

1. The meeting was resumed at 9:50 a.m. on 1.12.2011.
2. The following Members and the Secretary were present in the morning session:

Mr. Thomas Chow

Chairman

Mr. Stanley Y.F. Wong

Vice-chairman

Mr. B.W. Chan

Professor Edwin H.W. Chan

Mr. Y.K. Cheng

Dr. C.P. Lau

Mr. Roger K.H. Luk

Dr. W.K. Yau

Director of Lands

Miss Annie Tam

Director of Planning

Mr. Jimmy Leung

Agenda Item 1

[Open Meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

3. The Secretary reported that on 27.5.2011 and 1.6.2011, the Board heard the representations and comment in relation to the draft Ngau Tau Kok and Kowloon Bay Outline Zoning Plan (OZP) No. S/K13/26 and decided to partially uphold a number of representations. One of the proposed amendments was to revise the building height restriction (BHR) of the Kai Tak Mansion site from 110mPD to 130mPD. On 30.6.2011, the proposed amendments were gazetted under s.6(C) of the TPO. Upon expiry of the statutory exhibition period, 286 further representations (FRs) were received. The hearing of the FRs was scheduled to be held on 9.12.2011. The 286 further representers, 1299 related representers and one commenter had been notified of the hearing arrangement and the scheduled hearing date.

4. The Secretary said that on 25.11.2011, it was reported to the Board that the Secretariat had received 18 requests for deferral of hearing of further representations to the end of January 2012. The Board agreed that the deferment request should not be acceded to as the further representers had not provided any strong reason to support the request. Subsequently, the Secretary received 12 more requests from the further representers for deferral of the further hearing to the end of January 2012. The reasons for deferral put forward by the 12 further representers were similar to those provided by the 18 requests received earlier.

5. After deliberation, the Board decided not to defer the hearing of the further representations.

Agenda Item 2

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments to the
Draft Tseung Kwan O Outline Zoning Plan No. S/TKO/18
Group 2: R1(part) to R2467, R2468 (part) to R2479,
C1(part) to C66, C67(part) to C163, C164(part) to C166 and C167(part) to C205
(TPB Paper No. 8939)

[The meeting was conducted in Cantonese.]

6. Prior to inviting representers, commenters and government representatives to the meeting, the Chairman brief Members that the Board announced at the last session of the meeting held in the afternoon of 30.11.2011 that the hearing of the representations and comments to the draft Tseung Kwan O (TKO) Outline Zoning Plan (OZP) No. S/TKO/18 would be resumed at 9:00 a.m. on 1.12.2011. The representers and commenters who were present at the last session of the meeting were informed of the time for resumption of the meeting. The Chairman also pointed out that Ms. Fong Kwok Shan (Representer No. 2464) had requested at the last session of the meeting that the hearing of the representations and comments should be resumed in the afternoon on 1.12.2011 so that she, other representers or representers' representatives could be able to attend the meeting. In this regard, it had already been made clear to Ms. Fong at the meeting that it would not be able to fix a time which would suit all persons. Members agreed to proceed with the hearing of the representations in the absence of the other representers and the commenters who had indicated that they would not attend the hearing, had made no reply to the invitation to the meeting or did not turn up.

7. The following representatives of the Planning Department (PlanD), Environmental Protection Department (EPD) and Transport Department (TD) were invited to the meeting at this point:

Mr. Ivan M.K. Chung - District Planning Officer/Sai Kung and
Islands (DPO/SKIs), PlanD

Mr. Wilfred C.H. Cheng - Senior Town Planner/Tseung Kwan O, PlanD

- Mr. Stephen K.S. Lee - Town Planner/Tseung Kwan O, PlanD
- Dr. Ellen Y.L. Chan - Assistant Director (Environmental Infrastructure), EPD
- Mr. Lawrence M.C. Lau - Principal Environmental Protection Officer (Waste Facilities), EPD
- Mr. Tommy K.L. Lai - Senior Environmental Protection Officer (Waste Facilities), EPD
- Ms. Heidi M.C. Lam - Environmental Protection officer (Waste Facilities), EPD
- Mr. Wallace Y.M. Yiu - Environmental Protection officer (Waste Facilities), EPD
- Mr. Ma Kwai Loeng - Senior Engineer/Housing & Planning/New Territories East, TD

8. The following representer's representatives were also invited to the meeting:

R2464 (Fong Kwok Shan)

- Ms. Au Yeung Ching Yi)
Ms. Yim Ka Yi) Representer's Representatives
Mr. Fong Yue Ching)

9. The Chairman extended a welcome. He said that the Board had clearly announced in the afternoon session of the meeting on 30.11.2011 that the hearing of the representations and comments to the draft TKO OZP No. S/TKO/18 would be resumed on that day, i.e. 1.12.2011, at 9:00 a.m. The Chairman pointed out that although Ms. Fong Kwok Shan (Representer No. 2464) had requested at the meeting yesterday that the hearing of the representations and comments should be resumed in the afternoon on 1.12.2011 to enable her, other representers or representers' representatives to attend the meeting, he had

made clear to Ms. Fong that it would not be able to fix a time which would suit all persons. Taking into account that it was already 9:50 a.m. and Members had already been waiting for more than 45 minutes, Members had agreed to proceed with the meeting in the absence of other representers and commenters.

10. The Chairman then explained the procedures of the hearing and said that to enable all representers, commenters and their representatives to have the opportunity to present and to avoid a prolonged hearing process, the oral submissions should be succinct and should avoid repeating the same points or arguments which had already been presented by others at the hearing. Those who had already made oral presentations at the meeting yesterday would not be allowed to make representation again at this meeting.

11. The Chairman then invited R2464's (Fong Kwok Shan) representatives to elaborate on their representations.

R2464 (Fong Kwok Shan)

Ms. Yim Ka Yi (representative)

12. Ms. Yim Ka Yi made the following main points:

- (a) the Chairman said that the Board could not schedule the meeting to suit each representer/commenter. However, it should be noted that the scheduled meeting time at 9:00 a.m. on that day was not convenient to most representers;
- (b) both the TPB Members and the residents of TKO were very tired after having a very long meeting yesterday. Besides, some residents had to go back to their working place this morning to apply for leave before they could come to attend the hearing. Moreover, many residents did not even know about the resumption of hearing this morning and that was why only three representer's representatives had turned up at the meeting. The Board had failed to take into account the above practical problems in fixing the meeting schedule for the hearing;

- (c) many residents intended to present their views at the meeting. However, they were not able to do so because of the unreasonable meeting schedule; and
- (d) with such arrangement, it was doubtful if the Board really wanted to listen to the views of the residents.

13. The Chairman said that Members who were present at the hearing last night were in good physical conditions and fit for attending the resumed meeting that morning. He reiterated that Members had agreed at the meeting the night before that the hearing should be resumed at 9:00 a.m. on 1.12.2011. Moreover, on 16.11.2011, the Secretariat of the TPB wrote to the representers and commenters informing them about the scheduled resumed hearing dates of 30.11.2011 and 1.12.2011.

14. Ms. Yim Ka Yi said that while the Chairman had responded to her query, the Board had not made any arrangement to the meeting schedule to meet the actual circumstances. The residents had not been given a fair hearing due to the meeting arrangement. Ms. Yim said that the Board was a statutory consultation body and should be a channel for the Government to communicate with the general public. On the contrary, the Board's practice was only to hinder the communication between the Government and the public.

15. Mr. Fong Yue Ching asked whether the representers were only informed at the meeting the night before that the hearing would be resumed at 9:00 a.m. that day. It was very unreasonable to give such a short notice as the representers needed to make arrangement to take care of their family members or to apply for leave before attending the meeting.

16. The Chairman reiterated that Members had agreed at the meeting the night before that the hearing should be resumed at 9:00 a.m. on 1.12.2011. Moreover, on 16.11.2011, the Secretariat of the TPB had informed the representers and commenters in writing about the scheduled hearing dates of 30.11.2011 and 1.12.2011. The Chairman asked Ms. Yim Ka Yi if she intended to make presentation and if not, Members would proceed to the question and answer session (Q&A session) and would be invited to ask

questions.

17. Ms. Yim Ka Yi said that she had no intention to give up her right to make representation. She just wanted to clarify the hearing arrangement which she considered unfair and irrational. Mr. Fong Yue Ching also said that the meeting arrangement was unreasonable. Ms. Yim Ka Yi said that the hearing arrangement was intended to rush through all the necessary procedures and make a final decision. Under such arrangement, the representers did not have the chance to voice their views and could not exercise their right to be heard by the Board. She disagreed to the meeting arrangement and procedures of hearing.

18. In reply, the Chairman said that representers' right to be heard at the hearing would not be taken away. If any representer was not satisfied with the Board's hearing procedures, he/she could consider taking action through other channels outside the hearing proceedings. However, the hearing had to proceed.

19. Ms. Yim Ka Yi made the following main points:

- (a) Members of the Board and government officials might consider that views of the TKO residents were not objective. She referred Members to a study report of a Form 6 student (tabled at the meeting for Members' reference) about the South East New Territories Landfill (SENTLF), which presented a very objective view on the negative impacts of the landfill to the living environment of the TKO area;

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

- (b) the data collected in the study was different from that quoted by EPD and the conclusions of the two studies were also different;
- (c) the study was objective as it included views collected in interviews with stakeholders, non-stakeholders and professionals, as well as data collected from on-site measurements;

- (d) the report indicated that the SENTLF, which was the landfill located closest to the urban area, received 6,200 tonnes solid waste each day. The solid waste had to be transported by heavy refuse collection vehicles (RCVs) to the landfill via Wan Po Road;
- (e) on-site measurements were taken on 29.7.2011 and 28.8.2011. According to the measurements, the numbers of heavy vehicles such as RCVs and dump trucks travelling through Wan Po Road to the landfill were 180 between 10:00 a.m. and 11:00 a.m. and 216 between 1:00 p.m. and 2:00 p.m. on 29.7.2011 and 195 and 224 respectively on 28.8.2011. It was roughly estimated that there would be 2,500 RCVs travelling on Wan Po Road each day. It was expected that there would be even more RCV trips during weekends;
- (f) if the proposed 13 ha landfill extension (the South East New Territories Landfill Extension (SENTLFX)) was implemented, it was expected that there would be more than 4,000 vehicles trips on Wan Po Road each day. This would have severe adverse traffic impact on the area. It was also doubtful if Wan Po Road, which was the only access to the SENTLF and the TKO Industrial Estate, could cope with the increase in traffic, bearing in mind that the proposed Cross Bay Link would not be built until 2016;
- (g) EPD's estimate of having 500 vehicles trips on Wan Po Road was unreliable;
- (h) the report highlighted the dust problem caused by dump trucks passing through the area around Wan Po Road and LOHAS Park. Many dump trucks running along Wan Po Road were uncovered. The dripping of waste water from the RCVs on Wan Po Road had caused serious hygiene and odour problems and these had severely affected the health and living conditions of the residents;
- (i) it was observed during the on-site measurements that very few pedestrians walked along Wan Po Road as it was subject to serious

malodour and dust problems; and

- (j) EPD had not made any effort to improve the situation. Although Wan Po Road was washed eight times each day, the road was still full of waste water from the RCVs. The soil debris falling from those uncovered dump trucks were washed away from the road onto the pavement areas and had made the pavement very dirty. Hence, the washing of the road was not effective and had caused nuisance to the local residents;

20. The Vice-chairman said that many points presented by Ms. Yim Ka Yi had already been covered by another attendee during the hearing on 30.11.2011. The Chairman reminded attendees again not to repeat the same comments which had already been made by others at the hearing.

