

**Minutes of 1007th Meeting of the
Town Planning Board held on 9.3.2012**

Present

Permanent Secretary for Development
(Planning and Lands)

Mr. Thomas Chow

Chairman

Mr. Stanley Y.F. Wong

Vice-Chairman

Mr. K.Y. Leung

Mr. Walter K.L. Chan

Mr. B.W. Chan

Ms Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Rock C.N. Chen

Mr. Y.K. Cheng

Mr. Felix W. Fong

Professor Eddie C.M. Hui

Ms Anna S.Y. Kwong

Professor Paul K.S. Lam

Dr. C.P. Lau

Ms Julia M.K. Lau

Mr. Maurice W.M. Lee

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Dr. W.K. Lo

Miss Anita W.T. Ma

Dr. Winnie S.M. Tang

Professor S.C. Wong

Dr. W.K. Yau

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

Assistor Director (2), Home Affairs Department
Mr. Eric Hui

Deputy Director of Environmental Protection
Mr. Benny Wong
Principal Environmental Protection Officer,
Environmental Protection Department
Mr. H.M. Wong

Director of Lands
Miss Annie Tam

Director of Planning
Mr. Jimmy C.F. Leung

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

Secretary

Absent with Apologies

Professor Edwin H.W. Chan

Professor P.P. Ho

Dr. James C.W. Lau

Mr. Roger K.H. Luk

Mr. Timothy K.W. Ma

Ms. Pansy L.P. Yau

Mr. Stephen M.W. Yip

In Attendance

Assistant Director of Planning/Board

Mr. C.T. Ling

Chief Town Planner/Town Planning Board

Miss H.Y. Chu (a.m.)

Ms Christine K.C. Tse (p.m.)

Senior Town Planner/Town Planning Board

Ms Donna Tam (a.m.)

Town Planner/Town Planning Board

Mr. Terrence Leung (p.m.)

Agenda Item 1

[Open meeting]

Confirmation of Minutes of the 1005th Meeting held on 17.2.2012

[The meeting was conducted in Cantonese.]

1. The minutes of the 1005th meeting held on 17.2.2012 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Closed meeting]

2. This item was recorded under confidential cover.

[Mr. Fletch Chan, Ms Anna S.Y. Kwong and Mr. Rock C.N. Chen arrived to join the meeting at this point.]

Agenda Item 3

[Open meeting]

Proposed Amendments to the Draft South West Kowloon

Outline Zoning Plan No. S/K20/26

(TPB Paper No. 9031)

[The meeting was conducted in Cantonese.]

3. The following representatives from the Planning Department (PlanD) were invited to the meeting at this point:

Mr. Wilson Chan

District Planning Officer/Tsuen Wan and West
Kowloon (DPO/TWK)

Mr. C.K. Soh Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK)

Mr. C.H. Mak Town Planner/Tsuen Wan and West Kowloon (TP/TWK)

4. The Chairman extended a welcome and invited STP/TWK to brief Members on the Paper.

5. Mr. C.K. Soh, STP/TWK, informed Members that there was a typing mistake on page 3 of the TPB Paper that “119m²” in paragraph 5.3 should be “1190m²”. With the aid of a Powerpoint presentation, Mr. C.K. Soh briefed Members on the proposed amendments to the South West Kowloon Outline Zoning Plan (OZP) as detailed in the Paper:

(a) on 30.6.2011, the draft South West Kowloon OZP No. S/K20/26, incorporating the revision of the Notes for the “Industrial” zone on the OZP were exhibited for public inspection under s.7 of the Town Planning Ordinance (the Ordinance). The hearing and consideration of the representation by the Board was held on 3.2.2012 and the supportive views of the representation were noted by the Board;

The proposed amendments to the Plan

(b) to reflect the existing as-built condition of the slip road of Lin Cheung Road and Jordan Road and to align with the allocation boundary of the Centenary Substation, it was proposed that the two strips of land be rezoned from “Government, Institution or Community” (“G/IC”) (490m²) and “Other Specified Uses” (“OU”) annotated “Public Utility Depot including Electricity Substation” (760m²) to areas shown as ‘Road’;

(c) to tally with the gazetted boundary of the Western Harbour Crossing (WHC) tunnel area, the current zoning boundary between the West Kowloon Cultural District (WKCD) and the WHC Toll Plaza sites was proposed to be adjusted by rezoning the two strips of land (1,190m² and

190m²) from “OU” annotated “Arts, Cultural, Entertainment, Commercial and Other Uses” (“ACECOU”) to “OU” annotated “WHC Toll Plaza”, and the two strips of land (140m² and 290m²) from “OU” annotated “WHC Toll Plaza” to “OU” annotated ‘ACECOU’;

- (d) the zoning boundary of the WKCD site was also proposed to be adjusted to exclude areas of public road along Austin Road West (180m²) and Canton Road (590m²). These areas are proposed to be rezoned from “OU” annotated “ACECOU” to areas shown as ‘Road’;
- (e) the land area of the seawall (9,940m²) along the waterfront adjoining the WKCD was proposed to be included into the “OU” annotated “ACECOU” zone to follow the high watermark, in order to allow the WKCD Authority to beautify the seawall, integrate it with the planning of the waterfront promenade to improve land-water interface and facilitate better planning between the land area and the harbour. As a result, the planning scheme area had been increased from 401.88 ha to 402.87 ha (+0.25%);

WKCD Development Plan

- (f) the WKCD would be implemented by way of a Development Plan (DP) under s.21 of the WKCD Authority Ordinance (WKCDAO). On 30.12.2011, the WKCD Authority had submitted the DP, which would be considered by the Board at the same meeting. If the Board deemed the DP as being suitable for publication under s.21(7) of the WKCDAO, the DP would accordingly be deemed to be a draft plan prepared by the Board for the purposes of the Ordinance and the provisions of the Ordinance concerning any draft plan were to apply accordingly. Where the DP was exhibited under s.5 of the Ordinance, it would replace the South West Kowloon OZP in respect of the WKCD being covered by the DP from the date when the DP was first notified in the gazette;

The proposed amendments to the Notes

- (g) as the area under the OZP concerning the WKCD development would be replaced by the draft DP, the Notes for the “OU” annotated “ACECOU” would be deleted;
- (h) technical amendments to update the Notes to make it consistent with the provisions recently incorporated in various OZPs and in accordance with the Master Schedule of Notes (MSN) were proposed as follows:
 - (i) to replace the original reference to the maximum plot ratio/gross floor area by the maximum total plot ratio/gross floor area allowable for the uses as permitted under the “Commercial”, “Comprehensive Development Area (1)”, “Residential (Group A)”, “OU” annotated “Public Utility Depot Including Electricity Substation” and “OU” annotated “Institutional Facility and Hostel Use” zones for clarity purpose;
 - (ii) to revise paragraph (5) of the Remarks of the Notes for the “Comprehensive Development Area (1)” zone to indicate that the maximum building heights should not exceed the figures stipulated on the Plan or the height of the existing building, whichever was the greater; and
 - (iii) to revise the user term “Government Use (unless otherwise specified)” to “Government Use” in accordance with the MSN;
- (i) the Explanatory Statement (ES) of the OZP was proposed to be revised to take into account the proposed amendments and to update the general information for the various land use zones to reflect the latest status and planning circumstances of the OZP; and
- (j) the Yau Tsim Mong District Council and the Harbourfront Commission would be consulted on the proposed amendments during the exhibition period of the draft OZP.

6. The Secretary said that the Secretariat would further check the accuracy of the proposed amendments to the OZP, Notes and ES. The above documents, after incorporating the refinements (if any), would be published under s.7 of the Ordinance.

7. After deliberation, the Board agreed:

- (a) to the proposed amendments to the draft South West Kowloon OZP No. S/K20/26 and its Notes;
- (b) that the draft South West Kowloon OZP No. S/K20/26A (to be renumbered as S/K20/27 upon exhibition) and its Notes were suitable for exhibition for public inspection under s.7 of the Ordinance; and
- (c) to adopt the revised ES as an expression of the planning intentions and objectives of the Board for the various land use zones on the Plan and the revised ES was suitable for exhibition together with the Plan under s.7 of the Ordinance.

Agenda Item 4

[Open Meeting (Presentation and Question Session only)]

Submission of the Draft West Kowloon Cultural District
Development Plan No. S/K20/WKCD/A prepared under section 21
of the West Kowloon Cultural District Authority Ordinance
(TPB Paper No. 9041)

[The meeting was conducted in Cantonese.]

8. Mr. Fletch Chan had declared interest in this item as the Mass Transit Railway Corporation Limited (MTRCL) submitted comments during the exhibition of the draft Development Plan (DP) for the West Kowloon Cultural District (WKCD) for public viewing after it was submitted to the Board on 30.12.2011. As the subject item was related to plan making, Members agreed that Mr. Fletch Chan could stay in the meeting for the item.

9. The following representatives from the Planning Department (PlanD), Home Affairs Bureau (HAB), the West Kowloon Cultural District Authority (WKCDA) and its Consultants were invited to the meeting at this point:

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| Mr. Wilson Chan | - District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), PlanD |
| Mr. C.K. Soh | - Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), PlanD |
| Mr. C.H. Mak | - Town Planner/Tsuen Wan and West Kowloon (TP/TWK), PlanD |
| Mr. Wan Man Leung | - Project Manager (HAB) |
| Mr. David C.M. Lam | - Senior Town Planner (WKCD), HAB |
| Dr. M.W. Chan | - Executive Director, Project Delivery/WKCDA |
| Mr. Derek Sun | - Head of Planning and Development, Project Delivery/WKCDA |
| Mr. Y.C. Ng | - Head of Technical Services, Project Delivery/WKCDA |
| Ms. Helen Lung | - Senior Planner, Project Delivery/WKCDA |
| Mr. Colin Ward | - Conceptual Plan Consultant, Foster+Partners |
| Mr. Fred Brown | - Project Traffic Consultant, MVA/Mott MacDonald Hong Kong |

- Mr. Sai-hung Ching - Project Director, Mott MacDonald Hong Kong
- Mr. Dickson Hui - Project Planning Consultant, LD Asia/Mott MacDonald Hong Kong
- Ms. Winnie Wu - LD Asia
- Mr. Stephen Bingham - Project Manager, Mott MacDonald Hong Kong
- Dr. Peter Hitchcock - Project AVA Consultant, Mott MacDonald Hong Kong
- Mr. Patrick Lau - Project Landscape Consultant, Earthasia/Mott MacDonald Hong Kong
- Mr. Felix Li - TFP Farrells
- Mr. Paul Chan - Earthasia Design Group

10. The Chairman extended a welcome and invited STP/TWK to brief Members on the Paper.

11. With the aid of a Powerpoint presentation, Mr. C.K. Soh, STP/TWK, briefed Members on the WKCD DP as detailed in the Paper:

- (a) the WKCD, with an area of about 40 ha, was currently zoned “Other Specified Uses” annotated “Arts, Cultural, Entertainment, Commercial and Other Uses” (“OU(ACECOU)”) on the draft South West Kowloon Outline Zoning Plan (OZP) No. S/K20/26. The planning intention of this zone was to develop the area into an arts, cultural, entertainment and commercial district with distinguished identity, capable of achieving a critical mass and supported by a range of mixed commercial, office, retail, residential, hotel and other Government, institution and community (GIC) facilities. The key planning parameters and development restrictions

stipulated in the OZP were as follows:

- a maximum plot ratio (PR) of 1.81;
- not more than 20% of the total PR should be for residential use;
- the provision of not less than 23 ha of public open space (including 3 ha of piazza areas and a waterfront promenade of not less than 20m in width); and
- building height (BH) restrictions ranging from 50 to 100mPD;

(b) to establish the WKCDA for the development of WKCD, the WKCDA Ordinance (WKCDAO) was enacted in July 2008. According to s.21 of the WKCDAO, the WKCDA was required to prepare a DP to lay out the land use(s) for WKCD. In preparing the DP, the WKCDA should ensure compliance with the development parameters as specified in the OZP, consult the public and the Secretary of Home Affairs (SHA), have regard to the views received in the public consultation, and satisfy any requirements or conditions imposed by SHA. The WKCDA should submit the DP to the Board for consideration under s.21(6) of the WKCDAO. The Board might deem the DP as being suitable for publication under s.21(7) of the WKCDAO, and the DP would accordingly be deemed to be a draft plan prepared by the Board for the purposes of the Town Planning Ordinance (TPO) and the provisions of the TPO concerning any draft plan were to apply accordingly. Where the DP was exhibited under s.5 of the TPO, it would replace the South West Kowloon OZP in respect of the WKCD being covered by the DP from the date when the DP was first notified in the gazette. Corresponding amendments to the OZP would also be made and gazetted at the same time under the TPO. If the DP was approved under the TPO, the approved DP was to be regarded as an approved plan for the purposes of the TPO;

- (c) on 30.12.2011, the WKCDA submitted the DP and its related documents to the Board under s.21(6) of the WKCDAO;
- (d) WKCDA had made necessary minor adjustments to the boundary of WKCD to tally with the boundaries of the adjoining facilities and latest road works, i.e. the gazetted Tunnel Area Plan of Western Harbour Crossing (WHC), future public roads along Canton Road and Austin Road West in association with the West Kowloon Terminus (WKT) of the Guangzhou – Shenzhen – Hong Kong Express Rail Link (XRL) project. The land area of the seawall along the waterfront adjoining WKCD had also been included into the DP, following the Board’s convention that the plan/zoning boundary on the waterfront should follow the high watermark, in order to allow WKCDA to beautify the seawall, integrate it with the planning of the waterfront promenade to improve land-water interface and facilitate better planning between the land area and the harbour. With the above adjustments, the land area of WKCD was slightly increased by 8,200m² (2.05%) from about 40.09 ha to 40.91 ha as shown on the current OZP;
- (e) two major zonings, i.e. “Open Space” (“O”) and “Other Specified Uses” (“OU”) had been proposed in the DP. These zonings were further sub-divided into sub-zones with particular planning intentions:
 - (i) the “O” zone was intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents, the general public as well as visitors. On land designated “Open Space (1)” (“O(1)”), the open space was provided in the form of a park by the waterfront with arts and cultural facilities and a continuous waterfront promenade. On land designated “Open Space (2)” (“O(2)”), the open space comprised piazza squares and a vehicle-free tree-lined avenue, with arts, cultural, retail, dining and entertainment uses to create a vibrant atmosphere along the avenue;

- (ii) the “OU” annotated “Arts, Cultural, Entertainment and Commercial Uses” (“OU(ACECU)”) zone was intended primarily for the provision of arts and cultural facilities supported by a range of mixed office, hotel, retail, dining, recreational and entertainment uses;
- (i) the “OU” annotated “Mixed Uses” (“OU(MU)”) zone was intended for mixed arts, cultural, commercial (including hotel and office), residential, recreational and entertainment developments to create vibrancy for the WKCD. Flexibility for the development/redevelopment/conversion of various types of compatible uses, either vertically within a building or horizontally over a spatial area, was allowed to meet the evolving and changing requirements for the WKCD development. Physical segregation had to be provided between the non-residential and residential portions within a new/converted building to prevent non-residential uses from intruding into the residential portion;
- (ii) the “OU” annotated “Airport Railway Ventilation and Traction Substation Building” zone was intended primarily to provide land for the ventilation and traction substation building of the Airport Railway;
- (iii) the “OU” annotated “Western Harbour Crossing Ventilation Building” zone was intended primarily to provide land for the ventilation building of the WHC;
- (iv) the “OU” annotated “Electricity Sub-station” zone was intended primarily to provide land for the development of an electricity sub-station;
- (f) the key development parameters of the DP submitted by the WKCDA were summarized as follows:

Development Parameters	DP Provision
Total PR	1.81
Total GFA • Maximum GFA for residential use	740,350 m ² 148,070 m ² (20% of total GFA)
Development Mix • Arts and Cultural Facilities • Retail / Dining / Entertainment Uses • Hotel / Office Uses • Residential Uses • GIC Uses	(% of total GFA) About 35-40% About 15-20% About 20-25% Not more than 20% Not less than 1%
Total Provision of Public Open Space (including a waterfront promenade of not less than 20m in width) • At Ground Level • Piazza Areas • On terraces and roof top gardens	23 ha (17.23 ha of “O” zone and 5.77 ha of open space in “OU(ACECU)” zone) 15 ha 3 ha 5 ha
BH Restrictions	1 and 3 storeys in areas zoned “O” 30 to 100mPD in areas zoned “OU”
Non-Building Areas (NBAs)	5 total 1 at 15m-wide 1 at 8m-wide 3 at 12m-wide
Green Coverage	Not less than 30% overall Not less than 60% in the Park (“O(1)”)

- (g) the proposed Core Arts and Cultural Facilities (CACF) of the WKCD included: Great Theatre; Musical Theatre; Xiqu Centre; Music Centre; Proscenium Theatre; Proscenium Thrust Theatre; Lyric Theatre; Centre for Contemporary Performance; Free Space; Mega Performance Venue (MPV); and Museum Plus (M+);
- (h) the planning themes of the WCKD were:
- (i) to develop the WCKD into a world-class integrated arts and cultural district comprising local, traditional as well as international

elements, to enrich the arts and cultural life for the people in Hong Kong and neighbouring areas, to create job opportunities and benefit the tourism industry, and to make Hong Kong an international cultural metropolis;

- (ii) to accommodate arts and cultural venues both for performing and visual arts. A variety of retail, dining and entertainment uses as well as office, hotel and residential developments were planned for to create synergy and vibrancy to the district. Other arts and cultural facilities for arts education, resident companies as well as arts and craft studios were also included; and
 - (iii) a city park concept, with a new park at the western end as the focal point of the district serving as a green hub not only for WKCD but also for Hong Kong as a whole, would be adopted. The WKCD was mainly designed to be vehicle-free and pedestrian friendly, with vehicular access, ancillary parking and loading/unloading facilities to be provided in the basement levels;
- (i) the urban design framework of the WKCD was as follows:
- (i) built upon a city park concept, the WKCD should be designed to create a hierarchical landscape network of park, avenue, piazzas and civic squares, waterfront promenade, and terrace gardens for integrating arts, cultural, commercial (including hotel and office), residential, recreational and entertainment activities;
 - (ii) to bring vibrancy and diversity to WKCD, a rich mix of uses including arts and cultural facilities, residential, office, hotel, dining, retail and entertainment uses within the same development or group of developments throughout the entire district was encouraged;
 - (iii) major landmarks earmarked for iconic design included the Xiqu Centre, Music Centre and M+;

- (iv) different developments within the district should be coherent in design so that the WKCD would have a distinguished identity;
- (v) WKCD would be composed of buildings of different scales and types, varying building heights and selective signature arts and cultural facilities. The overall height profile started from the west with the rolling mounds of the Park and the U-shape hotel and commercial development in the background, and continued with the M+ marking the high point of the profile. It then gradated to the east following the Kowloon ridgeline towards the Xiqu Centre to mark the gateway to WKCD from the neighbouring areas;
- (vi) the view corridors extending from WKT of XRL into the Central Square up to the waterfront created a sequence of spatial experience towards the views over Victoria Harbour;
- (vii) the “vehicle-free” design concept, where all streets within the district entirely dedicated to the pedestrians to enhance air quality and create a leisure and safe pedestrian environment, would be adopted;
- (viii) a variety of activities ranging from arts and cultural events to casual strolls would be introduced along the waterfront promenade to bring life and vibrancy to the waterfront;
- (ix) the Central Square, Xiqu Square and Artist Square would serve as physical gateways connecting with the nearby WKT of XRL, the Canton Road Entrance and Elements at Kowloon Station; and
- (x) easy access for both pedestrians and vehicles would be provided;
- (j) the WKCD should provide not less than 23 ha of public open space under the following hierarchical landscape framework:

- (i) the Park was designed to provide leisure space and to ease the built-up density in the nearby districts. A cycle path was planned for recreational purpose;
 - (ii) the main axis of the tree-lined Avenue provided collective nodes for street performances and art activities, and also sitting out areas for passive enjoyment;
 - (iii) a landscaped waterfront promenade with a minimum width of 20m would be provided for continuity and accessibility by linking new and existing areas, and allowing for leisure activities;
 - (iv) the terrace gardens would be freely and universally accessible by the general public and would be directly connected to the open space at the pedestrian level; and
 - (v) complementing the Park and the waterfront promenade, streetscape at Austin Road West would serve like a boulevard for retail and dining activities;
- (k) developments within different land-use zones on the DP were subject to maximum BH restrictions (i.e. 1 and 3 storeys in areas zoned “O” and 30 to 100mPD in areas zoned “OU”) to provide better planning control and prevent excessively tall or out-of-context buildings. A stepped height profile descending towards the waterfront was proposed in the DP under the Urban Design Framework to create height variation in WKCD;
- (l) NBAs of different widths were designated in various zones to serve primarily as pedestrian ways, which also helped facilitate air ventilation and improve visual permeability;

Air Ventilation

- (m) an air ventilation assessment (AVA) had been undertaken in accordance

with the Housing, Planning and Lands Bureau Technical Circular No. 1/06 (TC No. 1/06). Major carriageways in the vicinity of WKCD were identified as important breezeways and air-paths. Designation of open space or NBAs in a north-south alignment along the alleyways were proposed to enhance the above-ground pedestrian circulation and promoting visual and air permeability for pedestrian areas;

Traffic and Transport

- (n) a traffic assessment (TIA) had been conducted and included in the submission of WKCD. An integrated transport plan had been proposed under the DP to provide a pedestrian-friendly environment and the WKCD was well-served by various road and railway networks;
- (o) the ground level of WKCD would be traffic-free except for emergency vehicle access (EVA), the pick-up and drop-off lay-by locations along Austin Road West and a driveway along the edge of the WHC near the MPV. An internal road system at the basement level would provide necessary circulation within WKCD;
- (p) existing and planned pedestrian connections (including subways across Austin Road West, Canton Road, the footbridge across WHC Toll Plaza, pedestrian deck over the sunken Austin Road West), as well as links proposed under the DP (including the Anchorage Bridge, ICC Bridge, China Ferry Terminal Bridge, Kowloon Park Bridge, among others), would facilitate easy access between WKCD and the surrounding areas;
- (q) the Avenue, Austin Road West and the waterfront promenade were the three major east-west corridors in WKCD and they were interconnected by various north-south oriented alleyways, open space and NBAs to provide a convenient and pedestrian-friendly street environment;
- (r) there would be a possible environmentally friendly transport system (EFTS) running east-west in WKCD to facilitate pedestrian movement but the

mode of operation (e.g. e-bus, traveller and/or people mover) and routing could be subject to further studies;

- (s) marine facilities like piers, landing steps, art pontoons and viewing platforms had been proposed in the Modified Concept Plan. These facilities, however, had not been shown on the DP as they could be subject to the Protection of the Harbour Ordinance (PHO);

Environment

- (t) an initial assessment of the potential environmental impacts associated with the construction and operation of the WKCD was carried out. No major residual impacts that would be unacceptable after implementation of the proposed mitigation measures were found under the contexts of air quality, noise, water quality, waste management, ecological, landscape and visual impact, cultural heritage, land contamination and hazard to life. Additional mitigation measures might be further proposed in the Environmental Impact Assessment (EIA) stage of the development;

Interface Issues

- (u) as the existing Canton Road Fire Station compound located at the south-eastern corner of the WKCD site was fronting Canton Road at the closest point to the Tsim Sha Tsui area, it was an important entrance to WKCD and an elevated access connecting to the Kowloon Park (Kowloon Park Bridge) was planned to run across part of the site. The Fire Services Department, HAB and WKCDA were co-ordinating with relevant government departments to search for an appropriate relocation site for the existing fire station and the fireboat pier;
- (v) the XRL project, currently under construction and targeted for completion in 2015, had many interfacing aspects with the WKCD development. The WKT and its forecourt, road works in association with the WKT construction, and some of its railway-related facilities (train platforms and

car parking facilities) were located within the WKCD site. WKCDA, HAB, MTRCL and relevant government departments had been working closely on the implementation works and interfacing issues between the two projects;

- (w) the WKCD site bordered the WHC and developments had been proposed above the WHC tunnel with the WKCD site. WKCDA had undertaken to address WHC's engineering concerns on the impact of WKCD development on the structural integrity of WHC in the detailed design of the proposed development including hotel and open space above the WHC tunnel area;
- (x) the existing Water Supplies Department Kowloon South No. 2 Salt Water Pumping Station at the north-western corner of the WKCD site on the waterfront was intended to be relocated in the long term to enhance the waterfront promenade;

Implementation

- (y) according to the current programme of WKCDA, the WKCD development would be implemented in two phases and construction works would commence gradually from 2013. Part of the Park with associated arts and cultural facilities as well as the Xiqu Centre were scheduled as the first batch of facilities in Phase 1;
- (z) the DP provided a broad land use framework within which a more detailed departmental Outline Development Plan (ODP) would be prepared in consultation with concerned government departments. The ODP was a non-statutory plan which would include information on detailed land uses, development parameters and boundaries of individual sites, green coverage, waterworks and drainage reserves, site formation levels, road alignment and dimensions, location of pedestrian facilities, public utility facilities as well as other building and engineering requirements. The ODP would serve as a guide for land transaction as well as to facilitate the development

of WKCD;

Consultation

- (aa) the Yau Tsim Mong District Council and the Task Force of Harbourfront Developments in Kowloon, Tsuen Wan and Kwai Tsing of the Harbourfront Commission were consulted during the third stage public engagement of the WKCD in October 2011. The comments received had been taken into account by the WKCDA in the formulation of the draft DP;
- (bb) after its submissions to the Board, the draft DP was made available for public viewing. MTRCL and a property developer had submitted comments on the draft DP. The main concerns raised by MTRCL were on the arrangement and alignment of the proposed footbridges connecting with Elements of Kowloon Station, the potential noise impact from outdoor activities and possible impact on the existing infrastructure/utilities underneath WKCD supporting operation of Kowloon Station. They also raised concerns on building intensity, building height, width of NBAs and layout of the DP. The other public comment from a property developer raised concern that the proposed NBAs might not be wide enough. For the purpose of NBAs and to provide an effective gap, they should be over 20m wide. More gaps and lower building height in WKCD should also be allowed for the benefit of the general public; and
- (cc) in response to the public comments, WKCDA indicated that the proposed footbridges would enhance connectivity with nearby developments and the proposals would be further studied at detailed design stage to improve their effectiveness, and meet pedestrian flow and circulation requirements. WKCDA also indicated that mitigation measures, if required, would be provided to minimize any nuisance to the neighbourhood, and it would continue to work with MTRCL and concerned parties, including government departments to minimize and mitigate impacts on the existing

utility facilities in WKCD. As for the comments on the proposed NBAs, it should be noted that the five NBAs were designated to serve primarily as pedestrian ways, which would also help facilitate air ventilation and improve visual permeability. According to the AVA carried out for WKCD, air ventilation performance within the WKCD and that of the surrounding areas was reasonable and there was no major ventilation issue for the WKCD area. Stepped building height profile had also been proposed to create a dynamic skyline in WKCD.

