation, the Board decided to approve the review application by amending approval conditions (b) and (c) and adding an approval condition on paving of the site. Approval conditions (g) and (j) in the original approval were deleted as they were complied with and conditions (l) to (n) were re-numbered as conditions (k) to (m). The planning permission should be valid on a temporary basis for a period of 1 year until 18.3.2012 which was the same as the approval granted by the RNTPC on 18.3.2011, on the terms of the application as submitted to the Board and subject to the following conditions:

- (a) no vehicle without valid licences issued under the Road Traffic Ordinance was allowed to be parked/stored on the site at any time during the planning approval period;

- (b) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance were allowed to be parked on the site at any time during the planning approval period;
- (c) a notice should be posted at a prominent location of the site to indicate that no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance were allowed to be parked/stored on the site at any time during the planning approval period;
- (d) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed at the site during the planning approval period;
- (e) the parking layout arrangement, as proposed by the applicant, should be adhered to at all times during the planning approval period;
- (f) the existing drainage facilities implemented under Application No. A/YL-PS/317 on the site should be maintained during the planning approval period;
- (g) the implementation of compensatory planting in the site to the satisfaction of the Director of Planning or of the Town Planning Board by 18.9.2011;
- (h) the provision of peripheral fencing to the satisfaction of the Director of Planning or of the Town Planning Board by 18.9.2011;
- (i) the implementation of fire service installations proposal to the satisfaction of the Director of Fire Services or of the Town Planning Board by 18.12.2011;
- (j) the paving of the site to the satisfaction of the Director of Planning or of the Town Planning Board by 15.10.2011;

- (k) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

50. The Board also agreed to advise the applicant of the following:

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) a shorter approval period was granted so as to monitor the situation on site;
- (c) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Town Planning Board to any further application;
- (d) resolve any land issues relating to the development with other owner(s) of the application site;
- (e) note District Lands Officer / Yuen Long's comments that the site was accessible through an informal village track on government land extended from Ping Ha Road. His office provided no maintenance works for the track nor guarantee right-of-way. The lot owners would

need to apply to his office to permit structures to be erected or regularise any irregularities on-site. Such applications would be considered by his department acting in the capacity as landlord at its sole discretion. If such applications were approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by the department;

- (f) adopt the environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any possible environmental nuisances;
- (g) note Commissioner for Transport’s comment that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (h) note Chief Highway Engineer / New Territories West, Highways Department’s (HyD) comments that HyD should not be responsible for the maintenance of any access connecting the site and Tsui Sing Road;
- (i) note Chief Building Surveyor / New Territories West, Buildings Department’s comments that the unauthorised structures on-site were liable to action under section 24 of the Buildings Ordinance (BO). The granting of this planning approval should not be construed as condoning to any unauthorised structures existing on the site under the Buildings Ordinance and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required. Use of container as guardroom or plant room were considered as temporary structures and were subject to control under Building (Planning) Regulations (B(P)R) Part VII. If the site did not abut on a specified

street having a width of not less than 4.5m, the development intensity should be determined under B(P)R19(3) at building plan submission stage;

- (j) note Director of Fire Services' comments on the requirements on formulating fire service installations proposal in Appendix IV of Annex A of the Paper; and
- (k) note Director of Environmental Protection's comments that a layer of sand covered over the paved vehicle park was environmentally undesirable as it likely caused dust impacts due to vehicle movement. The vehicle park should be paved by asphalt to combat air pollution. On-site dusty materials, including the said layer of sand, should be cleared as far as practicable.

[Mr. Y.K. Cheng left the meeting at this point.]

Agenda Item 7

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-TYST/524

Temporary Warehouse for Storage of Recycling Materials (Excluding Electronic Waste and Not Involving Processing Activities) for a Period of 2 Years in "Residential (Group C)" zone, Lots 1279 S.B ss.1 S.A (Part), 1279 S.B ss.1 S.B (Part) and 1281 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long
(TPB Paper 8861)

[The meeting was conducted in Cantonese.]

51. The following government representative and the applicant's representatives were invited to the meeting at this point:

Ms. Amy Cheung - District Planning Officer/Tuen Mun and Yuen Long
(DPO/TMYL), PlanD

Mr. Tang Kai Sun] Applicant's Representatives
Mr. Tang Wing Sun]

52. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited DPO/TMYL to brief Members on the application.

53. With the aid of a powerpoint presentation, DPO/TMYL presented the application and covered the following main points as detailed in the Paper:

The Application

- (a) the applicant sought planning permission to use the site for temporary warehouse for storage of recycling materials (excluding electronic waste and not involving processing activities) for a period of two years. The site was zoned "Residential (Group C)" ("R(C)") on the approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/10;
- (b) the applicant proposed to use a warehouse structure, that already existed on site, with a floor area of about 1,183.7m² and a height of about 5.9m (1 storey) for storage of recycling materials on the site;

The Site and Its Surrounding Areas

- (c) the site, with an area of 1,500m², was accessible via a local track leading from Kung Um Road and part of the warehouse structure on the site was currently occupied for storage use without valid planning permission;
- (d) the areas within the "R(C)" zone comprised a mixture of residential dwellings and planting areas as well as warehouses, an open storage yard and workshops which were mostly suspected unauthorized developments subject to enforcement action by the Planning Authority. There were scattered residential structures in the vicinity of the site, with the nearest one located to its immediate north. About 160m to the east of the site in the same "R(C)" zone was a low-density residential development known

as One Hyde Park with 30 houses completed in 2009;

- (e) to the immediate west and south of the site was an “Undetermined” (“U”) zone, which was intended to cater for the continuing demand for open storage that could not be accommodated in conventional godown premises. Within the “U” zone, there were two sites being used for warehouse purpose with planning permissions under Applications No. A/YL-TYST/409 and 450;

The Review Application

- (f) the application was rejected by RNTPC on 18.3.2011 for the following reasons:
 - (i) the development was not in line with the planning intention of the “R(C)” zone which was primarily for low-rise, low-density residential developments. No strong planning justification had been given to justify a departure from the planning intention, even on a temporary basis; and
 - (ii) the development would generate adverse environmental impact on residential uses located to the immediate north and in the vicinity of the site;
- (g) on 25.4.2011, the applicant applied for a review of the Board’s decision. The applicant had not submitted any written representation in support of the review;

Departmental Comments

- (h) the departmental comments were detailed in paragraph 4 of the Paper and the main points were:
 - (i) the Director of Environmental Protection (DEP) maintained his

previous view of not supporting the application because there were sensitive receivers of residential uses to the immediate north and in the vicinity of the site and environmental nuisance was expected. DEP had also advised that there was no environmental complaint received in the past three years; and

- (ii) other government departments maintained their previous views of having no adverse comment or no objection to the planning application;

Public Comment

- (i) one public comment was received from Designing Hong Kong Limited raising objection to the application on the grounds that the application was not in line with the planning intention of the residential zone, the use of the site was a blight to the environment, the application did not comply with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13E) and approval of the application would set an undesirable precedent. The Board was requested to impose a condition on landscaping and peripheral fencing should the application be approved. The same organisation submitted the same comment objecting to the application during the section 16 stage of the application;

Planning Considerations and Assessments

- (j) the planning considerations and assessments were detailed in paragraph 6 of the Paper and the main points were:
 - (i) the application was not in line with the planning intention of the “R(C)” zone which was primarily for low-rise, low-density residential developments. It was incompatible with the planned residential use and the existing residential development and structures in the surrounding areas. The warehouses, open

storage yards and workshops in the vicinity of the site were mostly suspected unauthorized developments subject to enforcement action to be taken by the Planning Authority. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis;

- (ii) DEP did not support the application as there were sensitive receivers of residential uses to the immediate north and in the vicinity of the site and environmental nuisance was expected. As the site was intended for storage of recycling materials, the environmental impact so generated could be much higher than other types of storage use. However, other than committing to minimizing noise and restricting the operation hours, the applicant provided no other information on how the potential environmental impact of the development could be addressed;
- (iii) the four similar applications (No. A/YL-TYST/169, 285, 344 and 377) for temporary warehouse uses had been approved on the site to the northeast of the current application site in the same “R(C)” zone. Those applications were approved mainly on sympathetic consideration and the first approval (No. A/YL-TYST/169) was granted in 2002. With the completion of the residential development of One Hyde Park with 30 houses in the same “R(C)” zone at about 160m to the east of the site in 2009, there was a change in the planning circumstances of the area. The toleration of the applied warehouse would subject the residential development to potential environmental nuisance and frustrate the long-term development of the area according to the zoned residential use; and
- (iv) there was one public objection against the review application mainly on land use compatibility, environmental and visual grounds; and

- (k) PlanD's views – given the planning considerations and assessments summarised above and that there was no change in planning circumstances since the application was considered by the RNTPC on 18.3.2011, PlanD maintained the previous view of not supporting the review application.

54. The Chairman then invited the applicant's representatives to elaborate on the review application. Members noted that the applicant's representatives had tabled a speaking note with an attachment including responses to the public comment and DEP's comment. Mr. Tang Kai Sun made the following main points:

- (a) the applicant supported measures that would improve the environment of the site. The applicant had voluntarily surrendered the licence for pig farming to the Agriculture, Fisheries and Conservation Department (AFCD) to halt the nuisance created by the previous pig farm on the site;
- (b) the subject application was submitted under the statutory provisions of the OZP. Under the Notes of the "R(C)" zone, 'recyclable collection centre' and 'shop and services' uses were Column 2 uses that might be permitted with or without conditions on application to the Board;
- (c) in response to the public comment and DEP's comments, the applicant proposed some undertakings as detailed in the document tabled at the meeting. These included the provision of landscaping and fencing as suggested by the commenter, limiting the height of the structure on the site to not more than 7 meters and that the operating hours would follow that of the neighbouring warehouses with no operation on Sundays and public holidays; and
- (d) the applicant would reinstate the site to the satisfaction of the Director of Planning or of the Town Planning Board upon expiry of the planning permission.

