

1. The meeting was resumed at 9:10 a.m. on 3.12.2011.
2. The following Members and the Secretary were present at the resumed meeting:

Mr. Thomas Chow	Chairman
Mr. Stanley Y.F. Wong	Vice-chairman
Mr. Walter K.L. Chan	
Mr. B.W. Chan	
Mr. Y.K. Cheng	
Ms. Anna S.Y. Kwong	
Mr. Timothy K.W. Ma	
Dr. C.P. Lau	
Mr. Roger K.H. Luk	
Ms. Anita W.T. Ma	
Professor S.C. Wong	
Director of Lands	
Ms. Annie Tam	
Director of Planning	
Mr. Jimmy Leung	

Agenda Item 1
[Open Meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

Request for Deferral of Consideration of Further Representations to the Draft Ngau Tau Kok and Kowloon Bay Outline Zoning Plan No. S/K13/26

3. The Secretary reported that in the TPB meetings held on 25.11.2011 and 1.12.2011, Members considered 30 requests for deferral of the hearing for the further representation (FR) to the Draft Ngau Tau Kok and Kowloon Bay Outline Zoning Plan No. S/K13/26, that was originally scheduled for 9.12.2011. Having regard to the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representation, the Board decided not to accede to all 30 deferral requests as there was no strong justifications provided by the FRs.

4. The Secretary said that Oriental Generation Limited (OGL) (R6), the owner of the Kai Tak Mansion site, was one of the 30 parties who had submitted a deferral request vide a letter dated 16.11.2011 from its solicitor. Their grounds were that they were unclear of the effect of the gazettal of a new version of the OZP (S/K13/27) on the outstanding FRs (on S/K13/26) yet to be heard by the Board and the judicial review lodged by OGL. They sought a deferral until the above matter was clarified. The Board had sought legal advice on OGL's solicitor's letter and had replied to OGL on 24.11.2011. At the meeting on 25.11.2011, the Board noted that matters raised by OGL's solicitor had been clarified and decided not to accede to their deferral request. On 25.11.2011, OGL's solicitor was informed of the Board's decision. On 28.11.2011, OGL's solicitors wrote to the Secretariat again asking for further clarifications on the Secretariat's letter dated 24.11.2011 and asked that the FR hearing be deferred until the matter was clarified. Further legal advice was being sought on OGL's latest letter.

5. The Secretary informed Members that as legal advice on the matters raised by OGL was not yet available, PlanD sought the Board's agreement to a deferral of the FR

hearing until the legal advice was available.

6. After discussion, Members agreed to PlanD's request for deferral of the FR hearing originally scheduled for 9.12.2011 pending the availability of the legal advice. The Secretariat would inform the FRs of the deferral of the FR hearing.

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, C167(part) to C205

(TPB Paper 8939)

[The meeting was conducted in Cantonese.]

Deliberation

7. In order to ensure a smooth operation of the hearing proceeding and for more efficient time management, a Member suggested that each representer and commenter or their representative should only be allowed to present his/her views once and any proxy made just before the presentation should not be permitted. The Chairman said that based on the rules agreed by the Board at the meeting on 2.12.2011, each representer and commenter should only be allowed to present for a maximum of 10 minutes and the Chairman had full discretion to allow for an extension of time where he considered justified. Besides, for a representer or commenter holding more than one proxy, his/her presentation should not exceed a maximum duration of 30 minutes. The Secretary said that all proxies should be made in writing and should not be accepted if it was made just before the presentation.

Presentation and Question Session

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

- 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) (AD(Env. 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

9. The following commenter and representer's representatives were invited to the meeting:

C32

Mr. Tse Kwok Tung - Commenter

R2464

Mr. Timothy Chui] Representer's representatives

Mr. Cheung Mei Hung]

10. The Chairman extended a welcome and explained the procedures of the hearing. He said that each representer or commenter would generally be allowed to present for a maximum of 10 minutes. He then invited DPO/SKIs and representatives from EPD to brief Members on the representations.

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

11. With the aid of a powerpoint presentation, Mr. Ivan Chung (DPO/SKIs, PlanD) repeated the presentation that was made in the hearing session on 30.11.2011 as recorded in paragraph 11 of the Minutes of 30.11.2011.