12. After the presentation, a Member had the following enquiries:

- (a) the BHs of the “OU” sites;
- (b) the design of the five proposed NBAs and whether they would be integrated with the surrounding environment; and
- (c) whether water tours would be provided in the WKCD.

13. In response, Mr. Wilson Chan, DPO/TWK, provided the following information:

- (a) the “OU” sites within the WKCD were subject to different BHs. The sites fronting the sea would be subject to a maximum BH of 70mPD, while the sites inland would be subject to a maximum BH of 100mPD. These BHs were in line with the BH restrictions stipulated in the draft South West Kowloon OZP; and
- (b) the proposed NBAs would be at-grade and the detailed design was not yet available. As the draft DP would only provide a broad land use framework, a more detailed ODP would be prepared for detailed design of the area including the proposed NBAs.

14. The Chairman said that the representatives of the WKCDA could take note of the Member’s suggestion on water tours around WKCD for further consideration.

15. A Member opined that it was important to provide easy accessibility to WKCD. The Member said that the layout of car parks, transport facilities and emergency vehicular access (EVA) might affect the detailed design of the area. In this regard, this Member raised the following questions:

- (a) the arrangement for loading/unloading facilities within the WKCD, in particular those for arts and cultural facilities which required door-to-door delivery of equipment/props;
- (b) the arrangement for dropping-off/picking-up facilities within the WKCD; and
- (c) whether car parking spaces would be provided in a central location or spread out within the WKCD.

16. Dr. M.W. Chan, Executive Director, Project Delivery/WKCDA, had the following responses:

- (a) not all of the car parks were to be concentrated in the centre of the WKCD. They would be spread out to the western portion of the area at the MPV and the Exhibition Centre, as well as the Xiqu Centre;
- (b) it was planned that the WKCD would share the car parking spaces with the XRL terminal; and
- (c) a lot of discussions had been conducted with the stakeholders on the provision and design of the loading/unloading facilities for the arts and cultural facilities, and the consultants had been requested to take into account all the comments received in the detailed planning stage.

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

17. Mr. Colin Ward, Conceptual Plan Consultant, Foster+Partners, supplemented the following main points:

- (a) accessibility was a key part in the WKCD plan. Access to the WKCD would be easy from all directions, at all levels and with all modes of transport. It was intended that point-to-point drop-off could be provided. The roads were intended to be the primary arteries and people might be dropped off there and go into the main cultural district easily; and
- (b) it was intended that there would be direct access from the loading/unloading facilities to the cultural and performance venues.

18. Mr. Fred Brown, Project Traffic Consultant, MVA/Mott MacDonald Hong Kong, supplemented the following main points:

- (a) kerb side spaces would be provided to facilitate loading/unloading activities in the cultural district; and
- (b) there would be specific loading/unloading facilities for the arts and cultural venues as well as general facilities for the retail uses.

19. A Member asked if performance indicators would be set for the provision of loading/unloading, car parking facilities and EVA in order that the facilities could be provided in a coordinated manner with the different uses in the cultural district.

20. The Chairman said that these were details which would be looked at in the detailed planning stage.

21. A Member said that the connectivity from the eastern part to the western part of the WKCD was a concern raised in the public comments. The provision of environmentally friendly transport modes, such as monorail, should be considered in the planning of the cultural district.

22. In response, Dr. M.W. Chan said that while good connectivity between the eastern and western parts of the WKCD would be provided, visitors to the cultural district should also choose the most suitable mode of transport convenient to the designations within

the cultural district. The provision of environmentally friendly transport, such as covered travellers, monorail, tram or eco bus, within the cultural district could be considered in the detailed planning stage.

23. A Member said that as the public might have different views on the types of transport to be provided within the WKCD, the WKCDA should widely consult the public on this aspect. Another Member suggested that water taxi, which was a convenient mode of transport, could also be considered.

24. The Chairman said that these suggestions should be examined by the WKCDA in the detailed planning stage.

25. As Members had no further questions to raise, the Chairman thanked the representatives of PlanD, HAB, WKCDA and its Consultants for attending the meeting. They all left the meeting at this point.

Deliberation Session

26. After deliberation, the Board agreed:

- (a) to the land use proposals shown on the draft WKCD DP No. S/K20/WKCD/A and its Notes;
- (b) that the draft WKCD DP No. S/K20/WKCD/A (to be renumbered to S/K20/WKCD/1 upon exhibition) and its Notes were suitable for exhibition for public inspection under s.5 of the Town Planning Ordinance;
- (c) that the Explanatory Statement be adopted as an expression of the planning intentions and objectives of the Board for various land use zonings of the draft WKCD DP; and
- (d) that the Explanatory Statement was suitable for exhibition for public inspection together with the draft WKCD DP.

[Ms Maggie M.K. Chan left the meeting temporarily at this point.]

Agenda Item 5

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations to the Draft Ko Lau Wan
Development Permission Area Plan No. DPA/NE-KLW/1
(TPB Paper No. 9037)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

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

Mr. W.K. Hui	District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), PlanD
Mr. David Ng	Senior Town Planner/Shan Tin, Tai Po and North (STP/STN), PlanD

R2 (Sai Kung North Rural Committee (SKNRC))

Mr. Li Yiu Bun)
Mr. Shek Tin Shing)
Mr. Shek Ting Sung)
Mr. Lee Yung Tai)
Mr. Shek Kin Sang)
Mr. Lau Yuet Ling) Representer's representatives
Mr. Mo Yuk Ming)
Mr. Chan Tin Yau)
Mr. Chan Cheung)
Mr. Tse Kwok Kuen)
Mr. Tse Sui Wing)

R3 (Mo Ka Hung (Vice-chairman of SKNRC))

Mr. Mo Ka Hung Representer

28. The Chairman said that reasonable notice had been given to invite the representers to attend the hearing, but other than those who were present at the meeting, the rest had indicated that they would not attend the hearing. Members agreed that the Board should proceed with the hearing in the absence of these representers.

29. The Chairman extended a welcome and invited STP/STN to brief Members on the representations.

30. Mr. David Ng, STP/STN, said that replacement pages of the TPB Paper were tabled at the meeting for Members' reference. With the aid of a Powerpoint presentation, Mr. David Ng made the following main points as detailed in the Paper:

(a) on 26.8.2011, the draft Ko Lau Wan Development Permission Area (DPA) Plan No. DPA/NE-KLW/1, was exhibited for public inspection under s.5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, three representations were received. On 18.11.2011, the representations were published for three weeks for public comment. No comment was received;

The Representations

(b) representation R1 was submitted by Designing Hong Kong Limited and was in support of the establishment of the DPA Plan to ensure the greatest possible planning and development control;

(c) representations R2 and R3 were submitted by the SKNRC and the vice-chairman of the SKNRC. They opposed the areas and boundaries of the "Village Type Development" ("V") zones of the draft DPA Plan;

Grounds of Representations and Representers' Proposals

Supportive Representation R1

- (d) R1 stated that the public had clearly expressed their interest in planning and development control to safeguard public interests in private property;
- (e) R1 had put forward the following proposals which were not related to the draft DPA Plan:
 - (i) DPA Plans should be prepared for all areas which were not yet covered. Village layout plans should be prepared for all “V” zones and areas where Small Houses were permitted, with priority accorded to the Frontier Closed Area, the enclaves within and adjacent to Country Parks, and all other areas with special landscape, geological or ecological value; and
 - (ii) the Lands Department (LandsD) should be requested to suspend processing of land grant applications under the New Territories Exempted House (NTEH) Policy in order to avoid increasing development pressure and demand for compensation;

Opposing Representations R2 and R3

- (f) the main grounds of the representations were:
 - (i) no space was available in the “V” zones for Small House development. The existing houses in the villages were largely vacant mainly due to poor accessibility and lack of water and electricity supply. Some villagers did not live in the villages as they either worked in the urban area or had temporarily emigrated overseas. It was inappropriate and unfair to draw up the “V” zones boundary to cover only the existing village houses;
 - (ii) the “V” zones at Ko Lau Wan were located within areas covered by cliffs and burial grounds;

- (iii) “V” zones had been designated for Mo Uk and Tse Uk, but not Lau Uk and Lam Uk. This would deprive villagers of their right to develop and would create conflict among the villagers of the four villages; and
- (iv) Small House demand for Ko Lau Wan and Tan Ka Wan would increase from 96 and 84 to 144 and 126 respectively (+50%) in five years’ time;
- (g) R3 proposed to extend the “V” zones in accordance with the boundary of the village ‘environs’ (“VE”) drawn up by LandsD in 2007;

Responses to Grounds of Representations and Representers’ Proposals

Supportive Representation R1

- (h) the support of R1 was noted;
- (i) subject to resources, it had been the Government’s long-term target to prepare Outline Zoning Plans (OZPs) for all areas of Hong Kong, except areas covered by Country Parks. With regard to the protection of Country Park enclaves, the 2010-2011 Policy Address had also stated that the Government would either include the remaining enclaves into Country Park, or determine their proper uses through statutory planning in order to meet conservation and social development needs;
- (j) processing of land grant applications under the NTEH Policy was outside the purview of the Board;

Opposing Representations R2 and R3

- (k) the boundaries of the “V” zones (about 2.61 ha) were drawn up provisionally, having regard to the existing clusters and building structures, existing site conditions, development constraints, the boundary of the “VE” and outstanding Small House demand. Areas unsuitable for Small House developments such as areas of difficult terrain, areas covered by

dense and mature vegetation and ecologically sensitive areas were not included;

- (l) the current “V” zones of Ko Lau Wan and Tan Ka Wan did not cover any cliffs and permitted burial grounds for indigenous villagers;
- (m) the boundaries of the “V” zones would be further reviewed and defined during the preparation of OZP for the Ko Lau Wan area, taking into account relevant assessments/studies on various aspects including ecology, archaeological interest, traffic, sewerage, landscape and geotechnical conditions;
- (n) the areas proposed by R3 for extending the “V” zone were generally slopes and covered by dense vegetation. Some parts of the proposed extension areas even encroached upon the permitted burial grounds for indigenous villagers, streamcourse/estuary or the Sai Kung East Country Park;
- (o) the Director of Agriculture, Fisheries and Conservation (DAFC) advised that the proposed extension areas for “V” zones were generally well wooded. Flora species of conservation interest were also found in some of the concerned areas. Part of the proposed extension area in Tan Ka Wan was contiguous to and encroached upon the Sai Kung East Country Park, which was not desirable from the country park point of view;
- (p) the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD)) commented that the proposed extension area in Ko Lau Wan was located below steep natural hillside and might be affected by potential natural terrain hazards. For the proposed extension area in Tan Ka Wan, the northern part was located below steep natural hillside, whereas the middle portion included steep natural hillside and both might be affected by potential natural terrain hazards;

- (q) further assessments were required to determine whether the proposed extension areas were suitable for Small House developments during the OZP preparation stage, when relevant assessment/studies on various aspects including Small House demand and developments, conservation value, environment, infrastructure and landscape character were carried out;

PlanD's Views

- (r) the support of R1 was noted; and
- (s) R2 and R3 should not be upheld.

31. The Chairman then invited the representatives of the representers to elaborate on their submissions.

R2 (SKNRC)

R3 (Mo Ka Hung)

32. Mr. Mo Ka Hung, Village Representative (VR) of Tan Ka Wan Tsuen, vice-chairman of SKNRC and executive councillor of the Heung Yee Kuk, made the following main points:

- (a) he objected to the draft DPA Plan for the Ko Lau Wan area;
- (b) the title of the draft DPA Plan should be amended to include Tan Ka Wan as the Plan also covered this village;
- (c) the existing "V" zones on the draft DPA Plan had an area of only 2.61 ha and they only covered the existing village houses. There was no space for development of Small Houses by the villagers;
- (d) some existing village houses at Lau Uk and Lam Uk had not been included within the "V" zone. This might indicate that the Government intended

to remove these traditional villages;

- (e) the villagers had emigrated overseas to earn a living because of the lack of facilities and opportunities in the villages. However, many villagers had the intention to return to the villages and apply to build their own Small Houses;
- (f) according to the genealogy of the villages, the numbers of villagers eligible for application for Small Houses in Ko Lau Wan were 48 for the Shek clan, 12 for the Ho clan, 18 for the Chan clan, 11 for the Lee clan and 7 for the Tao clan. The total number was 96. There would be an additional 48 villagers who would be 18 years old and eligible for Small House development in the coming five years. Therefore, the total number of eligible villagers in the village would be 144;
- (g) for Tan Ka Wan, the numbers of eligible villagers were 32 for the Mo clan, 30 for the Tse clan, 10 for the Lau clan and 12 for the Lam clan. The total number was 84. The number of villagers who would be 18 years old and eligible for Small House development in the coming five years was 42. Therefore, the total number of eligible villagers would be 126;
- (h) the SKNRC was consulted on the draft DPA Plan in September 2011. Villagers expressed that the “V” zones were too small to meet the actual demand for land for Small House developments and requested that the “V” zones should be extended. However, villagers’ views and requests had not been entertained and the “V” zones had not been extended. The villagers were very angry and disappointed;
- (i) the Government should communicate with villagers to work out a plan which could balance the interests of different parties and allow the development of the villages;
- (j) it was proposed that the “V” zones should be extended to follow the boundary of the “VE” drawn up by LandsD in 2007. He did not agree to

the information provided by District Lands Officer/Tai Po (DLO/TP) that there was no record of the “VE” boundary as this was shown on a plan No. TPM 4792; and

- (k) the villagers and Heung Yee Kuk should be consulted in the preparation of the OZP in order to draw up an acceptable “V” zone for the villages.

33. Mr. Chan Tin Yau requested that the “V” zone for Ko Lau Wan should be extended.

34. Mr. Lee Yiu Ban made the following main points:

- (a) villagers had made requests that adequate land should be reserved for Small House developments. However, the “V” zones shown on the DPA Plan only covered the existing houses. The villagers’ need for land for building Small Houses was ignored;
- (b) the “V” zones should be extended to follow the boundary of the “VE”;

[Mr. Maurice W.M. Lee arrived to join the meeting at this point.]

- (c) the DAFC advised that the proposed extension of the “V” zones would encroach upon the Country Park. However, it should be noted that the Country Park was designated in the 1970s without wide public consultation. The land within the “VE” had been encroached upon by the Country Park;
- (d) village houses were only small-scale developments. Villagers were entitled to build their own Small Houses and their right should be respected. The Board had previously approved the drug treatment centre in the area which was a large-scale development;
- (e) villagers supported the protection of the natural environment. Villagers had planted a lot of trees in the village environment. However, it was not

acceptable to destroy the traditional villages on the ground of environmental protection. The DPA Plan was not a balance between conservation and village development; and

- (f) villagers had left the villages because there was a lack of transport and infrastructure facilities. If villagers moved back to the villages and build their own Small Houses, this would help relieve the housing demand problem.

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

35. As the representers' representatives had completed their presentations, the Chairman invited questions from Members.

36. The Vice-chairman asked if there was any Small House application in the concerned villages, and whether the quoted Small House demand and the 50% increase in the coming five years quoted by the representers followed the adopted methodology of Small House demand forecast by the Government.

[Dr. Winnie S.M. Tang arrived to join the meeting at this point.]

37. In response, Mr. W.K. Hui, DPO/STN, made the following main points:

- (a) according to the information from DLO/TP, there was no application for Small House in the Ko Lau Wan and Tan Ka Wan; and
- (b) LandsD would consult VRs of respective villages to obtain Small House demand forecast for the coming 10 years, instead of five years as quoted by the representers' representatives.

38. Mr. Li Yiu Ban said that their five-year forecast of Small House demand was made based on the number of villagers who would be 18 years old in the coming five years and was not without basis. However, whether and when these villagers would exercise their right for Small House development would be subject to their individual plan.

39. In response to the questions of the Chairman as to why the “V” zone did not cover Lau Uk and Lam Uk and why it did not follow the boundary of the “VE”, Mr. W.K. Hui said that according to information provided by DLO/TP, the recognized villages within the area were Ko Lau Wan and Tan Ka Wan. Tan Ka Wan consisted of Mo Uk, Tse Uk, Lau Uk and Lam Uk. The four villages were located in close proximity to each other in Tan Ka Wan. Two consolidated “V” zones had been drawn up for Tan Ka Wan covering these villages. The “VE” boundary claimed by the representers did not tally with the information provided by DLO/TP. Further clarification with DLO/TP would be required on the exact “VE” boundary. The “V” zones boundary would be further reviewed and defined during the preparation of the OZP, taking into account relevant considerations.

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

- (a) he, as the VR of Tan Ka Wan Tsuen, had been consulted by DLO/TP on Small House developments in the village in the past few years. It was not correct that there was no application;
- (b) the “VE” boundary was shown on Plan No. TPM 4972;
- (c) the forecast of Small House demand was based on the genealogy of the villages. Although many villagers had emigrated overseas or worked in the urban area, it did not mean that they would not return to build their Small Houses; and
- (d) the designation of the small “V” zone area on the DPA Plan would freeze village development for at least three years pending the preparation of the OZP.

41. The Chairman enquired if there was no improvement in the transport and infrastructure facilities in the area, whether the villagers would still return to build the Small Houses. In response, Mr. Mo Ka Hung said that there was on-going discussion with the Home Affairs Department (HAD) on improvement of transport and infrastructure facilities in the area.

42. In response to the question of Mr. Jimmy Leung, Director of Planning, Mr. W.K. Hui said that the Finnish Evangelical Lutheran Mission Ling Oi Tan Ka Wah Centre was a use which existed before the gazettal of the DPA Plan. It fell within the “Unspecified Use” area on the DPA Plan and was outside the “V” zone and the “VE”.

43. In response to a Member’s questions on the existing conditions of the villages and the village houses and the extent of the “V” zone, Mr. Mo Ka Hung said that about 15 to 30 villagers were living in the village. Some villagers who worked in the urban area would come back during weekends. He also noted that many villages who had emigrated overseas had expressed wishes to return and build or rebuild their Small Houses.

44. Mr. W.K. Hui said that as shown in the photographs of the villages, the conditions of the existing houses were not very good. Two “V” zones had been designated for Tan Ka Wan and the “V” zone boundary would be further reviewed and defined during the preparation of the OZP, taking into account relevant considerations.

45. As Members had no further question to raise, the Chairman said that the hearing procedures had been completed and the Board would deliberate on the representations in the absence of the representers. The representers would be informed of the Board’s decision in due course. The Chairman thanked the representatives of the representers and PlanD for attending the meeting. They all left the meeting at this point.

Deliberation Session

46. A Member supported the preparation of DPA Plan to put the area under statutory planning control. While he noted that the concerned villages were not active, there might still be some villagers who wanted to build for Small Houses. He was sympathetic with the villagers. The view was shared by another Member.

47. The Chairman said that for Small House development within the “Unspecified Use” area on the DPA Plan, villagers could submit s.16 application to the Board. Such application would be assessed by the Board based on the Interim Criteria for Consideration

of Application for New Territories Exempted House (NTEH)/Small House in the New Territories. Villagers would not be deprived of their right to build Small Houses in the interim period.

48. Referring to the comment made by a representer's representative at the meeting that there was on-going discussion with HAD on improvement of transport and infrastructure facilities in the area, Mr. Eric Hui said that minor works carried out by HAD did not include infrastructure facilities such as water and electricity supply. If required, HAD could also refer villagers' requests to utility companies and relevant government departments on the provision of infrastructure for the villages.

49. After further deliberation, the Chairman concluded Members' views that the supporting representation was noted and the representer's comments regarding the extension of Country Park and processing of Small House applications under the Small House Policy were outside the purview of the Board. Members agreed that the adverse representations should not be upheld as further assessments were required to determine the boundary of the "V" zones in the OZP preparation stage. Members then went through the suggested reasons for not upholding the representations as detailed in paragraph 7.2 of the Paper and considered that they were appropriate.