21. In response, Ms. Yim Ka Yi said that her representation would only highlight some main points in the study report of the Form 6 student and further comments from her own experience. Ms. Yim Ka Yi went on to highlight the study findings of the report and made the following main points:

- (k) the SENTLF to a large extent, could help to dispose municipal solid waste (MSW) in Hong Kong. However, it had caused adverse impacts on the living environment, living condition, economic activities, and natural ecology aspects. On the whole, the landfill had caused more negative than positive impacts. This reflected that the Government policy on waste disposal was not effective. There was also no ground to convince the public to accept the proposal to extend the landfill in TKO;
- (l) the Government's waste disposal policy had not balanced the interests of different parties and reduced the adverse impacts on the stakeholders. The policy should focus on treating waste at source and increasing public awareness of environmental protection;
- (m) the Government should also enforce full enclosure of dump trucks. RCVs and dump trucks should use roads far away from residential areas

for transportation of refuse to the landfill. Facilities should be installed to wash the roads to improve hygiene;

- (n) the Government had not made use of gas (such as methane) emitted in the landfill by converting it to usable energy, and had not adopted other measures such as refuse treatment levy, recycling, and reduction at source etc, to replace landfill; and
- (o) the Government should promote public awareness of waste reduction at source, and use integrated waste management facilities such as incinerator for waste treatment.

22. Ms. Yim Ka Yi then made the other main points on the representation:

- (p) EPD had not provided any data to show how the “odour detectors” (“E-Nose”) would work. The “E-Nose” could only detect the odour level, but not the types of noxious gas and toxic materials from construction waste. EPD indicated that it was technically feasible to mitigate adverse impacts from the landfill. However, data had not been provided to demonstrate the technical feasibility of the proposed mitigation measures and that the landfill would not create adverse impacts;
- (q) it was doubtful if the Environmental Impact Assessment (EIA) conducted by EPD had included any assessment on the adverse impacts generated from the noxious materials during the transportation of the waste to the landfill; and
- (r) EPD had not demonstrated its commitment to resolving the poor environmental problems of Wan Po Road. There was no one to receive the telephone calls at the complaint hotline of EPD.

R2464 (Fong Kwok Shan)

Mr. Fong Yue Ching (representative)

23. Mr. Fong Yue Ching made the following made points:
- (a) TKO had a higher population density than other new towns such as Sha Tin and Tuen Mun. The population would be further increased with the completion of the new developments. There was, however, insufficient provision of supporting facilities in TKO;
 - (b) TKO was a residential area and it was unreasonable to put a landfill within a residential area. EPD argued that if the landfill was located at a more remote area, the RCVs would need to travel a longer distance to the landfill and a larger geographical area would be affected. However, since the remote area was sparsely populated, the people to be affected should be much less than those now being affected by the landfill in TKO;
 - (c) the TKO Tunnel was the only main road link to TKO and was very congested during peak hours. There was no assessment on whether TKO Tunnel could support the traffic, i.e. 2,500 trips per day, generated by the landfill. Government should consider restricting RCVs from using TKO Tunnel during peak hours;
 - (d) residents living in Oscar by the Sea were now only served by a mini-bus connecting to the town centre. However, residents did not want to have additional bus routes running through the estate to other areas in Kowloon as the increase in traffic along Fung Loi Road and Fung Loi Avenue would generate adverse impacts on the area. Wan Po Road was also very close to the estate and its residents were very dissatisfied with the adverse impacts generated by the RCVs and dump trucks going to the landfill along Wan Po Road;
 - (e) the TVB City was located just 50m away from the landfill. The adverse impacts generated by the landfill would seriously affect the working environment and the creative production in the TVB City; and

- (f) the Hong Kong Oxygen & Acetylene was also located in the vicinity of the landfill. Oxygen was a highly inflammable gas and it would be very dangerous if there was an outbreak of fire. There were also some illegal petrol filling vehicles operating in the area which might lead to serious fire hazard. The large number of RCVs and dump trucks might block the only access to the area from TKO Tunnel and Wan Po Road and this would make rescue during accidents very difficult.

24. The following representer and representative arrived to join the meeting at this point:

R2464 (Fong Kwok Shan)

Ms. Fong Kwok Shan	Representer
Mr. Cheung Mei Hung	Representer's Representative

25. Mr. Fong Yue Ching continued to make the following main points:

- (g) there was evidence showing that some of the sites in the area, which were part of a previous landfill and formed by filling of waste, were sinking. It was doubtful if the sites formed from the landfill would be suitable for rehabilitation and restoration for any development. The ground settlement problem would also affect the operation of the MTR;
- (h) upon completion of the proposed Cross Bay Link, TKO would be connected directly with the new development area at Kai Tak where a cruise terminal was located. While the Cross Bay Link would shorten the route to the SENTLF from the urban area, RCVs and dump trucks should not be allowed to use this link; and
- (i) TKO was a densely populated area. The operation of the landfill had made the area full of unknown inflammable gases. Any outbreak of fire would be very dangerous and it would be very difficult to carry out rescue operations. The situation was similar to the fire accident at Mong Kok

on 30.11.2011.

26. A Member asked Mr. Fong Yue Ching on the relevancy of the fire accident at Mong Kok. Ms. Fong Kwok Shan interjected that the fire risk of LOHAS Park was high. During the outbreak of fire at LOHAS Park some time ago, there were 28 fire fighting engines standing-by in the area. This demonstrated that the Fire Services Department was very concerned about possible outbreak of disaster in the area. The recent death of a worker at a work site at the New Clear Water Bay Road was also suspected to be due to the presence of inflammable gas around the area.

27. In response to the Chairman's invitation, Mr. Fong Yue Ching went on and made the following main points:

- (j) some RCVs were illegally parked at the area and blocked the roads. Residents of LOHAS Park had to park their cars far away at the town centre as the car parks near the LOHAS Park were occupied by water pipes and other construction materials. There were wild dogs and mosquitoes and the environment and hygiene were very bad;
- (k) the cycle track was blocked by water pipes and other construction materials;
- (l) residents coming home by bus had to alight at Wan Po Road. However, the area was not provided with adequate lighting and the environment of road and the pedestrian subway leading to LOHAS Park was very poor; and
- (m) the residents were not provided with adequate basic supporting facilities. The only supermarket at LOHAS Park was very small.

28. In response to a Member's query on the relevance of the small supermarket at LOHAS Park to the landfill extension, Ms. Fong Kwok Shan interjected that the TPB approved the LOHAS Park development without the provision of basic facilities.

29. In response to the Chairman's request, Mr. Fong Yue Ching went on and made the following main points:

- (n) the residents had to shop at the town centre for their daily necessities. In so doing, they had to travel along Wan Po Road where the environment and hygiene were very poor; and
- (o) owing to the proximity to the landfill, a very high boundary wall was built around the TVB City. This had caused much inconvenience to the staff of the TVB City.

R2464 (Fong Kwok Shan)

Mr. Cheung Mei Hung (representative)

30. Mr. Cheung Mei Hung made the following main points:

- (a) he worked at TKO and needed to travel along Wan Po Road frequently. According to his own observation, there were more than ten dump trucks passing through Wan Po Road every minute. Wan Po Road was the only access to the area and no residents in TKO, including those in LOHAS Park and Oscar by the Sea, would accept the extension of the landfill;
- (b) upon its closure, a landfill area had to be rehabilitated for 20 to 30 years before it could be put into another use. If the extension of the landfill in TKO was approved, the area would not be put into the intended after use for at least another 20 to 30 years' time;
- (c) the landfill extension proposal would not only affect residents currently living in LOHAS Park, but also the residents moving in the new developments which were under construction or under planning. This would also become a territorial issue. The proposal to extend the landfill to the Clear Water Bay Country Park had already been rejected by the Legislative Council; and

- (d) the environmental policy was first promulgated in 1996 and since then the Government had used landfill as the main waste disposal method. Taiwan was a good example in launching waste reduction policy and the total amount of waste generated had been substantially reduced. It was not acceptable for Hong Kong to rely on landfill to disposal waste.

31. The Vice-chairman said that some points made by the representers and their representatives were very repetitive. He considered that repeating the similar comments did not help Members of the Board to understand the issues comprehensively. Instead, Members should be allowed to have time to raise questions to government departments on comments made by representers and commenters. This view was shared by another Member.

32. Mr. Cheung Mei Hung noted and went on to make the following main points:

- (e) the rate of complaints against problems generated by RCVs and dump trucks using Wan Po Road was very high. He had handled four such complaints within one month. The problems were not only related to the poor hygienic condition of the road, but also the accidents caused by the dropping of debris from the dump trucks which had not been fully covered;
- (f) the explosion happened at the work site at New Clear Water Bay Road was probably because of the presence of methane in the area; and
- (g) apart from LOHAS Park, the other areas in TKO would also be affected by the operation of the landfill as RCVs and dump trucks going to the landfill would need to pass through other areas in TKO.

33. Mr. Cheung Mei Hung asked if he could make representation on behalf of a Mr. Lo Man Tim who was now not in Hong Kong. As Mr. Cheung did not have the written representation of Mr. Lo with him, the Vice-chairman suggested that Mr. Cheung should treat the representation as his own. Mr. Cheung agreed.

34. Mr. Cheung Mei Hung then said that as according to s.6 of the Town Planning Ordinance (the Ordinance), a plan exhibited under the Ordinance should be submitted to the Chief Executive in Council (CE in C) for approval within a statutory time limit. He asked whether the Board had the power to abolish the plan which had already been gazetted under the Ordinance, and whether the Board could impose some conditions if it decided to approve the plan.

35. In response, the Secretary said that under s.3 of the Ordinance, the CE might direct the Board to prepare plan covering areas of Hong Kong. A draft plan prepared by the Board would be published under s.5 of the Ordinance for two months. Under s.6 of the Ordinance, any person might make representation to the Board on the draft plan or on amendments to the plan. Representations received within the gazetting period by the Board would be made available for public comments for three weeks. The Board would then hold a hearing of the representations and comments. The concerned representers and commenters would be invited to make representations during the hearing. After the hearing, the Board might propose further amendments to the draft plan. If further representations were received in respect of the proposed amendments, the Board would hold a further hearing and the representers, commenters and further representers would be invited to attend and make representations. Upon completion of the representation hearing process under s.6 to s.6H of the Ordinance, the draft plan would be submitted to the CE in C for approval. The approving authority was the CE in C and there was no provision in the Ordinance for the Board to abolish the draft plan.

36. Mr. Cheung Mei Hung asked whether the Board would approve the draft plan with conditions or make some refinements to the proposal given there were strong objections from the TKO residents against the proposed landfill extension at Area 137.

37. The Secretary said that the Board was now handling the plan making process for the TKO OZP. Upon gazetting of TKO OZP No. S/TKO/18 incorporating amendments, inter alia, to rezone a site at TKO Area 137 to "Open Space (2)" ("O(2)"), representations were received in respect of the amendments. The Board was now holding meetings to hear the representations and comments received in respect of the amendments. After the hearing, the Board would consider if the "O(2)" zoning together with its Notes

and the planning intention was appropriate. If not, the Board might propose further amendments to the OZP by, for example, rezoning the site to other zoning, amending the column 1 or column 2 uses in the Notes of the zone, or to revise the planning intention of the zone stipulated in the Notes, to meet the representations. The proposed amendments, if any, to the OZP would be published for further representations for three weeks. If further representations were received in respect of the proposed amendments, the Board would hold a further hearing and the representers, commenters and further representers would be invited to attend and make representations. The Board would then decide whether the OZP would be amended as proposed. Upon completion of the representation hearing process under s.6 to s.6H of the Ordinance, the draft plan, together with the amendments and all the representations, comments and further representations received, would be submitted to the CE in C for approval.

38. The Secretary also pointed out that the Board would not impose any planning conditions in the plan making process. Planning conditions were related to planning applications submitted under s.16 of the Ordinance.

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

39. Ms. Fong Kwok Shan queried why the hearing of the representations to TKO OZP No. S/TKO/18 had been delayed for one year. She considered this a very abnormal process as it was required under the Ordinance that the representations had to be processed within nine months.