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

12. Dr. Ellen Chan (AD(Env. Infrastructure), EPD) repeated the presentation which was made in the hearing session on 30.11.2011 as recorded in paragraphs 12(a) to (b), 14(a), 16(a), 18(a) to (b), 20(a), 22(a), 24(a) to (d) and 26(a) of the Minutes of 30.11.2011.

13. The Chairman then invited the commenter and the representer's representatives to elaborate on their representation and comment. He reminded that each representer or commenter would be allowed to present for a maximum of 10 minutes.

C32 (Tse Kwok Tung)

Mr. Tse Kwok Tung

14. Mr. Tse Kwok Tung asked whether the Board had invited other representers and commenters to attend the current meeting. The Secretary said that the subject meeting was a resumption of the meeting adjourned on 2.12.2011. She explained that the hearing to consider the representations and comments made in respect of the draft Tseung Kwan O Outline Zoning Plan No.S/TKO/18 (Group 2) was conducted on 30.11.2011 and 1.12.2011. As the meeting on 1.12.2011 lasted till late, the meeting was adjourned. Before closing that meeting, the Chairman announced that the meeting would be resumed on 2.12.2011 at 10:00 a.m. Further, after considering the views of some of the

representers present on 1.12.2011, another session to hear representers and commenters was arranged for 3.12.2011, Saturday (i.e. the current hearing) to facilitate attendance of the hearing.

15. Mr. Tse Kwok Tung said that he was a Committee Member of the Owners' Corporation of The Capitol and noted that other representers, i.e. Ms Fong Kwok Shan (R2464) and Mr Chan Kai Wai (R2468) who had not yet made their presentation, did not attend the subject meeting. He therefore asked the Board when the deliberation session of the hearing would take place. The Secretary replied that deliberation of representations would be conducted after completion of the presentation and Question and Answer (Q & A) sessions.

16. Mr. Tse Kwok Tung then made the following points:

- (a) when the owners of The Capitol first moved in their residence in 2009, they were informed that the SENTLF would be closed by 2012. However, it was only after two years that they realised that there would be an extension of the landfill to the CWBCP and Area 137. Though the proposed extension to the CWBCP had now been dropped, the remaining landfill extension at Area 137 was still very close to the residential development in The Capitol;
- (b) many dump trucks travelling along Wan Po Road were not covered up and hence that had caused serious dust pollution problem. The mitigation measures recommended by EPD were not effective as EPD failed to ensure implementation of such measures;
- (c) the residents of LOHAS Park strongly objected to the SENTLF and its extension, despite the claim of EPD that the EIA had already considered their impacts on LOHAS Park. He could not believe that the residents had indicated their support during their site visit to the landfill site in 2009;
- (d) EPD claimed that the SKDC Members were in support of the proposals at its meeting on 3.5.2011. However, those who indicated support were in

fact living in the Sai Kung area and hence did not represent the view of the TKO residents;

- (e) if the Government considered that there was a need to provide/extend the landfill, it should not plan for the residential development in its vicinity. This had led to unavoidable conflict between the Government and the local residents;
- (f) although EPD had claimed that the disposal of construction and chemical waste would be governed by the relevant Ordinances, there was still grave concern on the potential hazard on the health of residents since the control on the demolition and waste disposal process might not be properly done in practice. Besides, there was also noxious and inflammable gas such as methane near The Capitol, Oscar by the Sea and the RTHK site which would be disastrous in case of accident; and

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

- (g) the Government should be aware that the local residents had been lodging their objection to the SENTLF for many years. Currently, about 12 residential blocks in LOHAS Park had already been occupied and it was expected that by 2020, the number of occupied blocks would increase to 20. EPD did not consult the residents in LOHAS Park and just kept repeating their outdated EIA findings and figures in 2008. That was why the residents rejected the proposal. The Government should be urged to redo the EIA and review the 13 ha SENTLFX proposal.

17. Members noted that Mr. Timothy Chui, R2464's representative, had arrived to join the meeting at this point.

R2464 (Fong Kwok Shan)

Mr. Timothy Chui (representative)

Mr. Cheung Mei Hung (representative)

18. Mr. Timothy Chui said that he was the assistant of Sai Kung District Council

Member Ms. Fong Kwok Shan (R2464), and he represented Ms. Fong to attend the current meeting. As he had learnt from Mr. Tse (C32) in the morning that there would be a meeting held by the Board, he had informed Ms. Fong that he would attend the meeting. However, he did not intend to make any presentation at this meeting as he had already made his presentation before and many other residents had also presented their views. In response to Mr. Chui's enquiry about the arrangement of the subject meeting, the Chairman said that the meeting was a resumption of the meeting on 2.12.2011 which was adjourned as no representer and commenter had turned up for the meeting on 2.12.2011. In response to the Chairman's question, Mr. Chui confirmed that Ms. Fong Kwok Shan was fully occupied by other functions and would unlikely be able to join the meeting due to her busy schedule.