55. A Member asked the applicant whether the structure on-site was built by the applicant prior to obtaining planning permission. Mr. Tang Kai Sun said that the site was owned by his relative and was previously used as a pig farm with temporary farm sheds. Those dilapidated farm sheds were subsequently replaced by the current warehouse structure on the site. The same Member asked DPO/TMYL whether the site was subject to enforcement action by the Planning Authority. In response, Ms. Amy Cheung said that the site was subject to investigation by the Planning Authority and collection of evidence was underway for enforcement action under the Town Planning Ordinance.

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

Deliberation

57. The Chairman said that the application could not be supported as the applied warehouse use was not in line with the planning intention of the "R(C)" zone and it might generate environmental nuisance on the surrounding sensitive receivers. No strong planning justification for the review application had been provided by the applicant. Members agreed.

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

- (a) the development was not in line with the planning intention of the "R(C)" zone which was primarily for low-rise, low-density residential developments. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis; and

- (b) the development would generate adverse environmental impact on the residential uses located to the immediate north and in the vicinity of the application site.

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

Agenda Item 8

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations to the Draft Tin Fu Tsai Development Permission Area Plan No. DPA/TM-TFT/1, Representations No. R1, R3 to R8 and Comment No. C1 (TPB Paper 8863)

[The meeting was conducted in Cantonese.]

59. As sufficient notice had been given to the representers and commenter to invite them to attend the meeting, Members agreed to proceed with the hearing of the representations in the absence of the other representers and the commenter who had indicated that they would not attend the hearing or had made no reply.

60. The following representatives of PlanD and the representer and representer's representative were invited to the meeting at this point:

Ms. Amy Cheung - District Planning Officer/ Tuen Mun and Yuen (DPO/TMYL), PlanD

Mr. K.C. Kan - Senior Town Planner / Special Duties, PlanD

Choi Lung Wai, Village Representative of Tin Fu Chai (R1)

Mr. Choi Lung Wai - Representer

Designing Hong Kong Limited (R3)

Ms. Eva Tam - Representer's Representative

61. The Chairman extended a welcome and explained the procedures of the hearing. He then invited DPO/TMYL to brief Members on the representations and comment.

62. With the aid of a powerpoint presentation, Mr. K.C. Kan made the following main points as detailed in the paper:

Background

- (a) Tin Fu Tsai (the Area) was an 'enclave' encircled by the Tai Lam Country Park, it had an area of about 54.5 hectares (ha). There were about 43.01 ha. (78.92%) of Government land and about 11.49 ha. (21.08%) of private land. The population in the Area was estimated to be around 20 persons. Tin Fu Chai (the name as per in the List of Recognized Villages under the New Territories Small House Policy published by the Lands Department) was a pre-1898 recognized village situated in the south-western portion of the Area where most of the private land was located. The Area fell mainly within the Tuen Mun District and minor portions fell within the Yuen Long District;
- (b) the Area was rural and natural in character. It was surrounded by vegetated hill slopes of the Tai Lam Country Park. The eastern, southern and central parts of the Area mainly comprised flat or gently sloping land with planted trees and some fallow agricultural land covered with trees, shrubs and grasses. Human activities were mainly concentrated in the south western portion of the site with areas used as an outdoor training centre and for war game purposes, some cultivated land and some village type houses and an ancestral hall. The Area was within a gazetted water gathering ground (WGG);

Representations

- (c) on 7.1.2011, the draft Tin Fu Tsai Development Permission Area (DPA) Plan No. DPA/TM-TFT/1 (the DPA Plan) was exhibited for public

inspection under section 5 of the Ordinance. A total of eight representations and one comment were received after the statutory publication periods of the DPA Plan and the representations. Representation No. 2 was subsequently withdrawn by the representer, CLP Power Hong Kong Limited, on 4.7.2011. All representations were not related to any specific sites within the Area, but were in general related to the area covered by the DPA Plan;

- (d) the representations could broadly be divided into three groups:

Supportive Representations

- (i) Designing Hong Kong Limited (R3);
- (ii) the Conservancy Association (R4);
- (iii) the Hong Kong Bird Watching Society Limited (R7);
- (iv) World Wide Fund for Nature Hong Kong (R8);

Adverse Representations

- (v) villagers and property owners of Tin Fu Chai represented by the village representative Mr. Choi Lung Wai (R1);
- (vi) Tuen Mun Rural Committee (TMRC) (R6); and

Representation that did not Oppose the DPA Plan but Expressed Concerns and Views

- (vii) Tuen Mun District Council (TMDC) (R5);

Grounds of Representations

Supportive Representations (R3, R4, R7 and R8)

- (e) R3, R4, R7 and R8 supported the preparation of the DPA Plan. The main grounds were that Tin Fu Tsai was enclosed by the Tai Lam Country Park and the public had clearly expressed their interest in exerting greater control to safeguard public interests in private property. Planning control through DPA was necessary to prevent haphazard developments, conserve the rural and natural character of the area, protect the water quality of the WGG and enable planning enforcement against various forms of devastation in the Area;

Adverse Representations (R1 and R6)

- (f) R1 and R6 opposed the DPA Plan in general on the grounds that the planning would affect the future development of Tin Fu Chai. The impact on villagers and property owners of Tin Fu Chai was particularly severe. Villagers who wanted to build houses would need to submit planning applications;

Representation Expressing Concerns and Views on the DPA Plan (R5)

- (g) R5 did not raise objection to the DPA Plan but expressed the following concerns and views:
 - (i) R5 queried the need for the preparation of the DPA plan as there were only about 20 residents in the Area. The current planning for the Area under the DPA plan was also not clear. It was not necessary to designate Tin Fu Tsai as 'Unspecified Use', the worry about haphazard developments was not understood and it was unclear whether the Government would in future accept developers' large-scale 'non-haphazard' development schemes in the Area; and

- (ii) if the residents of Tin Fu Tsai were required to be relocated, the Government had to make appropriate arrangements for them. The Government should consider the historical factors and take into account of villagers of Tin Fu Chai, who had contributed to the community;

Representers' Proposals

Supportive Representations (R3, R4, R7 and R8)

- (h) the representers put forth the following proposals that were directly related to the DPA Plan:
 - (i) to designate conservation zonings such as "Conservation Area" ("CA") and "Green Belt" ("GB") to protect the vegetation and biodiversity and to prevent the encroachment of developments and works into the ecologically sensitive areas. During the preparation of the OZP, there should be serious consideration of adopting conservation zonings and a presumption against development (R3, R4, R7 and R8);
 - (ii) to resume preparation of village layout plans for all village zones and areas where Small Houses were permitted. This would ensure a sustainable layout before approval of Small House applications so that there would be a better living environment and environmental blight would be avoided (R3);
 - (iii) the existing village area should be carefully planned to preserve the rural nature. Serious consideration should be given when allowing recreational land use in the Area so that disturbances to villagers and the surrounding environment could be minimized (R7);

- (iv) paragraph (7)(b) of the covering Notes concerning “the provision, maintenance or repair of plant nursery, amenity planting, open space, rain shelter, refreshment kiosk ...” should be amended to require planning permission. Such requirement was common in other OZPs with conservation zonings (e.g. the Hebe Haven OZP No. S/SK-HH/6 and the Sham Chung OZP No. S/NE-SC/2) (R8); and
- (v) the authority should consider incorporating the area as part of the Tai Lam Country Park to better conserve the integrity of the natural setting of the area. The ‘Country Park’ use is in line with the planning intention of the draft DPA plan (R8);
- (i) the representers also put forth the following proposals that were not directly related to the DPA Plan:
 - (i) the Board should urgently prepare DPA plans to cover all “enclaves” of the Country Parks and ecologically sensitive areas which were not in proximity to Country Parks (R3, R4 and R8);
 - (ii) in February 2009, massive scale of land excavation and tree felling were found in an area near Tin Fu Tsai Camp Site within the Tai Lam Country Park. In order to prevent the creation of legal loopholes and avoid incompatible land use in Tin Fu Tsai, the PlanD should confirm whether all private land in the vicinity of the area, including the land already covered under the Country Parks Ordinance (CPO) and area within the ‘village environs’ of Tin Fu Chai, was covered by the DPA Plan (R8); and
 - (iii) unauthorized development was found at private lots near the Tin Fu Tsai camping ground outside the boundary of the DPA Plan. Development control and enforcement within Country Parks should be strengthened (R3);

Adverse Representations (R1 and R6)

- (j) R1 had not put forth any proposal and R6 requested the Board to withdraw the DPA Plan;

Representation Expressing Concerns and Views on the DPA Plan (R5)

- (k) R5 had the following proposals:
 - (i) the Government should purchase the private land in Tin Fu Tsai, instead of restraining the development potential of the private land. This would help to enhance the conservation of the ecology and culture of the Area; and
 - (ii) consideration should be given to ascertain whether the DPA Plan would contravene Article 105 of the Basic Law on protecting the land owners' right in using their land freely;

PlanD's Responses

Supportive Representations (R3, R4, R7 and R8)

- (l) the supportive representations were noted. The DPA Plan provided planning guidance and facilitated development control. It also enabled planning enforcement action to be taken against unauthorized developments (R3, R4, R7 and R8);
- (m) the responses to the representers' proposals directly related to the DPA Plan were:
 - (i) the proposed imposition of conservation zonings in the Area was noted. The Plan was an interim plan which would be replaced by an OZP within three years. Detailed land use

zonings of the Area would be worked out at the OZP preparation stage, taking into account the results of relevant assessments/studies on various aspects including development need, conservation value, the environment, infrastructure and landscape character;