40. The Chairman said that the amendments to the TKO OZP had been processed in accordance with the provision of the Ordinance. The Secretary said that under the Ordinance, upon exhibition of draft plan under s.5 of the Ordinance, the draft plan should be submitted to the CE in C for approval within nine months. However, under s.8(2) of the Ordinance, the Board might seek extension from the CE for a further six months. For the subject TKO OZP No. S/TKO/18, approval from the CE had been obtained on 30.3.2011 to extend the period for submission of the draft plan to the CE in C for six months. The Secretary further said that on 13.5.2011, the draft TKO OZP No. S/TKO/19 incorporating amendments to rezone a site in Area 85 from "Other Specified Use" ("OU") annotated "Sewage Treatment Works" to "Government, Institution or Community (9)" was

exhibited under s.7 of the Ordinance. According to s.8(2)(b) of the Ordinance, the nine months statutory time limit for submission of the draft OZP to the CE in C for approval should be counted from the end of the exhibition of the draft plan under s.7 of the Ordinance. The Secretary said that at the hearing session on 16.11.2011, the Chairman had already explained the status of the TKO OZPs No. S/TKO/18 and S/TKO/19.

41. Ms. Fong Kwok Shan continued to query the basis of delaying the processing of the representations to the TKO OZP No. S/TKO/18. She requested to have a written clarification on the process. In response, the Chairman reiterated that the amendments to the TKO OZP had been processed in accordance with the provision of the Ordinance. Any suggestions on the provisions of the Ordinance themselves should be handled outside the representation hearing process.

42. As requested by the Chairman, Mr. Ivan M.K. Chung, DPO/SKIs, informed the meeting that the background to the TKO OZP was already stated in paragraphs 1 and 4.11 of the TPB Paper.

43. The Chairman then invited Mr. Cheung Mei Hung to continue with his representation. Mr. Cheung Mei Hung asked if there was any audio record of the discussion of the Board on the representations for information of the residents who did not attend the hearing. In response, the Chairman said that the minutes would be the formal record of the Board's meetings.

44. Mr. Cheung Mei Hung continued and made the following main points:

- (a) the EIA for the landfill extension was conducted in 2008 and was outdated. There had been changes in the ecological environment over the years and the EIA should be conducted again;
- (b) the EIA had only covered the proposed landfill extension in Area 137. It was considered that the EIA should also cover the existing landfill given its adverse impacts on the area;
- (c) there were only some descriptive assessments on the landscape and visual

impacts stated on page 22 of the EIA report. EPD should be requested to provide quantitative assessments to be supported by detailed data to demonstrate the concerned impacts. The proposed measures to improve air quality impacts stated on page 19 of the EIA report should also be supported by concrete data; and

- (d) it was stated on page 14 of the EIA report that the construction works of the proposed landfill extension would start in 2011 and operation would start in 2013. However, the proposed landfill extension had not yet been approved by the TPB in 2011. The Government should be requested to explain the proposed programme.

45. Mr. Cheung Mei Hung and Ms. Fong Kwok Shan asked if there would be any Q&A session in the morning session of the hearing today, similar to the arrangement on 30.11.2011. In response, the Chairman said that the Q&A session would start after the completion of the presentations by all representers and commenters. There was a Q&A session in the morning session of the hearing on 30.11.2011 as the representers and commenters attending the hearing on 30.11.2011 had been divided into two groups, with the first group in the morning session and the second group in the afternoon session. As the first group attending the morning session had completed their representations, Members were invited to ask questions. However, the current hearing was a continuation of the hearing session of the afternoon session of 30.11.2011 and the representations of this second group had not been finished, the Q&A session would start after the representations of the second group had completed.

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

46. Ms. Fong Kwok Shan indicated that she did not agree to the arrangement. Members noted. The Chairman invited Mr. Cheung Mei Hung to continue with his presentation.

47. Mr. Cheung Mei Hung went on and made the following main points:

- (e) according to the 2005 EIA report (page 2), the utilization of SENTLF was

the highest among the landfills in Hong Kong as it was the landfill closest to the urban area. It was expected that if the SENTLF continued to receive most waste from the urban area, the landfill had to be extended further and further, but the waste disposal problem still could not be resolved;

- (f) the EPD should be requested to advise whether there was any concrete waste disposal plan for Hong Kong, other than only relying on the SENTLF;
- (g) there would be a lot of public works to be carried out in the coming years which would generate substantial amount of construction waste to be disposed of at the SENTLF and its extension. The Government should advise, apart from the SENTLF, whether other landfills would be identified for disposal the construction waste;
- (h) as stated in the EIA report, the need for three landfills was identified in the White Paper issued in 1989. Since more than 20 years had passed, the Government should conduct another territorial assessment and identify new plan on waste disposal;
- (i) it should be noted that the proposed extension of the landfill to the Clear Water Bay Country Park would affect the natural environment. There had already been wide support to the abandonment of the extension of the landfill to the Clear Water Bay Country Park. The current proposed landfill extension in TKO Area 137 which was located very close to residential area and the TVB City would generate even more adverse impacts on the surrounding living and working environment. This should not be supported;
- (j) as the SENTLF was dumped with MSW, it was expected that there would be ground settlement problem. EPD should be requested to advise how the existing SENTLF could be revitalized for open space or other use in the future and how the ground settlement problem could be solved.

EPD should also be requested to advise whether the area would be converted to an open space to be used by the public or a just a landscape area planted with trees; and

- (k) the EIA report was conducted in 2005 and it covered the proposed landfill extension in Area 137 and part of the Country Park. As there would not be any landfill extension in the Country Park, the EIA should be conducted again taking into account the latest circumstances.

48. Ms. Fong Kwok Shan said that the Phase 1 restoration of the SENTLF was handed over to the District Council for conversion to a pet garden. \$12 million had already been spent, but the ground settlement problem still could not be solved. It was expected that the long-term planning intention of providing open space under the “O(2)” zoning would never be realized. The site for the proposed landfill extension in Area 137 was a piece of flat land. It was doubtful how this could be used for disposal of wastes. The site was located on a prime area facing the sea. The Government should advise how the area not required for landfill was to be used, given the constraints imposed by the presence of the landfill. Furthermore, the OZP always permitted the provision of oil depot in the area. There were also oxygen factory and chemical factory in the vicinity. It would be very dangerous as the landfill would generate noxious gas, including methane, which was highly inflammable.

49. Ms. Yim Ka Yi asked if she could submit written representation to request the Board to revise the planning intention of the “O(2)” zone. In response, the Chairman said that any proposed amendments to the draft OZP should be submitted together with the written representations made when the draft plan was exhibited.

50. The meeting was adjourned for lunch break at 12:40 p.m.

51. The meeting was resumed at 2:10 p.m. on 1.12.2011.

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

Mr. Thomas Chow

Chairman

Mr. Stanley Y.F. Wong

Vice-Chairman

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Mr. Timothy K.W. Ma

Mr. Roger K.H. Luk

Ms. Anita W.T. Ma

Prof. S.C. Wong

Dr. W.K. Yau

Director of Planning

Mr. Jimmy C.F. Leung

Deputy Director of Lands

Mr. Jeff Y.T. Lam

Agenda Item 3 (cont'd)

[Open Meeting (Presentation and Question Session Only)]

Consideration of Representations and Comments in Respect of the Draft Tseung Kwan O Outline Zoning Plan No. S/TKO/18

Group 2: R1(Part) to R458, R460 to R468, R470 to R498, R500 to R681, R683 to R700, R702 to R981, R983 to R1122, R1124 to R1127, R1129 to R1341, R1343 to R2323, R2326 to R2467, R2468(Part) to R2479, C1(Part) to C66, C67(Part) to C163, C164(Part) to C166 and C167(Part) to C205

(TPB Paper No. 8939)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

53. The following representatives from Planning Department (PlanD), Environmental Protection Department (EPD) and Transport Department (TD) were invited to the meeting at this point:

Mr. Ivan M.K. Chung	District Planning Officer/Sai Kung & Islands (DPO/SKIs), PlanD
Mr. Wilfred C.H. Cheng	Senior Town Planner/Tseung Kwan O, PlanD
Mr. Stephen K.S. Lee	Town Planner/Tseung Kwan O, PlanD
Dr. Ellen Y.L. Chan	Assistant Director (Environmental Infrastructure), EPD
Mr. Lawrence M.C. Lau	Principal Environmental Protection Officer (Waste Facilities), EPD
Mr. Tommy K.L. Lai	Senior Environmental Protection Officer (Waste Facilities), EPD
Ms. Heidi M.C. Lam	Environmental Protection Officer (Waste Facilities), EPD
Mr. Wallace Y.M. Yiu	Environmental Protection Officer (Waste Facilities), EPD
Mr. Ma Kwai Loeng	Senior Engineer/Housing and Planning/New

Territories East, TD

54. The following representers, commenters and their representatives attended the afternoon session of the meeting [the attendees joined and left the meeting at different times].

R3 (Owners Committee of The Grandiose)

Mr. Lui Kim Ho - Representer's representative

R55 (Cheung Shan Shan)

Ms. Cheung Shan Shan - Representer

R252 (Tsoi Man Wa)

Mr. Tsoi Man Wa - Representer

Lai Shuk Mei - Representer's representative

R658 (Chan, Grammie)

Ms. Chan Yin Chu - Representer's representative

R739 (Hung Hing Shek)

Hung Hing Shek - Representer

R786 (Tse Pik King, Becky)

Ms. Tse Pik King - Representer's representative

R801 (Tam Tak Sang)

Tam Tak Sang - Representer

R885 (Yeung King Wai)

Yeung King Wai - Representer

R902 (Tsang Sing Hung)

Mr. Tsang Sing Hung - Representer

R904 (Yu Suk Chun)

Ms. Yu Suk Chun - Representer

R947 (Ho Shun Yiu)

Ms. Ho Shun Yiu - Representer

R2004 (Wong, Helena)

Ms. Helena Wong - Representer

R2005 (Yip Yiu Fai)

Mr. Yip Yiu Fai - Representer

R2067 (Chu Hon Kwong)

Mr. Chu Hon Kwong - Representer

R2430 (Yeung Chi Kwong)

Mr. Yeung Chi Kwong - Representer

R2453 (Ho, Maggie)

Ms. Maggie Ho - Representer

R2464 (Fong Kwok Shan, Sai Kung District Councillor)

Ms. Fong Kwok Shan - Representer

Chen Li)

Chan Hang Kit)

Chan May Yee)

Chow Tsz Mei)

Cheung Chun Hung)

Mr. Cheung Mei Hung) Representer's representatives

Cho Hak Shing)

Hui Yuet Han)

Lai Siu Chee)

Ms. Li Kin Wah)

Ms. Li Oi Ling)

Ms. Ng Pik Ying)
Ng Sin)
Po Sui Fong)
Poon Yuk Lan)
So Yuen Ching)
Tang Kwong Man)
Ms. Yim Ka Yi)
Ms. Au Yeung Ching Yi)
Mr. Fong Yue Ching)
King Ying Crystal)
Wong Kwai Mei)
Mr. Wong Ka Ki)
Fung Wai Yin) Representers' representatives
Cheung Man Fong)
Mr. Chui Ting Bong)
Lin Lai Kuen)
Mr. Yip Shun Hang)
Ms. Mak Yuk Chun)
Mrs. Sin)
Ms. Hong Kit Ming)
Mr. Yip Chi Shing)
Ms. Wan Pui Ling)
Mr. Li Pak Tong)
Mr. Leung Po Chiu)
Mr. Wang)

R2468 (Chan Kai Wai, Sai Kung District Councillor)

Mr. Chan Kai Wai - Representer

C59 (Ngo Yuk Kei)

Ngo Yuk Kei - Commenter

Mr. Chan Kwok Keung - Commenter's representative

C115 (Lam Chung Yu)

Mr. Lam Chung Yiu - Commenter's representative

C179 (Li, Alan)

Ms. Sit Siu Hung - Commenter's representative

55. The Chairman extended a welcome and said that this session was a continuation of the consideration of Group 2 representations and comments on the draft Tseung Kwan O (TKO) Outline Zoning Plan (OZP) No. S/TKO/18. To ensure a smooth and efficient conduct of the hearing and to enable Members to listen clearly to the presentations to be made by the government representatives, the representers and commenters and their representatives, he reminded all attendees to remain silent when a person was invited by the Board to make his/her presentation. If any person attempted to disrupt the hearing, the Chairman would give warning to that person. If the hearing could not proceed smoothly as a result of the repeated disruption, the Chairman would consider inviting the person disrupting the hearing to leave the conference room.