Representation No 1

50. After further deliberation, the Board noted the support of R1 and agreed to advise R1 on the following:

- (a) subject to resources, it had been the Government's long-term target to prepare Outline Zoning Plans for all areas of Hong Kong, except areas covered by Country Parks. With regard to the protection of Country Park enclaves, the 2010-2011 Policy Address had also stated that the Government would either include the remaining enclaves into Country Park, or determine their proper uses through statutory planning in order to meet conservation and social development needs; and

- (b) processing of land grant applications under the NTEH Policy was outside the purview of the Board.

Representation No. 2

51. After further deliberation, the Board decided not to uphold the representation of R2 for the following reason:

the DPA Plan was an interim plan which would be replaced by an Outline Zoning Plan (OZP) within 3 years. Detailed land use zonings, including “Village Type Development” zone, would be worked out during the OZP preparation stage, taking into account relevant assessments on such aspects as ecology, archaeological interest, traffic, sewerage, landscape and geotechnical.

Representation No. 3

52. After further deliberation, the Board decided not to uphold the representation of R3 for the following reason:

the areas proposed by R3 for extending the “Village Type Development” zone were generally slopes and covered by dense vegetation. Some parts of the proposed extension areas even encroached upon the permitted burial grounds for indigenous villagers, streamcourse/estuary or the Sai Kung East Country Park. Further assessments were required to determine whether the proposed areas were suitable for future Small House development during the OZP preparation stage, when relevant assessments on such aspects as Small House demand and developments, conservation value, environment, infrastructure and landscape character were carried out.

[Ms Julia M.K. Lau left the meeting at this point. Mr. Laurence L.J. Li arrived to join the meeting at this point.]

Agenda Item 6

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations to the Draft Mau Ping
Development Permission Area Plan No. DPA/ST-MP/1
(TPB Paper No. 9035)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

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

Mr. W.K. Hui	District Planning Officer/Shu Tin, Tai Po and North (DPO/STN), PlanD
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Mr. David Ng	Senior Town Planner/Shu Tin, Tai Po and North (STP/STN), PlanD
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R4 (WWF Hong Kong)

Miss Chow Wing Shan	Representer's representative
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R5 (Kadoorie Farm and Botanical Garden Corporation (KFBG))

Mr. Tony Nip) Representer's Representatives
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Mr. Philip Yip)
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54. The Chairman said that reasonable notice had been given to invite the representers to attend the hearing, but other than those who were present at the meeting, the rest had indicated that they would not attend the hearing. Members agreed that the Board should proceed with the hearing in the absence of these representers.

55. The Chairman extended a welcome and invited STP/STN to brief Members on the representations.

56. With the aid of a Powerpoint presentation, Mr. David Ng, STP/STN, made the following main points as detailed in the Paper:

- (a) on 26.8.2011, the draft Mau Ping Development Permission Area (DPA) Plan No. DPA/ST-MP/1 was exhibited for public inspection under s.5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of six representations were received. On 18.11.2011, the representations were published for three weeks for public comment. No comment was received;

The Representations

- (b) R1, R2, R3, R4 and R5, which were submitted by Designing Hong Kong Limited, the Conservancy Association, Hong Kong Bird Watching Society, WWF Hong Kong and KFBG, were in support of the establishment of the DPA Plan;
- (c) R6 was submitted by the Sha Tin Rural Committee (STRC) expressing concerns on the “Village Type Development” (“V”) zones on the draft DPA Plan;

Grounds of Representations and Representers' Proposals

Supportive Representations R1 to R5

- (d) R1 supported the establishment of the DPA Plan for the Mau Ping area as it would ensure the greatest possible planning and development control. The public had clearly expressed their interest in planning and development control to safeguard public interests in private property;
- (e) R2 was of the view that introducing planning control through the DPA Plan was necessary to provide planning guidance and impose planning enforcement against various forms of devastation in this area. The general planning intention of this area should complement the surrounding Ma On Shan Country Park;

- (f) R3 appreciated the extension of planning control to Mau Ping and supported the general planning intention of the DPA Plan to conserve the ecological value of the area;
- (g) R4 supported the proposed general planning intention of the DPA Plan which could help the preservation of the natural scenic character and ecological value of the areas from uncontrolled development;
- (h) R5 appreciated the efforts to prepare the DPA Plan as it represented a systematic and strategic planning that could strike a balance between development and nature conservation;
- (i) R1 to R5 put forth the following proposals:
 - (i) R3 proposed that the area should be included into the Ma On Shan Country Park following detailed assessments and public consultation so as to fully protect its ecological values against activities such as unauthorized tree felling and vegetation removal;
 - (ii) R4 proposed that other ecologically sensitive parts of the area not to be covered by conservation zones should be included into the Ma On Shan Country Park to better conserve the integrity of the natural settings of the area, subject to further information provided by the Agriculture, Fisheries and Conservation Department (AFCD);
 - (iii) R2 proposed to include the Mau Ping Site of Special Scientific interest (SSSI) into the statutory plan as the rare *Camellia Crapnelliana* (Crapnell's Camellia), a plant listed as vulnerable under the IUCN Red List of Threatened Species in Hong Kong, had been found in that area;
 - (iv) R1 proposed that all the areas designated "Unspecified Use" in the DPA Plan be limited to conservation uses in order to reflect the

ecological value of the area, and to protect the nearby Mau Ping SSSI;

(v) R2 and R4 proposed that:

- as the area lacked drainage and sewerage systems, areas of high conservation interest should be zoned for conservation purposes to protect the water quality and hydrology of stream and its associated wildlife from adverse impact of any potential development;
- the stream flowing from Mau Ping Valley through Mui Tsz Lam as well as a buffer area should be designated for conservation zonings to protect fauna species such as the *Paramesotriton hongkongensis* (Hong Kong Newt) and the *Amolops hongkongensis* (Hong Kong Cascade Frog) and endangered *Megophrys beachykolos* (Short-legged Toad). Provision of buffer zone for the stream should also be considered to further safeguard the stream habitat for amphibian as well as freshwater fish and stream invertebrates;
- the proximity of the Mau Ping SSSI, where rare plant species *Camellia crapnelliana* (Crapnell's Camellia) had been found, should be protected with conservation zonings; and
- during the preparation of the OZP, consideration should be given to designating conservation zonings for the recognized villages of Mau Ping and Wong Chuk Shan, which were abandoned and encircled by the Ma On Shan Country Park;

(vi) R5 proposed:

- to consider zoning the rest of the area as "Conservation Area" ("CA") to protect the natural landscape and biodiversity of the

area, taking into account that the mature secondary forest in the area formed a part of the larger Ma On Shan forest which supported a wide variety of native fauna and flora species; and

- to rezone the “V” zones for the recognized villages of Mau Ping and Wong Chuk Shan to “CA” so as to safeguard the integrity of the whole area as the possibility of renovating the dilapidated village houses or building new small houses in Mau Ping was low due to the remoteness of the site and lack of infrastructure, especially vehicular access;
- (vii) R5 proposed to extend the boundary of the SSSI to cover the northern part of the area where the rare plant species *Camellia Crapnelliana* (Crapnell’s Camellia) had been recorded in order to provide adequate protection for such important species; and
- (viii) R2 and R3 proposed to conduct surveys in the “V” zones to ensure that species of conservation interest, particularly some mature woodland and indigenous plants, could be protected, and that the “V” zones in the future OZP would not cause significant impact on the biodiversity of the area;
- (j) R1 also put forward the following proposals which were not related to the DPA Plan:
- (i) DPA plans should be prepared for all areas which were not yet covered. Village layout plans should be prepared for all “V” zones and areas where small houses were permitted, with priority accorded to the Frontier Closed Area, and the enclaves within and adjacent to Country Parks, and all other areas with special landscape, geological or ecological value;
 - (ii) LandsD should be requested to suspend processing of land grant applications under the New Territories Exempted House (NTEH)

Policy in order to avoid increasing development pressure and demand for compensation;

R6

- (k) R6 considered that the area under “V” zone was too small and it was very unfair to indigenous inhabitants. The supply of village small house fell short of demand;
- (l) R6 proposed that all private land within the Mau Ping area should be zoned “V” to provide more land resources for indigenous inhabitants to build small houses;

Responses to Grounds of Representations and Representers’ Proposals

Supportive Representations R1 to R5

- (m) the support of R1 to R5 was noted;

Inclusion of the enclaves within the DPA Plan into the Ma On Shan Country Park (R3 and R4)

- (n) the designation of an area as “Country Park” was under the jurisdiction of the Country and Marine Parks Board under the Country Parks Ordinance (Cap. 208) which was outside the purview of the Board. The Director of Agriculture, Fisheries and Conservation (DAFC) advised that the inclusion of a country park enclave into the surrounding/adjacent country park should be assessed by making reference to some established principles and criteria such as conservation value, landscape and aesthetic values, recreation potential, size, proximity of the existing country parks, land status and existing land uses. No such assessment had been undertaken;

Inclusion of areas outside the DPA Plan into the DPA Plan (R2)

- (o) DAFC advised that the Mau Ping SSSI was within the Ma On Shan Country Park which was a protected area. It might not be necessary to

include the SSSI into the DPA Plan;

Areas in DPA be limited to conservation uses (R1) and protected by conservation zonings (R2, R4 and R5)

- (p) the area was of significant ecological and conservation importance which consisted largely of native woodland that was known to support populations of rare plants and fauna species of conservation interests. The Pak Kong - Mui Tsz Lam Trackway, which was a site of archaeological interest identified by the Antiquities and Monuments Office, traversed the area and was frequented by visitors. Any proposed land uses within the area should warrant detailed consideration and further assessments to ensure that there would be no significant impacts on the environment, the landscape setting, its rural character and ecological features;
- (q) DAFC advised that, in general and from a nature conservation perspective, any proposed conservation related and non-development zoning, including “CA”, with a view to better protecting and conserving the ecological and landscape value of the area (e.g. the area near the Mau Ping SSSI, *Fung Shui* Wood, etc.), were welcomed. However, the ecological value of the area was subject to further ecological surveys;
- (r) the preparation of the DPA Plan provided a stopgap measure to effect planning control over the area. Detailed land use zonings would be worked out during the preparation of OZP, taking into account relevant assessments/studies on various aspects including ecology, archaeological interest, traffic, sewerage, landscape, water quality and geotechnical conditions;

Extend the boundary of the SSSI to cover the northern part of the area (R5)

- (s) DAFC advised that it was premature to extend the Mau Ping SSSI to cover the northern part of the area in the DPA Plan as proposed as no

assessments had been carried out to examine the validity of the proposal and delineate the new SSSI boundary;

Comprehensive vegetation and fauna surveys for “V” zones (R2 and R3)

- (t) detailed analysis and studies to establish the appropriate land uses would be conducted during the preparation of OZP in order to strike a balance between conservation and development;

Other Proposals not related to the DPA Plan

- (u) subject to resources, it had been the Government’s long-term target to prepare OZPs for all areas of Hong Kong, except areas covered by Country Parks. With regard to the protection of Country Park enclaves, the 2010-2011 Policy Address had also stated that the Government would either include the remaining enclaves into Country Park, or determine their proper uses through statutory planning in order to meet conservation and social development needs;
- (v) processing of land grant applications under the NTEH Policy was outside the purview of the Board;

R6

- (w) the boundaries of “V” zones (about 1.25 ha) were drawn up provisionally, having regard to the existing clusters and building structures, existing site conditions, development constraints, the “VE” and outstanding Small House demand. Areas unsuitable for Small House developments such as areas of difficult terrain, areas covered by dense and mature vegetation and ecologically sensitive areas were not included. Relevant bureaux/ departments and stakeholders, including local villagers, would be consulted during the preparation of the OZP for the area;
- (x) the Director of Environmental Protection (DEP) advised that the area fell within the Water Gathering Ground (WGG) and there was no existing or

planned public sewers for the area. Water quality was a major issue. The size of the “V” zones should be kept to a minimum;

- (y) the Director of Water Supplies (DWS) advised that the proposed zoning in the DPA Plan should not result in an increase in the risk of pollution to the Upper Indirect WGG. The proposed rezoning of all private land within the area to “V” would increase the risk of pollution to the Upper Indirect WGG;
- (z) the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) commented that the majority of the proposed “V” zone by R6, especially areas located near the DPA boundary, would be located below steep natural hillside and might be affected by potential natural terrain hazards. Further assessments were required to determine whether the proposed areas were suitable for future Small House development during the OZP preparation stage;

PlanD’s Views

- (e) the support of R1 to R5 was noted; and
- (f) R6 should not be upheld.

57. The Chairman then invited the representatives of the representers to elaborate on their submissions.

R4 (WWF Hong Kong)

58. Ms Chow Wing Shan made the following main points:

- (a) the general planning intention of the DPA Plan for Mau Ping was supported as this could help the preservation of the natural scenic character and ecological value of the area;

- (b) it was proposed that areas adjacent to Mau Ping SSSI should also be designated with a conservation zoning in order to comprehensively protect the SSSI and the rare plant species *Camellia crapnelliana* therein ;
- (c) it was also proposed that the stream in Mau Ping and the area along the river sides should be designated with a conservation zoning to protect the water quality of the stream and safeguard the stream habitat from adverse impact caused by developments;
- (d) the villages and the areas covered by the DPA Plan were surrounded by the Ma On Shan Country Park. There was dense woodland around the village houses. After balancing different needs, consideration should be given to designating the areas with conservation zonings during the preparation of the OZP; and
- (e) the ecologically sensitive areas should be incorporated into the Ma On Shan Country Park to better conserve the integrity of the natural setting of the area.

R5 (KFBG)

59. Mr. Philip Yip made the following main points:

- (a) the preparation of DPA Plan for the Mau Ping area was supported and appreciated as systematic planning could help achieve a comprehensive conservation objective. He urged TPB to expedite action to prepare DPA Plans for the Country Park enclaves so that these areas would not be destroyed;
- (b) *Camellia crapnelliana* had been recorded in the northern part of the DPA Plan area. The species were listed as vulnerable in the China Plant Red Data Book and IUCN Red List of Threatened Species. Although the main population of *Camellia* had been protected by the SSSI designated in 1979, this plant had dispersed beyond the existing SSSI boundary. It was

therefore proposed that boundary of the SSSI be extended to cover the northern part of the area in order to provide adequate protection for such important species;

- (c) the area in Mau Ping was mainly surrounded by a mature secondary forest in the Ma On Shan Country Park. The mature secondary forest could be found within the DPA Plan boundary and formed a part of the larger Ma On Shan forest supporting a wide variety of native fauna and flora species. The near threatened *Paramesotriton hongkonensis* and endangered *Amolops hongkongensis* had been recorded along the stream in the eastern part of the DPA Plan area. In preparing the OZP for the area, consideration should be given to designating the stream and the secondary forest as “CA” in order to protect the natural landscape and the biodiversity of the area. A 20m buffer area on both sides of the stream should also be provided to protect the integrity of the stream habitat;
- (d) the villages were at present accessed through some footpaths. Further development of the villages would require upgrading of these footpaths and the upgrading works would inevitably cause adverse impact on the natural habitats in the forests. There should be careful study on the accessibility issue during the preparation of OZP for the area; and
- (e) KFBG hoped that the whole Mau Ping area would be included within the Country Park.

60. As Members had no further question to raise, the Chairman said that the hearing procedures had been completed and the Board would deliberate on the representations in the absence of the representers. The representers would be informed of the Board’s decision in due course. The Chairman thanked the representatives of the representers and PlanD for attending the meeting. They all left the meeting at this point.

Deliberation Session

61. After further deliberation, the Chairman concluded Members’ views that the

designation of conservation zonings on the OZP to be prepared for the area should be based on scientific studies. Members noted the support of the representers and agreed that their proposals should be taken into account in the preparation of the OZP for the area. Members also agreed that the adverse representation should not be upheld as further assessments were required to determine the area of the “V” zones in the OZP preparation stage. Members then went through the suggested reasons for not upholding the representations as detailed in paragraph 7.2 of the Paper and considered that they were appropriate.

Representations No. 1, 2, 3, 4 and 5

62. After further deliberation, the Board noted the support of R1, R2, R3, R4 and R5 and decided not to uphold the remaining parts of the representations of R1, R2, R3, R4 and R5 for the following reasons:

- (a) the designation of an area as part of the Ma On Shan Country Park was under the jurisdiction of the Country and Marine Parks Board under the Country Parks Ordinance (Cap. 208) which was outside the purview of the Board. The justifications for incorporating the Area as part of the Ma On Shan Country Park would be subject to further consideration of the Director of Agriculture, Fisheries and Conservation and the Country and Marine Parks Board (*R3 and R4*);
- (b) as the Mau Ping SSSI was within the Ma On Shan Country Park which was a protected area, it was not necessary to include the SSSI into the DPA Plan (*R2*);
- (c) the DPA Plan was an interim plan which would be replaced by an OZP within three years. Detailed land use zonings would be worked out during the preparation of OZP, taking into account relevant assessments on such aspects as ecology, archaeological interest, traffic, sewerage, landscape, water quality and geotechnical conditions (*R2, R4 and R5*);
- (d) as further assessment was needed to examine the validity of a proposal to delineate the new SSSI boundary, it was premature to extend the Mau Ping

SSSI to cover the northern part of the area in the DPA Plan as proposed (R5); and

- (e) detailed analysis and studies to establish the appropriate land uses would be conducted in the course of the preparation of OZP with a view to striking a balance between conservation and development (R2 and R3).

63. The Board also agreed to advise R1 on the following:

- (a) subject to resources, it had been the Government's long-term target to prepare OZPs for all areas of Hong Kong except areas covered by Country Parks. With regard to the protection of Country Park enclaves, the 2010-2011 Policy Address had also stated that the Government would either include the remaining enclaves into Country Park, or determine their proper uses through statutory planning in order to meet conservation and social development needs; and
- (b) processing of land grant applications under the NTEH Policy was outside the purview of the Board.

Representation No 6

64. After further deliberation, the Board decided not to uphold the representation of R6 for the following reasons:

- (a) the Area was of significant ecological and conservation importance which consisted largely of native woodland that was known to support populations of rare plants and fauna species of conservation interests. The preparation of the DPA Plan provided a stopgap measure to effect planning control over the Area and to protect the natural environment and ecological values in the Area. The DPA Plan would be replaced by an OZP within three years. Relevant bureaux/departments and stakeholders, including local villagers, would be consulted during the preparation of the OZP; and

- (b) the Area fell within the Water Gathering Ground and there was no existing or planned public sewers for the Area. Also, the majority of the proposed “V” zones to cover all private land would be located below steep natural hillside and might be affected by potential natural terrain hazards. Hence, further assessments were required to determine whether the proposed areas were suitable for future Small House development during the OZP preparation stage.

Agenda Item 7

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations to the Draft Lai Chi Wo, Siu Tan and Sam A Tsuen Development Permission Area Plan No. DPA/NE-LCW/1 (TPB Paper No. 9036)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

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

Mr. W.K. Hui	District Planning Officer/Shu Tin, Tai Po and North (DPO/STN), PlanD
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Mr. David Ng	Senior Town Planner/Shu Tin, Tai Po and North (STP/STN), PlanD
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R1 (Fan Fu Choi (Village Representative (VR) of Kop Tong Tsuen)

Mr. Fan Fu Choi	Representer
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R2 (Tsang Ah Chai and Tsang Wai Yip (VRs of Lai Chi Wo Tsuen), Tsang Yuk On (VR of Mui Tsz Lam Tsuen), Fan Fu Choi (VR of Kop Tong Tsuen) and Tsang Yune Choi (VR of Sam Au Tsuen))

Mr. Tsang Ah Chai)
Mr. Tsang Wai Yip)
Mr. Tsang Yuk On)
Mr. Fan Fu Choi)
Mr. Tsang Hoi Chuen)
Mr. Tsang Yune Choi) Representers' Representatives
Mr. Tsang Koon Sing)
Mr. Tsang Ying Ping)
Mr. Tsang Chiu Yau)
Mr. Fan Ching Yau)
Mr. Tsang Wai Keung)
Mr. Tsang Hing Fan)
Mr. Tsang Kin Tuen)
Mr. Lee Koon Hung)

R5 (WWF Hong Kong)

Miss Chow Wing Shan Representers' representative

R6 (Kadoorie Farm and Botanical Garden Corporation (KFBG))

Mr. Tony Nip) Representers' representatives
Mr. Philip Yip)

66. The Chairman said that reasonable notice had been given to invite the representers to attend the hearing, but other than those who were present at the meeting, the rest had indicated that they would not attend the hearing. Members agreed that the Board should proceed with the hearing in the absence of these representers.