- (ii) for the existing village layout plans, the PlanD would continue to monitor the situation and update them if required. For villages covered by existing OZPs, the preparation of new village layout plans would depend on a number of factors such as availability of resources for implementation. For the new DPA Plans recently gazetted, OZPs with definite zonings should be prepared before layout plans could be contemplated. The DPA Plan already provided effective development control;
- (iii) paragraph (7)(b) of the covering Notes of the DPA Plan was to allow flexibility for works which were essential to the local residents, or could improve the local environment. Except for the works co-ordinated or implemented by the Government, those minor works that involved diversion of streams, filling of land/pond or excavation of land, required planning permission from the Board. Paragraph (7)(b) had been adopted in the covering Notes of all DPA plans for 'enclaves' of the Country Parks. Amendment to this paragraph was considered not necessary at this stage. However, the covering Notes of the OZP to be prepared would be suitably drafted to reflect the conservation value of the Area; and
- (iv) the Director of Agriculture, Fisheries and Conservation (DAFC) had advised that as there was already some degree of human settlement and other forms of development within the boundary of the DPA Plan, it would be more appropriate to bring the area under planning control by the designation of DPA. Whether there would be justifications to support the incorporation of Tin

Fu Tsai as part of the Tai Lam Country Park would be subject to further consideration of the DAFC and the Country and Marine Parks Board;

- (n) the responses to the representers' proposals not directly related to the DPA Plan were:
 - (i) according to the 2010-2011 Policy Address, the Government would either include the remaining "enclaves" into the Country Parks or determine their proper uses through statutory planning in order to meet conservation and social development needs. Up to June 2011, including the DPA Plan, a total of six DPA plans had been published to cover seven Country Park "enclaves". In the setting of priority for preparing DPA plans, due regard would be given to factors such as accessibility and development pressure (R3, R4 and R8);
 - (ii) the Tin Fu Tsai area was an "enclave" of the Tai Lam Country Park. The immediate surrounding areas and private land immediately outside the Area were already within the Tai Lam Country Park. As these areas were subject to the CPO, their inclusion into the Plan was not necessary (R8); and
 - (iii) the development control and enforcement within the Country Parks were under the jurisdiction of the Country and Marine Parks Authority and outside the purview of the Board. The DAFC had advised that his department was empowered to carry out law enforcement actions (e.g. patrol and prosecution) in the Country Parks according to the CPO. Land control of private land within Country Parks was under the purview of the Lands Department (R3);

Adverse Representations (R1 and R6)

- (o) the DPA Plan would not prohibit developments nor affect the indigenous villagers' right to Small House development. The provision for application to the Board for developments in the Area would provide a mechanism for striking a balance between development and environmental conservation through addressing the possible impacts arising from developments. In order to provide planning guidance and development control and enable planning enforcement action to be taken against unauthorized developments, statutory planning control through designating the Tin Fu Tsai area as a DPA and preparation of the DPA Plan and the subsequent OZP were considered necessary;

Representation Expressing Concerns and Views on the DPA Plan (R5)

- (p) the preparation of the Plan was part of the work to provide statutory planning control over the Country Park 'enclaves'. The Area was surrounded by (but not a part of) the Tai Lam Country Park, within a gazetted WGG and of rural and natural character. The general objective of the DPA Plan was to prevent haphazard developments and conserve the rural and natural character of the Area. The Plan also provided planning guidance and facilitated development control within the Area during the period required for detailed analysis of the land use pattern, study of infrastructure provisions and examination of development options for the formulation of the OZP;
- (q) the DPA Plan had not proposed any removal or relocation of the villagers or residents in the Tin Fu Tsai area. Relevant planning factors such as development need, the environment, infrastructure, landscape character and village environs of Tin Fu Chai, etc. would be duly taken into account during the future preparation of the OZP;

- (r) the responses to the representers' proposals were:
- (i) nature conservation policy and whether private land within the Area should be resumed for conservation purpose were outside the purview of the Board; and
 - (ii) the DPA Plan did not contravene Article 105 of the Basic Law. If the land covered by the DPA Plan was subject to the system of DPA plans when it was purchased by the landowners, the imposition of use restrictions under the DPA Plan would not affect the landowners' right over their land and engage Article 105 of the Basic Law. Alternatively, even if Article 105 of the Basic Law applied, the imposition of use restrictions under the DPA Plan did not seem to constitute deprivation of property for the purpose of Article 105 of the Basic Law requiring payment of compensation. In so far, the imposition of use restrictions under the DPA Plan would amount to a control of use of property not appearing disproportionate to the aims sought to be achieved (i.e. to prevent haphazard developments and conserve the rural and natural character of the Area);

Comment (C1)

- (s) C1 was submitted by a member of the public and was partly related to the DPA Plan (the other part was related to the draft To Kwa Peng and Pak Tam Au DPA Plan No. DPA/NE-TKP/1). C1 supported the DPA Plan and strongly suggested conserving the natural landscape and geographical features of the area;

PlanD's Response

- (t) the support for the DPA Plan and suggestion for conservation were noted; and

PlanD's Views

- (u) PlanD's views were detailed in Section 8 of the Paper. Based on the planning considerations and assessments in paragraph 6 of the Paper as summarised above, PlanD considered that:
 - (i) the supportive views and proposals not directly related to the DPA Plan of representations R3 (part), R4 (part), R7 (part) and R8 (part) were noted; and
 - (ii) PlanD did not support R1 and R6 regarding their opposition to the DPA Plan; and R3 (part), R4 (part), R5, R7 (part) and R8 (Part) regarding their proposals directly related to the DPA Plan and considered that they should not be upheld.

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

R1 (Choi Lung Wai, Village Representative of Tin Fu Chai)

64. Mr. Choi Lung Wai made the following main points:

- (a) Tin Fu Chai had a history of about 400 years. Tin Fu Chai used to be a vibrant place as people travelling between the urban areas and the New Territories had to pass through there;
- (b) in the past, villagers were mainly engaged in agricultural activities. However, a lot of their land was subsequently resumed by the Government for public works including the Tai Lam Tunnel and the Tai Lam Chung Reservoir. AFCD had also increasingly restricted their right of road access into Tin Fu Chai. Furthermore, government used to release snakes in the mountain next to Tin Fu Chai and the snakes had killed the poultry in their farms. These historical factors had caused

much hardship on the Tin Fu Chai villagers;

- (c) some 21 years ago, the villagers entered into agreement with a company to operate an outdoor training centre and a war game venue in Tin Fu Tsai. The company had helped with the planning and maintenance of the area. The villagers also had their own rules as to which places should not be developed; and
- (d) from the site photos taken by PlanD, it was evident that the current activities in Tin Fu Tsai were not haphazard and in fact, had helped to maintain the nice natural environment. Hence, there was no need to impose additional planning control in Tin Fu Tsai.

R3 (Designing Hong Kong Limited)

65. Ms. Eva Tam made the following main points:

- (a) the preparation of the DPA Plan for imposing planning control to conserve the rural and natural character of the Area was supported;
- (b) according to the 2010 – 2011 Policy Address, the Government would either include the 54 ‘enclaves’ into Country Parks or determine their use through statutory planning. However, the six DPA plans gazetted so far only zoned the entire DPA areas to ‘Unspecified Use’. It was doubted whether the planning control provided by the ‘Unspecified Use’ designation was sufficient to meet different stakeholders’ requirements; and
- (c) LandsD should suspend the processing of Small House applications in the Area prior to finalisation of the OZP.

66. Noting that the Tuen Mun District Council submitted R5, Dr. C.P. Lau declared interest on the item as he was the vice-chairman of the Tuen Mun District Council. Members agreed that Dr. C.P. Lau’s interest was direct and should leave the meeting

temporarily.

[Dr. C.P. Lau left the meeting at this point.]

67. A Member asked whether the location of the Tin Fu Tsai within a gazetted WGG had implication on the planning control under the DPA Plan. In response, Ms. Amy Cheung said that within the 'Unspecified Use' area in the DPA Plan, except for 'Agricultural Use' and some uses which were permitted in the covering Notes of the Plan, all uses and developments would require planning permission from the Board. Impacts on water quality would be one of the factors that would be taken into account when considering planning applications.

68. The same Member further asked if the Area was not covered by a DPA Plan, how would development control be exercised. Mr. K.C. Kan said that if there was no DPA Plan for the Area, development control on private land would rely on the enforcement of lease conditions by the Lands Department. Besides, LandsD would circulate development proposals to relevant government departments, including the Water Supplies Department (WSD) for their comment in respect of impact on water quality of the WGG. In fact, in response to WSD's comment, it was stated in the Explanatory Statement of the DPA Plan that for any use or development within the WGG, impact assessment should be conducted and submitted to the Water Authority to demonstrate that there would be no adverse effects / impacts on the WGG.

69. As the representer and the representer's representative had finished their presentations and Members had no further question to raise, the Chairman informed them that the hearing procedures had been completed and the Board would deliberate on the representations in their absence and inform the representers of the Board's decision in due course. The Chairman thanked DPO/TMYL, the representer and representer's representative for attending the hearing. They all left the meeting at this point.

Deliberation

70. The Chairman invited Members to consider the representations taking into consideration all the written submissions and the oral presentations at the meeting.

Supportive Representations (R3, R4, R7 and R8)

71. Members noted the supportive views of representations No. R3, R4, R7 and R8.

72. The Chairman then led Members through the responses to the proposals put forth by R3, R4, R7 and R8 that were directly related to the DPA Plan as detailed in paragraphs 8.7 to 8.10 of the Paper as summarised below:

- (a) to impose conservation zonings - Members noted that the Plan was an interim plan which would be replaced by an OZP and the detailed land use zonings would be worked out at the OZP preparation stage (R3, R4, R7 and R8);
- (b) to plan village areas carefully – Members noted that the OZP with definite zonings should be prepared before village layout plans could be contemplated and that the DPA Plan would provide development control to effectively conserve the rural and natural character of the Area (R3 and R7);
- (c) to amend paragraph (7)(b) of the covering Notes - Members agreed that there was no need to amend the said paragraph as it was for providing flexibility for the minor local works and the same paragraph had been adopted in all DPA Plans for the ‘enclaves’ of Country Parks (R8); and
- (d) to incorporate the DPA into the Tai Lam Country Park - Members noted that whether to incorporate the Tin Fu Tsai DPA into the Tai Lam Country Park was outside the purview of the Board (R8).