56. Moreover, for better time management and to prevent the hearing from becoming protracted, the Chairman announced that the Board had agreed that all representers and commenters would be given one chance to make their presentations and those who had already done so would not be allowed to do that again. In addition, the representations should be succinct and should avoid repeating the same points or arguments that had already been made by others at the hearing. The Chairman said that should any person continue to repeat himself/herself or reiterate points already raised by others despite the Chairman's warning, he would stop that person from making his/her presentation any further.

57. The Chairman further explained that Members had already heard and understood the points and arguments that were raised by the representers and commenters at the earlier sessions of the hearing and noted that there were a lot of repetitions. The hearing arrangement announced at this moment was to ensure that the attendees would make their presentations efficiently and effectively while allowing adequate time for Members to ask questions concerning the representations.

R2453 (Maggie Ho)

Ms. Maggie Ho

R2464 (Fong Kwok Shan)

Ms. Li Oi Ling (representative)

58. Ms. Maggie Ho considered it unfair that those who had already made their presentations were no longer allowed to give further views. The Chairman said that the arrangement had been agreed by the Board after discussion and that was a reasonable arrangement as the Board needed to conduct the hearing in a fair and effective manner. Ms. Li Oi Ling enquired whether she could resume her presentation today as she did not feel well and had to stop in the middle of her presentation yesterday. The Chairman agreed that given her special circumstance, discretion would be granted to allow Ms. Li to continue her presentation at this meeting.

59. The Chairman then invited the representers and commenters to elaborate on their representations.

[Ms. Anna S.Y. Kwong left the meeting temporarily at this point.]

C179 (Alan Li)

Ms. Sit Siu Hung (representative)

60. Ms. Sit Siu Hung made the following main points:

- (a) Wan Po Road and the Tseung Kwan O Tunnel were heavily used by dump trucks and refuse collection vehicles (RCVs) and a lot of rubbish and debris including broken glass, debris, wooden boards, and bamboo stilts which fell from these vehicles were often found along the road;
- (b) her son, commenter C179, had personally witnessed an accident along Wan Po Road caused by a carpet that fell from an RCV causing serious injury to a motorcyclist;
- (c) the claim of the Environmental Protection Department (EPD) that the situation concerning the dump trucks and RCVs had been improved

were unfounded. The Government should improve the situation before another accident took place. Besides the protection that was given to the flora and fauna and the natural environment as mentioned in the Environmental Impact Assessment (EIA) reports, the Government should also protect the life of human beings;

- (d) if the proposed South East New Territories Landfill Extension (SENTLFX) would not cause any adverse impact on its surroundings as claimed by EPD, the Government should make use of a more central location with readily available land for the proposed SENTLFX, such as the site at the West Kowloon Cultural District or the Kai Tak area; and
- (e) the Government had failed to do its job properly by not identifying an alternative site for the proposed SENTLFX.

[Mr. Roger K.H. Luk left the meeting temporarily and Ms. Anna S.Y. Kwong returned to join the meeting at this point.]

R2464 (Fong Kwok Shan)

Mr. Wong Ka Ki (representative)

61. Mr. Wong Ka Ki made the following main points:

- (a) the existing South East New Territories Landfill (SENTLF) in TKO not only affected the residents of LOHAS Park and the TKO area but also other parts of Kowloon and Hong Kong Island such as Island Resort in Siu Sai Wan, which was in fact much closer to the landfill than LOHAS Park;
- (b) different landfills had been in operation at various locations in TKO for over 40 years. Although some of the earlier landfills had ceased operation, the methane gas emitting from those landfills had continued to affect the residents of TKO. The proposal to extend SENTLF was unfair to the residents of TKO;

- (c) landfilling was not the only method to treat municipal solid waste. The Government should make reference to the experience of other countries and consider other options such as incineration which would cause less adverse impact to its surroundings;
- (d) the Government should make better use of the site at Area 137. Taking advantage of its proximity to the TVB City and other infrastructural developments in the area, the Government should develop the area into an entertainment and leisure district. Alternatively, the site could be developed for residential purposes which could provide more than 60,000 flats to obviate the need to explore the use of caverns and new reclamation areas for development;
- (e) the Government had closed down the landfill in the vicinity of Oscar By The Sea when that residential development was completed. The Government should do the same by closing down the SENTLF upon the completion of the residential developments at LOHAS Park;
- (f) instead of vigorously implementing the waste reduction strategy and the incineration option, the Government had taken an easy way out by extending the existing landfill;
- (g) for the health and benefit of the next generation, SENTLF should be closed as soon as possible and the Board should not accept the SENTLFX proposal.

R252 (Tsoi Man Wa)

Mr. Tsoi Man Wa

R2464 (Fong Kwok Shan)

Ms. Li Oi Ling (representative)

62. Mr. Tsoi Man Wa made the following main points:

- (a) any reasonable person would not accept the proposal to develop a landfill near a residential development. Although landfill was an accepted method to treat municipal solid waste, such method would not be suitable when the proposed landfill was in close proximity to residential developments;
- (b) the EIA prepared was not valid as it did not take into account the population intake at LOHAS Park nor the views of the residents. If the site in Area 137 was considered to be suitable for the proposed SENTLFX, EPD should provide evidence to prove the case;
- (c) it seemed that the Government was not genuine in its public consultation. It had already made a decision on the proposed SENTLFX. If the Government did not listen to their views, the residents would be forced to put up a fight and take more radical action such as blocking Wan Po Road and the access to the landfill; and
- (d) EPD should follow the example of South Korea where environmental pollution issues had been vigorously tackled, such as the cleaning up of the Cheonggye Stream in Seoul which had improved the overall environment.

63. Ms. Li Oi Ling interrupted the representer and enquired whether there was enough quorum as only nine Members were present. The Chairman said that, as explained in previous sessions, the statutory quorum of the Board was five Members. He then invited Mr. Tsoi to continue his representation.

64. Mr. Tsoi Man Wa continued with his representation and made the following main points:

- (a) as a residential development, i.e. LOHAS Park, with a population of about 20,000 persons had already been planned and developed on a site that was less than 800 metres away, it was not suitable to locate the

SENTLFX in Area 137;

- (b) the proposed SENTLFX would significantly reduce the value of the land within Area 137;
- (c) Area 137 should be put to a better use by developing it into a Business Centre or a data centre making use of the existing IT infrastructure; and
- (d) the Board should reject the proposed SENTLFX and require EPD to re-consider its strategy in treating municipal solid waste.

R2464 (Fong Kwok Shan)

Ms. Li Kin Wah (representative)

Ms. Maggie Ho (representative)

65. Ms. Maggie Ho made the following main points on behalf of Ms. Li Kin Wah:

- (a) she had lived in TKO for 10 years and started to smell malodour from the SENTLFX in 2005. She moved from Tiu Keng Leng to her current residence in Tseung Kwan O Plaza but could still smell the malodour;
- (b) in August 2011, she had reported a case of malodour to EPD but had not received any reply. In this respect, the reliability of EPD's statistics on the number and distribution of malodour complaints was in doubt;
- (c) on EPD's offer to carry out a site visit to the SENTLFX together with the residents of TKO, she did not believe that the residents would be able to see the real situation on site;
- (d) one of her son's classmates who had moved into TKO recently started to show symptoms of nasal allergy;

- (e) although she had proposed to EPD to consider the option of using an outlying island for landfilling a few years ago, EPD only made reference to an EIA conducted in 2000 and claimed that it was not feasible to use outlying islands as landfill sites, without providing any concrete data to substantiate their reply. She noted that Singapore had successfully made use of an outlying island as a landfill site and queried why the proposal was not feasible in Hong Kong;
- (f) as EPD had failed to implement measures to reduce waste at source and to propose other options to treat solid municipal waste, there would be a continuous need to extend the existing landfills. This was not acceptable;
- (g) as RCVs and dump trucks had to pass by the TKO Stadium to gain access to Wan Po Road, they had created a lot of vehicular emissions and dust that would adversely affect the health of residents using the stadium;
- (h) on EPD's claim that only about 1,000 vehicle trips were generated by the landfill, concrete evidence such as video tapes from closed circuit TV along Wan Po Road should be provided by EPD to substantiate the claim;
- (i) it was regrettable that Hong Kong's environmental protection policies had lagged behind those of other developed countries by nearly 20 years. Although EPD had conducted a review of the air quality objectives, the results of the review were never published;
- (j) she had recently visited the landfill at Ngau Chi Wan which had been closed for more than 10 years but could still smell malodour at the site. This proved that the landfill would affect the residents nearby for many years; and
- (k) the Board should take into account the public views expressed by the

representers and commenters and reject the proposed SENTLFX.

R794 (Wong Ho)

Ms. Fong Kwok Shan (representative)

66. Ms. Fong Kwok Shan made the following main points:

- (a) the SENTLF should be closed forever immediately and the Board should not conduct the hearing which would only serve to provide a disguise that the public had been consulted on the proposed SENTLFX;
- (b) the views of Mr. Wong, who was over 70 years old, represented the views of other elderly people living in TKO;
- (c) the elderly people had to suffer from malodour and the adverse effects of pollutants and fine suspended particulates blown in from the SENTLF by the south-easterly wind;
- (d) as SENTLF was used for dumping furniture, municipal waste, sludge and medical waste, it would produce over 30 kinds of poisonous gases and fine suspended particulates that could cause cancer and other health problems for residents nearby;
- (e) the residents had all along expected the Government to close SENTLF as soon as it became saturated by 2012. For those who had invested a lot of money on their property, it was unfair of the Government to propose to extend the landfill;
- (f) the Board should note that its function, as stipulated under the Ordinance, was to promote the health, safety, convenience and general welfare of the community;
- (g) the SENTLF had adversely affected the health and productivity of employees of TVB City which was located in close proximity to the

landfill. The malodour was so severe that working outdoors inside TVB City was unbearable. Employees of other firms located in the TKO Industrial Estate had similar concern on their health and demanded that the SENTLF be closed;

[Dr. W.K. Yau left the meeting temporarily and Mr. Roger K.H. Luk returned to join the meeting at this point.]

- (h) a friend of hers was suspected to have contracted a disease from germs that were likely to be dispersed from the SENTLF by air while swimming in the outdoor swimming pool of the Next Media Apple Daily Building. The disease had caused her friend to lose her sense of hearing. She queried how many innocent people had been infected by the pollutants from the SENTLF without knowing it;
- (i) Area 137 had the potential to be developed into a Science Park or a data centre. Such potential would be ruined by the proposed SENTLFx as international firms would unlikely place any investment in an area where a landfill was in the vicinity;
- (j) due to poor planning by the government departments, inadequate parking spaces were provided for dump trucks and RCVs within the SENTLF. As a result, many dump trucks and RCVs were parked at a temporary vehicle park at Shek Kok Road which was in the vicinity of LOHAS Park. This had resulted in filthy environmental conditions at Shek Kok Road, particularly when some RCVs loaded with rubbish were parked at the site;
- (k) as stray dogs had been found feeding on the rubbish left in RCVs parked at the Shek Kok Road site, there was a genuine concern that the dogs could become infected with diseases which might spread to residents and cause another epidemic similar to SARS or bird flu;

[Mr. Roger K.H. Luk left the meeting temporarily at this point.]