67. The Chairman extended a welcome and invited STP/STN to brief Members on the representations.

68. With the aid of a Powerpoint presentation, Mr. David Ng, STP/STN, made the following main points as detailed in the Paper:

- (a) on 26.8.2011, the draft Lai Chi Wo, Siu Tan and Sam A Tsuen Development Permission Area (DPA) Plan was exhibited for public inspection under s.5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, six representations were received. On 11.11.2011, the representations were published for three weeks for public comment. No comment was received;

The Representations

- (b) R1, submitted by VR of Kop Tong Village, had not indicated objection to the DPA Plan, but stated that the plan would not do any good for Kop Tong Village;
- (c) R2, submitted by VRs of Lai Chi Wo Tsuen, Mui Tsz Lam Tsuen, Kop Tong Tsuen and Sam A Tsuen, strongly opposed the unreasonable planning in remote rural areas;
- (d) R3 to R6, submitted by Designing Hong Kong Limited, Hong Kong Bird Watching Society, WWF Hong Kong and KFGB respectively, showed support or appreciation to the preparation of the DPA Plan;

Grounds of Representations and Representers' Proposals

Adverse Representations R1 and R2

- (e) R1 indicated that the DPA Plan would not do any good for Kop Tong Tsuen, as the village, located on steep slopes at the mid-level of Tiu Tang Lung Hill, was not suitable for other uses, except cultivation. Villagers were forced to leave the village because the Government had given little regard to their basic needs of living. As the village was far away from the town proper and the area was not served with a proper transport network, it was hard for villagers to earn a living;

- (f) R2 indicated that the north-eastern part of Sha Tau Kok had become desolate over the past few decades because of the closed area policy and poor transportation. The Government should not deprive villagers of their entitled rights. Although villagers had not returned to their home villages to build houses, it did not mean that they would not do so in future;
- (g) R1 put forward the following proposals:
 - (i) if the Board insisted on planning for the village, the plan should cover an outlook for the long-term development of the village by providing more land for Small House development. The right of landowners to use the land should be recognized;
 - (ii) a road transport network, with a coastal circular road connecting Wu Kau Tang, Kuk Po and Fung Hang, should be provided for the long-term development of the village;
- (h) R2 put forward the following proposals:
 - (i) the area of the “V” zone should be approximately the same as that of the village ‘environs’ (“VE”). A “V” zone should be designated for Siu Tan Tsuen to make up the land shortage in Lai Chi Wo Tsuen as the Tsang clan of Siu Tan and that of Lai Chi Wo were descendants of the same ancestor;
 - (ii) the title of the DPA Plan should be amended to “Lai Chi Wo, Mui Tsz Lam, Kop Tong, Siu Tan and Sam A Tsuen DPA Plan”, so that all the villages would be included;

Supportive Representations R3 to R6

- (i) R3 supported the establishment of the DPA Plan for the Lai Chi Wo, Siu Tan and Sam A Tsuen area as it would ensure the greatest possible

planning and development control;

- (j) R4 appreciated the extension of planning control to the area and supported the general planning intention of the DPA Plan as it should help to conserve the area's demonstrated ecological and landscape values;
- (k) R5 supported the proposed general planning intention of the DPA Plan, which could help the preservation and protection of the natural scenic character and ecological interest of the area from uncontrolled development;
- (l) R6 appreciated the efforts to prepare the DPA Plan as it represented a systematic and strategic planning that could strike a balance between development and nature conservation;
- (m) R3 to R6 put forth the following proposals:
 - (i) R4 proposed that the area should be included into the Plover Cove Country Park following detailed assessments and public consultation in order to fully protect the ecological and landscape values of the area as well as the overall value of the surrounding Plover Cove Country Park from activities such as unauthorized tree felling and vegetation removal;
 - (ii) R5 proposed that other ecologically sensitive parts of the area not to be covered by conservation zones should be included into the Plover Cove Country Park to better conserve the integrity of the natural settings of the area, subject to the information provided by the Agriculture, Fisheries and Conservation Department (AFCD);
 - (iii) R3 proposed that all the areas designated "Unspecified Use" in the DPA Plan should be limited to conservation uses in order to reflect the ecological value and protect the Ecologically Important Stream (EIS) inside the Area and the Lai Chi Wo SSSI nearby;

- (iv) R5 proposed that the area should be protected by conservation zonings to prevent further disturbance and degradation of the habitats from human activities and adverse impact on the natural stream and coastal habitats from any potential development;
- (n) R5 and R6 proposed “Conservation Area” (“CA”) or “Country Park” (“CP”) zonings for the following areas:
 - (i) a short section of the walking trail heading to Lai Chi Wo should be zoned “CA” or “CP” to safeguard habitats and protect the conservation species such as Incense Tree (*Aquilaria sinensis*) found along the walking trail from human damage and felling;
 - (ii) the *fung shui* woodlands in Lai Chi Wo, Mui Tsz Lam and Siu Tan should be zoned “CA” or “CP” in order to protect and preserve them from developments and environmental destructions;
 - (iii) the southern and western portions of Lai Chi Wo should be zoned “CA” to provide adequate protection for the fauna and flora in the area;
 - (iv) the southern portion of Sam A Tsuen should be zoned “CA” to achieve protection and preservation of the natural landscape of Sam A Tsuen; and
 - (v) the EIS and its surrounding areas should be zoned “CA” or “CP” to protect habitats for wildlife associated with the stream. A 20m buffer area on the sides of the EIS should be zoned “SSSI” to avoid human disturbance;
- (o) R5 and R6 proposed that the coastal area along the coastline of Yan Chau Tong Marine Park and intertidal ponds at Siu Tan should be zoned “Coastal Protection Area” (“CPA”) or “CP” so as to protect and retain the

natural coastline and the coastal environment;

- (p) R4 proposed that a comprehensive vegetation and fauna survey should be conducted to make sure that all the “V” zones in the future OZP would not cause significant impact on the biodiversity of the area;
- (q) other proposals not related to the DPA Plan:
 - (i) R2 proposed that if the Government had a view and determination on preserving the rural features, an expansion area off Shek Chung/San Tsuen, Sha Tau Kok should be set up to strengthen the town centre of Sha Tau Kok;
 - (ii) R6 urged for the swift drafting of the DPA plans for all Country Park enclaves;
 - (iii) R3 proposed to prepare DPA plans for all areas yet to be covered and prepare village layout plans for all “V” zones and areas where Small Houses were permitted, with priority accorded to the Frontier Closed Area, the enclaves within and adjacent to Country Parks, and all other areas with special landscape, geological or ecological value;
 - (iv) R3 urged for the Board to request the Lands Department (LandsD) to suspend processing of land grant applications under the New Territories Exempted House (NTEH) Policy in order to avoid increasing development pressure and demand for compensation;

Responses to Grounds of Representations and Representers' Proposals

R1 and R2

- (r) the area was rich with scenic and ecologically sensitive features. Suspected excavation and unauthorized tree felling and vegetation clearance had been found in the area, and there was an urgent need to prepare a DPA Plan for the area to facilitate proper planning control and

enforcement. Proposals on upgrading of infrastructures, road networks and public utilities at Kop Tong would be taken into account in the detailed planning of the OZP and would be commensurate with the proposed land uses for the area. Relevant bureaux/departments and stakeholders, including local villagers, would be consulted during the preparation of the OZP;

- (s) the DPA Plan would not affect the indigenous villagers' right for Small House development. On the DPA Plan, about 4.91 ha of land was zoned "V" for development of Small Houses by indigenous villagers. For developments within the "Unspecified Use", there was a provision for application for other developments under s.16 of the Ordinance and each case would be considered by the Board on individual merits;
- (t) the boundaries of the "V" zones were drawn up provisionally having regard to the existing clusters and building structures, existing site conditions, development constraints and the boundary of the "VE". Detailed land use zonings would be worked out during the preparation of the OZP, taking into account relevant assessments/studies on various aspects, including ecology, archaeological interest, traffic, sewerage, landscape and geotechnical conditions;
- (u) the Director of Agriculture, Fisheries and Conservation advised that the proposed village expansion areas encroached upon or were in the close vicinity of ecologically sensitive areas, including the Lai Chi Wo EIS, Lai Chi Wo Special Area, Plover Cove Country Park, *fung shui* woods and other secondary woodlands, which should be protected;
- (v) with respect to the proposed "V" zone in Siu Tan, District Lands Officer/North (DLO/N), LandsD advised that Siu Tan was not a recognized village under the Small House Policy, and Small House applications therein could not be considered;

- (w) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) commented that the northern and southern parts of the proposed “V” zone at Lai Chi Wo and the proposed “V” zones at Mui Tsz Lam and Kop Tong, especially those areas located near the proposed “V” zone boundaries, were located below steep natural hillside and might be affected by potential natural terrain hazards. Further assessments were required to determine whether the proposed areas were suitable for future Small House development during the OZP preparation stage;
- (x) the concerns on the long-term planning and need for roads put forward by R1 were noted. Detailed analysis of the land use patterns, and studies of infrastructural provisions, and public utility facilities would be taken into account in the formulation of specific land use proposals during preparation of OZP and provision of such infrastructure and public utility facilities would commensurate with the land use proposals of the OZP;
- (y) the title of the DPA Plan was mainly to represent the major geographical area concerned;

R3 to R6

- (z) the support of R3 to R6 was noted;

Inclusion of the enclaves within the DPA Plan into the Plover Cove Country Park (R4 and R5)

- (aa) the designation of an area as Country Park was under the jurisdiction of the Country and Marine Parks Board under the Country Parks Ordinance (Cap. 208) which was outside the purview of the Board. DAFC also advised that the inclusion of a Country Park enclave into the surrounding/adjacent Country Park should be assessed by making reference to some established principles and criteria such as conservation value, landscape and aesthetic values, recreation potential, size, proximity of the existing Country Parks, land status and existing land uses;

Areas in DPA be limited to conservation uses (R3) and protected by conservation zonings (R5)

- (bb) the area was adjacent to the existing Plover Cove Country Park and Yan Chau Tong Marine Park and areas with ecological interests were located within the area. It was rural in character and had been a famous tourist attraction for many years. Any proposed land uses within the area should warrant detailed consideration and further assessments to ensure that there would be no significant impacts on the environment, the landscape setting, its rural character and ecological features;

Specific conservation zonings (R5, R6)

- (cc) DAFC advised that the area was an enclave of Plover Cove Country Park containing a mixture of habitats and natural resources, any proposed conservation related and non-development zoning, including “CA” and “CPA”, were generally welcomed. Since the Lai Chi Wo EIS and its buffer areas were not designated as SSSI, it was considered not appropriate to designate the EIS and its buffer areas as “SSSI”. The appropriate zonings were to be worked out during the preparation of OZP, taking into account relevant assessments/studies on various aspects including ecology, archaeological interest, traffic, sewerage, landscape and geotechnical conditions;

Comprehensive vegetation and fauna surveys for “V” zones (R4)

- (dd) detailed analysis and studies to establish the appropriate land uses would be conducted during the preparation of the OZP in order to strike a balance between conservation and development;

Other Proposals not related to the DPA Plan

- (ee) subject to resources, it had been the Government's long-term target to prepare OZPs for all areas of Hong Kong, except areas covered by Country Parks. With regard to the protection of Country Park enclaves, the 2010-2011 Policy Address had also stated that the Government would either include the remaining enclaves into Country Park, or determine their proper uses through statutory planning in order to meet conservation and social development needs;
- (ff) processing of land grant applications under the NTEH Policy was outside the purview of the Board;

PlanD's Views

- (gg) the support of R3 to R6 is noted; and
- (hh) the representations R1 and R2 should not be upheld.

69. The Chairman then invited the representatives of the representers to elaborate on their submissions.

R1 (Fan Fu Choi (Village Representative (VR) of Kop Tong Tsuen)

R2 (Tsang Ah Chai and Tsang Wai Yip (VRs of Lai Chi Wo Tsuen), Tsang Yuk On (VR of Mui Tsz Lam Tsuen), Fan Fu Choi (VR of Kop Tong Tsuen) and Tsang Yune Choi (VR of Sam Au Tsuen)

70. Mr. Tsang Yuk On made the following points:

- (a) the villages provided a suitable environment for villagers to live in. However, the current planning did not allow village development and the freezing of village development would destroy the villages;
- (b) it was not acceptable that planning was only for environmental protection, but not for the provision of living space for villagers. In fact, village development would not affect the natural environment. The rural area,

such as Sha Tau Kok, could be developed for green tourism use by providing recreation, leisure and transport facilities which were environmental friendly. The village houses could also be preserved and renovated in order that the traditional village environment could be preserved;

- (c) the areas were not included in the Country Park in the past after careful consideration. These areas should not be included within the Country Park now; and

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

- (d) the area of the “V” zones was too small and covered some public spaces which were not available or suitable for Small House development; and
- (e) the area of the “V” zones could not meet the actual Small House demand of indigenous villagers. Villagers residing overseas and working in urban areas had wishes to return to the villages and this should be allowed.

[Ms Maggie M.K. Chan returned to join the meeting at this point.]

71. Mr. Li Koon Hung made the following main points:

- (a) villagers considered that a balance should be struck between conservation and development right of landowners in the planning of the rural area. However, villagers were very dissatisfied that the DPA Plan had made no provision to recognize their right;
- (b) while six villages in Sha Tau Kok had been excluded from the Closed Area and the Government had announced its intention to develop eco-tourism in the area and in the villages, the rigid land use planning in the DPA Plan did not reflect such intention;

- (c) the Heung Yee Kuk had raised objection to include all Country Park enclaves under statutory planning. Although planning applications might be submitted for development within the DPA Plan area, villagers would find it difficult to follow all the rules and requirements in submitting the planning applications;
- (d) instead of zoning all the land for conservation purpose and freezing any development within the DPA Plan area, many alternative zonings such as “Recreation” zone for recreational uses should be considered. Consideration might also be given to have a new development area in Sha Tau Kok to allow expansion of the villages;
- (e) there was in fact no nature conservation policy in Hong Kong. The Government had not taken any action to protect and enhance the rural environment, but just to abandon the land and freeze all developments;
- (f) the North Eastern New Territories was the only piece of land available for development. The area should not be abandoned with no development allowed; and
- (g) the right of landowners should be respected.

72. Mr. Tsang Yune Choi made the following main points:

- (a) only a small area had been zoned “V” for the three villages of Sam A Tsuen. There was no space to build village houses; and
- (b) as no road was provided for the villages, villagers had to live and work in the urban area.

73. Mr. Fan Fu Choi made the following main points:

- (a) he strongly objected to the inclusion of the village area into the Country Park as this would freeze development permanently; and

- (b) the land in the villages was privately owned and was for people to live in.

74. Mr. Tsang Wai Yip made the following main points:

- (a) the river in Lai Chi Wo was the source of water supply for Lai Chi Wo Tsuen and it was a fung shui river of the village. The river should not be designated for conservation purpose; and
- (b) the environment of the river had become worse. However, since the river had been identified to have high ecological value, any works to improve the river and the river bank were not allowed.

75. Mr. Tsang Ah Chai said that Siu Tan belonged to the same clan of Lai Chi Wo Tsuen. However, no “V” zone was designated for Siu Tan. Villagers would have no land to build their Small Houses.

76. Mr. Li Koon Hung said that DLO/N was working on the forecast of Small House demand for the villages. He suggested that the Board should wait for the availability of the forecast before deciding on the “V” zone area for the villages.

R5 (WWF Hong Kong)

77. Miss Chow Wing Shan made the following main points:

- (a) Lai Chi Wo, Siu Tan and Sam A including the mangroves and fung shui forests were areas of high ecological values. To protect the natural environment within these areas, prevent further disturbance and degradation of the habitats from human activities and incompatible developments, and allow the recovery of the habitats which had been disturbed, it was strongly proposed that the areas should be protected by conservation zonings;

- (b) the natural stream flowing across Lai Chi Wo area and its surrounding areas should be zoned “CA”, in order to protect the stream from adverse impacts of potential developments and preserve habitats for wildlife associated with the stream;
- (c) the coastal area along the Yan Chau Tong Marine Park and intertidal water ponds at Siu Tan should be zoned as “CPA” to protect the mangrove species and rare seagrass species found in the areas;
- (d) the fung shui forests within the area should be zoned as “CA” as they were of high ecological value and formed part of the ecosystem linking to the Plover Cover Country Park; and
- (e) the Board should carefully consider the above proposals, strike a balance between conservation and development needs and designate appropriate zonings for the area.

R6 (KFGB)

78. Mr. Tony Nip made the following main points:

- (a) the mangroves, seagrass habitats and fung shui woods in the areas had high ecological value and should be protected. This had been confirmed by AFCD;
- (b) the stream flowing across the Lai Chi Wo area had been partly recognized as EIS. However, other than the part recognized by AFCD, the remaining part also had high ecological value and should be protected. A buffer area should also be preserved so that the stream would not be affected by developments. Besides, development close to a river was also subject to flooding problem and should not be allowed;
- (c) rare fish and dragonfly species were found in the wetland and mangroves in the area and the habitats should be protected;

- (d) the areas of high ecological value should be included within the Country Park. However, if this was technically not feasible, it was suggested that these areas should be protected under conservation zonings such as “CA”, “SSSI”, “CPA” and “GB” where appropriate;
- (e) if developments were allowed, sewerage facilities would need to be provided. New roads would also be required and the construction works would inevitably affect the environment of the Country Park and Marine Park; and
- (f) according to the Policy Address in 2010, the Country Park enclaves should be included within the Country Park or proper use should be determined through statutory planning. The Ombudsman also requested that the Government should expedite action to follow up the preparation of statutory plans for the Country Park enclaves.

79. As the representers’ representatives had completed their presentations, the Chairman invited questions from Members.

80. A Member asked if the representers had any information on the current population of the villages and how the villagers gained access to the villages. This Member also asked DPO/STN to clarify the rationale in designating the “V” zones on the DPA Plan.

[Professor Eddie C.M. Hui left the meeting at this point.]

81. In response, Mr. Tsang Yuk On made the following main points:

- (a) villagers had suffered a lot as Sha Tau Kok had been included within the Closed Area and road access to the area was very poor. People might use “kai dao”. The travelling expenses were also very high;
- (b) therefore, only a few families would go back to the villages during weekends and the others were forced to move out to earn their living; and

- (c) with the increase in population, more roads should be built and environmentally friendly modes of transport such as golf kart or light rail could be used to access the village.

82. Mr. W.K. Hui, DPO/STN, said that the boundaries of the “V” zones were drawn up provisionally having regard to the existing village clusters and building structures, existing site conditions, development constraints and the “VE” boundary provided by LandsD. The preparation of the DPA Plan provided a stopgap measure to effect planning control over the area. About 4.91 ha (4%) of land was zoned “V” on the DPA Plan. Detailed analysis and studies would be conducted in the OZP preparation stage to determine the appropriate “V” zones for the area.

83. In response to a Member’s question, Mr. Tony Nip said that it was most welcomed if all areas of high ecological value were included within the Country Park. Alternatively, these areas could be designated with appropriate conservation zonings in order to protect them from adverse impact of development. In addition, sewerage discharge and works associated with provision of infrastructure to the area would inevitably affect the existing natural environment. This should be taken into account in the detailed planning of the area.

84. As Members had no further question to raise, the Chairman said that the hearing procedures had been completed and the Board would deliberate on the representations in the absence of the representers. The representers would be informed of the Board’s decision in due course. The Chairman thanked the representatives of the representers and PlanD for attending the meeting. They all left the meeting at this point.

Deliberation Session

85. A Member said that villagers should be advised that the DPA Plan was only a temporary plan and detailed land use zonings for the area would be worked out in the OZP preparation stage. The other issues raised by the representers such as the accessibility issue and the protection of the streams should be referred to the relevant government departments for follow up action.

86. The Chairman said that detailed studies and assessments would be conducted in the OZP preparation stage to determine appropriate zonings for areas of high ecological value and extent of the “V” zones.

87. A Member said that the villages had been isolated for a very long time and the villages had to be accessed through the Closed Area in Sha Tau Kok. Villagers were forced to abandon their villages and move out. This historical background should be taken into account in detailed planning of the area in OZP preparation stage.

88. A Member said that the area might have potential to be revitalized to allow some green activities to be undertaken.

89. Mr. Jimmy Leung, Director of Planning, said that PlanD was undertaking a study on the Sha Tau Kok Town and the Linkage Area to explore opportunity for promoting eco-tourism and cultural tourism in the area. Should the pier at the Sha Tau Kok Town, which remained as closed area, be opened up for tourism, transport to the Linkage Areas like Lai Chi Wo would be enhanced. However, further consultation with the local residents would be required by the concerned bureau as no consensus had been reached among the major stakeholders during the study process.

90. After further deliberation, the Chairman concluded Members’ views that the supportive representations should be noted. Members also agreed that the remaining parts of the supportive representations and the adverse representatives should not be upheld as detailed studies and analysis would be conducted to determine the appropriate zonings for areas of high ecological value and the boundary of the “V” zones. Members then went through the suggested reasons for not upholding the representations as detailed in paragraph 7.2 of the Paper and considered that they should be suitably amended.

Representation No 1

91. After further deliberation, the Board decided not to uphold the representation of R1 for the following reasons:

- (a) the preparation of the DPA Plan provided a stopgap measure to effect planning control over the Area and to protect the natural environment with high landscape values in the Area. The DPA Plan would be replaced by an OZP within three years. Relevant bureaux/departments and stakeholders, including local villagers, would be consulted during the preparation of the OZP;
- (b) detailed land use zonings would be worked out during the preparation of OZP taking into account relevant assessment studies on such aspects as ecology, archaeological interest, traffic, sewerage, landscape and geotechnical; and
- (c) the concerns on the long-term planning and need for roads put forward by R1 were noted. Detailed analysis of the land use patterns, and studies of infrastructural provisions, and public utility facilities would be taken into account in the future formulation of specific land use proposals for the Area during preparation of OZP and provision of such infrastructural and public utility facilities would be commensurate with the land use proposals of the OZP.

Representation No. 2

92. After further deliberation, the Board decided not to uphold the representation of R2 for the following reasons:

- (a) the boundaries of the “V” zones would be further reviewed and defined during the preparation of OZP stage. In formulating the detailed land use proposals for the Area, including the boundaries of the “V” zone, during OZP preparation, relevant stakeholders, including local villagers, would be engaged accordingly;
- (b) the DPA Plan was an interim plan which would be replaced by an OZP within three years. Detailed land use zonings would be worked out during the preparation of OZP stage taking into account relevant assessments on

such aspects as ecology, archaeological interest, traffic, sewerage, landscape and geotechnical;

- (c) detailed analysis and studies to establish the appropriate land uses would be conducted in the course of the preparation of OZP with a view to striking a balance between conservation and development; and
- (d) the title of the DPA Plan was mainly to indicate the broad geographical area concerned. It would not be necessary to include the name of all the villages in the title of the Plan.

Representations No. 3, 4, 5 and 6

93. After further deliberation, the Board noted the support of R3, R4, R5 and R6 and decided not to uphold the remaining parts of the representations of R3, R4, R5 and R6 for the following reasons:

- (a) the designation of an area as part of the Plover Cove Country Park was under the jurisdiction of the Country and Marine Parks Board under the Country Parks Ordinance (Cap. 208) which was outside the purview of the Board. The justifications for incorporating the Area as part of the Plover Cove Country Park would be subject to further consideration of the DAFC and the Country and Marine Parks Board (*R4 and R5*);
- (b) the Area was adjacent to the existing Plover Cove Country Park, Yan Chau Tong Marine Park and Lai Chi Wo Beach SSSI. Lai Chi Wo Site of Archaeological Interest, ecologically important stream and fung shui woodlands with ecological interests were located within the Area. It was rural in character and had been a famous tourist attraction for many years. Any proposed land uses within the Area should warrant detailed considerations and further assessments to ensure that there would be no significant impacts on the environment, the landscape setting, its rural character and ecological features (*R3 and R5*);

- (c) the DPA Plan was an interim plan which would be replaced by an OZP within three years. Detailed land use zonings would be worked out during the preparation of OZP stage taking into account relevant assessments on such aspects as ecology, archaeological interest, traffic, sewerage, landscape, water quality and geotechnical (*R5 and R6*); and
- (d) detailed analysis and studies to establish the appropriate land uses would be conducted in the course of the preparation of OZP with a view to striking a balance between conservation and development (*R4*).

94. The Board also agreed to advise R3 and R6 of the following:

- (a) subject to resources, it had been the Government's long-term target to prepare OZPs for all areas of Hong Kong except areas covered by Country Parks. With regard to the protection of Country Park enclaves, the 2010-2011 Policy Address had also stated that the Government would either include the remaining enclaves into Country Park, or determine their proper uses through statutory planning in order to meet conservation and social development needs (*R3 and R6*); and
- (b) processing of land grant applications under the NTEH Policy was outside the purview of the Board (*R3*).

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

96. The meeting resumed at 2:30p.m.

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

Mr. Thomas Chow

Chairman

Mr. Stanley Wong

Vice-Chairman

Professor Paul Lam

Mr. K.Y. Leung

Mr. Laurence Li

Professor S.C. Wong

Dr. W.K. Yau

Deputy Director of Environmental Protection
Mr. Benny Wong

Principal Environmental Protection Officer
Mr. H.M. Wong

Director of Lands
Miss Annie Tam

Director of Planning
Mr. Jimmy Leung

Agenda Item 8

[Open Meeting (Presentation and Question Session only)]

Consideration of Representation and Comment to the

Draft Mong Kok Outline Zoning Plan No. S/K3/29

R1, C1

(TPB Paper No. 9032)

[The meeting was conducted in Cantonese.]

98. The Chairman said that the following Members had declared interest in this item:

- | | |
|------------------|--|
| Mr. Walter Chan | - Owned a unit at Richmond Commercial Building, 109 Argyle Street |
| Mr. Raymond Chan | - His parents owned a property in Mong Kok |
| Miss Annie Tam | - The ex-Mong Kok Market site (Amendment Item B) was a potential land sale site. Miss Annie Tam, as Director of Lands, had declared interest in this item. |
| Mr. K. Y. Leung | - Representer R1 was his student |

99. Members noted that Mr. Walter Chan and Mr. Raymond Chan had already left the meeting. Mr. K.Y. Leung said that he had not met with Representer R1 for a long time and had not discussed matters relating to the Mong Kok Outline Zoning Plan with him. Members agreed that his interest was remote and indirect and that he should be allowed to stay in the meeting. The Secretary said that according to the legal advice and the established practice of the Board, Miss Annie Tam's interest should be regarded as indirect as she only provided comments in her capacity as Director of Lands and she had no personal interest in the land sale site. Members agreed that she could stay in the meeting.