73. Members noted the above responses and agreed not to uphold those proposals that were directly related to the DPA Plan.

74. Members then went through the responses to the proposals that were not directly related to the DPA Plan:

- (a) to cover other ‘enclave’ areas by DPA plans - Members noted that to meet conservation and social development needs, the Government would either include the remaining “enclaves” into the Country Parks or determine their proper uses through statutory planning (R3, R4 and R8); and
- (b) to strengthen development control and enforcement within Country Parks - Members noted that development and enforcement within Country Parks were under the jurisdiction of the Country and Marine Parks Authority or the Lands Authority (R3).

75. Members agreed to advise R3, R4, R7 and R8 about the above responses to their proposals that were not directly related to the DPA Plan.

Adverse Representations (R1 and R6)

76. Members agreed that R1 and R6 should not be upheld for reasons that the DPA Plan would not affect the future development of the Tin Fu Tsai area and there were provisions in the DPA Plan for application for developments under the Ordinance.

Representation Expressing Views and Concerns (R5)

77. On the concerns and views raised by R5 and the relevant responses detailed in paragraph 8.5 of the Paper, Members noted that the DPA Plan was needed to prevent haphazard developments and conserve the rural and natural character of the Area. The DPA Plan also provided planning guidance and development control prior to formulation of the OZP. Members also noted that the residents of Tin Fu Tsai were not required to be relocated. On the proposal for resumption of private land in Tin Fu Tsai, Members noted that land resumption was not within the purview of the Board. Members also noted that the DPA Plan did not contravene Article 105 of the Basic Law. Noting the above responses to concerns and views raised by R5, Members agreed that R5 should not be upheld.

78. Members then went through the reasons for not upholding the representations as detailed in section 8 of the paper and considered that they were appropriate.

Representations No. R1 and R6

79. After further deliberation, the Board decided not to uphold R1 and R6 for the following reasons:

- the DPA Plan would not adversely affect the future development of the Tin Fu Tsai area. It provided planning guidance and facilitated development control to ensure that future developments would be carried out in a planned manner. According to the Notes of the Plan, agricultural use, maintenance/repair of building, provision/maintenance/repair of amenity facilities, utility installations and infrastructures were always permitted. Moreover, there were provisions on the DPA Plan for application for other developments under section 16 of the Ordinance, and each application would be considered by the Board on individual merits.

Representation No. R3

80. After further deliberation, the Board noted the supportive views of representation No. R3 and decided not to uphold the remaining parts of R3 for the following reasons:

- (a) the DPA Plan was an interim plan which would be replaced by an OZP within three years. Detailed land use zonings of the Area would be worked out at the OZP preparation stage taking into account the results of relevant assessments/studies on various aspects including development need, conservation value, the environment, infrastructure, landscape character, etc.; and
- (b) the PlanD had prepared a number of village layout plans covering various recognised villages in the territory. For the existing village layout plans, the PlanD would continue to monitor the situation and update them if required. The preparation of new village layout plans for villages

covered by existing OZPs would depend on a number of factors such as availability of resources for implementation etc. For new DPA Plans which had just been completed such as the Plan, OZPs with definite zonings should be prepared before layout plans could be contemplated. Meanwhile, the Plan provided development control.

81. The Board agreed to advise R3 of the following:

- (a) 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; and
- (b) development and enforcement within Country Parks were under the jurisdiction of the Country and Marine Parks Authority or the Lands Authority as appropriate.

Representation No. R4

82. After further deliberation, the Board noted the supportive views of representation No. R4 and decided not to uphold the remaining parts of R4 for the following reasons:

- the DPA Plan was an interim plan which would be replaced by an OZP within 3 years. Detailed land use zonings of the Area would be worked out at the OZP preparation stage taking into account the results of relevant assessments/studies on various aspects including development need, conservation value, the environment, infrastructure, landscape character, etc.

83. The Board agreed to advise R4 of the following:

- 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.

Representation No. R5

84. After further deliberation, the Board decided not to uphold R5 for the following reasons:

- (a) the general objective of the Plan was to prevent haphazard developments and conserve the rural and natural character of the Area. The DPA Plan also provided planning guidance and facilitated development control within the Area during the period required for detailed analysis of the land use pattern, study of infrastructure provisions and examination of development options for the formulation of an OZP;
- (b) nature conservation policy and whether private land should be resumed for conservation purposes were outside the purview of the Board;
- (c) the Plan had consulted the Tuen Mun District Council (TMDC) and Tuen Mun Rural Committee (TMRC) within the statutory exhibition period of the Plan. The TMDC and TMRC would also be consulted at the OZP preparation stage;
- (d) the Plan had not proposed any removal or relocation of the villagers or residents of the Tin Fu Tsai area;
- (e) developments other than those always permitted in terms of the Notes would require planning permission from the Board. Large-scale developments which were not compatible with the rural and natural character of the Area were generally not favoured;
- (f) relevant planning factors would be duly taken into account during the future preparation of OZP; and
- (g) the DPA Plan did not contravene Article 105 of the Basic Law.

Representation No. R7

85. After further deliberation, the Board noted the supportive views of representation No. R7 and decided not to uphold the remaining parts of R7 for the following reasons:

- (a) the DPA Plan was an interim plan which would be replaced by an OZP within 3 years. Detailed land use zonings of the Area would be worked out at the OZP preparation stage taking into account the results of relevant assessments/studies on various aspects including development need, conservation value, the environment, infrastructure, landscape character, etc.; and
- (b) the Area had been designated 'Unspecified Use' on the Plan. The rural and natural character of the Area could be effectively conserved, and disturbances arising from developments on surrounding environment could be properly addressed through the planning permission system. Detailed land use zonings of the Area would be worked out at the OZP preparation stage.

Representation No. R8

86. After further deliberation, the Board noted the supportive views of representation No. R8 and decided not to uphold the remaining parts of R8 for the following reasons:

- (a) the DPA Plan was an interim plan which would be replaced by an OZP within three years. Detailed land use zonings of the Area would be worked out at the OZP preparation stage taking into account the results of relevant assessments/studies on various aspects including development need, conservation value, the environment, infrastructure, landscape character, etc.;

- (b) paragraph (7)(b) of the covering Notes was to allow flexibility for the provision, maintenance or repair of some minor local works which were essential to the local residents or improve the local environment. Besides, except the works co-ordinated or implemented by the Government, if these minor works involve any diversion of streams, filling of land/pond or excavation of land, planning permission from the Board was required; and
- (c) whether to incorporate the Tin Fu Tsai DPA in the Tai Lam Country Park was outside the purview of the Board.

87. The Board agreed to advise R8 of the following:

- (a) 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; and
- (b) the immediate surrounding areas of the Tin Fu Tsai DPA were already within the Tai Lam Country Park. As these areas were subject to the CPO, their inclusion into the Plan was not necessary.

88. The meeting was adjourned for lunch break at 1:00pm.

89. The meeting was resumed at 2:20 p.m.

90. The following Members and the Secretary were present in the afternoon session:

Mr. Thomas Chow Chairman

Mr. K.Y. Leung

Mr. Felix W. Fong

Professor Paul K.S. Lam

Professor Edwin H.W. Chan

Professor Eddie C.M. Hui

Mr. Laurence L.J. Li

Mr. Roger K.H. Luk

Ms. Anita W.T. Ma

Professor S.C. Wong

Dr. W.K. Yau

Deputy Director of Environmental Protection

Mr. Benny Y.K. Wong

Director of Planning

Mr. Jimmy C.F. Leung

Agenda Item 9

[Open Meeting (Presentation and Question Session Only)]

Consideration of Representations and Comments to the Draft To Kwa Peng & Pak Tam Au Development Permission Area Plan No. DPA/NE-TKP/1

(TPB Paper No. 8862)

[The hearing was conducted in Cantonese.]

91. The following Members declared interests on this item:

Ms. Anna S.Y. Kwong - being the Authorised Person for a residential development project in the To Kwa Peng and Pak Tam Au area

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

92. Members noted that Mr. Stephen M.W. Yip had tendered his apologies for not attending the meeting and Ms. Anna S.Y. Kwong had already left the meeting.

Presentation and Question Session

93. The Chairman said that reasonable notice had been given to the representers and commenters to invite them to attend the hearing, but other than those that were present at the meeting, the rest had either indicated that they would not attend the hearing or made no reply. Members agreed to proceed with the hearing in the absence of these parties.

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

Planning Department (PlanD)

Mr. Hui Wai Keung District Planning Officer/Shu Tin, Tai Po and North (DPO/STN)

Ms. Lisa Cheng

Senior Town Planner/Tai Po

R6 (Mr. Poon Key Yuen - Consultant for Pak Tam Au Village) & R7 (Mr. Ho Kam Wah – Village Representative of Pak Tam Au)

Ms. Yung Yuk Ming)
Mr. Lawrence Choi)
Mr. Poon Key Yuen)
Mr. Raymond Tse)
Mr. Michael Leven) Representers' representatives
Mr. Lui Wing On)
Mr. Li Yiu Ban)
Mr. Kong Chee Cheung)
Mr. John Allcock)
Mr. Leo Wong)

R9 (Tang Kwong Wing)

Mr. Mo Ka Hung - Representers' representative

R52 (Cheng Kwok Fai)

Mr. Cheng Kwok Fai - Representer

R84 (Cheng Mo Fat)

Mr. Chan Dan Fung - Representers' representative

R96 (Cheng Sill Kee)

Ms. Yam Yin Ping) Representers' representative
Mr. James Yu)

R97 (Cheng Wai Chung)

Ms. Chung Wai Ling - Representers' representative

R145 (Lai Yiu Wa)

Mr. K.W. Yeung - Representers' representative

R151 (Lai Sui Sing)

Mr. Joe Tsang - Representer's representative

C1 (Mrs. Willam Graham Eckersley)

Mr. William Graham Eckersley - Commenter's representative

C76 (Guy Shirra)