- (l) she queried why the methane gas emissions from the SENTLF could not be captured and transformed into energy for use by Towngas. As inflammable substances and other toxic materials were often found mixed with the construction waste, any gas explosion or toxic emissions at the SENTLF and the proposed SENTLFx could become a tragedy causing significant loss of life;
- (m) there were some beaches on the other side of the SENTLF at Clear Water Bay. People swimming at the beaches, in particular the elderly people, would be adversely affected by the malodour, pollutants and fine suspended particulates blown in from the SENTLF. The landfill was therefore not just a local issue affecting TKO but a territorial issue as it would affect the health of people using the beaches;
- (n) she queried whether the soil that was used at the SENTLF to cover up the dumped waste was clean soil or construction debris; and

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

- (o) EPD had failed to do its job properly. It should find a more suitable site away from the densely populated area of TKO for landfilling, such as an outlying island.

67. At this juncture, the Chairman reminded Ms. Fong not to repeat the points that had been raised by other representers as Members had already heard and understood the issues she just mentioned including the issues on malodour, pollutants, fine suspended particulates, impact on health, problems of the RCVs, fire hazard, impact on the environment, the proximity of the landfill to residential developments, and that the departments did not do their jobs properly. He appealed to Ms. Fong to be concise and he reminded all representers that there was no need to quote an excessive number of examples or personal experiences to demonstrate their points. He said that Members had heard all the arguments already and, as soon as the representers had completed their representations, the Board could proceed to the Question and Answer (Q&A) session.

68. A representer enquired whether they could make their presentation after the Q&A session. In response, the Chairman said that the Board needed to hear all the representations before proceeding to the Q&A session. He requested all representers and commenters to make their presentations succinctly in order to allow adequate time for Members to ask questions. He then requested Ms. Fong Kwok Shan to continue with her presentation.

69. Ms. Li Oi Ling requested if she could resume her representation in order to let Ms. Fong take a short break. The Chairman agreed.

R2464 (Fong Kwok Shan)

Ms. Li Oi Ling (representative)

70. Ms. Li Oi Ling made the following main points:

- (a) the trip rates generated by the proposed SENTLFX were questionable as EPD had indicated at one point that a new landfill would generate 1,000 vehicle trips per day but, on the other hand, claimed that the proposed SENTLFX would generate only 500 vehicle trips per day;

[Ms. Anna S.Y. Kwong left the meeting temporarily and Mr. Roger K.H. Luk returned to join the meeting at this point.]

- (b) she questioned whether TKO was considered as an urban area or the New Territories (NT) since NT taxis would only pick-up/drop-off passengers as far as Shek Kok Road. She also questioned whether Wan Po Road was reserved for the use of dump trucks going to the SENTLFX;
- (c) she had tried all measures available to reduce the malodour at home, including planting flowers, closing all the windows, using air-cleansers, anti-oxidant sprays, and air purifiers. She had also put up mosquito nets on all the windows to reduce dust, but was recently advised that mosquito nets were useless against fine suspended particulates and other

pollutants;

- (d) although the proposed SENTLFX was a quick and easy option to tackle the disposal of municipal waste, it was not a cost-effective solution in the long term as it would take many years for a landfill to be restored and to be suitable for other uses. According to EPD's information, the restoration of the SENTLF would only be completed by 2048. Besides, the landfilling method would not resolve the waste management problem in the long run;
- (e) Area 137 was a very valuable site which could be put to uses other than a landfill. Given its beautiful natural environment, the site could be developed into a theme park or for hotel use. The planning of the site should start afresh;
- (f) the EIA report was not up-to-date and the report was only concerned with the impact on the flora and fauna with little coverage on the impact of the SENTLFX on human beings; and
- (g) it was inappropriate to develop a site that was too close to residential developments into a landfill. The Government should accept and correct its mistake by amending the plans for Area 137.

R794 (Wong Ho) (cont'd)

Ms. Fong Kwok Shan (representative)

71. At this time, Ms. Fong Kwok Shan returned to the conference room and continued with her representation. She made the following main points;

- (a) the TKO Cross Bay Bridge should be implemented as soon as possible so as to provide an alternative vehicular access to the SENTLF and alleviate the impact of the dump trucks on Wan Po Road;
- (b) although EPD had claimed that the SENTLFX would only generate 500

vehicle trips per day, the residents' observation indicated that more than 3,000 RCVs and dump trucks were currently using the TKO Tunnel to gain access to the SENTLF;

- (c) EPD claimed that the dump trucks and RCVs operated by the Government were upgraded but no resources had been provided to the private operators for upgrading their vehicles so as to help minimize their adverse impact on the environment; and
- (d) EPD had not done enough to implement its environmental protection policies nor provided the related industries with additional resources to meet the environmental requirements.

[Ms. Anna S.Y. Kwong returned to join the meeting and Ms. Anita W.T. Ma left the meeting temporarily at this point.]

72. At this juncture, the Chairman advised Ms. Fong that her views on the environmental protection policies of EPD were repetitive and he requested Ms. Fong to be concise.

73. Ms. Fong continued and made the following main points:

- (a) the private operators of RCVs indicated that they were willing to implement the separation of waste by types such as the separation of organic and inorganic wastes, and to reduce the environmental impact caused by RCVs. In order to do that, they would need funding support or subsidies to make adaptations to their RCVs;
- (b) the problem of rubbish dumped outside refuse collection points was severe in TKO mainly because of the lax enforcement actions that were taken by EPD. Without any enforcement and prosecution action against illegal dumping, the problem would only perpetuate; and

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

- (c) making reference to the document entitled “Hollywood of the East – TKO” which was tabled, she noted that the concentration of media corporations and data centres in Area 137 and the proximity of the Hong Kong University of Science and Technology and the HKIVE Design Centre meant that the site should be developed into a centre for creativity rather than a landfill.

[Ms. Anna S.Y. Kwong left the meeting temporarily at this point.]

74. At this juncture, a Member enquired whether the report on “Hollywood of the East - TKO” formed part of the original submission of the representer. In response, Mr. Ivan Chung (DPO/SKIs, PlanD) confirmed that the report did not form part of the representation submitted by R794. The Chairman reminded all representers and commenters not to include any new information in their presentation as the purpose of the presentation was only to allow them to elaborate on the written representations that were submitted.

75. Ms. Fong Kwok Shan continued with her representation and said that the proposed SENTLFX would scare away all investment from Area 137. She suggested that a new monorail should be provided to serve the workers of the TKO Industrial Estate.

76. At this juncture, the Chairman said that Ms. Fong had already provided too much additional information that did not form part of the original representation. He also pointed out that he had already allowed her to make a very lengthy presentation which should be more than enough and that he had no choice but to stop her presentation.

77. The Chairman then suggested adjourning the meeting for a break. The meeting was adjourned at 4:30 p.m. and resumed at 4:40 p.m.

78. The Vice-Chairman said that Members had already heard over 18 hours of presentations over the last two days. He requested the representers and commenters not to repeat the views that had already been raised by others or to provide new information that was not mentioned in the written representation. He said that there were a few issues that

Members would want to ask questions and obtain information from the relevant government departments, such as the number of vehicle trips generated by the landfill. He requested the representers not to prolong the meeting unnecessarily as Members needed to have time to carefully consider the points raised by the representers and to make a conscientious decision on the representations. The Chairman then invited the representers to continue with their representations.

R2464 (Fong Kwok Shan)

Ms. Li Oi Ling (representative)

79. Ms. Li Oi Ling said that it was only the second time that she had to participate in a street protest to express her disappointment. The Government's proposal of the SENTLFX was very unreasonable.

80. At this juncture, a Member noted that Ms. Li had already made her presentation the day before and enquired whether she was continuing her presentation of the previous day or making a presentation on behalf of another representer. The Chairman explained that he had given permission for Ms. Li to continue her presentation at this meeting as she did not feel well the day before. In response to the same Member's enquiry on whether the representers would be given a time limit for their presentations, the Chairman said that he had already requested all representers and commenters to be concise with their presentations.

81. Ms. Li continued with her presentation and said that the proposal to develop a water decontamination plant in TKO and the proposed SENTLFX were incompatible with each other as the pollutants from the landfill would adversely affect the quality of the water from the water decontamination plant. At this juncture, Ms. Li said she had become very upset, burst into tears and requested for a break as she could not continue with her presentation.

82. The Chairman then invited another representer to make the presentation.

R658 (Grammie Chan)

Ms. Chan Yin Chu (representative)

83. Ms. Chan Yin Chu made the following main points:

- (a) the EIA report conducted in 2008 was not up-to-date;
- (b) when the northerly winds blew, people in Siu Sai Wan and Heng Fa Chuen would also smell the malodour from the SENTLF;
- (c) the SENTLF and the proposed SENTLFX would affect people's health and increase the burden on the public health system. The proposed SENTLFX would become a significant drain on public resources;
- (d) the Government had the responsibility to protect people's health. The residents of TKO were already affected by the pollutants and poisonous gases from the SENTLF. If the Government insisted on the development of the proposed SENTLFX in Area 137, the Government should pay compensation to all the residents of TKO; and
- (e) the proposed SENTLFX would turn the TKO area into a cancerous town. She would need to leave TKO for the sake of her own health. Her greatest concern about the landfill was its adverse impact on people's health.

R2464 (Fong Kwok Shan)

Ms. Ng Pik Ying (representative)

84. Ms. Ng Pik Ying made the following main points:

- (a) she bought a flat in TKO in August 2010 and started to have health problems after moving in, with persistent coughing and recently coughing with blood stain. The doctor could not find any particular reason for her health problems but advised her to move out of TKO;
- (b) her two children were also developing symptoms of asthma. She said

that the only reason for her family's health problems was the pollutants in the air from the SENTLF;

- (c) landfills should be located away from residential areas as they would cause health problems;
- (d) she could not do exercise at home because when she did so, she would breathe in more pollutants in the air;
- (e) the Government should stick to the original schedule to close down the SENTLF in 2012. The closing down of the SENTLF should not be extended until 2014 as it would result in more people's health to be adversely affected; and
- (f) the Board should provide a better land use plan for the area, a plan that would take into consideration the health and benefit of the people living in TKO.

85. At this juncture, a lady shouted out that some Members were not paying attention to the presentations that were being made. Another lady said that it was useless to make representations as the Board had already taken a decision on the matter. The Chairman said that the allegations were not true as Members were listening attentively to the views of the representers and commenters. He invited the representers to continue their presentations.

R2464 (Fong Kwok Shan)

Ms. Li Oi Ling (representative)

86. Ms. Li Oi Ling continued with her presentation and made the following main points:

- (a) it was inappropriate to locate the proposed SENTLFX in Area 137. The Government should have carried out a site search covering the whole territory before deciding on the location of the landfill;

- (b) the mitigation measures claimed by EPD to be implemented were of little use as there was no monitoring mechanism to ensure proper implementation of the measures. For example, most of the RCVs and dump trucks along Wan Po Road were not covered;

[Dr. W.K. Yau returned to join the meeting at this point.]

- (c) a friend of hers never opened the windows of her flat as she lived relatively close to the chimneys where the methane gas were gathered and burned. This friend of hers was also developing health problems and the doctor recommended her friend to return to the USA where she came from if she wanted to improve her health; and
- (d) EPD did not give any response to the concerns of the representers on fine suspended particulates.

R2004 (Helena Wong)

Ms. Helena Wong

87. Ms. Helena Wong made the following main points:

- (a) the relevant government departments should listen to the views of the local residents and should not pay lip service to their concerns; and
- (b) the government departments were supposed to be guided by their vision and mission. However, it seemed that EPD had not followed its mission and had not done its job properly.

[Mr. Y.K. Cheng arrived to join the meeting at this point.]