100. The following representatives of the Planning Department (PlanD) and the representer were invited to the meeting at this point:

- Mr. Wilson Chan - District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), PlanD
- Mr. C.K. Soh - Senior Town Planner/Yau Tsim Mong (STP/YTM), PlanD

R1 (Mr. Tang Fai Cheong)

- Mr. Tang Fai Cheong - Representer

101. The Chairman said that sufficient notice had been given to invite the commenter to attend the hearing, but he had made no reply. As sufficient notice had been given to the commenter, Members agreed to proceed with the hearing in his absence.

102. The Chairman extended a welcome and explained the procedures of the hearing to the representer. He said that a document concerning the Air Ventilation Assessment (AVA) had just been submitted by the representer. A copy of the document had been tabled at the meeting for Members' information. He then invited the representatives from PlanD to brief Members on the representation.

103. With the aid of a Powerpoint presentation, Mr. C.K. Soh, STP/YTM, made the following main points as detailed in the Paper:

Background

- (a) on 12.8.2011, the draft Mong Kok Outline Zoning Plan (OZP) No. S/K3/29 was exhibited for public inspection under section 7 of the Town Planning Ordinance (the Ordinance). The amendments mainly included:
- (i) Amendment Item A - the rezoning of a site bounded by Ivy Street, Elm Street and Anchor Street from "Other Specified Uses" annotated "Business" ("OU(B)") to "Residential (Group E)" ("R(E)") with the imposition of a two-tier building height restriction of 80mPD/100mPD (Site A);

- (ii) Amendment Item B - a site bounded by Canton Road, Argyle Street, Shamchun Street and Nam Tau Street (ex-Mong Kok Market) from “Government, Institution or Community” (“G/IC”) to “Commercial (3)” (“C(3)”) with the requirement to provide a community health centre (CHC) and the imposition of a building height restriction of 100mPD (Site B);
- (b) during the two-month exhibition period which expired on 12.10.2011, one valid representation (R1) was received. On 21.10.2011, the representation was published for three weeks for public comments. Upon expiry of the publication period on 11.11.2011, one comment (C1) was received;

Grounds of Representation and the Representer’s Proposal

- (c) the main grounds of representation R1 as detailed in paragraph 2.3 of the Paper were summarized as follows:
 - (i) R1 objected to the rezoning of the site bounded by Ivy Street, Elm Street and Anchor Street from “OU(B)” to “R(E)” for residential use under Amendment Item A, and the rezoning of ex-Mong Kok Market site for commercial development and the stipulation of a maximum building height restriction of 100mPD under Amendment Item B;
 - (ii) R1 objected to Amendment Item A on the following grounds:
 - a. Tai Kok Tsui area consisted of a large number of high-rise developments which had worsened air ventilation at street level and aggravated heat island effect in the vicinity of Ivy Street and Anchor Street. The rezoning of the existing industrial buildings in the area for residential use would lead to further deterioration of the already crowded living environment;
 - b. the rezoning of industrial buildings for residential use would legalize unauthorized sub-divided units for residential use in these industrial buildings, which was not in line with the prevailing government

policy of not tolerating such conversion;

- c. New residential developments at the site would overload the existing congested road network;

(iii) R1 objected to Amendment Item B for the following reasons:

- a. Commercial development at the site was not compatible with the residential nature of the neighbourhood. The existing street hawker stalls had resulted in serious environmental hygiene problems;
- b. The proposed building height of 100m was not compatible with the surrounding buildings of 40m to 60m in height, and would have adverse air ventilation impact and heat island effect;
- c. Given the very small size of the site, adequate parking facilities could not be provided at the site. The surrounding road network also did not have sufficient capacity to cater for the traffic arising from the new commercial development;

(iv) R1 proposed that the ex-Mong Kok Market should be redeveloped into a new market building to resettle the existing street hawker stalls so as to improve the environmental hygiene of the area;

Grounds of Comment

(d) the main grounds of C1 as detailed in paragraph 3 of the Paper were summarized as follows:

- (i) C1 supported R1's opposition to the rezoning of ex-Mong Kok Market site for commercial development and considered that the original "G/IC" zoning of the site was not in conflict with the proposed CHC use and should be retained. The maximum plot ratio of 9 and the maximum building height of 100mPD were considered excessive for a CHC;

- (ii) C1 also suggested that opportunity be taken to tackle the sanitary problem in the district and to make adaptive reuse of the ex-Market building which was in Bauhaus architectural style by encouraging the street hawker stalls to move into the ex-Market building by economic incentive such as rent subsidies;

Site A: the site and the surrounding areas

- (e) the site was located in Mong Kok west and had an area of about 2,280m². There were four existing industrial buildings, three of them were over 40 years old;
- (f) to the west adjoining the site was an “OU(B)” zone where there were a 27-storey hotel completed in 2010, a 28-storey hotel completed in 2011 and an existing petrol filling station. Further west across Tai Kok Tsui Road were mainly residential buildings falling within the “R(A)” zone. To the east across Elm Street was a “R(E)” site where there were two industrial buildings and a hotel. To the north across Ivy Street was Ivy Street Rest Garden, and to the south across Anchor Street were Fire Services Department Mongkok Office Building, a sewage pumping station and New Kowloon Plaza;
- (g) the planning intention of the “R(E)” zone was primarily for the phasing out of existing industrial uses through redevelopment (or conversion) for residential use on application to the Town Planning Board. While existing industrial uses would be tolerated, new industrial developments were not permitted in order to avoid perpetuation of industrial/residential interface problem;

PlanD’s Responses to the Grounds of Representation Concerning Site A

- (h) PlanD’s responses to the grounds of representation submitted by the representer as detailed in paragraph 5.3.1 of the Paper were summarized as follows:
 - (i) the first Area Assessment of Industrial Land in the Territory of 2000 (Area Assessment 2000) recommended the rezoning of industrial land

in Tai Kok Tsui from “Industrial” to “R(E)” or “OU(B)” with a view to phasing out the residual industrial buildings in the area. The industrial area along the West Kowloon Corridor West was considered suitable to be rezoned to “R(E)”. However, because of the insurmountable environmental problems, Site A was rezoned to “OU(B)”;

- (ii) the environmental impact from the nearby Tai Kok Tsui Road and West Kowloon Corridor had been lessened upon completion of the two high-rise hotel buildings adjoining the site which could now act as a buffer between the site and the busy roads. The Area Assessment of Industrial Land in the Territory of 2009 (Area Assessment 2009) recommended the rezoning of Site A to “R(E)” to allow for residential development through the planning application system. The “R(E)” zone was compatible with the adjacent “R(E)” and “R(A)” zones;
- (iii) according to the Air Ventilation Assessment (AVA) conducted in 2010, Site A was not situated within any of the identified breezeways or air paths. The maximum building height of 80mPD/100mPD for the site was considered compatible with the surrounding areas and same as those imposed on the adjacent “R(A)” and “R(E)” zones;
- (iv) under the “R(E)” zoning, the site would be subject to a maximum plot ratio of 9. Compared with the maximum plot ratio of 12 under the previous “OU(B)” zoning, the development intensity had been lowered to the level of those of other “R(A)” and “R(E)” zones in the area. The rezoning of the Site A from “OU(B)” to “R(E)” would not have adverse impact on transport and infrastructural provisions in the area;
- (v) according to Schedule II of the Notes for the “R(E)” zone, which was applicable to existing industrial or industrial-office building, residential use was neither a Column 1 nor Column 2 use. In this regard, rezoning the site to “R(E)” did not mean that the existing industrial buildings would be used for sub-divided flats;

Site B: the site and the surrounding areas

- (i) the site was located in Mong Kok west bounded by Canton Road, Argyle Street, Shamchun Street and Nam Tau Street and had an area of about 1,240m². The 3-storey ex-Mong Kok Market ceased operation in early 2010 and was vacant. The buildings surrounding the site were mostly tenement buildings with the lower floors for shop and eating place uses. There were on-street hawker stalls at Shamchun Street and Canton Road;
- (j) the planning intention of the “C” zone was primarily for commercial developments, which might include shop, services, place of entertainment and eating place, functioning mainly as district and local shopping centres;

PlanD’s Responses to the Grounds of Representation Concerning Site B

- (k) PlanD’s responses to the grounds of representation concerning Site B as detailed in paragraph 5.3.2 of the Paper were summarized as follows:
 - (i) as pointed out by the Director of Environmental Protection, the site would be subject to traffic noise impact from the adjoining roads, and therefore non-noise sensitive uses or noise tolerant uses on the site were considered more suitable. Given the proximity of the site to Nathan Road and the site was not required for GIC uses other than the CHC, commercial uses were considered suitable for the site. The “C(3)” zoning of the ex-Mong Kok Market site would ensure better utilization of the site while facilitating the provision of a CHC to serve the community;
 - (ii) concerned government departments, including the Director of Food and Environmental Hygiene (DFEH), would take necessary action to address the environmental hygiene problem caused by street hawker stalls;
 - (iii) concerned government departments, including the Transport Department, had no adverse comment on the rezoning. As specified in

the Explanatory Statement of the OZP, loading/ unloading bays and car parking facilities should be provided for the CHC. Concerned government departments would look into the feasibility of providing building set-back to facilitate footpath widening and on-street planting in the design stage of the CHC;

- (iv) according to the AVA conducted in 2010, Site B did not fall within any identified breezeways or air paths. The maximum building height restriction of 100mPD was considered compatible with the surrounding areas and was at the same level as that imposed on the adjacent “R(A)” zone (for sites with an area of 400m² or more) which had been reviewed comprehensively in 2010;

PlanD’s Responses to R1’s Proposal Concerning Site B

- (l) PlanD’s responses to the proposals submitted by the representer as detailed in paragraph 5.4 of the Paper were summarized as follows:
 - (i) the ex-Mong Kok Market was closed on 1.3.2010 in view of its low occupancy rate. Given the uncompetitiveness of public markets, DFEH did not support the redevelopment of a new market building at the site. DFEH would also increase the frequency of street cleaning and take necessary enforcement action against illegal hawkers at the adjoining streets with a view to improving the environmental hygiene of the area.

PlanD’s Responses to the Comments of C1

- (m) Regarding C1’s comments supporting R1’s representation and proposal on Amendment Item B, paragraphs (k) to (l) above were relevant.
- (n) PlanD’s Views – PlanD did not support R1 for the reasons as detailed in paragraph 7 of the Paper.

R1 – Mr. Tang Fai Cheong

105. With the aid of a Powerpoint presentation, Mr. Tang Fai Cheong made the following main points:

- (a) there was a “canyon effect” formed by two tall buildings with curtain walls in Mong Kok, i.e. Richmond Commercial Building and Langham Place. The development of more high-rise buildings in Mong Kok could aggravate the “canyon effect”;
- (b) he suspected that there were illegal sub-divided units for residential use in Wah Yuen Factory Building, noting from the ambiguous advertisements posted on the notice board outside the factory building. The rezoning of Site A to “R(E)” could lead to more illegal sub-divided units for residential use;
- (c) as Site A was located close to the future Guangzhou-Shenzhen-Hong Kong Express Rail Link Station and the Airport Express Kowloon Station, it was considered more suitable for the factory buildings at Site A to be redeveloped into hotels;
- (d) there were already existing hotels in the nearby areas, including Dorsett Kowloon Hotel and Cosmo Kowloon Hotel. A new hotel had just been completed at Tai Kok Tsui Road. There would be synergy effects if Site A was also redeveloped for hotel use;
- (e) Site A was suitable for hotel development as Elm Street was wide enough for coach parking. To improve the environment, there should be more greenery along Elm Street and the greenery could be connected with Ivy Street Rest Garden;
- (f) as for Site B, it was noted that the Planning Department (PlanD) had consulted the Yau Tsim Mong District Council (YTMD) on the rezoning

from “G/IC” to “C(3)”. According to paragraph 66 of the minutes of YTMDC which was at Annex IV of the Paper, the representative of PlanD had said that most redevelopment projects were implemented by the private sector. He had doubts on whether private developers would want to redevelop a government property, given the high costs involved. It was not certain how the private sector would be attracted to the redevelopment project. The experience of urban redevelopment in Kwun Tong indicated that the Government should play a leading role in the redevelopment process;

- (g) the buildings surrounding the ex-Mong Kok Market were no more than 15 storeys in height. As shown in Plan H-10 of the Paper, the ex-Mong Kok Market was 19.5mPD and the surrounding buildings were generally not more than 50mPD in height. If the ex-Mong Kok Market building was redeveloped to a height of 100mPD, it would block the wind blowing into the area. The building height restriction of 100mPD was excessive;
- (h) if curtain walls were used in the proposed commercial development, the sunlight reflected from the building would disturb the nearby residents and would aggravate the heat island effect. Even if concrete walls were used in the proposed commercial development, the temperature of the area would increase as concrete was heat-absorbent. The level of thermal comfort was already unbearable in Mong Kok and had adversely affected the low-income residents who could not afford to have air-conditioning;
- (i) YTMDC was composed of appointed members and elected members. Among the elected members, Mr. Hui Tak Leung and Ms. Wong Shu Ming were concerned about the problem of rat infestation in Mong Kok. They had proposed the development of a new Mong Kok Market so that hawkers could move into the new market and the hygiene of the area could be improved as a result. Mr. Hui Tak Leung had also criticized PlanD for seeking the Board’s approval for rezoning the ex-Mong Kok Market site before consulting the YTMDC. It should also be noted that two appointed YTMDC members, Mr. Wong Man Sing and Ms. Ko Po Ling, could not reflect the views of the residents as they had supported the Government’s

proposal;

- (j) urban redevelopment fell within the purview of the Urban Renewal Authority rather than the Board;
- (k) according to the report of the Air Ventilation Assessment (AVA) conducted by Environ Hong Kong Limited for PlanD in 2010 which had been tabled at the meeting, the northeasterly wind was the prevailing wind year round whereas in the summer, the prevailing wind was southwesterly and easterly. As Langham Place had been blocking most of the easterly wind, the Mong Kok area had become warmer;
- (l) the AVA identified Argyle Street as an important air path. Even though Site B was not located in the middle of this air path, the redeveloped building would affect the air flow, especially if it was excessively tall as compared with the surrounding buildings;
- (m) in Mong Kok, there were only a few open spaces and low-rise buildings that facilitated air flow. Figure 15 of the AVA report identified the problem areas that did not have adequate width for air paths. It was hoped that the number of problem areas would not increase in the future;
- (n) to minimize the canyon effect, the height-to-width (HW) ratio of a building should be reduced to 2:1. If the ex-Mong Kok Market was redeveloped to a height of 100mPD, the HW ratio would be greater than 2:1, aggravating the canyon effect;
- (o) the hawker stalls near the ex-Mong Kok Market might be adversely affected by the proposed redevelopment;
- (p) according to the “Urban Climatic Map and Standards for Wind Environment – Feasibility Study” prepared for PlanD, the existing airpaths, breezeways and low-rise GIC developments should be retained, and more trees should be planted. If the ex-Mong Kok Market had to be redeveloped,

the new development should be a low-rise building;

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

- (q) it was not necessary to build a commercial building at Site B, as the Government intended to develop Kowloon East into a new Central Business District. There were other sites within Mong Kok which were more suitable for the development of commercial buildings. The “G/IC” site at Sai Yee Street and the Trade and Industry Department Tower, which had been criticized by the Audit Commission for its low utilization rate could be considered for commercial use. Ideally, Site B should best be used as open space. However, if the site had to be redeveloped to commercial use, rooftop greening should be implemented;
- (r) the pedestrian environment in Mong Kok was poor. The proposed footbridge linking Tai Kok Tsui with the Mong Kok East Station should have been built to improve the pedestrian environment;
- (s) there was no objection to the development of a CHC. However, the development of a commercial building was not supported. The building should be rented out to charitable organizations or youth groups. Consideration might also be given to renting out some of the units to those residents affected by the enforcement action taken by the Government against illegal sub-divided units for residential use; and
- (t) it was suggested that a maximum building height of 70mPD be imposed on the ex-Market site. The requirement of rooftop greening should also be stipulated in the lease conditions. A letter had also been sent out to the Financial Secretary and the Development Bureau asking them to remove Site B from the Application List.

106. Mr. Wilson Chan, DPO/TWK, had the following responses on the representation:

- (a) the representer proposed that Site A be used as a hotel. It should be noted

that Site A fell within the “R(E)” zone where ‘hotel’ was a column 2 use. The development of a hotel within Site A might be permitted on application to the Board. To the east of Site A was a “R(E)” site where planning permission was granted in 2001 for the development of a hotel. The hotel (Dorsett Kowloon Hotel) was subsequently completed in 2005;

- (b) as shown in Plan H-10 of the Paper, the buildings surrounding the ex-Mong Kok Market were mostly built in the 1960s and early 1970s and they were suitable for redevelopment. These sites were subject to a two-tier building height restriction of 80mPD/100mPD. In determining the building height restriction for the ex-Mong Kok Market site, reference had been made to the building height restriction of the surrounding sites rather than the existing building height of the old buildings. The proposed building height of the future development at the ex-Mong Kok Market site would be compatible with that of the surrounding buildings upon their redevelopment;
- (c) the DFEH had indicated very clearly that there was no demand for a new market in the Mong Kok area. As shown in Annex IV of the Paper, the YTMDC had no longer requested the development of a new market at Site B. Instead, some YTMDC members requested that Site B be redeveloped into a community complex;
- (d) as the proposed CHC would only use up a plot ratio of about 3.63 at Site B, occupying the lower floors of the proposed redevelopment, there was scope to accommodate other uses on the upper floors. Concerned government bureaux/departments had confirmed that there was no requirement for GIC facilities at the site. The Director of Environmental Protection (DEP) considered that the site would be subject to traffic noise impact from the adjoining roads and therefore non-noise sensitive uses would be more appropriate at the site. Commercial uses which were not noise sensitive were considered suitable; and
- (e) as regards the “G/IC” site at Sai Yee Street, the Financial Secretary had indicated in the Budget Speech delivered in February 2012 that the site would

provide a total GFA of about 65,000m². PlanD was currently undertaking a study on the comprehensive commercial redevelopment of the site.

107. As the representer had completed his presentation and Mr. Wilson Chan had finished his responses, the Chairman invited questions from Members.

108. The Vice-Chairman asked the following questions:

- (a) within Site A, there were three industrial buildings that were built in the 1960s and one industrial building that was only completed in 1989. If the three older industrial buildings were redeveloped for residential use while the newer building was still used for industrial purposes, whether there would be industrial-residential interface problems; and
- (b) whether Wah Yuen Factory Building which was to the immediate east of Site A was under active industrial use, and if Site A was redeveloped for residential purposes, whether there would be industrial-residential interface problems between Wah Yuen Factory Building and the residential developments at Site A.

109. Mr. Wilson Chan said that he did not have information at hand regarding the current uses at Wah Yuen Factory Building. As regards the residential-industrial interface problems, it should be noted that by rezoning the area to “R(E)”, the future developer had to prepare relevant assessments with environmental mitigation measures for any residential development at the site so as to demonstrate to the Board that the industrial-residential interface problems would be adequately addressed through the planning permission system.

110. Mr. Tang Fai Cheong, R1, said that the development of Langham Place was already a mistake as it was excessively tall. The Board should not make another mistake by allowing another high-rise building to be built in Mong Kok which would increase the local temperature and block wind flow. As was indicated in the AVA study, the presence of low-rise GIC facilities would improve the wind flow in the local district. Moreover, issues such as barrier-free access to the proposed redevelopment had not been addressed by the Government.

111. As the representer had finished his presentation and Members had no further questions to raise, the Chairman said that the hearing procedures had been completed and the Board would deliberate on the representation in his absence and would inform him of the Board's decision in due course. The Chairman thanked him and the Government's representatives for attending the hearing. They all left the meeting at this point.

Deliberation Session

112. A Member said that the representation was based on some misunderstanding and there was no reason to uphold the representation.

113. A Member asked whether reference had been made to the measures introduced by the Government to facilitate revitalization of old industrial buildings when Site A was rezoned from "OU(B)" to "R(E)".

114. The Secretary said that the "R(E)" zone and the "OU(B)" zone were introduced by the Board in 1999 and 2000 respectively. A comprehensive study had been conducted at that time to identify sites that were suitable to be rezoned to "R(E)" or "OU(B)". The industrial area along the West Kowloon Corridor West was considered suitable to be rezoned to "R(E)" at that time. However, as the noise problem could not be resolved, these sites were rezoned to "OU(B)" instead. In the "Area Assessment 2009", after taking into account the latest planning circumstances including the new hotel developments adjacent to the site, it was concluded that Site A was suitable to be rezoned to "R(E)". The "Area Assessment 2009" was conducted before the measures to facilitate revitalization of old industrial buildings were introduced. In the next round of "Area Assessment", the "R(E)" and "OU(B)" zones would be further reviewed, taking into account the measures on revitalization of old industrial buildings.

115. The Chairman said that, as was indicated in the AVA, Site B did not fall within an airpath or breezeway. The "C(3)" zone was appropriate as it would allow a better utilization of the ex-Mong Kok Market site. Members agreed.

116. After further deliberation, the Chairman concluded by saying that Members generally agreed not to uphold the representation. Members then went through the suggested

reasons for not upholding the representation as detailed in paragraph 7 of the Paper and considered that they were appropriate.

R1

117. After further deliberation, the Board decided not to uphold the representation for the following reasons:

- (a) According to the AVA Study conducted in August 2010 for the review of the Mong Kok OZP including the imposition of building height restrictions, the site bounded by Ivy Street, Elm Street and Anchor Street (Site A) and the ex-Mong Kok Market site at the junction of Canton road and Argyle Street (Site B) were not situated within any identified breezeways or air paths. The building height restrictions imposed on these two sites, which were the same as other sites under the same zonings, were considered compatible with the surrounding areas;
- (b) According to Schedule II of the Notes for the “R(E)” zone, which was applicable to existing industrial or industrial-office building, residential use was neither a Column 1 nor Column 2 use. As such, rezoning Site A from “OU(B)” to “R(E)” did not mean that the existing industrial buildings on the site could be converted into sub-divided units for residential purpose. Rezoning the site to “R(E)” would not change the fact that the existing industrial building remained an industrial building and residential use within an industrial building was not permitted under the Buildings Ordinance;
- (c) Site B was subject to traffic noise impact, thus it was more suitable for non-noise sensitive uses. Since the site was not required for GIC uses other than the CHC and it was in close proximity to Nathan Road, a major commercial and transport axis in Kowloon, commercial uses, which were non-noise sensitive, were considered suitable uses for the site;
- (d) The “C(3)” zoning for Site B would facilitate a better utilization of the site with the provision of a CHC to serve the local community. The Explanatory Statement of the OZP had specified that loading/unloading and car parking

facilities for the CHC should be provided within the site; and

- (e) There was no apparent need for redevelopment of a new market building at Site B.

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

[Mr. Benny Wong left the meeting temporarily at this point.]

Agenda Item 9

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments to the
Draft Luk Wu and Keung Shan Development Permission Area Plan No. DPA/I-LWKS/1
R1 to R451, C1 to C3
(TPB Paper No. 9034)

[The meeting was conducted in Cantonese, English and Mandarin.]

118. Professor S.C. Wong, being an employee of the University of Hong Kong (HKU), declared interest in this item as Representers R4, R18, R203 and R362 were related to HKU. However, he did not know the Representers and had not discussed the DPA Plan with them. Members agreed that his interest was remote and he should be allowed to stay in the meeting.