Mr. Guy Shirra - Commenter

C105 (Hamish Low)

Mr. Hamish Low - Commenter

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

96. Ms. Lisa Cheng informed Members that replacement pages for the TPB paper (pages 1, 2, 4, 9, 10, 15, 16, and 17) had been tabled for Members' reference. With the aid of a Powerpoint presentation, Ms. Cheng made the following main points as detailed in the Paper:

- (a) the draft To Kwa Peng and Pak Tam Au Development Permission Area (DPA) Plan was exhibited for public inspection on 7.1.2011. Owing to the urgency of preparing the DPA Plan to protect the natural environment against uncontrolled development, the Area had been designated as "Unspecified Use" as a stopgap measure to effect planning control. Detailed analysis and studies to establish the appropriate land use zonings would be conducted in three years' time when the DPA Plan would be replaced by an Outline Zoning Plan (OZP);
- (b) a total of 206 representations were received during the plan publication period. On 18.3.2011, the representations were published for public comments and, in the first three weeks of the publication period, 227 comments were received. On 10.6.2011, when considering the hearing

arrangements, the Board agreed that comment No. 227 should be considered as invalid and not having been made as the commenter only indicated “n/a” and did not specify which representation it was related to;

- (c) an overview of the representations and comments:
- (i) five representations supported the draft DPA Plan and they were submitted by interest groups and organizations. They included Designing Hong Kong Limited (R1), the Hong Kong Bird Watching Society (R2), WWF Hong Kong (R3), the Conservancy Association (R4) and Kadoorie Farm & Botanic Garden Corporation (R5);
 - (ii) 173 representations (R6 to R179) opposed the “Unspecified Use” zoning and they were mainly submitted by individuals. They included the consultant for the Pak Tam Au Village (R6), the Pak Tam Au Village Representative (R7), 3 Members of the Environment, Housing and Works Committee (EHWC) of the Tai Po District Council (R8 to R10), and other members of the public;
 - (iii) 26 representations (R180 to R206) had no comments and they were mainly submitted by Members of the Tai Po District Council and Members of the EHWC of the Tai Po District Council;
 - (iv) 224 commenters (C1 to C224) supported the views of R1 to R5 to protect the area from uncontrolled development;
 - (v) 6 commenters (C219 to C224) also raised objection to the views of R6 to R179;
 - (vi) commenter C225 was related to R10 and it proposed that the area should be saved for the children to see while commenter C226 was related to R174 and pointed out that all rural areas should be included into DPA Plans so that Small House developments would be subject to scrutiny and approval;

(d) the grounds of representations and the representers' proposals were summarized as follows:

(i) Supporting Representations (R1 to R5)

Grounds of Representation

- a. the DPA Plan could ensure the greatest possible planning and development control. As the public had clearly expressed their interest in conserving the landscape value of the Area, the Government should proceed urgently to prepare DPA Plans for all areas that were not yet covered by DPA Plans (R1);
- b. To Kwa Peng had a very high ecological value with a high diversity of mangroves and associated fauna. Uncommon seagrass species were found and one of the abandoned village houses was a breeding site for bats. The Area could serve as a buffer to limit encroachment of village development into the surrounding ecologically sensitive areas (R2);
- c. statutory planning control would help the preservation of the natural scenic character and ecological interest of the areas from uncontrolled development. As the Area lacked drainage and sewerage systems, it should be protected by conservation zones to prevent any large scale development from affecting the marine ecology and mudflat habitats along the coast (R3);
- d. planning control was needed to provide guidance and impose planning enforcement against various forms of devastation in the Area. As the Area had high ecological and landscape value, it should be protected with zoning of conservation purpose, particularly for the fung shui woods adjacent to the existing To Kwa Peng village and the estuarine mangroves. The rural character of the existing village setting should also be preserved

(R4); and

- e. agricultural land should be safeguarded to maintain the rural character. At least four mangrove species and three mangrove associated species were found in To Kwa Peng while the critically endangered Golden Coin Turtle was likely to inhabit in the stream. Moreover, uncommon seagrass species were recorded in the intertidal mudflat at To Kwa Peng while a very rare moth species had been recorded at Pak Tam Au (R5);

(ii) Adverse representations (R6 to R179)

Grounds of Representation

- a. the DPA Plan had frozen all development within the village and amounted to the appropriation of private property. Three Small House developments that had already obtained the Certificate of Exemption (C of E) had been stopped and the processing of 5 Small House applications had been withheld by the Lands Department (LandsD). Although there was a need to control and improve the planning of the village, the draft DPA Plan had been prepared too hastily (R6);
- b. it was unfair that the processing of Small House applications had been frozen by LandsD. The new requirement to submit planning applications for Small House developments was unfair as it would cause a delay of at least one year and would give the opportunity for triad gangs to solicit “protection money” from villagers. It was also unfair to the villagers as all development and redevelopment would be frozen in the three years that it would take to prepare the OZPs. The old village houses could not be rebuilt and they could become safety hazards (R7);
- c. the restrictions imposed were against Article 40 of the Basic Law

(BL 40). The draft DPA Plan had affected the legal interests and traditional rights of the property owners and indigenous villagers (R6 to R179); and

- d. there was no public consultation prior to the exhibition of the draft DPA Plan. The Government should have consulted Heung Yee Kuk, the Rural Committee, the property owners and the residents of To Kwa Peng and Pak Tam Au village areas. Village land should not be included into the draft DPA Plan (R6 to R12, R174);

(iii) Representers' proposals

Covering Notes

- a. R3 proposed to amend paragraph 7(b) of the covering Notes of the DPA Plan (mainly related to provision, maintenance and upgrading of amenity and utilities) so that planning permission would be required for these uses. This requirement was in line with controls specified in the Sham Chung OZP and in the Hebe Haven OZP;

To Kwa Peng area

- b. R1, R3 and R5 proposed to zone the coastal area as "Coastal Protection Area" ("CPA");
- c. R2 proposed to zone the entire To Kwa Peng area as "Conservation Area" ("CA") while R3 and R5 proposed to zone a 30m wide buffer on both sides of the stream near the western boundary to "CA" and to zone the dense woodland habitats behind the village houses as "CA";
- d. R3 proposed to zone the area which was previously subject to excavation and site formation works as "Green Belt" ("GB")

while R5 proposed to zone the abandoned agricultural land and a 20m buffer on the backshore of the coastal area to “GB”;

Pak Tam Au area

- e. R2 proposed to zone the Pak Tam Au area as “CA” and “GB”;
- f. R5 proposed to zone the forest type habitat of Pak Tam Au as “CA” and the central part of Pak Tam Au as “GB”;
- g. R6 and R7 proposed to zone the village ‘environs’ (‘VE’) of Pak Tam Au village to “Village Type Development” (“V”), the area near the hill to “Government, Institution or Community” (“G/IC”) and the southern part of the area to “Agriculture” (“AGR”);

Proposals not related to the substance of the DPA Plan

To prohibit incompatible developments

- h. R1 proposed to impose strict control over development and agricultural uses and to deter any attempts to ‘destroy first and develop later’;
- i. R2 proposed to protect the abandoned agricultural land from unfavourable developments and that agricultural use should be restricted as the runoff from the fields might adversely affect the mangroves;
- j. R3 proposed to incorporate all private lands in the vicinity of the Area, including areas already covered by the Country Parks Ordinance, into the DPA Plan;

Processing of Small House developments

- k. R6 proposed that the village representatives (VRs) should be

allowed to apply en-bloc to PlanD for permission to develop those Small Houses with land grants and C of E issued as well as those Small House proposals within the 'VE' that had been submitted to LandsD for processing for more than one year. For redevelopment of existing derelict Small Houses within the 'VE', approval from PlanD should be expedited;

1. R7 proposed that the DPA Plan should be withdrawn and that the Government should not publish any statutory plan before the boundary for the "V" zone was established. Alternatively, the Government should relax the land use control in the area and allow Small Houses to be developed within the 'VE'. The authority for considering Small House applications should remain with the LandsD;

To prepare DPA Plans for other areas

- m. R1 proposed that DPA Plans should be prepared for all areas not yet so covered and that village layout plans for all village zones should be prepared with priority for the Frontier Closed Area, the enclaves within and adjacent to Country Parks and for all other areas with special landscape, geological or ecological value;

To upgrade infrastructure and public utilities

- n. R6 prepared an outline development plan for Pak Tam Au (Drawing H-2) and proposed to upgrade infrastructure and utility provisions according to the plan;

- (e) the Government's responses to the representations and the representers' proposals were summarized as follows:

Oppose designation of "Unspecified Use" in the DPA Plan

- (i) as there had been excavation and site formation works and unauthorised tree felling activities that had adversely affected the

landscape character of the Area, the publication of the draft DPA Plan provided a stopgap measure to effect development control and made provision for enforcement action on unauthorised developments to prevent further degradation of the natural environment. Owing to the urgency to publish the DPA Plan, the Area had been designated “Unspecified Use” where any use or development other than ‘Agricultural Use’ or developments always permitted under the covering Notes, required planning permission from the Board. This provision was an effective planning tool to prevent unauthorised developments or building works. Detailed land use zoning would be worked out after further and detailed assessments of the constraints and opportunities of the Area before the DPA Plan was replaced by an OZP in three years’ time;

Amend paragraph 7(b) of the covering Notes

- (ii) paragraph 7(b) of the covering Notes was to allow flexibility for the provision, maintenance or repair of some minor local works for the convenience of local residents as well as for projects such as road works, drainage works, environmental improvement works, marine related facilities, waterworks and such other public works co-ordinated or implemented by Government. Given the small scale of these works, adverse environmental impacts were not envisaged. Besides, any diversion of streams, filling of land/pond or excavation of land to effect the above works would still require planning permission from the Board;