R902 (Tsang Sing Hung)

Mr. Tsang Sing Hung

88. Mr. Tsang Sing Hung made the following main points:

- (a) the problems of malodour, dust and pollutants had already been expressed by other representers;
- (b) traffic noise was another problem. The hundreds of dump trucks and RCVs travelling along Wan Po Road had caused serious traffic noise problems. He had to close all the windows at home all the time;
- (c) air pollution was also a problem, particularly when the proposed SENTLFX would generate a few thousand vehicle trips per day by dump trucks and RCVs;
- (d) making reference to a photo, he said that large objects and debris often fell from the dump trucks, causing danger to drivers along Wan Po Road. Besides, Wan Po Road was often covered with sludge;
- (e) the Government should consider locating the proposed SENTLFX in other parts of the New Territories or to find an outlying island for the landfill; and
- (f) he hoped that the Government would close down the SENTLF by 2012 instead of 2014.

89. Ms. Fong Kwok Shan supplemented that the SENTLF would not be closed by 2014 but would be used for dumping construction waste until 2020. Besides, there would be no monitoring of the dump trucks and construction waste that were to be dumped in the landfill.

90. At this juncture, a Member enquired and the Chairman explained that representers and commenters should not make any supplementary statements after they had finished their presentations, unless invited by the Chairman.

Ms. Ho Shun Yiu

91. Ms. Ho Shun Yiu made the following main points:

- (a) when she bought her flat in TKO, she was informed that the SENTLF would be closed down by 2012;
- (b) she was very angry with the hearing as it was not a genuine consultation of public views. Members did not seem to be listening to their concerns, the relevant government departments had not presented all the facts to the Board and the Government was taking the easy way out, sacrificing the residents of TKO;
- (c) the 2003 EIA report was not mentioned in PlanD's presentation to the Board. That EIA report had indicated that the proposed SENTLFX in Area 137 was not suitable due to the existence of planned residential developments in the vicinity, and PlanD had not presented all the facts to the Board;
- (d) the 2008 EIA report had not examined any alternative site for locating the landfill;

[Ms. Anita W.T. Ma left the meeting temporarily at this point.]

- (e) as residential developments were located in close proximity to the proposed SENTLFX, she did not understand how the 2008 EIA report could be approved and how the Environmental Permit could be issued for the project;
- (f) para. 5.7 of the TPB Paper had stated that planning and environmental assessments had been conducted in 1998 and 2000 for the rezoning of the industrial sites in TKO Areas 86 and 85 for residential use. She did not understand why the relevant reports were not provided to the public for inspection;

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

- (g) it was ridiculous for PlanD to state, in para. 5.7 of the TPB Paper, that the constraints caused by the landfill to Area 86, where LOHAS Park was located, were not technically insurmountable;
- (h) it was unacceptable for PlanD to state that with appropriate environmental mitigation measures, the residential development would not be subject to unacceptable adverse environmental impacts from the nearby landfill (para. 5.8 of the TPB Paper). No information was provided on who had prepared the environmental assessment, what environmental mitigation measures were proposed and whether the proposed mitigation measures were implemented. All those were conducted in a 'black box operation' without any transparency;
- (i) para. 5.9 of the TPB Paper said that Areas 86 and 85 were subsequently rezoned to "Comprehensive Development Area" and "Residential (Group E)" and that residential use required the submission of environmental assessment reports to substantiate their application for planning permission. However, no information was provided on whether those environmental assessment reports had been submitted. Besides, it was bad planning to designate the area for residential development in the first place and subsequently to allow for the proposed SENTLFX which was in close proximity to the residential developments;
- (j) although the Paper mentioned that a buffer distance of 20m was provided and Wan Po Road would be an additional buffer, the buffer area was of little use as the buffer distance was inadequate and Wan Po Road was causing more environmental nuisance than serving as an environmental buffer;
- (k) para. 5.11 of the TPB Paper said that in 2008, when there was a need to extend the existing landfill, another EIA was conducted which concluded

that the proposed SENTLFX would be acceptable if the recommended mitigation measures were implemented. However, there was no information on what mitigation measures were required and why that report was approved;

- (l) although the Government announced on 4.1.2011 that the SENTLFX scheme would be reduced in scale, it only mentioned construction waste as an example of the kind of waste that would be sent to the proposed landfill extension. There was no information on what other types of waste (besides construction waste) would be disposed of in the proposed SENTLFX;
- (m) she had concern on whether there would be proper management and monitoring of the waste to be dumped at the proposed SENTLFX when EPD had failed to resolve the problems arising from the existing SENTLF. The statement given in para. 5.12 of the TPB Paper that “the proposed revised scheme would not cause insurmountable problems” was misleading when the various problems mentioned by the representers had not yet been resolved. Taking the example of dump trucks, she noted that there was no mechanism to check and ensure that the construction waste on dump trucks had complied with EPD’s requirements;
- (n) the “Open Space (2)” (“O(2)”) zoning of the site was also misleading as it was uncertain whether the site would be restored in 20 years’ time for open space use. There was no information to demonstrate when the release of pollutants and poisonous gases from the landfill upon its closure would end and when the site would be suitable for open space use;
- (o) it was totally unacceptable that, even though the Government was aware of the waste disposal problem in 2003, it had not implemented measures on waste separation or waste reduction at source. It had sat on the problem for many years until the present day and claimed that extending

the landfill was the “most viable urgent task” to tackle the waste disposal problem (para. 5.18 of the TPB Paper);

- (p) as the provision of open space in TKO was already more than adequate to serve the planned population, there was no need to rezone Area 137 to “O(2)”. The Government should not use the “O(2)” zoning to cover up its real intention to develop the site for landfill purpose, which was inconsistent with the LOHAS Park development in the vicinity;
- (q) as the three strategic landfill sites were identified back in 1989, it was questionable whether the location of the proposed SENTLFX at TKO was still appropriate;

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

- (r) although the TPB Paper said that the EIA report was acceptable, she doubted whether the EIA report was in compliance with the Stockholm Convention on Persistent Organic Pollutants;
- (s) as EPD had not examined the gases that were released from a number of small chimneys protruding from the SENTLFX, it was doubtful whether the landfill site, upon restoration, was genuinely suitable for open space use. The gases released from those chimneys could be harmful to people using the future open space; and
- (t) since many issues were yet to be clarified by the government departments, the Board should critically examine the TPB paper and should conduct a site visit before deliberating on the representations. The Board should also require the government representatives to respond to the queries raised by the representers before concluding the presentation session.

92. The Vice-Chairman said that Members had been very attentive in hearing the representations for more than 20 hours in the last two days. However, he noted that there were many repetitions, such as the problems of the three landfills which had been

reiterated four times, the distance between the landfill and TVB City was mentioned repeatedly by three representers and one single representer made the point three times during her presentation. He requested representers and commenters to be succinct with their presentations and not to repeat the points that had been made by others. He noted that many representers wanted the Board to proceed to the Q&A session when Members would be able to pose questions to the government representatives.

93. In response to Ms. Fong Kwok Shan's enquiry on why the Board had raised questions in the first session and refused to raise questions in the second session, the Chairman said that he had already explained a few times previously that the representers and commenters attending the hearing on 30.11.2011 had been divided into two groups, with the first group in the morning session and the second group in the afternoon session. As the first group attending the morning session had completed their representations, the Board decided to proceed to the Q&A session. However, as the representers and commenters of the second session for the hearing of Group 2 had not yet completed their presentations, the Board could not proceed to the Q&A session.

94. As some representers requested for a dinner break before proceeding with the presentations, the Chairman requested the representers and commenters to leave the meeting room temporarily to allow Members to consider their request and to consider some procedural matter. The attendees left the meeting at this point.

[Mr. Y.K. Cheng returned to join the meeting at this point.]

95. After a break of about 20 minutes, the Chairman suggested adjourning the hearing for 75 minutes to allow the representers and commenters to have dinner while Members could consider further on the rules and procedures that should be adopted to enable the hearing to be conducted efficiently and effectively. The Chairman asked the Secretariat to inform the attendees accordingly.

Deliberation

96. The Chairman noted that the representers and commenters had been constantly repeating the same points over the last 20 hours of hearing, notwithstanding his

repeated advice to them not to do so. Noting that Members had already studied all the relevant documents and the Department of Justice (DoJ)'s advice that the Board could decide whether it had heard enough of the representations, the Chairman enquired and Members agreed that the Board had already heard enough of the representations as the issues and the grounds of representations had been repeated many times. The Chairman suggested and Members agreed that for the remaining part of the hearing, only those representers and commenters present who had not yet spoken would be allowed to make their representations and each representer or commenter would be given 10 minutes to complete his/her representation. Depending on the substance of the presentation, the Chairman would have the discretion to extend the time limit as he thought fit. Moreover, the representer or commenter should only elaborate on his/her written submission and any information that did not form part of the original submission would not be allowed. The Board would proceed to the Q&A session after the presentation session was completed.

[At this juncture, the Chairman stopped the meeting for a short while as there had been shouting in the corridor and forceful banging on the doors of the conference room. He asked that the doors be opened and the attendees entered the conference room and took back their possessions for the dinner break. Once they entered the conference room, they began to shout and use abusive language against Members and scolded the staff of the Secretariat for barring them from taking back their possessions. After complaining noisily for about 5 minutes, they left the conference room.]

97. The Chairman continued with the discussion and noted that some Members had indicated during the break that some representers had purposely repeated the same points in their presentations which had prevented the Board from completing the statutory procedures for the OZP. Members considered that the Board had reasonably allowed the representers to exercise their right to make presentations at the hearing. However, some representers had been abusing the procedure by using a filibuster strategy and repeating the same points over and over again, and the repetition was to such an extent that the hearing procedures were clearly abused. The Chairman enquired whether the Board should decide that it had heard enough of the representations and proceed to the Q&A session immediately.

98. The Vice-Chairman and another Member agreed with the Chairman. As the

Board had been hearing the same points and arguments repeatedly for the last 20 hours, the Vice-Chairman agreed that the Board had heard enough of the representations and should proceed to the next stage of the hearing. Members should be given adequate time to raise questions and to consider critically the representations before making a decision on the proposed amendments to the OZP. A Member agreed with the Vice-Chairman and said that Members would not be able to carry out their duty if they were not given adequate time to ask questions and deliberate on the issues raised.

99. A Member considered that a fair hearing did not mean that the representers should be allowed to constantly repeat themselves. This Member considered that the Board should have the authority to set a time limit for each representer to make presentation. The Secretary said that according to the advice of DoJ, if the Board considered that it had already spent adequate time on hearing the representations, it was reasonable for the Board to lay down some rules on the procedures, including the setting of time limit for each representer. The same Member considered that the Chairman should set out some rules on the procedures which should be strictly observed by the representers and commenters.

100. Another Member agreed and pointed out that the representers were not elaborating on their representations. Indeed, some of the representers who attended the morning session of the same day did not make any valid points in their presentations. This Member agreed that the Board should draw a line and complete the presentation session in a reasonable manner. Another Member considered that the hearing of the representatons which lasted for over 20 hours was more than enough.

101. Mr. Jimmy C.F. Leung was concerned that some representers and commenters did not pay due respect to Members of the Board. The Vice-Chairman shared the same view and said that the Board should consider establishing a mechanism whereby any person who made any disrespectful or humiliating remark against any Member or staff of the Secretariat should be ordered to leave the conference room.

102. The Chairman agreed and said that he would remind the representers not to make any disrespectful remarks against any Member. He would also rebut any unfair accusations against Members in the first instance. Concerning the length of the meeting, the Chairman said that if the meeting lasted till late, he would consult Members if they were

in good physical conditions to continue the hearing before deciding if he would proceed any further with the meeting.

103. A Member said that the Board should be prepared for the worst case scenario in case the representers and commenters became rowdy after the rules were announced. In response, the Chairman said that security officers would be invited to stay in the conference room and assist Members when required. If the situation went out of control, he would adjourn the meeting and Members should leave the meeting room until order was restored and the meeting could be resumed.

104. The meeting was adjourned for dinner at 7: 35 p.m.

[Mr. Timothy K.W. Ma arrived to join the meeting at this point.]

Presentation and Question Session (cont'd)

105. The meeting was resumed at 8:40 p.m. and the Chairman invited the representers and commenters to return to the conference room.