19. Members noted that another representative of R2462, Mr. Cheung Mei Hung, had arrived but decided not to join the meeting and not to make any presentation to the Board.

20. As the commenter and the representer's representative had no further comment to make, the Chairman thanked them and the government's representatives for attending the meeting. They all left the meeting temporarily at this point.

Deliberation

21. The Secretary informed Members that one of the representers, Mr. Chan Kai Wai (R2468), who attended the meetings on 30.11.2011 and 1.12.2011, had indicated earlier that he would be out-of-town and could not attend the subject meeting to make his presentation. Members also noted that there were some other representers including Ms. Fong Kwok Shan (R2464) who had not yet made their presentation at the previous meetings.

22. A Member noted that Mr. Timothy Chui, assistant of Ms Fong Kwok Shan (R2464), claimed that Ms Fong was not aware of the subject meeting. The Secretary clarified that before the close of the meeting on 1.12.2011, the Chairman had already announced that the meeting would be resumed at 10:00 a.m. on 2.12.2011. After closure of the meeting on 1.12.2011 and taking note that some of the representers had expressed

that they were not available on 2.12.2011, some representers were informed that another session would also be held in the morning of 3.12.2011 to facilitate their attendance. Hence, the current meeting was to resume the meeting adjourned on 2.12.2011. She said that Mr. Chui was aware of the above arrangement at the end of the meeting on 1.12.2011.

23. Another Member considered that since the Chairman had already informed the representers and commenters at the end of the meeting on 1.12.2011 that the meeting would be resumed at 10:00 a.m. on 2.12.2011, the representers could always make enquiry to the Secretariat on the schedule of the resumed meetings if they had doubt on the matter. This and another Member noted that the agenda of the meeting had already been uploaded on the Board's website and the Secretariat had also received telephone and written enquiries in the past few days about the date and time of the meeting to be resumed after adjournment. Hence, both Members considered that the Board had acted reasonably in informing the representers and commenters of the schedule of the meeting and there were adequate channels for representers and commenters to enquire about the meeting date. Other Members agreed.

24. A Member opined that the Board had acted properly in conducting the hearing. The current meeting was to resume the meeting adjourned on 2.12.2011. Since the Board had already informed the remaining attendees at the end of each meeting on 30.11.2011 and 1.12.2011 about the schedule and time of the next resumed meeting, there was no procedural impropriety. It was not necessary for the Board to give advance notice to all representers and commenters before resuming the meeting. This Member also noticed that Mr. Timothy Chui, as the representative and assistant of Ms. Fong Kwok Shan (R2464), had already been informed of the meeting dates and he had turned up accordingly.

25. The Chairman said that reasonable time and opportunity had already been given to the representers and commenters to make their presentation at the meetings on 30.11.2011, 1.12.2011, 2.12.2011 and 3.12.2011. He invited Members to consider whether another session should be provided on compassionate ground for those representers who did not attend or present at the previous four meetings, and if not, whether the hearing should proceed to the Q & A session direct at the next meeting to be held on 7.12.2011.

26. The Vice-chairman agreed that adequate time and opportunity had already been provided to representers and commenters for their presentation. He said that the hearing should proceed to the Q & A session direct at the next meeting so that the respresenters and commenters could listen to the detailed explanation of government departments and Members could listen to the explanations from different parties. Hence, he suggested that the representers and commenters should be formally informed that the presentation session had been completed and they were invited to attend the Q & A session at the next meeting. Members agreed and said that while it was impossible for the Board to accommodate the individual schedules of all representers and commenters, the Board had acted reasonably by making available a number of dates to facilitate their attendance.

27. A Member considered it more prudent to have another half-day session for those representers and commenters who had indicated their intention to make presentation but had not yet done so, before proceeding to the Q & A session. Nevertheless, it should be indicated clearly that such half-day session would be the last presentation session. Another Member agreed.