Proposed specific zones for the Area

- (iii) the Area was constrained by poor infrastructure provision and the diversity of wildlife, mangrove species and other landscape and topographical features warranted detailed considerations and further assessments. Besides, the diverse views needed to be carefully considered and balanced. As the DPA Plan was an interim plan which would be replaced by an OZP within 3 years, detailed land

use zonings would be worked out at the OZP preparation stage to take into account the representers' proposals and the results of relevant technical assessments/studies on various aspects including ecology, archaeological interest, traffic, sewerage, landscape and geotechnical, etc;

To prohibit incompatible developments

- (iv) the publication of the DPA Plan enabled planning control on incompatible developments within the Area and allowed enforcement action to be taken by the Planning Authority against any unauthorized development when necessary. On the proposal to restrict agricultural use, there were many methods in modern farming practices to avoid runoff from the farms from polluting the surrounding areas. Besides, the conservation value of the Area was yet to be established. On the proposal to incorporate all land into the DPA Plan, including those within Country Parks, it should be noted that the land surrounding the DPA Plan was already covered by the Sai Kung West Country Park and the Sai Kung East Country Park and that any proposal to amend the approved map of the country park fell within the purview of the Country Park and Marine Park Authority;

Processing of Small House developments

- (v) under the "Unspecified Use" designation, any use or development, other than 'Agricultural Use' or developments always permitted under the covering Notes, would require planning permission from the Board. The planning applications for Small House development would be assessed on their individual merits taking into account all relevant planning considerations, including the guidelines published by the Board and the comments of the relevant government departments;

Public consultation

- (vi) owing to the confidential nature of the draft DPA Plan, there was no public consultation prior to the publication of the draft DPA Plan. Nevertheless, public consultation was conducted in accordance with the provisions of the Town Planning Ordinance after the draft DPA Plan was published;

Small House development by indigenous villagers and Article 40 of the Basic Law

- (vii) the claim that all development including Small Houses could not be developed within the three year period was incorrect. The draft DPA Plan only required that the development of Small Houses would be subject to planning permission from the Board. The imposition of use restrictions under the draft DPA Plan was unlikely to engage BL 40. As for the claim that the draft DPA Plan had contravened the protection of property rights under BL 105, since the use restrictions concerned were lawfully imposed under the Ordinance, it was considered that there could be no infringement of BL 105. The imposition of use restrictions under the DPA Plan also did not constitute 'deprivation' of the land concerned for the purpose of BL 105 requiring the payment of compensation, since the DPA Plan did not involve any expropriation of land. In this respect, the DPA Plan did not appear to be inconsistent with the protection of property rights provided for under BL 6 and BL 105;

Preparing DPA Plans for other enclaves of the Country Park

- (viii) 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. The priority for preparing DPA Plans would have regard to such factors as conservation value, accessibility of the site, immediate development threats, landscape and aesthetic value, geographic location, existing scale of human settlements, etc; and

Upgrading of infrastructure and utilities

- (ix) the views and proposals of the representers were noted and would be taken into account when planning applications were considered by the Board and when the OZP for the Area was prepared.

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

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

Representation No. R9

98. Mr. Mo Ka Hung made the following main points:

- (a) as the Vice-Chairman of the Sai Kung North Rural Committee (SKNRC), he made the representation on behalf of the SKNRC;
- (b) he opposed to the draft DPA Plan as it contravened BL 40 and would adversely affect the interests of the local villagers. He also raised objection as the Heung Yee Kuk had not been consulted before the publication of the draft DPA Plan;
- (c) since the incident of unauthorised development at Tai Long Sai Wan was publicised, the Government had changed its practice and started preparing DPA Plans without consulting the relevant Rural Committees or communicating with the local villagers. This approach was unacceptable as the resultant DPA Plans had only taken into account the interests of the conservationists and had disregarded the interests of the indigenous villagers;
- (d) the designation of “Unspecified Use” over the entire area covered by the DPA Plan was unfair as it had frozen the development of Small Houses by indigenous villagers. This had contravened BL 40 which protected the traditional rights of indigenous villagers;

- (e) by introducing the statutory planning controls, the Government had changed the rule of the game under the original Small House Policy implemented since 1972 without the agreement of the villagers;
- (f) the villagers' request was simply to allow them to build Small Houses within the 300 feet village 'environs' ('VE') as permitted under the Small House Policy and, for villages with a large population, to designate an appropriate "V" zone to accommodate the population;
- (g) the Government should be well aware that it was always expensive to protect the environment. Even the US Government refused to enact the law to reduce CO₂ emissions as it would adversely affect many national industries and the economy. By the same token, the HKSAR Government should carefully consider its environmental protection and conservation policies;
- (h) the Government should take a strategic view when considering its environmental protection and conservation policies, taking into account the planning policies in Guangdong and the Pearl River Delta. The imposition of stringent environmental legislation would restrict the amount of land available for development and adversely affect the economy of Hong Kong;
- (i) as the development intensity in Hong Kong Island and Kowloon had already been maximised, the time had come for the Government to relax the development intensity in the New Territories to help relieve the development pressure and to allow a more balanced development across the whole territory;
- (j) the Government should either improve its compensation policy or introduce a land exchange mechanism so that landowners whose land was affected by the Government's conservation policy would not be prejudiced;

- (k) the green groups, conservationists and politicians were taking advantage of the public concern on environmental protection for their personal interests;
- (l) the SKNRC had already brought the matter to the attention of the Chief Executive and the Liaison Office of the Central People's Government in the HKSAR. The SKNRC was prepared to lodge a judicial review against the Board's decision on the draft DPA Plan; and
- (m) it was regrettable that the Heung Yee Kuk had not been consulted on the draft DPA Plan.

Representations No. R6 and R7

99. Mr. Li Yiu Bun made the following main points:

- (a) the SKNRC did not oppose to the draft DPA Plan but was against the designation of the "Unspecified Use" to cover the entire planning scheme area. While it was agreed that planning of the area was necessary, the designation of "Unspecified Use" was inappropriate as it meant that there was no land use plan for the area. The current plan would only serve to raise the expectations of the different interest groups including the villagers and conservationists and would result in unnecessary conflict between the different parties;
- (b) he said that a practical land use proposal should be prepared. He said that the "V" zone for the village should be drawn up following the 'VE' boundary and the remaining land should be zoned "Agriculture". That would be in line with the expectation of the villagers; and
- (c) the villagers had no intention to destroy the environment. However, there would be conflicts with the green groups when the villagers thought that the value of their land had dropped as a result of planning controls and hence decided to sell their land to property developers. It were the

developers who caused the destruction of the countryside.

Representation No. R52

100. Mr. Cheng Kwok Fai made the following main points:

- (a) he was an indigenous villager of To Kwa Peng village. He objected to the claim that the village had been deserted, even though some villagers had indeed left the village;
- (b) there were a lot of Small House applications in To Kwa Peng as indigenous villagers were entitled to submit applications to the LandsD for Small House developments; and
- (c) all land in the village were privately owned and he strongly requested the Government to adhere to the Small House Policy and to approve the Small House applications.

Representation No. R96

101. Ms. Yam Yin Ping made the following main points:

- (a) it was unfair as the “Unspecified Use” designation of the DPA Plan would freeze the processing of the Small House applications for three years. The applications for Small House development submitted by the villagers were in line with the Small House Policy, the land concerned did not have any vegetation worthy of preservation and the villagers would provide all the mitigation measures required such as septic tanks, etc,
- (b) she considered that the statutory planning controls were new restrictions imposed on the indigenous villagers which had therefore contravened BL 40; and
- (c) as the 16 Small House applications were already under processing by the Tai Po District Lands Office (DLO/TP), the imposition of the statutory

planning controls had become a new obstacle for the villagers. She requested DLO/TP to continue the processing of the applications if the Small House applications had not breached any requirements.

Representation R6 and R7

102. Mr. Kong Chee Cheung made the following main points:

- (a) Pak Tam Au was a recognized village with a history of over 300 years. The village had a total area of 5 ha and about 1.4 ha was within the 'VE'. Only about 2,000m² of the land had been developed;
- (b) Pak Tam Au village was located near Sai Kung, requiring only 15 minutes travelling time by car. Access to the village was also convenient as it was located adjacent to Pak Tam Road; and
- (c) the villagers wanted to develop the village in a sustainable way. As the village was located within the upper water gathering grounds (WGG), consultants were engaged to conduct a sewage impact assessment and an ecological study to ensure that the proposed development would not affect the WGG.

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

103. With the aid of a powerpoint presentation, Mr. Poon Key Yuen made the following main points:

- (a) the draft DPA Plan had contravened BL 40 which protected the traditional rights and interests of indigenous villagers. Under the Small House Policy introduced by the Government in 1972, any indigenous villager was entitled to build a Small House within the 'VE', with no other requirements. The DPA Plan had introduced new statutory restrictions and were therefore in contravention with BL 40. He queried why the villagers were not consulted beforehand;

- (b) it was unfair for the Board to impose new restrictions on all villages which had basically frozen their development right just because of one incident of unauthorized development at Tai Long Sai Wan. The villagers should not be asked to wait for 3 years for the preparation of the OZP;
- (c) he had prepared a long term development proposal for Pak Tam Au. The villagers would lodge a judicial review against the decision of the Board if the proposal was not accepted. The Government would need to be responsible for the rental expenses paid by the villagers if their Small House developments could not proceed;
- (d) he presented a long term development proposal for Pak Tam Au which was for a low density development comprising about 50 houses with a high degree of greening (Drawing H-2). A biological sewage treatment facility was proposed to treat the effluent from the development. An organic farm would be developed in the southern part of the area while a youth hostel would be provided in the north-eastern part. The youth hostel was proposed to be operated by a non-profit making organization where the revenue generated would be used for charitable purposes. Moreover, a community hall of 1,000m² was proposed and the existing lotus pond would be preserved;
- (e) an alternative vehicular access point with a much gentler gradient than the existing ingress/egress point to serve the Pak Tam Au development was proposed and a 7-metre wide road would be provided to serve as an emergency vehicular access (EVA). More than 500 trees would be planted on both sides of the road and 15 car parking spaces would also be provided. The existing trees would be transplanted instead of felled;
- (f) as part of the existing 'VE' was on a heavily vegetated knoll behind the village, he proposed to preserve the knoll as a "Green Belt" and to re-designate the flat land to the south of the village as the 'VE'. About

19 Small Houses could be built in the re-designated 'VE'. He also indicated that, upon completion of the proposed development, the villagers would commit not to submit any more Small House applications in future;

[Mr. Felix W. Fong and Dr. W.K. Yau left the meeting at this point.]