106. Mr. Chan Kai Wai (R2468) complained about the arrangements before the dinner break. They complained vociferously that while the attendees were advised to leave for dinner, they were prevented by staff of the Secretariat from returning to the conference room to retrieve their personal belongings. Notwithstanding the Chairman's repeated explanation that the Board had to deliberate on some procedural matters that needed to be conducted behind closed doors before the dinner break and that the staff of the Secretariat were only carrying out their duties, Mr. Chan and the other attendees demanded an open apology from the staff concerned. At the same time, Ms. Fong Kwok Shan complained about the presence of the Police near the conference room and, together with other representers, they protested that they were kept under surveillance by the Police. Even though the Chairman repeatedly explained that the presence of the Police was to help maintain law and order when necessary, they continued to protest loudly and refused to continue the meeting.

[The attendees continued to shout loudly, made derogatory criticisms to scold the staff of the

Secretariat, and complained about the presence of the Police, notwithstanding the Chairman's repeated request for them to calm down and continue with their representations.]

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

107. After about 20 minutes of disruption, an attendee made a report to the police and uniformed Police Officers arrived at the conference room. The meeting was further disrupted for an hour.

108. At about 9:50 p.m., the Chairman made the following response to the allegations of the representers and commenters:

- (a) at the Town Planning Board meeting held on 16.11.2011, some Members and representatives of government departments had been obstructed from leaving the conference room after the meeting was adjourned. In order to ensure the safety of Members and government representatives, the Building Management Office had increased the number of security officers and the Secretariat of the Town Planning Board had requested the Police to assist in maintaining law and order when necessary. Besides, as the current hearing was an open meeting and was broadcast at the public viewing room, the allegation that the Police were keeping surveillance over the public did not make sense; and
- (b) the Chairman had already apologized for keeping the attendees waiting while the Board was holding its closed door meeting before the dinner break. As for the representers' complaint about the staff of the Secretariat, the Chairman said that it would be dealt with in accordance with the standard procedures for complaints against civil servants.

109. The Chairman then announced that the Board had unanimously agreed that after more than 20 hours of presentations that were mostly repetitive, they had heard enough of the representations and had set rules that would be applied to the remaining part of the hearing. Only those representers and commenters present who had not yet made their

representation would be allowed to do so and each representer or commenter would be given 10 minutes to complete his/her presentation. The representer or commenter should only elaborate on his/her written submission and any information that did not form part of the original submission would not be allowed. The Board would proceed to the Q&A session after the presentation session was completed.

110. Mr. Fong Kwok Shan complained that it was unfair to set a time limit for representers making their presentation as it would take away the right of the representers. It was also unfair in that some representers in the previous sessions were allowed to speak for more than 45 minutes while her presentation would be confined to 10 minutes. A representer said that it was quite normal for representers to raise similar points in their presentations as most of them lived in the same housing estate.

[Mr. Jeff Y.T. Lam left the meeting temporarily at this point.]

111. The representers and commenters protested vociferously against the Board for making the rules on making presentations. The Chairman reiterated that the Board had the right to make its rules on how the hearing should be conducted. He reiterated that Members considered that they had heard enough of the representations and all representers and commenters present but had not spoken would be given 10 minutes to complete his/her presentation. The Chairman would have the discretion to allow individual representers and commenters a little more time. This was to ensure that the hearing would be conducted efficiently and effectively.

[At this point, the attendees started to shout abuse against the Chairman and Members and complained that it was unfair for the Board to change the rules of the hearing. Some attendees scolded the Chairman saying that he was incompetent and unfit to chair the meeting. The disruption lasted for about 10 minutes.]

112. At this juncture, some representers and commenters said they had to go to the police station to make a written statement. In view of this, the Chairman announced that the meeting would be adjourned for a short break.

[Mr. Jeff Y.T. Lam returned to join the meeting at this point.]

113. The meeting was adjourned at 9:55 p.m. and resumed at 10:05 p.m.

[While some of the representers and commenters had left the conference room, about 10 representers and commenters remained.]

114. The Chairman invited the representers and commenters to continue with their representations.

R2464 (Fong Kwok Shan)

Mr. Li Pak Tong (representative)

115. Mr. Li Pak Tong made the following main points:

- (a) he was the Chairman of the Owners' Corporation of Metro Town. When he bought the flat, he was informed that the SENTLF would be closed down in 2012. He was a teacher in a school in Po Lam Estate and he could smell the malodour at school;
- (b) the entire population of TKO had been severely affected by the SENTLF for more than 20 years. The malodour from the landfill was particularly serious during the summer months;
- (c) Area 137 was occupying a waterfront location and hence it should be put to better planning and alternative uses such as a water sports centre, IT centre, or entertainment and leisure centre;
- (d) the Government should keep its promise and close down the SENTLF by 2012 after it was saturated;
- (e) the Chairman and Members of the Board should conduct a site visit at TKO so as to have a better understanding of the malodour problem the residents were facing;

- (f) as the population in TKO continued to increase, more and more people would be affected by the SENTLF. It was not just the landfill that caused an environmental problem but also the RCVs that passed through TKO to the landfill. The RCVs had adversely affected the environmental health and lives of the residents; and
- (g) other options in treating the municipal waste should be considered such as building 'green' incinerators similar to those in Japan, extending the WENT Landfill at Lung Kwu Tan, or identifying sites on Lantau with relatively sparse population for the landfill.

R786 (Tse Pik King, Becky)

Ms. Tse Pik King

116. With the aid of several photographs, Ms. Tse Pik King made the following main points:

- (a) it was very bad planning that most residential flats in TKO could not open their windows 24 hours a day due to the malodour and the dust caused by the SENTLF. It was unreasonable that TKO residents had to live in such an environment for the next 20 years;
- (b) as shown in the photographs, the natural scenery in the surrounding areas of LOHAS Park and Area 137 was beautiful. However, the residents could not enjoy the beautiful scenery because some government departments did not do their jobs properly and failed to resolve the problem of municipal waste. It was such a waste to turn the site in Area 137 into a landfill;
- (c) the road serving the residential development of LOHAS Park was also the only road leading to the SENTLF, resulting in residents suffering from traffic noise problems generated by the RCVs and dump trucks. The bus depot was another source of noise nuisance affecting the residents; and

- (d) it was very bad planning to develop a landfill at a location in close proximity to an existing residential development.

R2464 (Fong Kwok Shan)

Mr. Leung Po Chiu (representative)

117. Mr. Leung Po Chiu made the following main points:

- (a) he lived at The Capitol. As a driver, he found it very dangerous to drive along Wan Po Road because there were many dump trucks travelling along that road and debris and objects often fell from the dump trucks causing great danger to other drivers;
- (b) the number of dump trucks visiting the proposed SENTLFX would increase with the commencement of large projects such as the Kwun Tong Town Centre redevelopment. More importantly, the construction waste would include all kinds of polluting elements such as asbestos which would adversely affect the health of the TKO residents;
- (c) since LegCo had already passed the motion last year not to extend the landfill into the Clear Water Bay Country Park, he did not understand why the Town Planning Board would continue to consider extending the landfill into Area 137; and
- (d) he invited the Chairman and Members to conduct a site visit to the SENTLF themselves.

[Ms. Anna S.Y. Kwong returned to join the meeting at this point.]

C59 (Ngo Yuk Kei)

Mr. Chan Kwok Keung (representative)

118. Mr. Chan Kwok Keung made the following main points;

- (a) the large number of oppositions to the landfill was mainly because residents were concerned about the health of the next generation;
- (b) it was noted that a landfill would take many years before it could be restored. He said that there was still methane gas releasing from the landfill near the TKO Tunnel 30 years after the landfill had been closed down;
- (c) making reference to the news report of the explosion occurred at Clear Water Bay Road caused by unknown gases, the SENTLF was like a time bomb to the residents nearby as it was still emitting methane and other gases on-site. With such a large population nearby, any explosion at the landfill would cause a lot of casualties;
- (d) with the 10 major infrastructural projects proceeding as planned, all the construction waste generated would be dumped in the SENTLFx. The vehicle trips generated by the SENTLFx would be over 1000 vehicle trips per day instead of 500 vehicle trips per day as estimated by EPD;
- (e) it was questionable whether there was a reliable mechanism to check the content of the construction waste to be dumped at the proposed SENTLFx and whether EPD would take enforcement action against non-compliance with EPD's requirements; and
- (f) normally, asbestos, used furniture and other rubbish were mixed with construction waste. He doubted how EPD could require the dump truck operators to differentiate and separate the different types of waste before dumping. As the mixed waste could emit methane gas, and the proposed SENTLFx would not be provided with a system to capture methane gas, there was a danger that explosion would occur in the future when the area was used as a public open space, causing

serious casualties.

R2005 (Yip Yiu Fai)

Mr. Yip Shun Hang (representative)

119. Mr. Yip Shun Hang made the following main points:

- (a) many residents raised objection to the landfill because it had adversely affected the health of residents in TKO. The SENTLF was a great nuisance and a health hazard to TKO residents. As a result, the Government's expenditure on health care had to increase;
- (b) the large number of representers/commenters had attended the hearing because it was a matter of social justice. The residents considered it totally unjustified to extend the landfill in Area 137;
- (c) he noted that EPD had provided a lot of data and justifications to support the proposed SENTLFX, but the scenario presented was too good to be true. Instead, the TKO residents were presenting their own experiences to Members that the SENTLF had adversely affected their daily lives due to its malodour and other environmental impacts;
- (d) although EPD claimed that a site visit and a public consultation exercise were conducted in 2008, the results of that public consultation exercise were not provided. The information provided by EPD did not accurately reflect the views of the local residents. The residents wanted to say it loud and clear that they objected to the proposed SENTLFX; and
- (e) he appealed to Members to carefully consider the representations made by the residents as the SENTLF had been a great nuisance, causing a lot of grievances from the residents.

C115 (Lam Chung Yu)

Mr. Lam Chung Yiu (representative)

120. Mr. Lam Chung Yiu made the following main points:

- (a) the EIA reports were too good to be true, as demonstrated by the experience of one of the representers who told Members of her health problems as a result of the SENTLF;
- (b) Wan Po Road was so noisy that he could not open the windows in his flat either during the day because of traffic noise from the RCVs and dump trucks or during the night because of the bus depot nearby;
- (c) he had complained to EPD about the traffic noise, and EPD's staff had taken measurements on the noise levels from his flat. However, EPD would not confirm the recorded noise levels at his flat and the problem remained unresolved;
- (d) although the residents had applied for a shuttle bus service between Le Prestige and Metro City 1, the application was rejected by the Transport Department on the grounds that the road network was already overloaded. If the road network was that congested, he did not understand why EPD's proposal to extend the landfill in Area 137 could be permitted, particularly when there were many other development proposals in the area including a private hospital and the FSD Training School, etc;
- (e) EPD had prepared a lot of reports to justify their proposal but did not implement simple measures to reduce the environmental impact on residents. For example, EPD could require all dump trucks to be properly covered, and all vehicles leaving the landfill be washed so as to reduce the amount of dust caused by dump trucks; and
- (f) he was disappointed with the Board as it seemed that the Board had already decided on the matter and was not performing its role as the

gate-keeper for the community to ensure that the proposed land use was for the benefit of the public.

121. At this juncture, Mr. Chan Kwok Keung (C59) requested to make a supplemental point and the Chairman allowed him to speak. Mr. Chan referred to para. 7.5(b) of the TPB paper where it was stated that the impact of the landfill would be acceptable with the implementation of the recommended mitigation measures. He considered such statement irresponsible and enquired whether the representatives of EPD would consider it acceptable if people dumped rubbish in front of their flats.

[Ms. Anita W.T. Ma left the meeting temporarily at this point.]