119. The following representatives of the Planning Department (PlanD) were invited to the meeting at this point:

- | | |
|-----------------|--|
| Mr. Ivan Chung | - District Planning Officer/Sai Kung and Islands (DPO/SKIs), PlanD |
| Mrs. Maggie Lam | - Senior Town Planner/Islands, PlanD |

120. The following representers, commenter and their representatives were also invited to the meeting:

R5 (Association for Tai O Environment and Development)

Ms. Ho Pui Nam] Representers' representatives
Mr. Tony Nip]

R7 (Alliance for Concern Over Columbarium Policy)

Mr. Tse Sai Kit] Representers' representative

R8 (Su Bong Zen Monastery Ltd.)

Mr. Lau Kam] Representers' representatives
Ms. Sik Yin Ho]
Ms. Sik Yan Zhi]

R13 (Mr. Tong Ho Ming)

Mr. Tong Ho Ming - Representers

R14 (Ms. Lee Li Han)

Ms. Lo Sin Chi] Representers' representative

R18 (Dr. Teresa C.H. Tao)

Dr. Teresa C.H. Tao] Representers
Ms. Yim Shuk Ching] Representers' representative

R34 (Ms. Ng Siu Mui)

Ms. Ng Siu Mui - Representers
Ms. Sik Bon Myong - Representers' representative

R38 (Mr. Lee Lap Man)

Ms. Lo Sin Chi - Representers' representative

R70 (Mr. Ng Kin Chung)

Mr. Ng Kin Chung - Representers

R113 (Mr. Lee Sai Ho)

Mr. Lee Sai Ho - Representers

R125 (Sik Ching Fat)

Sik Ching Fat - Representer
Sik Ching Sing] Representer's representatives
Chau Chuen Ho]

R126 (Sik Ching Lin)

Sik Ching Lin - Representer
Mak Siu Kai] Representer's representatives
Sik Hin Tak]
Sik T.M.]
Ng P.K.]
Wong Kau Keung]
Chan K.Y.]

R151 (Mr. Hung Po Wah)

Mr. Hung Po Wah - Representer

R203 (Sunshine Action)

Ms. Aosi Mak] Representer's representatives
Ms. Anne Cheung]

R284 (Followers of Wai Sum Tong (Temple) Limited)

Mr. Ng Wong Fun] Representer's representatives
Ms. Chan Lai Ching]

R308 (Ms. Lee Kwan Ying)

Ms. Lee Kwan Ying - Representer

R341 (Mr. Chan Kai Yuen)

Mr. Chan Kai Yuen - Representer's representative

R349 (Ms. Lee Lei)

Ms. Lee Lei - Representer

R384 (Ms. Kathy Park)

- Ms. Kathy Park - Representer
Mr. Andrzej Stec - Representer's representative

R394 (Ms. Chan Yuk Chun)

- Ms. Chan Yuk Chun - Representer
Ms. Ng Shun Ying - Representer's representative

R403 (Ms. Ip Lai Yee)

- Ms. Ip Lai Yee - Representer

R418 (Ms. Shek Wai Him, Vivian)

- Ms. Shek Wai Him, - Representer
Vivian

R424 (Ms. Grace Tam)

- Ms. Grace Tam - Representer

R425 (Mr. Lau Nam Kin, Francis)

- Mr. Lau Nam Kin, - Representer
Francis

R426 (The Centre for Spiritual Progress to Great Awakening)

- Sik Yin Yeung] Representer's representatives
Ms. Ng Lai Ying]
Sik Hin Shuen]
Tan Sock Hooi]
Ms. Yau Siu Ling]
Ms. Ng Yin Fun]

R427 (Ms. Vera Lau Kit Ming)

- Ms. Vera Lau Kit Ming - Representer

R432 (Mr. Cheung Foon Tak)

Mr. Cheung Foon Tak - Representer

R435 (Ms. Tammy Lee)

Ms. Tammy Lee - Representer

R437 (Ms. Kam Ah Mei)

Ms. Kam Ah Mei] Representer

R440 (Ms. Hamida Lam)

Ms. Hamida Lam] Representer

R441 (Hae Su Soen Won Limited)

Ms. Tam Mei Fung] Representer's representatives

Ms. Master Hin Sim]

C2 (Yin Hing Monastery)

Mr. Frankie Chan] Representer's representatives

Ms. Lau Chui Lan]

121. The Chairman said that sufficient notice had been given to invite the representers and commenters to attend the hearing, but other than those who were present at the meeting, the representers and commenters had indicated either not to attend the hearing or made no reply. As sufficient notice had been given to the representers and commenters, Members agreed to proceed with the hearing in their absence.

122. The Chairman extended a welcome and explained the procedures of the hearing to the representers and commenters. He then invited the representatives from PlanD to brief Members on the representation.

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

Background

- (a) On 2.9.2011, the draft Luk Wu and Keung Shan Development Permission Area (DPA) Plan No. DPA/I-LWKS/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance. During the two-month exhibition period, a total of 451 representations were received. On 25.11.2011, the representations were published for three weeks for comments. Three comments on the representations were received;
- (b) among the 451 representations, 20 of them were submitted by organizations including environmental concern groups, Tai O Rural Committee and religious organizations and other concern groups. The other 431 representations were submitted by members of the public. Of the three comments, two were submitted by members of the public, while one was submitted by a religious organization;
- (c) a total of 438 representations supported the DPA Plan. Nine other representations provided comments and/or proposals on the DPA Plan. Four representations objected to the DPA Plan;

Grounds of Representations

- (d) the main grounds of the supportive representations as detailed in paragraph 2.5 of the Paper were summarized as follows:
 - (i) the Luk Wu and Keung Shan area (the Area) had a long religious history lasting more than a century. Monasteries and hermitages (精舍) were built as early as 1833 with eleven of them graded as historic buildings;
 - (ii) the tranquil ambience and landscape environment made the Area a famous place for religious practice and meditation;
 - (iii) the Area contained various flora species and amphibian species. The high landscape value of the Area complemented the overall natural setting of the surrounding Country Parks; and

- (iv) the introduction of the DPA Plan could provide statutory planning control for the Area, and protect the natural landscape and the special religious and tranquil character from encroachment by unauthorized development and from undesirable change of use.
- (e) the main grounds of the representations that did not support the DPA Plan as detailed in paragraph 2.6 of the Paper were summarized as follows:
 - (i) development would degrade the natural environment and ecological values of the Area. The environment of the Area should be protected from change. It was important to maintain the existing landscape and religious character, especially for visitors and religious practitioners as it was famous internationally for its religious character. The historical value of the Area being a religious sanctuary and the graded historic buildings were worthy to be preserved. There were concerns on columbarium development and the adoption of the “develop first, apply after” approach.

[Mr. Benny Wong returned to join the meeting at this point.]

Proposals from Representers

- (f) the proposals from the representers as detailed in paragraphs 2.7 to 2.12 were summarized as follows:

The “Existing Use” status of Yin Hing Monastery and the prohibition of columbarium development in the Area (R1, R3, R5, R7, R10 to R12, R16, R21, R38, R347, R348 and R446)

- (i) There were concerns on commercial columbarium development in the Area which would affect the natural environment, tranquil and religious character of the Area. They objected to giving “Existing Use” (“EU”) status to Yin Hing Monastery (YHM) and suggested to confine the coverage of “EU” for YHM as a temple rather than as a temple-cum-columbarium, and to prohibit commercial columbarium so as to comply with the general planning intention for the Area. Future development should be compatible with the special religious and spiritual

character of the Area. 'Religious Institution' use should be removed from the "Village Type Development" ("V") zone to prohibit conversion of religious institution to columbarium development;

Proposed new zonings and uses (R1, R5 to R9, R11, R13 to R44, R416, R418 and R446)

(ii) the Area should be zoned "Conservation Area" ("CA"). The conservation zonings should adopt an area-based approach and not just focus on individual buildings so that the use of the area instead of individual buildings could be put under statutory control. 'Religious Institution' use should not be included in the "CA" zone (R1, R5 to R9, R11, R13 to R44, R416, R418 and R446);

(iii) ecologically sensitive areas should be incorporated into Country Parks (R9);

(iv) the Area should be zoned as "Religious Meditation and Practice Use" to maintain the long tradition of spiritual practice (R5, R7, R8 and R416);

Boundaries of "V" zone (R2, R5, R11, R14, R45 to R340 and R447)

(v) R2 requested to reserve sufficient land for small house development. Other representers considered that the "V" zone of 0.41 ha should not be further enlarged. Some suggested that the "V" zone be rezoned to "CA" in view of the natural environment, special religious character and tranquil ambience of the Area;

Development guidelines and enforcement and prosecution against unauthorized development (R10, R12 to R22, R35 to R45, R418 and R446)

(vi) clear guidelines and restrictions for all types of development and land use in the Area should be provided. Guidelines for "Unspecified Use" area should be formulated. Preservation of trees should be taken into account when the development proposals were assessed. Developers should

provide a tree survey for the consideration of the Board;

- (vii) there should be immediate enforcement and prosecution of all unauthorized development;

Continuous public consultation in future (R12, R16 to R34, R46 to R340 and R446)

- (viii) during the process of drafting the Outline Zoning Plan (OZP), there had to be continuous public consultation;

Other proposals not directly related to the DPA Plan

- (ix) processing of land grant applications under the New Territories Exempted House (NTEH) policy should be suspended to avoid adding more development pressure and increasing demand for compensation (R1);

- (x) preparation of village layout plans should be resumed for all villages. Priority should be accorded to the Frontier Closed Area and the enclaves within and adjacent to Country Parks and all other areas with special landscape, geological or ecological value. Detailed layout plan should be prepared and implemented to ensure a sustainable layout before approval of further development (R1);

- (xi) the Board was urged to prepare DPA Plans for all areas which were yet to be covered by statutory plans (R1);

- (xii) the Board should plan and provide religion-related facilities to attract religious practitioners to visit the Area. The Government should improve road signs for hiking purposes.

Grounds of Comments

- (g) the grounds of comments as detailed in paragraph 2.17 were summarized as

follows:

Commenter C1

- (i) C1, submitted by an individual, objected to the views of R200 and considered that the Country Park with an area of 167 ha was excessive in size while the “V” zone of 0.41ha was too small. Sufficient land should be provided for small house developments;

Commenter C2

- (ii) C2, submitted by YHM, supported the DPA Plan, and in response to the views of R1, R3, R5, R7 and R11, considered that the columbarium was ancillary to the monastery use. C2 objected to large-scale public and private columbarium in the Area and clarified that YHM was not a commercial operation. A copy of District Lands Officer/Islands’ (DLO/Is) letter dated 20.1.1986 was attached in C2’s submission regarding the columbarium use within YHM;

Commenter C3

- (iii) C3 supported the DPA Plan and conservation in the Area.

The representation site and its surrounding areas

- (h) the representation site covered the whole area of the DPA Plan (i.e. the Area) which was about 167 ha in size. It was completely encircled by the Lantau North and South Country Parks. The Area had a high landscape value which complemented the overall natural setting and the landscape beauty of the surrounding Lantau North and South Country Parks;
- (i) Buddhism was the major religious community which gave the Area a special religious character. There were two main religious clusters, which were located at Luk Wu (near YHM) and Lower Keung Shan (near Ling Yan Monastery) respectively. Most of the religious buildings were built in the early half of the last century. Eleven of them had been classified as graded historic buildings which were worthy of preservation;

Planning Intention

- (j) the general planning intention for the Area was to protect the natural landscape and the special religious and tranquil character from encroachment by unauthorized development and from undesirable change of use. Owing to the urgency of preparing the DPA Plan, the Area had been mostly designated as “Unspecified Use” pending detailed analysis and studies to establish the appropriate land use zones on the replacement OZP. The existing recognized villages had been zoned as “V”. Land within the “V” zone was primarily intended for development of Small Houses by indigenous villagers;

Consultation

- (k) during the 2-month exhibition period, the consultation document of the DPA Plan was distributed to Islands District Council (IsDC) Members through the secretary of the IsDC on 2.9.2011. The secretary advised that no comments had been received from the IsDC Members;
- (l) PlanD presented the DPA Plan to Tai O Rural Committee (TORC) on 12.10.2011. At the meeting, Village Representatives expressed their concerns on the provision of sufficient land for Small House development. Compensation should be provided if private lots were used for conservation purposes. TORC had submitted a representation (R2) to the Board;

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

PlanD’s Responses to the Grounds of Representations

- (o) PlanD’s responses to the grounds of representations as detailed in paragraph 5.6 of the Paper were summarized as follows:

Supportive representations

- (i) the support of the 438 representations (R1, R3 to R355, R357, R358, R360 to R399, R401 to R405, R407 to R416, R418 to R420, R423 to R441 and

R443 to R447), C2 and C3 to the general planning intention to protect the Area and/or to the preparation of the Plan which provided effective statutory planning control against unauthorised development was noted;

- (ii) the views of the representations and comments (R1, R3 to R447 and C3) on the preservation of the ecological, religious, cultural and/or historical values of the Area were noted;

Adverse representations

- (iii) the opposing representations were mainly concerned about the new developments that the Plan would bring to the Area. In fact, the DPA Plan was prepared to provide planning guidance and development control pending preparation of an OZP and to enable enforcement actions to be taken against any unauthorized development. Any development within “Unspecified Use” area, except agricultural use, required planning permission from the Board. The preparation of the DPA Plan would help protect the natural environment and religious character of the Area;

- (p) PlanD’s responses to the proposals submitted by the representers as detailed in paragraph 5.9 of the Paper were summarized as follows:

“EU” status of YHM and the prohibition of columbarium development in the Area (R1, R3, R5, R7, R10 to R12, R16, R21, R38, R347, R348, R446 and C2)

- (i) YHM would need to submit the necessary evidence to prove that its columbarium was in existence immediately before the gazettal of the DPA Plan in order to claim the “EU” status. YHM fell within the area designated as “Unspecified Use” on the Plan. Any development other than those always permitted required planning permission from the Board, unless it was proven to be an “EU”;

- (ii) even if the columbarium within YHM was an “EU” under the Town Planning Ordinance, it did not mean that the “EU” would become a planned use under the OZP;
- (iii) C2 (YHM) claimed that the columbarium was ancillary to the monastery use as indicated in DLO/Is’ letter dated 20.1.1986. However, LandsD considered that columbarium use was not permitted under lease and the letter issued by DLO/Is dated 20.1.1986 had to be narrowly construed as meaning that lease enforcement action would not be taken against those human ashes already deposited in the then two existing structures on the lot as at the date of the issuance of the letter. According to LandsD, the interpretation of the contents of the 1986 letter was now under litigation instigated by YHM. Besides, it was necessary for C2 to prove that such ancillary use was incidental to/directly related to the ‘Religious Institution’ use. If such use fell within the meaning of ‘Columbarium’, planning permission would be required;
- (iv) regarding a representer’s proposal to remove ‘Religious Institution’ use from the “V” zone to avoid possible conversion to columbarium development, it should be noted that ‘Religious Institution’ and ‘Columbarium’ were two different land use terms and ‘Columbarium’ was not permitted within the “V” zone. Unauthorized columbarium development was subject to planning enforcement;

New zonings and uses (R1, R5 to R9, R11, R13 to R44, R416, R418, R446 and C3 (Part))

- (v) while the proposed inclusion of conservation and other zonings associated with religious practice was noted, the DPA Plan was an interim plan and would be replaced by an OZP within 3 years. Detailed land use zonings of the Area would be worked out at the OZP preparation stage taking into account the results of relevant assessments/studies;

Boundaries of “V” zone (R2, R5, R11, R14, R45 to R340, R447 and C1)

(vi) the “V” zone in the Plan was to reflect the existing village clusters of the recognized villages. The boundaries of “V” zones were provisionally drawn up around existing village clusters having regard to the village ‘environs’, the local topography and site characteristics. The “V” zone boundaries would be further reviewed during the preparation of OZP stage taking into account the Small House demand and developments, and the results of relevant assessments/studies on various aspects including development need, conservation value, the environment, infrastructure, landscape and religious character, etc.;

(vii) as regards the comment of C1 on the excessive size of the Country Park, it should be noted that no Country Park had been designated on the DPA Plan and the Area was mainly designated as “Unspecified Use”;

Development guidelines and enforcement and prosecution against unauthorized development (R10, R12 to R22, R35 to R45, R418, R446 and C3 (Part))

(viii) the DPA Plan provided statutory planning control and offered an interim planning guidelines for the Area, and also empowered the Planning Authority to undertake enforcement action against unauthorized developments in the Area. Planning applications would be considered by the Board based on individual merits. Detailed development guidance would be provided in terms of appropriate zonings on the OZP;

Continuous public consultation in future (R12, R16 to R34, R46 to R340, R446 and C3 (Part))

(ix) The Plan would be replaced by an OZP in three years’ time. In the course of preparing the OZP and the detailed land uses, relevant stakeholders, including TORC and IsDC, would be consulted. Once the draft OZP was gazetted, there would be a 2-month public consultation period during which time members of the public could submit representations to the Board;

Other proposals not related to the DPA Plan

- (x) *Suspending the processing of land grant application (R1)* - Processing of land grant applications under NTEH policy was outside the purview of the Board;
- (xi) *Resuming the preparation of village layout (R1)* - The preparation of new village layout plans for villages covered by existing OZPs would depend on a number of factors such as availability of resources for implementation, manpower and priority of works within PlanD. For the new DPA Plans which had just been completed, OZPs with specific land use zonings should be prepared before layout plans could be contemplated;
- (xii) *Covering other areas by DPA Plan (R1)* - it had been the Government's long-term target to prepare OZPs for all areas of Hong Kong except for areas covered by Country Parks. Such task would be undertaken having regard to development pressure and priorities and resources availability. With regard to the protection of Country Park enclaves, the 2010-2011 Policy Address had stated that the Government would either include the remaining 'enclaves' into Country Park, or determine their proper uses through statutory planning in order to meet conservation and social development needs;
- (xiii) *Provision of facilities (R10 and R373)* - The requests for provision of facilities to enhance the Area for religious practice and hiking purpose were beyond the Board's purview. Relevant suggestions and comments would be conveyed to concerned departments for consideration.
- (q) PlanD's View – PlanD noted the support of R1, R3 to R447 but did not support R448 to R451 and considered that these representations should not be upheld for the reasons as detailed in paragraph 7.2.1 of the Paper. PlanD also did not support the proposals raised by R1, R2, R5 to R340, R347, R348, R373, R416, R418, R446 and R447 for the reasons as detailed in paragraph 7.3 of the Paper.

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

124. The Chairman then invited the representers, commenter and their representatives to elaborate on their representations and comments.

R5 (Association for Tai O Environment and Development)

125. Mr. Tony Nip, a representative of R5, made the following main points:

- (a) there were many rivers and streams in the Area which were subject to flooding. For the safety of the residents, development should not be allowed on the banks of the rivers and streams;
- (b) the rivers and streams in the Area were upper tributaries of a river that fed into Tai O. If developments were allowed near these tributaries, construction wastes might pollute the rivers and streams, which in turn might affect the river and the mangroves in Tai O. Therefore, no development should be allowed near these rivers and streams; and
- (c) there were some freshwater marshes in the Area which served as habitats for a wide variety of animal species. Some of the freshwater marshes had been filled up. These freshwater marshes should be retained to protect the ecological integrity of the Area.

126. With the aid of some photos, Ms. Ho Pui Nam, a representative of R5, made the following main points:

- (a) two concrete blocks had been placed near YHM and blocked the main stream course in Luk Wu. The main stream was then prone to flooding and a lot of rock debris were carried downstream, affecting the safety of the local residents. However, no government department was found responsible for restoring the river to its original conditions. Although there was no scientific documentation of the species of fish, frogs, dragonflies and deer living in the area, she knew that some could no longer be found after the

construction of the two concrete blocks. The two concrete blocks should not be regarded as “EU” and the main stream in Luk Wu should be restored to its original conditions. The construction works had not only damaged the environment of Luk Wu but also Tai O. She supported the preservation of the overall environment in the area;

- (b) there were over 120 years of religious culture in Luk Wu and the integrity of its religious culture should be preserved. A number of buildings had been classified as graded historic buildings. However, someone had acquired one of the graded historic buildings, i.e. Ng Chit (悟徹), located near YHM, and removed its plaque, affecting the historic integrity of the building. This represented a loss of the religious heritage for all Hong Kong people;
- (c) roads would need to be built to serve new Small House developments. If more Small Houses were allowed to be built, the new roads would affect the integrity of some of the ancient pathways (古道) and the tranquillity of the Area.

R7 (Alliance for Concern Over Columbarium Policy)

127. With the aid of a Powerpoint presentation, Mr. Tse Sai Kit, a representative of R7, made the following main points:

- (a) although it was too late for the Board to publish the DPA Plan, it was still a good initiative to impose statutory planning control over the Area;
- (b) Luk Wu and Keung Shan were two of the most important religious sanctuaries on Lantau Island. The monasteries and hermitages in the Area provided a spiritual refuge for Hong Kong people. The existing religious character of Luk Wu and Keung Shan should therefore be preserved and no unauthorized development should be allowed in the Area;
- (c) his organization was particularly concerned about YHM, which was an old monastery with a history of several decades. It was sold off in 2006 as the

original owner could not afford to maintain a nearby slope. Since then, trees near YHM had been felled, grass had been removed, a local stream had been blocked. There was an attempt to build an illegal septic tank, although it was not built after an inspection by the government departments. In 2007, YHM appeared in the news as it did not pay the construction workers on time;

- (d) YHM had acquired some nearby buildings and it appeared that it intended to expand its columbarium business. The columbarium at YHM fell within List B of the “Information on Private Columbaria” published by the Government (List B listed out those columbaria that were not compliant with the user restrictions in the land leases and/or the statutory town planning requirements and/or were illegally occupying government land). YHM fell within Lot 395 in D.D. 310. According to clause (3) of the Special Conditions, the lot should be used for a Buddhist temple with ancillary residential accommodations. Furthermore, according to clause (31) of the Special Conditions, no graves and no human remains should be interred or deposited on the lot. It was obvious that the columbarium at YHM did not comply with the lease conditions;
- (e) YHM was a commercial entity owned by Hong Kong Yin Hing Monastery Limited (香港延慶寺有限公司). One of its directors was Mr. Lau Ming Shum who was also involved in another private columbarium (To Fuk Shan Tsz (道福山祠) included in List B. Mr. Lau was also the Chairman of the New Territories Realty Association. Another company involved in the operation of the YHM was Luk Wu Management Limited (鹿湖管理有限公司). It was common for an illegal columbarium to have more than one company involved in its operation so that these companies could easily deny liability if there was a problem with the columbarium. Luk Wu Management Limited had a sales office in Hung Hom and there were leaflets promoting YHM. All these indicated that YHM was not being operated as a traditional monastery;
- (f) although YHM claimed that the letter from the DLO/Is in 1986 proved that

there were human ashes stored at YHM at that time, the human ashes were in fact relocated from another monastery (十方大佛寺) in Wong Tai Sin which had been demolished. The human ashes stored were from deceased Buddhist monks and believers, and the storage of human ashes at that time was not of a commercial nature;

- (g) the current operation of the columbarium at YHM was more commercial in nature and of a much larger scale. Tours were arranged for potential buyers to inspect the niches. Price lists for niches were also published by YHM with prices ranging from a few thousand dollars to hundreds of thousands of dollars. YHM was not solely used as a temple. Some of the buildings were used exclusively as columbarium and they should not be considered as ancillary to the monastery use; and
- (h) in view of the above, the comments provided by YHM (C2) could not be agreed.