104. With the aid of a powerpoint presentation, Mr. Wong Ming Fai made the following main points:

- (a) he represented the Dunwell Group, the sewerage consultants for the proposed Pak Tam Au development. He explained that the membrane bio-reactor (MBR) system would be adopted to treat effluents from the development. The MBR system would use membranes and germs to treat the used water from the development. Membranes were similar in nature to a filter except that the holes in the membrane were of a much smaller size so that the treated water would be much cleaner;
- (b) the size of an MBR plant was only about one-third the size of a traditional sewage treatment plant. The MBR system to be adopted for the Pak Tam Au development would be similar to the current system used at the Lady MacLehose Holiday Village in Sai Kung; and
- (c) the treated effluent from an MBR plant was much cleaner than that from the traditional septic tanks or from the standard Government sewage treatment facilities. According to the performance records of the system, both the amount of e-coli and suspended solid particles in the water after treatment by the MBR system were negligible.

105. Mr. Poon Key Yuen supplemented that beside the proposed residential developments mentioned above, the three Small Houses that had already been approved by LandsD would also use the MBR system to treat effluents. He indicated that although the operating cost of the MBR system was much higher than the traditional facilities, the

villagers were committed to use the system for sewage treatment purposes.

106. With the aid of a few plans and photos, Mr. Michael Leven made the following main points:

- (a) he represented Asia Ecological Consultants Ltd, the ecological consultant for the proposed Pak Tam Au development. He said that a habitat survey was conducted and no rare species of trees or plants were found in the area and the existing vegetation was predominantly secondary growth. There was low floral diversity in the area;
- (b) some fauna of interest were found including one dragonfly species and one damselfly species along the stream and at the lotus pond; and
- (c) the proposed Pak Tam Au development was not expected to cause any impact on the ecology. An ecological footprint would be worked out in the next stage of the study and an ecological survey would be conducted. As a preliminary proposal, the existing stream and the existing lotus pond were proposed to be preserved.

107. Mr. Lui Wing On made the following main points:

- (a) he represented Sowers Action which was a non-government organization established with the objective to contribute to education development in the backward areas of Mainland China. Sowers Action was established in 1992 and to date had received donations of over 200 million dollars; and
- (b) he was invited by Mr. Poon to make a presentation to the Board as Mr. Poon had proposed that the revenue generated from the youth hostel of the Pak Tam Au development would be donated to Sowers Action.

108. At this juncture, a Member asked Mr. Lui whether Sowers Action had any views on the planning of Pak Tam Au and Mr. Lui replied in the negative. Another Member said that the representer seemed to be presenting a planning application rather than their representations to the draft DPA Plan.

109. In response, Mr. Poon Key Yuen said that R6 had submitted as part of his representation a proposed outline development plan for the development of Pak Tam Au and he had tried to explain how the organic farm and the youth hostel would be developed to provide educational services and activities on nature conservation and environmental protection. Sowers Action would be one of the recipients of the donation. Mr. Lui added that Sowers Action had made some suggestions on how the youth hostel should be planned and developed.

110. The Chairman said that as the current hearing was on the representations to the draft DPA Plan, he requested the representatives of R6 and R7 to focus on the grounds of the representation rather than on the background of the organisation.

111. Mr. Poon Key Yuen explained that the development proposal presented was mainly to demonstrate that there was a sustainable and environmentally-friendly alternative to develop Pak Tam Au village if the site had not been designated as “Unspecified Use” on the draft DPA Plan.

[Professor Edwin H.W. Chan left the meeting at this point.]

112. At the request of the Chairman, the Secretary explained the Board’s procedures for the hearing of the representations. She said that in opposing the “Unspecified Use” of the draft DPA Plan, the representer had submitted a development proposal for the area as part of the representations of R6 and R7 (Drawing H-2). The representer could elaborate on his proposal at the hearing at this meeting but there was no need for Sowers Action to explain in detail the work of the organization.

113. Mr. Lui Wing On then continued with his presentation and made the following main points:

- (a) Sowers Action proposed to develop the youth hostel as a low-cost centre for visitors to stop by for a short stay during their visit to the Sai Kung area. As the site was centrally located in Sai Kung, visitors could stay at the youth hostel at night and make day trips to the surrounding areas of Plover Cove and Sai Kung to enjoy the countryside; and
- (b) he supported the youth hostel development personally and had obtained the support of the Executive Committee of Sowers Action in making the presentation at the meeting.

114. Mr. Poon Key Yuen continued with his presentation and concluded the merits of his proposal:

- (a) the proposed outline development plan for Pak Tam Au village was to develop the site into a low density and green development. All sewage from the development including the three Small Houses under application would be biologically treated by using the proposed sewage treatment plant, thus the ecology and the natural environment would be preserved;
- (b) the development proposal would provide an emergency vehicular access to the village and improve the car parking provision for the village. Moreover, an organic farm and a youth hostel were proposed to be developed and a programme to promote education on the natural environment and ecology would be organised. The revenue generated from the youth hostel would be donated to Sowers Action for charitable purposes; and
- (c) the development proposal would promote harmonized development for Pak Tam Au village. The detailed development proposals would be submitted to the Board for consideration in due course. He pointed out

that this plan was a long term development plan for the entire Pak Tam Au area.

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

116. As Members had no questions to raise and the representers had nothing to add, 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 representatives for attending the hearing. They all left the meeting at this point.

Deliberation Session

117. The Chairman noted that representation R6 and R7 had done a lot of work in preparing their development proposal for Pak Tam Au village. Nevertheless, more detailed information of the proposal would be necessary for departments to carry out the assessment and this could be done at the OZP preparation stage. The Secretary supplemented that the development proposals submitted by representations R6 and R7 were relatively conceptual and schematic. Nevertheless, should the representers wish to implement the development proposal, they could also substantiate the proposal with more details and technical assessments and submit a section 16 planning application to the Board for consideration.

118. The Chairman then led Members through the grounds of representations and the representers' proposals. On the proposal to amend paragraph 7(b) of the covering Notes, Members noted that paragraph 7(b) was adopted for all DPA Plans for the Country Park enclaves to allow flexibility for the provision, maintenance or repair of some minor local works and public works coordinated by Government as such works were of small scale and had no major environmental impact. Mr. Jimmy C.F. Leung added that there was insufficient justification for the proposed amendment.

119. For the detailed zoning proposals for specific sites (R1 to R3, R5 to R7), Members noted that the current “Unspecified Use” designation was proposed as a stopgap measure to effect planning control. The detailed land use zonings would be worked out at the OZP preparation stage in three years’ time and the specific proposals of the representatives would be taken into account in the course of preparing the OZP.

120. On the point that the draft DPA Plan had failed to prohibit incompatible developments (R1 to R3), Members noted that the publication of the draft DPA Plan had enabled planning control on incompatible developments within the area and enforcement action could be taken by the Planning Authority against any unauthorized development when necessary.

121. Members noted that the proposed “Unspecified Use” designation did not freeze Small House development in the area (R6 and R7) but only required any use or development, other than ‘Agricultural Use’ or developments always permitted under the covering Notes to seek planning permission from the Board. The Board would consider any application for Small House development based on its individual merits.

122. Regarding the point that there was no public consultation of the draft DPA Plan (R6 to R10 and R174), Members noted that due to the confidential nature of the draft DPA Plan, the current approach to conduct public consultation after the publication of the draft DPA Plan was appropriate.

123. On the claim that the draft DPA plan had contravened BL 40, Mr. Jimmy C.F. Leung noted that according to the advice of the Department of Justice indicated in the TPB Paper, the imposition of use restrictions under the draft DPA Plan was unlikely to engage BL 40. He also noted that the claim that Small House developments would be frozen for three years was not true as indigenous villagers could always submit a planning application for Small House and indeed other development under the “Unspecified Use”.

124. A Member noted that the development proposal submitted by R6 and R7 suggested exchanging private land for government land for Small House development. The Member asked whether there was any precedent for such a proposal. Noting that the

representer said that the villagers would not apply for any more Small House developments in future, the same Member enquired how that commitment could be kept. In response, the Chairman said that there was an existing mechanism under LandsD for surrender and regrant of land whereby landowners could exchange private land for government land. The Secretary supplemented that in preparing the OZP for the area, PlanD would identify suitable land in and around the village for drawing up the “V” zone to meet the needs of the villagers and the woodland behind the village, though within the ‘VE’ could be excluded. Villagers could apply for Small Houses grant from LandsD within the “V” zone even if the site fell outside the 300 feet ‘VE’. Regarding the representers’ claim that the villagers would not apply for Small House developments in future after his development proposal was completed, the Chairman said that there was no mechanism to ensure that the commitment would be honoured. The Secretary said that the representer did not mention how the development proposal would be implemented.

125. A Member commented that the development proposal submitted by R6 and R7 was a complicated project which would be very costly. It was not sure how the project would be implemented. The Secretary supplemented that for Pak Tam Au village, 3 Small House developments had been approved by LandsD and 16 Small House developments had been approved for To Kwa Peng village. As the area was now covered by the draft DPA Plan, these Small House developments would need planning approval before they could be implemented.

126. On the proposed biological treatment facility, Mr. Benny Y.K. Wong said that the MBR was a compact sewage treatment plant that was easy to operate and was proven to be a reliable sewage treatment facility. If used collectively by 20 village houses, the capital cost would amount to an average of about \$100,000 to \$200,000 per house. However, the facility needed to be checked regularly by the contractor and the operating costs were much higher than the traditional septic tank or public sewage treatment facility provided by the Government.