28. Another Member, however, held a different view and considered that the Board had already allowed sufficient time for representers and commenters to make presentation. If another presentation session was arranged, it was likely that some representers and commenters might ask for more time for that. This Member said that the hearing should proceed direct to the Q & A session at the next meeting.

29. Mr. Jimmy Leung, Director of Planning, said that according to the rules agreed by Members, each representer, commenter or their representatives should only be allowed to present for a maximum of 10 minutes and the Chairman had the full discretion to allow for extension as and when appropriate. If the rules were strictly followed, it was not necessary to confine the presentation to a half-day session. He noted that in the previous meeting, there were some representers and commenters including some elderly who indicated their intention to speak but did not have a chance to do so. He considered that their right should be respected. He supported holding another presentation session in the next meeting before proceeding to the Q & A session. Two other Members concurred and said that the rule to restrict the time of presentation should be strictly adhered to in

order to make good use of another presentation session.

30. Whilst noting that two SKDC members had claimed that they had not yet presented their views, a Member said that DC members were representers in the hearing and should not be treated differently from others. The Chairman said that all representations and comments submitted, irrespective of the background and status of the representers and commenters, would be treated equally and fairly by the Board.

31. After hearing the views of Members, the Chairman concluded Members' views that the Board had thoroughly heard all the presentations by representers and commenters at the meetings on 30.11.2011, 1.12.2011 and 3.12.2011 and had properly performed its statutory role and function under the TPO, despite the apparent abuse of the procedures by some of the representers and commenters. Members generally agreed that adequate time and opportunity had been given to the representers and commenters to present at the respective meetings but there were still some representers including some elderly who did not have the chance to present. To respect the right of those representers and commenters, the Chairman suggested and Members agreed that another presentation session would be arranged on 7.12.2011 before proceeding to the Q & A session. Besides, Members reaffirmed that the 10-minute rule for presentation should be strictly followed and the Chairman had full discretion to allow for extension of time where justified. For representers or commenters holding more than one proxy, they should be allowed to present for a maximum of 30 minutes. The representers and commenters should also be reminded to keep their presentation succinct and concise, and to avoid repetitive arguments and points. The Board requested the Secretariat to inform the representers and commenters of the resumption of the meeting on 7.12.2011 and consult the Department of Justice on the procedures if considered necessary.

[Mr. Walter K.L. Chan left the meeting at this point.]

32. The Chairman then invited Mr. Tse Kwok Tung (C32), Mr. Timothy Chui and Mr. Cheung Mei Hung (R2464's representatives) and the government's representatives to return to the meeting at this point.

33. The Chairman said that as the commenter and representer's representatives

had no further comment to make, the Board had decided to adjourn the meeting which would be resumed at 9:00 a.m. on 7.12.2011.

34. Mr. Timothy Chui clarified that though he attended the current meeting on behalf of Ms. Fong Kwok Shan (R2464), Ms. Fong had not yet made her presentation to the Board. Members noted.

35. Mr. Tse Kwok Tung (C32) asked whether the representers and commenters would be informed of the meeting to be resumed on 7.12.2011. Mr. Timothy Chui (R2464's representative) asked about the Board's arrangement if the concerned representers and commenters were unable to attend the meeting on 7.12.2011 due to personal or business commitment. The Chairman replied that it was impossible for the Board to accommodate the schedules of all individual representers and commenters. The Secretariat would follow up with the meeting arrangement as appropriate.

36. Mr. Cheung Mei Hung (R2464's representative) asked what the Board's arrangement would be if there was no representer or commenter attending the meeting on 7.12.2011. The Chairman said that the Board would take into account the circumstances at that time and make decision appropriately. Mr. Cheung said that according to the statutory procedure, the representers and commenters should be given two-week notice for the hearing. In response, the Chairman said that as the meeting on 7.12.2011 was only to resume the earlier adjourned meeting, such requirement did not apply.

37. Mr. Timothy Chui (R2464's representative) asked whether the representers and commenters were allowed to make comment during the Q & A session. The Chairman said that according to the Board's established procedures and practice, the representers and commenters would be invited by the Chairman to answer questions, if necessary.

38. The Chairman thanked the government representatives, the commenter and the representer's representatives for attending the meeting. They all left the meeting at this point.

Adjournment of the Meeting

39. The meeting was adjourned at 10:40 a.m. and would be resumed at 9:00 a.m. on 7.12.2011.