R8 (Su Bong Zen Monastery Ltd. (秀峰禪院))

128. Mr. Francis Lau, representative of R8, presented a short video produced by RTHK on the monastic life in Luk Wu. With the aid of a Powerpoint presentation, he made the following main points:

- (a) Luk Wu was a idyllic religious site attracting many visitors from Hong Kong and abroad to experience the monastic life;
- (b) the religious character of Luk Wu had attracted the coverage of the international press, including the BBC and a German television broadcaster, which had produced documentaries on Luk Wu;
- (c) when planning for Luk Wu, the remoteness of the area should be maintained by avoiding the development of transport infrastructure. The protection of the natural environment of Luk Wu should be taken into account in planning for the area. However, a reasonable amount of village development and

renovation of the existing villages in Luk Wu could be allowed;

- (d) for more than a century, Luk Wu and Keung Shan had mainly been an area for religious purposes. The religious character of the Area should be maintained. The supporting facilities of the monasteries and hermitages including dormitories, kitchens and washrooms should be used to sustain and support the monastic life. Large-scale developments that would attract a large number of visitors were not suitable for the Area; and
- (e) the DPA Plan should be implemented as soon as possible to protect the special religious character of the Area. If planning applications for any developments were to be approved, conditions should be imposed with a view to protecting the overall religious character of the Area. The preservation of Luk Wu would be beneficial to all Hong Kong people spiritually.

129. Mr. Lau Kam, representative of R8, presented a short video produced by the BBC on the monastic life in Luk Wu. He also made the following main points:

- (a) Su Bong Zen Monastery gave many people living in the city an opportunity to experience Zen meditation. The preservation of Luk Wu would allow this spiritual refuge to benefit future generations;
- (b) there were many good examples abroad regarding the planning and preservation of sites for religious meditation. In South of France, a Zen meditation camp was held every year. In South Korea, the South Korean Government heavily promoted the “temple stay programme” which allowed visitors to live in the monasteries for a period of time. With good planning, Luk Wu also had the potential to attract believers from both Hong Kong and abroad to practise Zen meditation;
- (c) Members of the Board were invited to visit Luk Wu to experience the religious ambience of the Area;

- (d) the following proposals were suggested:
 - (i) to preserve the unique religious character of the Area, the spiritual and peaceful ambience of the Area should be protected;
 - (ii) the Area should be zoned to “religious meditation and discipline” with the planning intention to preserve, protect and maintain the religious culture and natural landscape in the Area; and
 - (iii) the Government should formulate standards and guidelines on the protection of intangible cultural heritage (非物質文化遺產), so that the cultural environment and the cultural activities could be comprehensively preserved.

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

130. Ms. Sik Yin Ho, representative of R8, made the following main points:

- (a) the preservation of the religious character of the Area would be beneficial to the Hong Kong people;
- (b) for the following reasons, the Area was not suitable for the development of large-scale columbarium:
 - (i) as the Area was densely vegetated, the burning of joss sticks and paper offerings might increase the risks of fire; and
 - (ii) visitors to the columbarium during Ching Ming and Chung Yeung Festivals might lead to severe traffic congestion.

R14 (Ms. Lee Li Han) and R38 (Mr. Lee Lap Man)

131. Ms. Lo Sin Chi, representative of R14 and R38, made the following main points:

- (a) she represented a number of graduate students and research assistants in the Department of Sociology at the Chinese University of Hong Kong (CUHK), although her view did not represent that of the Department of Sociology of CUHK;
- (b) the DPA Plan and the general planning intention for the Area were supported. From the perspective of urban sociology, town planning regulated the use of land, without which land would be freely developed by capitalists for monetary gains. The publication of the DPA Plan would help to maintain the religious character of the Area;
- (c) urban living led to a lot of stress and a sense of loneliness for city dwellers. According to the estimate of the Hospital Authority in 2011, 1 to 1.7 million residents in Hong Kong had suffered from some form of mental disorder. The World Health Organization also estimated that one in four persons would suffer from depression at some stage of his/her life. However, studies had also indicated that meditation would relieve the symptoms of mental disorder. Her personal experience in Luk Wu had also demonstrated that meditation would help reduce stress and worries. It was therefore important to preserve the religious character of Luk Wu for the benefit of the urban dwellers;
- (d) The following proposals were suggested:
 - (i) to maintain the tranquil environment, extension to the existing transportation network to link up Luk Wu with other parts of Lantau should be avoided, and there should not be large-scale development in Luk Wu that would attract a large number of visitors;
 - (ii) the Area was largely a car-free environment as pedestrians could make use of the ancient pathways to walk from Luk Wu to Keung Shan and other areas. This car-free environment should be maintained; and
 - (iii) the Board should liaise closely with government departments such as Lands Department and Food and Environmental Hygiene Department to

ensure that enforcement action would be taken against unauthorized developments.

R18 (Ms. Teresa Tao)

132. With the aid of a Powerpoint presentation, Ms. Teresa Tao, R18, made the following main points:

- (a) she was an assistant professor in the Department of Geography of HKU and she received funding from the Lord Wilson Heritage Trust for a project on the oral history of the culture of Buddhist hermitages in Luk Wu (鹿湖佛教茅蓬文化口述歷史計劃);
- (b) Luk Wu was one of the five most important Buddhist sanctuaries on Lantau Island. It was the most secretive as many of the monasteries were not generally open to the public. It was called Luk Wu as deer were found drinking water there. Deer were rarely found in Luk Wu nowadays but a video clip had recorded the existence of a deer (Ms. Tao showed the video clip in her Powerpoint presentation);
- (c) Luk Wu Ching Ser (鹿湖精舍) was the oldest monastery in Luk Wu. It was built in 1883. Prior to becoming a Buddhist monastery, it was a Taoist monastery. Taoist statues could still be found at the back of the Buddhist monastery;
- (d) during the period when Luk Wu was the most flourished, there was over 100 people living in Luk Wu. Among them, about 60 to 70 lived in Luk Wu Ching Ser, and more than half of them were retired maids;
- (e) Fat Chuen Tsz (佛泉寺) was another historic monastery in Luk Wu. A famous monk (大德海仁老和尚) (楞嚴王) had taught to a few students in the monastery. Many of his students were now leaders in their respective organizations;

- (f) there were 39 monasteries and hermitages in Luk Wu, 11 of which, including Luk Wu Ching Ser and Fat Chuen Tsz, had been classified as graded historic buildings. Many of these monasteries and hermitages were still in good conditions;
- (g) Luk Wu had maintained a rich culture in Zen meditation, scripture reading and religious discipline. Some monks, especially the older ones, insisted on growing their own food. Many believers from Japan and South Korea had also come to Luk Wu to lead a monastic life;
- (h) Luk Wu had also maintained a rich ecological environment as Buddhist monks enjoyed living with nature; and
- (i) Luk Wu had been a Buddhist sanctuary for more than 100 years. She hoped that it would remain a religious refuge in the future for not just Buddhist believers, but also people from Hong Kong and around the world.

R341 (Mr. Chan Kai Yuen)

133. With the aid of some photos, Mr. Chan Kai Yuen, R341, made the following main points:

- (a) in 2008, he had lost his business and was heavily in debt. He then had an opportunity to practise meditation and religious discipline in Luk Wu and had since then regained his self-confidence. Unfortunately, in 2009, his wife got a serious disease for which there was no cure. He could no longer work and had to rely on Comprehensive Social Security Assistance (CSSA). He could not find a solution to his predicament and had contemplated suicide. In 2010, his wife passed away and he was left alone with their three children. At that time, his Buddhist friends helped him by sending him to Luk Wu. After a few weeks of meditation and scripture reading, he regained his strength and peace of mind. He had since then found a job and no longer needed to rely on CSSA. Meditation in Luk Wu was very important to him and many others who had gone through difficult times;

- (b) the publication of the DPA Plan to protect the religious character of Luk Wu was supported. However, it was considered that the development of columbaria was unsuitable in Luk Wu as a large number of visitors would visit Luk Wu during the Ching Ming and Chung Yeung Festivals, causing adverse traffic impacts and putting a strain on the resources of the Police and the Fire Services Department. In 2008, there were landslides and flooding in Luk Wu caused by heavy rains. It would be very dangerous to the visitors if landslides and flooding happened again during the Ching Ming and Chung Yeung Festivals; and
- (c) the existence of columbaria would also affect the ambience of the Area. The sale of more than a thousand niches and the acquisition of derelict buildings in the Area for potential commercial purposes were a threat to the peace and tranquility of the Area and would affect believers who visited Luk Wu from all over the world.

R349(Ms. Lee Li)

134. Ms. Lee Li, R349, made the following main points:

- (a) she represented R366, R439, R416, R428, R360, R43, R24, R373, R378, R29, R31 and R424 and they all objected to the proposed columbarium use at Luk Wu;
- (b) after graduation from university, she questioned the purpose of life and the meaning of a successful life. In 2006, she had an opportunity to join a meditation camp in Luk Wu and she found that Luk Wu had a tranquil environment with many graded historic buildings. There was also an increasing number of international visitors to Luk Wu, making it an international Buddhist mediation centre; and
- (c) development of columbarium at Luk Wu would severely affect the tranquility and peacefulness of Luk Wu. It was also considered that columbarium was

not a proper use within a monastery.

R384(Ms. Kathy Park)

135. Ms. Kathy Park, R384, made the following main points:

- (a) she had been practising Zen Buddhism for 13 years in various countries and places, including the United States, France, the United Kingdom, Poland, South Korea and Hong Kong. Luk Wu was a very small and fragile place, although it was very accessible to the people of Hong Kong. It took many people a lot of effort over the past century to develop Luk Wu into a religious refuge. As a religious refuge, Luk Wu required a lot of protection so that it could maintain a harmonious relationship with the natural environment in a secluded location; and
- (b) the publication of the DPA Plan was supported. For the benefit of the local residents, planning decisions for the Luk Wu area should be made with compassion, mindfulness and awareness.

R418 (Ms. Shek Wai Him, Vivian)

136. Ms. Shek Wai Him, Vivian, R418, made the following main points:

- (a) nowadays, people had a new concept of living. They wanted to live happily and healthily. One way to achieve it was to protect Luk Wu from the threat of commercialism. According to the Happy Planet Index conducted by the New Economics Foundation in 2009, Hong Kong ranked only 84th in the world and was behind other war-torn countries such as Iraq. The reason why Hong Kong people were so unhappy was not because of a lack of wealth, but because of the excessive pursuit of wealth. The people of Hong Kong needed spiritual fulfillment and the religious life at Luk Wu was able to fill in that gap, as studies had shown that meditation could make people happier and healthier; and

- (b) it was hoped that the Town Planning Board would further regulate the commercial activities at Luk Wu in the future, so that more people would have an opportunity to learn and benefit from the tranquil and peaceful environment at Luk Wu.

[Mr. Benny Wong left the meeting at this point.]

[Mr. H.M. Wong arrived to join the meeting at this point.]

R426 (The Centre for Spiritual Progress to Great Awakening)

137. Ms. Ng Lai Ying, representative of R426, made the following main points:

- (a) she was a volunteer who was responsible for visiting the sick and the elderly at the hospitals and elderly homes. Sometimes, she would empathize with those patients and elderly who were depressed and she would feel depressed herself. A way to relieve herself of these depressing feelings was to visit Luk Wu where she and her friends would find comfort and strength again; and
- (b) it was hoped that the Town Planning Board would support the preservation of Luk Wu.

138. Ms. Sik Yin Yeung, representative of R426, made the following main points:

- (a) in her monastery, there was no need to pay for niches. When she went to Vancouver to set up a Buddhist establishment some years ago, she was instructed by her Master that the proper Buddhist approach was not to allow niches in their establishment;
- (b) there was a genuine market demand for columbarium. However, the Government had not provided enough columbarium facilities, and this presented a business opportunity for private columbarium operators;

- (c) a normal residential flat did not require an excessive number of washrooms. Similarly, there was no need for a monastery to have an excessive number of niches; and
- (d) the Government should develop Luk Wu into an international centre for Zen meditation.

R427 (Ms. Lau Kit Ming)

139. Ms. Lau Kit Ming, R427, made the following main points:

- (a) she would like to refute the arguments made by YHM. On YHM's claim that the columbarium was ancillary to the monastery use and that it was common for monasteries to have an ancillary columbarium, her research showed that many monasteries in Luk Wu did not have any columbarium. Given that there were a few thousand niches in the columbarium at YHM, the columbarium use at YHM should be regarded as the main use rather than an ancillary use; and
- (b) photo 18 in Plan H-4B of the Paper clearly showed that many of these monasteries were located very close to each other and therefore they were often referred to as a "monastery cluster" (寺院群). Therefore, if a large-scale columbarium was established at Luk Wu, the nearby monasteries would be easily affected. Moreover, YHM had acquired a few other monasteries which were located in the surrounding. If all these buildings included columbarium use on the ground that it was ancillary to the monastery use, the planning intention of preserving the religious character of the Area could no longer be upheld;
- (c) on YHM's claim that the columbarium was an "EU", it should be made clear that the columbarium was only built in recent years. Upon learning that YHM intended to build a columbarium, monasteries at Luk Wu joined together and held a press conference in September 2010 objecting to the columbarium. A petition containing more than 20,000 signatures was

submitted to the Chief Executive. Considering the strong reaction from the monasteries at Luk Wu, it was unreasonable for YHM to claim that the columbarium was an “EU”; and

- (d) to uphold the planning intention for Luk Wu to preserve the tranquil and natural environment, it was suggested that a clause be added in the DPA Plan stipulating that no large-scale columbarium would be allowed at Luk Wu.

R432 (Mr. Cheung Foon Tak)

140. Mr. Cheung Foon Tak, R432, made the following main points:

- (a) through meditation, he had recovered from mental illness. It cost more than \$3,000 a day to treat a patient who was mentally ill. In comparison, it cost much less to preserve Luk Wu which was helpful to those who suffered from mental illness;
- (b) monasteries at Luk Wu were able to train up volunteers who could offer help to those who were mentally ill. This would save public resources in treating mentally ill patients;
- (c) monasteries at Luk Wu would train up people who to be emotionally stable. They would in turn contribute to the stability of a firm and would increase productivity; and
- (d) commercial development at Luk Wu would only benefit a handful of people. However, the preservation of Luk Wu would benefit the community as a whole.

R435 (Ms. Tammy Lee)

141. Ms. Tammy Lee, R435, made the following main points:

- (a) the DPA Plan and the planning intention for the Area were supported. The

columbarium at YHM providing a few thousand niches had clearly violated the planning intention for the Area. The large number of visitors would lead to adverse traffic impacts and noise and pollution problems in Luk Wu;

- (b) although YHM had supported the DPA Plan, it had provided misleading comments to the Board. She would like to refute those comments. On the claim by YHM that the columbarium was an “EU”, it should be noted that the columbarium did not comply with the relevant lease conditions, and therefore should be regarded as unauthorized development rather than “EU”. A clause stating that no large-scale columbarium was allowed in the Area should be incorporated in the future OZP for the Area;
- (c) on the DLO/Is’ letter dated 20.1.1986, as stated in paragraph 5.9.2 of the Paper, LandsD did not agree with the interpretation of YHM. It was considered that the human ashes referred to in DLO/Is’ letter actually meant the small amount of human ashes transferred from a monastery (十方大佛寺) at Wong Tai Sin when the latter was demolished. The some 5,000 niches at YHM was only introduced in recent years and therefore DLO/Is’ letter in 1986 was not referring to the present columbarium development;
- (d) on the claim by YHM that the columbarium was ancillary to the monastery use, it should be noted that the provision of columbarium within monasteries was not in line with the Buddhist principles and therefore should not be regarded as ancillary to the monastery use. Buddhist practitioners did not like to meditate in an environment surrounded by niches. The classification of columbarium as an ancillary use to the monasteries would set an undesirable precedent and would lead to the proliferation of columbaria at Luk Wu;
- (e) YHM also claimed that it was not a commercial operation. According to media reports, there were around 4,000 to 5,000 niches within YHM and the price for the niches ranged from \$40,000 to \$400,000. A rough estimate indicated that the columbarium would generate revenue amounting to about \$800 million. It had been reported that about 1,000 niches had already been

sold, which meant that YHM had already pocketed no less than \$100 million in cash. Although YHM had a charity fund, only a small percentage of the profit had been fed to the fund. YHM had price lists for the niches and a sales office in Hung Hom organizing tours to promote the columbarium at YHM. It was clear that YHM was a commercial operation. Making profit in the name of Buddhism was against the Buddhist principles; and

- (f) according to paragraphs 5.9.3 and 7.3.2 of the Paper, columbarium development in the “Unspecified Use” area required planning permission from the Board. Unauthorized columbarium development was subject to planning enforcement. It was hoped that the DPA Plan would be implemented as soon as possible and enforcement action be taken against any unauthorized development.

R441 (Hae Su Soen Won Limited)

142. Ms. Tam Mei Fung, representative of R441, said that her views had already been covered by other representers and there was no need for her to repeat them.

143. Master Hin Sim, representative of R441, made the following main points:

- (a) she did not know the background of Luk Wu Management Limited;
- (b) ashes of monks and nuns were not normally placed within monasteries, hermitages and places for meditation. Rather, they were stored separately in a structure (普同塔);
- (c) YHM had recently acquired a few monasteries. If the acquired monasteries were used for columbarium development, all monasteries in Luk Wu would be adversely affected, as they were located close to each other;
- (d) YHM had blocked some of the streams in Luk Wu, and the remaining streams had become so polluted that the residents of Luk Wu were no longer able to drink from the streams; and

- (e) it was hoped that the Board would implement the DPA Plan as soon as possible so that there would be no more large-scale columbarium in Luk Wu and the Area could become tranquil again.

R203 (Ms. Aosi Mak)

144. Ms. Aosi Mak, representative of R203, made the following main points:

- (a) she represented Sunshine Action. She was also a Buddhist and a teaching assistant at the Centre of Buddhist Studies at the HKU;
- (b) Luk Wu became a Buddhist sanctuary because of its tranquil environment. It was built by Buddhist practitioners carrying bricks and mortars on foot up the hills;
- (c) in recent years, many statues had been erected in Luk Wu. They looked commercial and they did not blend in with the natural environment of Luk Wu; and
- (d) she used to bring students to Luk Wu to experience the religious ambience. She worried that one day Luk Wu would lose its religious character and she had to bring students to the Mainland instead for field trips.

R308 (Ms. Lee Kwan Ying)

145. Ms. Lee Kwan Ying, R308, made the following main points:

- (a) she had tabled a statement for reference of Board; and
- (b) Luk Wu was a rare religious refuge in Hong Kong and was valuable not just for Buddhists but also for other people in Hong Kong. To uphold the planning intention for the Area, there should be no commercial development in the Area and the existing appearance of the monastery cluster should be

preserved. The Area should not become a tourist attraction which might result in a loss of the existing character and ambience.

C2 (Yin Hing Monastery)

146. Mr. Frankie Chan, representative of C2, made the following main points:

- (a) YHM was established in the 1950s and was registered with the Chinese Temples Committee. It carried out charity activities and had established a charity fund which had been recognized by the Inland Revenue Department as a tax-exempt charity;
- (b) he would like to clarify some of the misunderstandings among the representers with respect to the operation of YHM:
 - (i) YHM was previously a derelict building. A number of years ago, YHM was unable to pay for the maintenance of a nearby slope and it was ordered by the Government to close down. The current Board of Directors of YHM took up the responsibility to maintain the slope and repaired the monastery. It also renovated the halls containing the niches which were also commonly found in other monasteries. Although the interpretation of DLO/Is' letter in 1986 was still the subject of a litigation, it was YHM's view that the letter showed that the niches were recognized by the Government. YHM also built a vehicular access which was open to the public, repaired footpaths and staircases, built fences near slopes and tidied up the nearby environment in Luk Wu;
 - (ii) YHM had sponsored monks, supported Buddhist events and organized classes for meditation. It also supported those monks in Luk Wu who were sick or in need of help and helped out other monasteries through monetary and in-kind donations;
 - (iii) regarding the claims by some representers that the streams at Luk Wu had

been blocked by YHM, it should be clarified that YHM had hired an arbitrator to investigate the issue, and it was found that no stream had been blocked in Luk Wu. The stream was normally dry except during rainy seasons;

- (iv) there was also a claim that trees had been felled by YHM. It was found out by a surveyor that the trees that were felled were not located near YHM but were near other monasteries. The trees near YHM were actually growing healthily;
- (v) regarding the claims that YHM had acquired the nearby properties for columbarium development, it should be clarified that YHM had acquired four buildings at market price. Three of them were used as monasteries and hermitages, while the remaining one was used by staff members. As one of the acquired buildings was a Grade 3 historic building, no alterations had been made to that building. Since January 2009, no more buildings had been acquired by YHM;
- (vi) as for the concerns that activities at YHM would affect other monasteries, it should be noted that YHM was located at the northeast corner of Luk Wu. There was a separate vehicular passageway leading to YHM and therefore other monasteries would not be disturbed by visitors going to YHM. Except for major Buddhist ceremonies, only a limited number of visitors would visit YHM;
- (vii) regarding the comment that the Guanyin shrine (觀音林) was commercial in nature, it should be noted that the Guanyin shrine was only intended for people to pay respect to Guanyin and no admission fee was required for visiting the Guanyin shrine. Therefore, it was not commercial in nature; and
- (viii) subject to the result of the litigation with LandsD, it was considered that the columbarium should be regarded as an "EU". YHM opposed the development of large -scale columbarium as YHM had no plan to develop

columbarium besides the niches which were already in existence and the four acquired buildings would not be used as columbarium. It should also be noted that YHM was not a commercial operation as the donation made by the believers did not cover the operating cost of the monastery. The intention of the Board of Directors of YHM was to allow YHM to continue to fulfill its mission. It had been decided by the Board of Directors that any profit made by YHM would be fed into the charity fund.

147. As the presentations from the representers and the representatives of the representers and the commenter had been completed, the Chairman invited questions from Members.

148. Miss Annie Tam asked the following questions:

- (a) who were allowed to be inurned in the columbarium and whether the niches would be sold for a price;
- (b) how many niches were there in YHM and whether YHM kept any record of the sale of each niche since 1986; and
- (c) whether YHM had informed the public that there was a litigation concerning the interpretation of DLO/Is' letter in 1986.

149. Mr. Frankie Chan, representative of C2, made the following responses:

- (a) the niches were reserved for monks as well as friends and families of the believers (善信). Believers were defined as those who had visited YHM. The niches were sold for a price and the price lists presented by the representers at the meeting were YHM's price lists;
- (b) there were about 5,000 niches and more than 1,000 of them had been inurned with human ashes. YHM had kept a record of the sale of each niche; and
- (c) since the beginning of the litigation, YHM had not promoted the sale of

columbarium to the public.

150. The Vice-Chairman said that the planning intention for the Area was to protect its unique religious character. It was noted that many representers supported the DPA Plan and the planning intention for the Area. He asked DPO/SKIs to explain how “EU” was defined under the Town Planning Ordinance and what the Government would do to uphold the planning intention after the DPA Plan was gazetted. He also asked about the “EU” status of YHM and whether it could continue to operate the columbarium.