127. The Chairman concluded the discussion and noted that Members generally agreed to note the supporting representations and those representations with no comments and 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. R1 (part), R2 (part), R3 (part), R4, R5 (part) and R180 to R206

128. After further deliberation, the Board noted the views of the above representations in support of or having no comments on the draft DPA Plan.

Representation No. R1 (part), R2 (part), R3 (part), R5 (part) and R6 to R179

129. After further deliberation, the Board decided not to uphold representations R6 to R179 and not to amend the DPA Plan to meet the proposals made by representations R1 to R3 and R5 to R7 for the following reasons:

Designation of “Unspecified Use” in the DPA Plan (R6 to R179)

- (a) the preparation of DPA Plan was an effective planning 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. 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;

Amend paragraph 7(b) of the covering Notes of the draft DPA Plan (R3)

- (b) paragraph 7(b) of the covering Notes was to allow flexibility for the provision, maintenance or repair of some minor local works for the convenience of local residents as well as public works co-ordinated or implemented by Government. Given the small scale of these works, adverse environmental impacts were not envisaged. Any diversion of streams, filling of land/pond or excavation of land to effect the above works would also require planning permission from the Board;

Proposed specific zones for the Area (R1 to R3, R5 to R7)

- (c) the DPA Plan was an interim plan which would be replaced by an OZP

within 3 years. Detailed land use zonings would be worked out during the OZP stage taking account of the representers' proposals and the results of relevant technical assessments/studies on various aspects including ecology, archaeological interest, traffic, sewerage, landscape and geotechnical, etc.;

Prohibition of incompatible developments (R1 to R3)

- (d) publication of the DPA Plan had enabled planning control on incompatible developments within the Area. Enforcement action could be taken by the Planning Authority against any unauthorized development when necessary. There was no provision under the Ordinance for exchange of land affected by planning restriction imposed by a statutory plan;

Processing of planning application for Small House development (R6 and R7)

- (e) 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. The planning applications for Small House development to the Board would be assessed on their individual merits taking into account all relevant planning considerations, including the guidelines published by the Board and the relevant government departments' comments;

Public consultation (R6 to R10 and R174)

- (f) owing to the confidential nature of the draft DPA Plan, there was no public consultation prior to the publication of the draft DPA Plan. Nevertheless, public consultation was conducted in accordance with the provisions of the Town Planning Ordinance after the gazette of the draft DPA Plan; and

Small House development by indigenous villagers and Article 40 of the Basic Law (R6 to R179)

- (g) in accordance with the Notes of the DPA Plan, any use and development except 'Agricultural Use' within the area designated "Unspecified Use" required planning permission from the Town Planning Board under section

16 of the Town Planning Ordinance. In this respect, it was not the case that all development including Small Houses could not be built within the three year period. The development of Small Houses was subject to the planning permission from the Board with or without conditions. The imposition of use restrictions under the draft DPA Plan was unlikely to engage Article 40 of the Basic Law (BL 40). Assuming that Article 6 and Article 105 of the Basic Law were engaged, i.e. “the HKSAR shall protect the right of the private ownership of property in accordance with law” (BL 6) and “ the HKSAR shall, in accordance with law, protect the right of individuals and legal persons to the acquisition, use, disposal and inheritance of property and right to compensation for lawful deprivation of their property” (BL 105), the property rights protected by BL 105 were intrinsically subject to restrictions that might be lawfully imposed. There could be no infringement of BL 105 since the imposition of use restrictions concerned were lawfully imposed under the Ordinance. In addition, the imposition of use restrictions under the DPA Plan did not seem to constitute ‘deprivation’ of the land concerned for the purpose of BL 105 requiring compensation since it did not involve any expropriation of the land covered by the Plan. The DPA Plan did not appear inconsistent with the protection of property rights under BL 6 and BL 105.

130. The Board also agreed to advise representations R1, R6 and R7 of the following:

Preparing DPA Plans for other enclaves of the Country Parks (R1)

- (a) the remaining Country Park enclaves would either be included into Country Parks or would be covered by DPA Plans; and

Upgrading of infrastructures and public utilities (R6 and R7)

- (b) proposals on upgrading of infrastructures and public utilities would be taken into account in the detailed planning of the OZP and would be conveyed to the relevant government bureaux and departments for consideration.

[Mr. K.Y. Leung left the meeting at this point.]

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

Agenda Item 10

[Open Meeting]

Request for Deferral for Review of Application No. A/SK-TMT/31

Proposed Four Houses (New Territories Exempted House – Small House) in “Green Belt” zone, Lots 32 S.A ss.4, 32 S.A ss.5, 32 S.B ss.3, 32 S.C RP, 32 S.A ss.7, 32 S.A RP, 32 S.B ss.5, 32 S.B RP, 32 S.A ss.6, 32 S.A ss.8, 32 S.B ss.4, 32 S.B ss.6, 32 S.A ss.2, 32 S.A ss.3, 32 S.B ss.2 and 32 S.C ss.1 in D.D.256, Tai Po Tsai Village, Sai Kung

(TPB Paper No. 8864)

[The hearing was conducted in Cantonese.]

131. The Secretary reported that on 17.6.2011 and 28.6.2011, the applicant submitted a request for deferment of consideration of the review application for two weeks to allow time for the applicant to liaise with Water Supplies Department and the Agriculture, Fisheries and Conservation Department to address their concerns and to carry out a tree survey. 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.

132. 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 weeks were allowed for the preparation of the submission of further information and no further deferment would be granted unless under very special circumstances.

[Mr. Laurence L.J. Li left the meeting temporarily at this point.]

Agenda Item 11

[Open Meeting]

Request for Deferral for Review of Application No. A/YL-TT/277

Proposed Temporary Outdoor Mini-Motorcycle Ground with Ancillary Barbecue Area for a Period of 3 Years in “Agriculture” zone, Lots 1811 (Part), 1812 (Part), 1813, 1814 (Part) and 1815 S.A to S.D, S.E, S.J (Part) in D.D. 117 and Adjoining Government Land, Wong Nai Tun Tsuen, Yuen Long

(TPB Paper No. 8865)

[The hearing was conducted in Cantonese.]

133. The Secretary reported that on 21.6.2011, the applicant submitted a request for deferment of consideration of the review application for two months to allow time for the applicant to commission a consultant to demonstrate that the proposed 2.5 metre solid boundary wall on-site was an effective noise abatement measure for the development. 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.

134. 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 12

[Open Meeting]

Submission of the Draft Pak Lap Development Permission Area Plan No. DPA/SK-PL/1A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance **(TPB Paper No. 8866)**

[The meeting was conducted in Cantonese.]

135. The following Members declared interests on this item:

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

136. Members noted that Mr. Stephen M.W. Yip had tendered his apologies for not attending the meeting and Ms. Anna S.Y. Kwong had already left the meeting

137. The Secretary briefly introduced the Paper. On 30.9.2010, the draft Pak Lap Development Permission Plan No. DPA/SK-LP/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 public comments and in the first three weeks of the publication period, no public comment was received.

138. On 11.3.2011, after giving consideration to the 14 representations, the Board noted the supportive representations and decided not to uphold the adverse representations. As the plan-making process had been completed, the draft Pak Lap DPA Plan was ready for submission to the Chief Executive in Council (CE in C) for approval.

139. A Member enquired about the unauthorized developments that had taken place in Pak Lap which was recently reported in the newspapers. In response, the Secretary said

that PlanD had been following the case and enforcement action would be taken as appropriate.

140. After deliberation, the Board agreed:

- (a) that the draft Pak Lap Development Permission Plan No. DPA/SK-PL/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 Pak Lap Development Permission Plan No. DPA/SK-PL/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 Pak Lap Development Permission Plan No. DPA/SK-PL/1A was suitable for submission to CE in C together with the draft DPA Plan.

Agenda Item 13

[Open Meeting]

Submission of the Draft Tsuen Wan Outline Zoning Plan (OZP) No. S/TW/27A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance

(TPB Paper No. 8868)

[The meeting was conducted in Cantonese.]

141. The following Members declared interests on this item:

- Mr. Raymond Y.M. Chan) had current business dealings with Sun Hung Kai
- Mr. Felix W. Fong) Properties Ltd. (SHK) and R6 and R7 were

- Mr. Y.K. Cheng) submitted by subsidiaries of SHK
- Ms. Anna S.Y. Kwong - had current business dealings (not related to the subject matter) with Lanbase Surveyors Ltd. who was the consultant for R3
- Ms. Julia M.K. Lau - being a former employee of SHK and R6 and R7 were submitted by subsidiaries of SHK

142. Members noted that Mr. Stephen M.W. Yip had tendered his apologies for not attending the meeting and Mr. Felix W. Fong, Mr. Y.K. Cheng, Ms. Anna S.Y. Kwong and Ms. Julia M.K. Lau had already left the meeting.

143. The Secretary briefly introduced the Paper. On 24.12.2010, the draft Tsuen Wan Outline Zoning Plan (OZP) No. S/TW/27 was exhibited for public inspection under section 5 of the Town Planning Ordinance. During the 2-month exhibition period, 8 representations were received. On 4.3.2011, the representations were published for public comments and in the first three weeks of the publication period, 8 public comments were received.

144. On 10.6.2011, after giving consideration to the representations and comments, the Board decided not to propose any amendment to the draft OZP to meet the representations. As the plan-making process had been completed, the draft Tsuen Wan OZP was ready for submission to the Chief Executive in Council (CE in C) for approval.

145. After deliberation, the Board agreed:

- (a) that the draft Tsuen Wan OZP No. S/TW/27A 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 Tsuen Wan OZP No. S/TW/27A 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 OZP and issued under the name of the Board; and

- (c) that the updated ES for the draft Tsuen Wan OZP No. S/TW/27A was suitable for submission to CE in C together with the draft OZP.

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

Agenda Item 14

[Closed Meeting]

- 146. This item was recorded under confidential cover.

Agenda Item 15

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

- 147. There being no other business, the meeting closed at 4:45 p.m.