R791 (Gordon Leung)

Mr. Wong Ka Ki (representative)

122. As Mr. Wong Ka Ki commenced his presentation, the Chairman noted that he had already spoken as an authorized representative of R2464 and said that the Board's decision on the rules for the hearing was to allow only those representers or commenters present who had not yet spoken to make their presentations. Mr. Wong then presented a written authorization from representation R791. The Chairman considered that although it was not in accordance with the agreed procedures, he would use his discretion to allow Mr. Wong to make the presentation on behalf of R791.

123. Mr. Wong made the following main points:

- (a) according to the 2003 EIA report, the proposal to further extend the SENTLF had been rejected. Although the report noted that a minor extension of the SENTLF into Area 137 could be considered if there were changes in the circumstances, the report had also set out the criteria for identifying new landfill sites which, he considered, should be applicable to any landfill extension proposal. The criteria included that the landfill should not be located near to existing residential, industrial or commercial uses. The criteria would be applicable to Area 137 in that there were existing data

centres, a proposal to extend TVB City, as well as a proposed bio-diesel plant which was a hazardous installation;

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

- (b) according to the assessment for the proposed bio-diesel plant in Area 137, there was no mention of the proposed extension of the landfill nearby. The two land uses were incompatible and the bio-diesel plant would increase the probability of an explosion in the SENTLF and the proposed SENTLFX;
- (c) another criterion set out in the EIA report was that the proposed landfill should not be located near to existing or planned "G/IC" facilities. In this respect, the proposed RTHK Broadcasting House would also make the site in Area 137 unsuitable as a landfill extension. However, the EIA report prepared by EPD did not mention the proposed RTHK Broadcasting House;
- (d) the Board should therefore require EPD to provide an updated EIA report on the proposed SENTLFX before making a decision on the matter;

[Ms. Anita W.T. Ma left the meeting temporarily at this point.]

[At this juncture, the attendees who said they would be leaving the conference room to make their written statements at the police station returned.]

- (e) the Landfill Extension Feasibility Study Report of 2004 prepared by EPD was misleading as it quoted the 2003 EIA report and said that the extension of SENTLF played an important role in the strategic waste management policy whereas the 2003 EIA report in fact concluded that the SENTLF was not suitable for further extension;
- (f) according to a study conducted by PolyU in 2009-2010, the source

of malodour affecting the TKO area was mainly from the SENTLF. This demonstrated that the mitigation measures recommended by EPD had failed to deal with the malodour problem and that the proposed SENTLFX should not be supported; and

- (g) the PolyU study found that out of 40 site investigations, the malodour problem was identified in 14 cases and, except for one case which was related to the preparation of Chinese medicine, the malodour of the remaining 13 cases were similar to the malodour generated by the landfill.

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

124. At this juncture, a Member said that the PolyU study which the representer was referring to was already tabled for Members' information on 16.11.2011 when the Board gave consideration to the Group 1 representations.

125. Ms. Fong Kwok Shan claimed that the meeting on 16.11.2011 had only dealt with the deferral of the consideration of the representations and no presentation had been made. Mr. Chan Kai Wai also considered it unfair that a representer or commenter was prevented from continuing his/her presentation when his/her points had been made by other representers or commenters.

126. While the Chairman invited Mr. Wong to continue with his presentation, Ms. Fong Kwok Shan asked when the hearing would be adjourned as it was getting late. The Chairman advised Ms. Fong not to disrupt the representer from making his representation. Ms. Fong, however, continued to say that the meeting which was held on 16.11.2011 had only dealt with the deferral of the consideration of the representations and comments of Group 2. The Chairman warned Ms. Fong a second time not to disrupt the meeting. He asked Mr. Wong to continue with his representation. However, Ms. Fong again referred to the meeting held on 16.11.2011 and the Chairman warned her a third time not to disrupt the meeting.

127. The Chairman then invited the Secretary to recap the events that took place

on 16.11.2011. However, the representers including Mr. Chan Kai Wai, Ms. Fong Kwok Shan and Mr. Chui Ting Bong interrupted the Secretary and protested loudly that it was unfair for Members to disrupt the presentation of R791. They also said that if Members did not wish to listen to the presentation, they should say so. Ms. Fong Kwok Shan said that since not all Members were present when DPO/SKIs made his presentation, the DPO should be invited to make another presentation of the TPB Paper. Moreover, as not every representer or commenter was present at the meeting held on 16.11.2011 and other sessions of the TPB meeting, it was unfair that they should be barred from presenting the points that were already made by others. She reiterated that it was unfair that some representers were allowed to make a 45-minute presentation while she would be restricted to a 10-minute presentation. She also complained that the Board had taken away the right of the 5,000-odd representers who had made representations against the proposed SENTLFX during the publication of the Tseung Kwan O OZP No. S/TKO/19 but were ruled as invalid by the Board.

128. The Secretary proceeded to recap the events that took place on 16.11.2011 and said that at the TPB meeting held in the morning session of 16.11.2011, Ms. Fong Kwok Shan and some other representers said that they did not receive the TPB Paper in time and that the TPB Paper was voluminous. They requested for a deferral of the hearing to allow adequate time for them to examine the contents of the TPB Paper. After deliberation, the Board agreed to defer the consideration of the Group 2 representations as set out in TPB Paper No. 8939 concerning the SENTLF and the SENTLFX, i.e. Amendment Items A1 to A3 on the Tsung Kwan O OZP No. S/TKO/18. In this respect, the hearing of Group 2 representations and comments concerning the SENTLF and the SENTLFX had not commenced. In the afternoon session of 16.11.2011, the Board held the hearing of Group 1 representations as set out in TPB Paper No. 8938 concerning the Fire Services Training School cum Driving Training School and the development of a private hospital, i.e. Amendment Items B and C on the Tseung Kwan O OZP No. S/TKO/18. The Board commenced the hearing of Group 2 representations (i.e. TPB Paper 8939) on 30.11.2011 and the hearing had continued until the present moment. The Secretary clarified that what the Member meant to say was that the document referred to by the representer (i.e. the PolyU Study) had already been tabled and Members were already aware of its contents.

129. In response to Mr. Chan Kai Wai's demand for an apology from the Member

concerned, the Chairman said that the Secretary had already clarified the issue and he requested Mr. Wong Ka Ki to continue with his presentation. Mr. Chan Kwok Keung, however, requested the Chairman to warn the Member concerned not to disrupt any person making his/her presentation. The Chairman explained that it was not a disruption as the Member had obtained his permission before making that comment.

130. At the request of the Chairman, Mr. Wong Ka Ki continued with his presentation and made the following main points:

- (a) EPD's claim that the malodour problem had already been mitigated or reduced was not true. As the mitigation measures taken by EPD had not been effective, it was impossible for the residents to give support to the proposed SENTLFX;
- (b) according to a recent news report, a contractor providing power for the SENTLF indicated that the assessments done were based on an assumption that the existing SENTLF would be closed down by 2018. In this respect, the existing SENTLF would only become saturated by 2018 instead of 2012 as claimed by EPD;
- (c) EPD did not refute the report outright that the SENTLF would only be saturated by 2018 nor provide any information on the year of saturation of the SENTLF. EPD only pointed out that it did not agree with the report's assumptions on soil settlement and environmental safety;
- (d) there was therefore no information on when the SENTLF would be saturated and the information available from different sources had ranged from 2005 to 2018; and
- (e) EPD should not mislead the public but should provide all the necessary information to the public, including in particular the year when the SENTLF would become saturated.

131. Ms. Fong Kwok Shan asked the Chairman about the arrangement of the hearing as it was already 11:30 p.m. and some representers who wanted to speak would need to leave, and she had yet to make her presentation for herself and for several representers who had authorised her to do so.

132. The Chairman made a head count and noted that there were five to six representers or commenters who had not yet spoken and wanted to speak. He then invited those representer or commenters who wanted to leave early to make their presentations.

R2464 (Fong Kwok Shan)

Mr. Wang (representative)

133. Mr. Wang made the following main points:

- (a) although some of the points raised by the representers were repetitive, they reflected the general views of the residents of LOHAS Park;
- (b) he used to live in Tai Koo Shing but, as the place was too noisy, he moved to Le Prestige about a year ago for its better living environment. He knew that the SENTLF was only about 800 metres away but was informed that the SENTLF would be saturated and closed down by 2012. Every now and then, he would smell the malodour but he believed that the situation would improve once the landfill was closed. It was only recently that he realised that the landfill would be extended;
- (c) although the SENTLFX would only be used for dumping construction waste, it was not clear how the Government would ensure that other waste would not be mixed with the construction waste. Whilst the dumping of waste would be reduced, it would take a longer time for the SENTLFX to become saturated and closed;
- (d) whether the landfill would be restricted to construction waste or not, the proposed SENTLFX would release a lot of pollutants and emissions that were harmful to the health of the residents. As the population of TKO

would continue to increase, the adverse impact generated by the SENTLFX would become worse;

- (e) the Government should reassess the current situation and consider other options to deal with the problem of municipal waste instead of proposing to extend the SENTLF. The primary objective of the Government was to provide people a healthy environment to live in; and
- (f) as a responsible Government, it should consider alternatives to tackle the waste disposal problem, instead of proposing to extend the landfill at a site that was too close to the existing residential developments. The Government should listen to the views of the people, find an alternative landfill site with little impact on the population nearby or explore alternative means to deal with municipal waste. The Government should not insist on extending the SENTLF.

134. When the Chairman invited the next representer to make his/her presentation, Ms. Fong Kwok Shan complained that the time was already late and the residents were already too tired to continue with the hearing. The Chairman explained that since there were only a few remaining representers or commenters who wanted to make their presentations, he hoped that they could finish their presentations before adjourning the meeting and resuming it the next day, i.e. 2.12.2011, at 10 a.m. Ms. Fong Kwok Shan then said that they were never informed that the meeting would continue the next day. In reply, the Chairman said that as the hearing could not be completed on the current day, the Board would need to resume the hearing the next day. Referring to the letter inviting the representers/commenters to the hearing, the representers said that the hearing was only scheduled for 30.11.2011 and 1.12.2011 and there was no mention of another meeting to be held on 2.12.2011. Notwithstanding the Chairman's explanation that the hearing to be held the next day was a resumption of the meeting that was going to be adjourned on the current day, and that it was not possible for the Board to reschedule its meetings to suit the schedules of all the representers and commenters, the attendees reacted noisily and complained that the Board's decision was hasty and that the Board did not accommodate the needs of the representers as some of them would not be able to attend the hearing the next

day.

135. When the Chairman invited those representers who could not attend the meeting the next day to make their presentations first, Ms. Fong Kwok Shan interrupted by saying that the attendees were too tired and requested that the meeting be adjourned.

136. An elderly representer said that he was not feeling well and requested that the hearing be adjourned. He said that he wanted to make his presentation but would not be able to finish it within 10 minutes. He said that he only wanted an environment where he could live healthily and requested that the SENTLF be closed down by 2012. He considered that it was his right to be able to live in a healthy environment. He requested the meeting to be adjourned as he was not feeling well.

137. Other attendees protested noisily and requested that the meeting should be adjourned as it was already past midnight. Moreover, they requested that the representers and commenters should be given reasonable notice of the date and time of the next meeting before the hearing was to be resumed.

138. The Chairman announced that the meeting was adjourned and the meeting would be resumed the next day at 10 a.m.

139. The meeting was adjourned at 12:10 a.m.

[Post-meeting Note: The attendees refused to leave the meeting room and continued to express discontent about the meeting arrangements. Some of them said that they were not able to attend the meeting the next day due to other commitments. After consulting Members, the Secretary informally suggested the morning session on 2.12.2011 would be for the hearing of the representations and comments in respect of the draft Tseung Kwan O OZP No. S/TKO/19 while the afternoon session would be the continuation of the hearing of the representations and comments in respect of the draft Tseung Kwan O OZP No. S/TKO/18. This was not accepted by the attendees. After consulting Members again, she suggested further resuming the meeting on 3.12.2011 to allow more representers and commenters to attend. However, the suggestion was not accepted by the representers. The attendees left the conference room

at about 12:40 a.m. on 2.12.2011.]