151. Mr. Ivan Chung, DPO/SKIs, made the following responses:

- (a) on 2.9.2011 when the DPA Plan was gazetted, aerial photos were taken and a freezing survey was conducted to ascertain the existing use of each site and structure within the Area and a detailed “EU” record was kept by PlanD. After the gazettal of the DPA Plan, colleagues from the Central Enforcement and Prosecution Section of PlanD would visit the Area regularly to examine whether there were changes in land use as compared with the “EU” record. As at this date, no enforcement cases had been identified. Earlier this month, PlanD had written to YHM seeking to enter YHM to examine the uses within the monastery. The response from YHM was being awaited;
- (b) as regards the definition of “EU”, the Town Planning Ordinance defined “EU” as a use of a building or land that was in existence immediately before the gazettal of the draft DPA Plan. According to the Notes of the DPA Plan, no action was required to make any “EU” conform to the DPA Plan, provided that such “EU” had continued since it came into existence. However, any material change to such use or any other development had to be always permitted in terms of the DPA Plan, or in accordance with the permission granted by the Board, otherwise it would be regarded as an unauthorized development subject to enforcement action by the Planning Authority; and
- (c) as regards the “EU” status of YHM and the continued operation of the columbarium, YHM had to provide evidence to prove that the use was already in existence immediately before the gazettal of the DPA Plan. Any

“EU” would be tolerated until there was a material change to such use or development. However, even if the lease matters were settled, it would not mean that the “EU” would necessarily become a planned use or a use always permitted in the relevant zone on the OZP. Appropriate land use zonings would be established pending detailed analysis and studies in the process of preparing the OZP.

152. A Member asked the following questions:

- (a) how many monks there were in YHM; and
- (b) whether the vehicular access leading to YHM was connected to Ngong Ping Road or Tai O Road.

153. Mr. Frankie Chan, representative of C2, had the following responses:

- (a) there were about 3 to 4 monks in YHM. In addition, about 5 to 8 visiting monks from overseas would stay in YHM every month; and
- (b) the vehicular access was connected to Ngong Ping Road.

154. A Member asked the following questions:

- (a) whether a representer’s claim was true that construction works had taken place and the plaque had been removed at Ng Chit, i.e. the graded historic building that YHM had acquired, and whether discussion had been held with the Antiquities and Monuments Office concerning such construction works;
- (b) concerning the photo presented by a representer showing that concrete blocks had been placed to block the local stream, whether discussion had been held with the Agriculture, Fisheries and Conservation Department concerning the ecological impacts of the blockage of the local stream.

155. Mr. Frankie Chan, representative of C2, made the following responses:

- (a) it was confirmed that except minor repair works, no construction works had taken place at Ng Chit; and
- (b) he was not sure about the incident of the blockage of the stream as shown on the photo as he was not at the site when the photo was taken. He reiterated that a professional had confirmed that the stream was normally dry except during rainy seasons.

156. The Chairman asked whether a member of the public who bought a niche would be regarded as a believer by YHM, and whether the deceased person had to be a believer in order to be inurned at the columbarium at YHM. A Member also asked about YHM's criteria for determining whether a person was a believer.

157. Mr. Frankie Chan, representative of C2, said that YHM would only sell a niche to a believer who went to YHM and expressed a need for a niche. The deceased person did not have to be a believer in order to be inurned at the columbarium at YHM. He added that a person would be regarded as a believer if he/she worshipped at YHM.

158. Miss Annie Tam asked the following questions:

- (a) whether a person had to fill out any form to demonstrate that he/she was a believer before purchasing a niche;
- (b) whether a person would be regarded as a believer if he/she visited the sales office in Hung Hom; and
- (c) whether a visitor to YHM would be regarded as a believer if he/she had other religious belief.

159. Mr. Frankie Chan, representative of C2, made the following responses:

- (a) a person would be regarded by YHM as a believer if he/she went to worship at YHM;

- (b) the sales office in Hung Hom was owned by Luk Wu Management Limited rather than YHM. There were sales agents in the sales office providing guidance and assistance to a person who would like to purchase a niche to visit YHM. A person just visiting the sales office would not be regarded as a believer; and
- (c) he was not aware of any case in which a person holding a different religious belief became a believer of YHM. He would decline to provide further response on this question.

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

[The meeting was adjourned for a five-minute break and resumed at 7:35 p.m.]

Deliberation Session

161. The following comments were raised:

- (a) the supporting view on the DPA Plan should be noted;
- (b) regarding a representer's proposal that some areas on the OZP should be zoned "CA", it should be noted that the DPA Plan was an interim plan and would be replaced by an OZP within 3 years. Detailed land use zonings of the Area would be worked out at the OZP preparation stage taking into account the results of relevant assessments/studies;
- (c) as for a representer's proposal to remove "Religious Institution" use from "V" zone to avoid possible conversion to columbarium development, it

should be noted that ‘Religious Institution’ and ‘Columbarium’ were two different kinds of land uses (and two different land use terms in the context of statutory plans) and ‘Columbarium’ was not permitted under the “V” zone on the DPA Plan;

- (d) regarding some representers’ proposals on the boundaries of the “V” zones, it should be noted that the “V” zone boundaries would be further reviewed during the preparation of OZP stage to take account of Small House demand and developments, and the results of relevant assessments/studies on various aspects including development need, conservation value, the environment, infrastructure, landscape and religious character, etc; and
- (e) as regards the comment on the excessive size of the country park, it should be noted that no country park had been designated on the DPA Plan and the Area was mainly designated as “Unspecified Use”.

162. After further deliberation, Members agreed to note the supporting representations and not to uphold the opposing representations. Members then went through the suggested reasons for not upholding the representations as detailed in paragraphs 7.2 and 7.3 of the Paper and considered that they were appropriate.

R1, R3 to R447

163. The supporting views on the DPA Plan and/or concerns on conservation of the Area were noted.

R448 to R451

164. After further deliberation, the Board decided not to uphold the representations for the following reason:

to prevent haphazard developments and conserve the natural and religious character of the Area, it was necessary to prepare the Plan to cover the Area to provide planning guidance and development control against undesirable change of use pending preparation of an OZP and to enable enforcement actions to be taken against any unauthorized development.

R1, R2, R5 to R340, R347, R348, R373, R416, R418, R446, R447

165. After further deliberation, the Board did not agree to the proposals raised in these representations and considered that the DPA Plan should not be amended to meet these representations for the following reasons:

Giving “EU” status to the columbarium development in Yin Hing Monastery and prohibit columbarium development in the Area (R1, R10 to R12, R16, R21, R38, R347, R348 and R446)

- (a) “EU” meant a use of a building or land that was in existence immediately before the gazette of the DPA Plan. Any material change of such use or any other development had to be always permitted in terms of the Plan or in accordance with a permission granted by the Board. Any claim for “EU” should include proof that the use was already in existence immediately before the gazette of the Plan. Columbarium development in the Area required planning approval by the Board unless it was proven to be an “EU”. An “EU” would not necessarily become a planned use under OZP, and appropriate land use zonings would be established pending detailed analysis and studies in the preparation of the OZP;
- (b) “Religious Institution” and “Columbarium” were two different land use terms under the Definition of Terms used in Statutory Plans. “Columbarium” use was not included under “V” zone. Besides, columbarium development in the “Unspecified Use” area required planning permission from the Board. Unauthorized columbarium development was subject to planning enforcement;

Impose new zonings and uses (R1, R5 to R9, R11, R13 to R44, R416, R418, R446 and C3 (Part))

- (c) there were only “V” zones and areas designated as “Unspecified Use” in the Plan. The proposed imposition of new zonings and new uses to protect the natural and religious character of the Area was noted. Appropriate land use zonings would be established pending detailed analysis and studies in the preparation of the OZP;

Boundaries of “V” zones (R2, R5, R11, R14, R45 to R340 and R447)

- (d) the “V” zones in the Plan were to reflect the existing village clusters of the recognized villages in the Area. The boundaries of “V” zones were provisionally drawn up around existing clusters having regard to the ‘VE’, the local topography and site characteristics. Therefore, “V” zones would be further reviewed and defined during the preparation of OZP stage to take account of Small House demand and developments, and the results of relevant assessments/studies on various aspects including development need, conservation value, the environment, infrastructure, landscape and religious character, etc;

Providing development guidelines and criteria for development and immediate enforcement and prosecution provision against unauthorized development (R10, R12 to R22, R35 to R45, R418, R446 and C3 (Part))

- (e) the Plan was to provide immediate statutory planning control and offer interim planning guidelines for the Area with enforcement and prosecution power against any unauthorized development. Planning application would be considered by the Board based on individual merits. Detailed development guidelines and restrictions would be provided in terms of appropriate zonings in the course of the preparation of OZP; and

Continuous Public consultation in future (R12, R16 to R34, R46 to R340, R446 and C3 (Part))

- (f) the relevant stakeholders would be consulted during the preparation of OZP. Upon the publication of the OZP, a 2-month public consultation period would be available in the plan-making process whereby public views could be collected and considered according to the Ordinance.

R1, R10, R373

166. The Board had the following responses to representers’ views not directly related to

the DPA Plan:

Suspending the processing of land grant applications (R1)

- (a) processing of land grant applications under NTEH policy was outside the purview of the Board;

Resuming Village Layout (R1)

- (b) the preparation of new village layout plans for villages covered by existing OZPs would depend on a number of factors such as availability of resources for implementation and manpower and priority of works within PlanD. For the new DPA Plans which had just been completed such as the subject DPA Plan, OZPs with definite zonings should be prepared before layout plans could be contemplated. Meanwhile, the “V” zones on the Plan provided an interim control for the village type development. The boundaries of the “V” zones would be further reviewed and defined during the preparation of OZP stage to take account of Small House demand and developments, and the results of relevant assessments/studies on various aspects including development need, conservation value, the environment, infrastructure, landscape and religious character, etc. The need for preparation of new village layout plans for the “V” zones covered by these OZPs would then be reviewed as appropriate;

Covering other areas by DPA Plan (R1)

- (c) it had been the Government’s long-term target to prepare OZPs for all areas of Hong Kong except areas covered by Country Parks. Such task would be undertaken having regard to development pressure, priorities and resources availability. With regard to the protection of Country Park enclaves, the 2010-2011 Policy Address had also stated that the Government would either include the remaining ‘enclaves’ into Country Park, or determine their proper uses through statutory planning in order to meet conservation and social development needs; and

Provision of facilities (R10 and R373)

- (d) provision of public facilities to enhance the religious attraction of the Area was beyond the Board's purview. Relevant suggestions and comments would be conveyed to concerned departments for consideration.

Agenda Item 10

[Open Meeting]

Request for Deferral for Review of Application No. A/H3/402

Proposed Shop and Services, Eating Place, Office in "Residential (Group A)" zone, Nos. 2-4 Shelley Street, Sheung Wan, Hong Kong

(TPB Paper No. 9033)

[This item was conducted in Cantonese.]

167. The Secretary said that on 27.2.2012 and 29.2.2012, the applicant wrote to the Secretary of the Board and requested the Board to defer making a decision on the review application for a period of two months in order to allow time for them to address the Transport Department's comments.

168. Members noted that the justifications for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33) in that the applicant needed more time to address the Transport Department's comments, the deferment period was not indefinite, and that the deferment would not affect the interest of other relevant parties.

169. After deliberation, the Board agreed to defer consideration of the review application as requested by the applicant. The Board also agreed that the review application should be submitted for its consideration within 3 months upon receipt of further submission from the applicant. The applicant should be advised that the Board had allowed 2 months for preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 11

[Open Meeting]

Submission of the Draft Shek Kip Mei Outline Zoning Plan No. S/K4/26A under section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval
(TPB Paper No. 9038)

[This item was conducted in Cantonese.]

170. The following Members had declared interests on the item:

- | | |
|--------------------|--|
| Mr. Thomas Chow | - Owned a flat at Parc Oasis |
| Professor Paul Lam | - Owned a flat at Parc Oasis |
| Miss Annie Tam | - The subject of the amendments to the OZP related to two sites at Beacon Hill which were potential land sale sites. Ms. Annie Tam, as Director of Lands, had declared an interest in this item. |

171. Members noted that Professor Paul Lam had already left the meeting. Members also considered that Miss Annie Tam's interest was not pecuniary and could stay in the meeting. Furthermore, as the item was procedural in nature, Members agreed that Mr. Thomas Chow and Miss Annie Tam could be allowed to stay in the meeting.

172. The Secretary briefly introduced the Paper. On 5.7.2011, the Chief Executive in Council (CE in C) referred the approved Shek Kip Mei Outline Zoning Plan (OZP) No. S/K4/25 to the Board for amendment under section 12(1)(b)(ii) of the Town Planning Ordinance (the Ordinance). On 11.11.2011, the draft Shek Kip Mei OZP No. S/K4/26, incorporating the zoning amendments mainly to rezone the two sites to the north of Lung Cheung Road at Tai Wo Ping from "G/IC" to "R(C)11" and "R(C)12", the existing sloping area to the north of Lung Cheung Road and bounded by Beacon Heights and Phoenix House from "G/IC" to "GB", and the at-grade portions of the proposed vehicular access to the "R(C)11" and "R(C)12" sites to area shown as 'Road', and to revise the maximum building height restriction for a "G/IC" site at the junction of Lung Cheung Road and Lung Ping Road, was

exhibited for public inspection under section 5 of the Ordinance. No representation was received.

173. Since no representation was received by the Board, the OZP was ready for submission to the CE in C for approval in accordance with section 8 of the Ordinance. For submission to the CE in C, opportunity had been taken to update the Explanatory Statement (ES) to reflect the latest position of the draft OZP and the latest developments in the area.

174. After deliberation, the Board:

- (a) agreed that the draft OZP No. S/K4/26A and its Notes at Annexes I and II of the Paper respectively were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated ES for the draft OZP No. S/K4/26A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued in the name of the Board; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 12

[Open Meeting]

Submission of the Draft Urban Renewal Authority Staunton Street/Wing Lee Street Development Scheme Plan No. S/H3/URA1/3A and Draft Sai Ying Pun & Sheung Wan Outline Zoning Plan No. S/H3/26A under section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval

(TPB Paper No. 9039)

[This item was conducted in Cantonese.]

175. The following Members had declared interests on the item:

- Mr. Jimmy Leung - being a non-executive Director of the Urban Renewal Authority (URA)
being the Director of Planning
- Ms. Annie Tam - being a non-executive Director of the URA
being the Director of Lands
- Mr. Eric Hui - being an assistant to the Director of Home Affairs
being the Assistant Director of Home Affairs
- Mr. Walter K.L. Chan - being a non-executive Director of the URA
- Mr. Maurice W.M. Lee - being a former non-executive Director of URA
(1.12.2002 to 30.11.2008)
- Mr. Stephen M.W. Yip - being a former non-executive Director of URA
(1.11.2006 to 30.11.2008)
- Mr. Raymond Y.M. Chan - being a former member of the Home Purchase Allowance Appeals Committee of the URA
- Professor Edwin H.W. Chan - being a member of the Home Purchase Allowance Appeals Committee of the URA
- Ms. Maggie M.K. Chan - being a former member of the Home Purchase Allowance Appeals Committee of the URA and had an office at Wing Wo Street in Sheung Wan
- Mr. B.W. Chan - being the Chairman of the Appeal Board Panel under the URA Ordinance

- Dr. James C.W. Lau - being a former member of the Appeal Board Panel under the URA Ordinance
- Professor P.P. Ho - having current business dealings with the URA and his spouse owned two flats in Sheung Wan
- Mr. Clarence W.C. Leung - his mother owned a flat in Sai Ying Pun
- Mr. Roger K.H. Luk - being a council member of St. Paul's College located in the district

176. Members noted that Mr. Eric Hui, Mr. Walter Chan, Mr. Maurice Lee, Mr. Stephen Yip, Mr. Raymond Chan, Professor Edwin Chan, Ms. Maggie Chan, Mr. B.W. Chan, Dr. James C.W. Lau, Professor P.P. Ho, Mr. Clarence Leung and Mr. Roger Luk were not in the meeting. As the item was procedural in nature, Members agreed that the other Members who had declared interests could be allowed to stay in the meeting.

177. The Secretary briefly introduced the Paper. On 31.5.2011, the CE in C referred the approved URA Staunton Street/Wing Lee Street Development Scheme Plan (DSP) No. S/H3/URA1/2 to the Board for amendment under section 12(1)(b)(ii) of the Ordinance. On 8.7.2011, the draft URA Staunton Street/Wing Lee Street DSP No. S/H3/URA1/3 and the draft Sai Ying Pun & Sheung Wan OZP No. S/H3/26, incorporating amendments mainly relating to the excision of the Wing Lee Street area and the Bridges Street Market site from the DSP and incorporation of the excised area into the OZP, were exhibited for public inspection under section 5 of the Ordinance. A total of 28 representations and 8 comments were received.

178. Since the representation consideration process had been completed, the draft DSP and OZP were ready for submission to the CE in C for approval. For submission to the CE in C, opportunity had been taken to update the ESs to reflect the latest position of the draft DSP and OZP and the latest developments in the area.

179. After deliberation, the Board:

- (a) agreed that the draft URA Staunton Street/Wing Lee Street DSP No. S/H3/URA1/3A and draft Sai Ying Pun & Sheung Wan OZP No. S/H3/26A and their Notes at Annexes I and II of the Paper respectively were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated ESs for the draft URA Staunton Street/Wing Lee Street DSP No. S/H3/URA1/3A and draft Sai Ying Pun & Sheung Wan OZP No. S/H3/26A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft DSP and OZP and issued in the name of the Board; and
- (c) agreed that the updated ESs were suitable for submission to the CE in C together with the draft DSP and OZP.

Agenda Item 13

[Open Meeting]

Submission of the Draft Ping Shan Outline Zoning Plan No. S/YL-PS/13A under section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval
(TPB Paper No. 9040)

[This item was conducted in Cantonese.]

180. As one of the amendment items involved a public housing site of Hong Kong Housing Authority (HKHA), the following Members had declared interests on the item:

- | | |
|---|--|
| Mr. Jimmy Leung
as the Director of Planning | - being a member of the Strategic Planning
Committee (SPC) of HKHA |
| Mr. Eric Hui
as the Assistant Director (2) of
Home Affairs Department | - being an alternate member for the Director of
Home Affairs who was a member of the SPC of
HKHA |
| Ms. Annie Tam | - being a member of HKHA |

as Director of Lands

Professor Edwin H.W. Chan - being a member of the Building Committee of HKHA

Dr. W.K. Lo - being a member of the Building Committee of HKHA

Mr. Y.K. Cheng - spouse was the Assistant Director (Development & Procurement) of Housing Department

181. Members noted that Mr. Eric Hui, Professor Edwin Chan, Dr. W.K. Lo and Mr. Y.K. Cheng were not in the meeting. As the item was procedural in nature, Members agreed that the other Members who had declared interests could be allowed to stay in the meeting.

182. The Secretary briefly introduced the Paper. On 1.6.2010, the CE in C referred the approved Ping Shan OZP No. S/YL-PS/11 to the Board for amendment under section 12(1)(b)(ii) of the Ordinance. On 5.11.2010, the draft Ping Shan OZP No. S/YL-PS/12, incorporating amendments mainly to rezone two areas from “U” to “CDA”, “G/IC”, “GB”, “V” and “OU” and amendments to the remarks of the Notes for the “R(A)3” zone to increase the development intensity, was exhibited for public inspection under section 5 of the Ordinance. During the statutory public inspection period, no representation was received.

183. On 30.6.2011, the draft OZP No. S/YL-PS/13, incorporating amendments to the Notes of the “T” zone in accordance with the revised Master Schedule of Notes to Statutory Plans endorsed by the Board, was exhibited for public inspection under section 7 of the Ordinance. During the two-month exhibition period, one supportive representation was received. On 3.2.2012, the Board considered and noted the supportive representation.

184. Since the representation consideration process had been completed, the draft OZP was ready for submission to the CE in C for approval. For submission to the CE in C, opportunity had been taken to update the ES to reflect the latest position of the draft OZP and the latest developments in the area.

185. After deliberation, the Board:

- (a) agreed that the draft OZP No. S/YL-PS/13A and its Notes at Annexes I and II of the Paper respectively were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated ES for the draft OZP No. S/YL-PS/13A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued in the name of the Board; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 14

[Open Meeting]

Submission of the Draft Ta Kwu Ling North Development Permission Area Plan No. DPA/NE-TKLN/2 and Draft Man Kam To Development Permission Area Plan No. DPA/NE-MKT/2 under section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval

(TPB Paper No. 9043)

[This item was conducted in Cantonese.]

186. Heung Yee Kuk New Territories (HYK) had submitted comments on the two Development Permission Area (DPA) Plans. The following Members had declared interests in this item:

- Mr. Stephen M.W. Yip - being an ex-officio Executive Councillor of the HYK
- Dr. W.K. Yau - being co-opted Councillor of the HYK
- Dr. C.P. Lau - being co-opted Councillor of the HYK

187. Members noted that Mr. Stephen Yip and Dr. C.P. Lau were not in the meeting. As the item was procedural in nature, Members agreed that Dr. W.K. Yau could be allowed to stay in the meeting.

188. The Secretary briefly introduced the Paper. On 30.7.2010, 5 DPA Plans for the Closed Area (including draft Ta Kwu Ling North DPA Plan No. DPA/NE-TKLN/1 and Man Kam To DPA Plan No. DPA/NE-MKT/1) were exhibited for public inspection under section 5 of the Ordinance. During the two-month exhibition of the two draft DPA Plans, a total of 9 valid representations (3 for TKLN DPA Plan and 6 for MKT DPA Plan) were received. On 8.10.2010, the representations were published for public comments. Upon expiration of the three-week publication period, 2 public comments (each for TKL and MKT DPA Plan respectively) were received.

189. On 25.2.2011, the Board considered all the representations and comments in respect of the five DPA Plans. Noting Members' view of the need to obtain further information on the latest Small House demand figures, the Board decided to defer a decision on the representations/comments pending further review by PlanD on the land use proposals, in particular on the "V" zones, taking into account the views of the representers and commenters and other relevant planning considerations.

190. On 8.9.2011, the Board gave further consideration to the representations and comments for the five DPA Plans. It decided to propose amendment to draft Man Kam To DPA Plan to partially meet a representation from a village representative of Fung Wong Wu by rezoning an area to the northwest of Chow Tin Chuen (sharing the same village 'environs' with Fung Wong Wu) from "Agriculture" ("AGR") to "V". On 16.9.2011, the proposed amendment was published for public inspection period under section 6C(2) of the Ordinance, one further representation was received. On 11.11.2011, the Board considered the further representation and decided not to uphold the further representation and agreed to amend the DPA Plan by the proposed amendment under section 6F(8) of the Ordinance.

191. The Board also agreed to revise the "V" zones for Tong Fong, Tsung Yuen Ha and Heung Yuen Wai including Ha Heung Yuen within the draft Ta Kwu Ling North DPA Plan and Muk Wu within the draft Man Kam To DPA Plan, which had not been subject to representations/comments. These proposed amendments were published for public inspection

under section 7 of the Ordinance on 28.10.2011. Upon expiration of the two-month publication period, one representation was received for Ta Kwu Ling North DPA Plan and no representation was received for Man Kam To DPA Plan. On 13.1.2012, the Board agreed that the representation to Ta Kwu Ling North DPA Plan should be treated as invalid since the representation was not related to the subject of amendments for the plan, and hence the representation would not be published for public comments.

192. Since the representation consideration process had been completed, the draft DPA Plans were ready for submission to the CE in C for approval. For submission to the CE in C, opportunity had been taken to update the ESs to reflect the latest position of the draft DPA Plans and the latest developments in the areas.

193. After deliberation, the Board:

- (a) agreed that the two DPA Plans at Annexes AI and BI of the Paper together with their respective Notes at Annexes A2 and B2 of the Paper were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated ES for the two DPA Plans at Annexes A3 and B3 of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the DPA Plans and issued in the name of the Board; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft DPA Plans.

Agenda Item 15

Any Other Business

[The meeting was conducted in Cantonese.]

194. There being no other business, the meeting closed at 7:50pm.