

**Minutes of 1008th Meeting of the
Town Planning Board held on 23.3.2012**

Present

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

Chairman

Mr. K.Y. Leung

Mr. Walter K.L. Chan

Mr. B.W. Chan

Ms. Maggie M.K. Chan

Mr. Felix W. Fong

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Mr. Maurice W.M. Lee

Mr. Timothy K.W. Ma

Professor P.P. Ho

Professor Eddie C.M. Hui

Dr. C.P. Lau

Ms. Julia M.K. Lau

Dr. W.K. Lo

Mr. Roger K.H. Luk

Ms. Anita W.T. Ma

Professor S.C. Wong

Dr. W.K. Yau

Deputy Director of Lands
Mr. Jeff Y.T. Lam

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

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

Director of Planning
Mr. Jimmy C.F. Leung

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

Secretary

Absent with Apologies

Mr. Stanley Y.F. Wong

Mr. Raymond Y.M. Chan

Mr. Y.K. Cheng

Dr. James C.W. Lau

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Dr. Winnie S.M. Tang

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Ms. Pansy L.P. Yau

Mr. Stephen M.W. Yip

Assistant Director (2), Home Affairs Department
Mr. Eric K.S. Hui

In Attendance

Assistant Director of Planning/ Board
Mr. C.T. Ling

Chief Town Planner/Town Planning Board
Ms. Christine K.C. Tse (a.m.)

Senior Town Planner/Town Planning Board
Mr. J.J. Austin (a.m.)
Ms. Johanna W.Y. Cheng (p.m.)

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1006th Meeting held on 28.2.2012 and the 1007th Meeting held on 9.3.2012

[The meeting was conducted in Cantonese.]

1. The minutes of the 1006th meeting held on 28.2.2012 and the 1007th meeting held on 9.3.2012 were confirmed without amendments.

Agenda Item 2

[Open Meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

(i) Request for Audio Recording of the Town Planning Board Meeting held on 17.1.2012

2. The Secretary reported that a request was received on 15.3.2012 from a representer in respect of the draft Shek Kwu Chau Outline Zoning Plan (OZP) No. S/I-SKC/1 for an audio record of the Town Planning Board (the Board) meeting held on 17.1.2012 on the consideration of the representations and comments made in respect of the draft Shek Kwu Chau OZP. The representer had attended the subject meeting.

3. According to the current practice, the audio record of the open session of the meeting of the Board or its Committee would be uploaded to the Board's website once the minutes of the concerned meeting were confirmed by the Board or its Committee. However, the audio record would only be available on the website for two to three weeks (depending on the meeting schedule) and would be replaced by the audio record of the subsequent meeting once the minutes of the subsequent meeting were confirmed by the Board or its Committee. In this respect, the audio record for the 17.1.2012 meeting had already been removed from the website at this moment.

4. The Secretary said that the Board had previously decided not to provide representers with copy of the audio record of the Planning Committee and Town Planning Board meetings. However, as the audio record of the open sessions of the meeting were posted on the Board's website and could be downloaded readily by the public, there was no objection to accede to the representer's request for a copy of the audio record of the open session of the said hearing. Also, for the convenience of the public, the audio record on the website could be kept for a longer period of six months in future, if Members agreed to the arrangement.

5. Mr. Benny Y.K. Wong declared an interest as the Integrated Waste Management Facility (IWMF) at Shek Kwu Chau was the subject of representation to the draft Shek Kwu Chau OZP and the Director of Environmental Protection was the project proponent of the IWMF. Members agreed that he could stay at the meeting as the issue in question was a procedural matter.

6. A Member agreed with the Secretary's proposal provided that the audio record of only the open session of the Committee/Board's meetings would be made available. After further deliberation, the Chairman concluded that Members agreed to provide the representer with the audio record of the open session of the hearing as requested and that the audio record on the Board's website should be kept for a period of six months in future.

[Ms. Anna S.Y. Kwong, Mr. Felix W. Fong, Dr. W.K. Lo and Professor S.C. Wong arrived to join the meeting at this point.]

(ii) New Town Planning Appeals Received

7. The Secretary reported that three appeals had been received by the Appeal Board Panel (Town Planning) and the details of the appeals were as follows.

Town Planning Appeal No. 2 of 2012

Temporary Private Garden ancillary to House for a Period of 3 Years in "Green Belt" zone, Government Land adjoining Lot 761 in D.D. 249, Kai Ham, Sai Kung
(Application No. A/SK-HC/191)

8. The appeal was received on 26.1.2012 against the decision of the Board to reject on review an application (A/SK-HC/191) for a temporary private garden ancillary to house use for a period of 3 years at a site zoned “Green Belt” (“GB”) on the approved Ho Chung Outline Zoning Plan No. S/SK-HC/9. The application was rejected by the Board for the reasons that:

- (a) the development was not in line with the planning intention of the “GB” zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. There was no strong planning justification in the submission for a departure from the planning intention even on a temporary basis; and
- (b) the approval of the application would set an undesirable precedent for other similar applications within the “GB” zone. The cumulative effect of approving such similar applications would result in a general degradation of the natural environment.

Town Planning Appeal No. 3 of 2012

Temporary Open Storage of Sand and Bricks for a Period of 3 Years in
“Residential (Group D)” Zone, Lot 55 (Part) in D.D. 108, Ta Shek Wu
Pat Heung, Yuen Long, New Territories

(Application No. A/YL-PH/623)

9. The appeal was received on 8.3.2012 against the decision of the Board to reject on review an application (A/YL-PH/623) for temporary open storage of sand and bricks for a period of 3 years in “Residential (Group D)” (“R(D)”) zone on the Pat Heung OZP. The application was rejected by the Board for the reasons that:

- (a) the development was not in line with the planning intention of the “R(D)” zone which was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary

structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the TPB. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis.

- (b) the application did not comply with the TPB Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13E) in that no previous approval had been granted at the site, no technical assessments had been included in the submission to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas, and there were adverse departmental comments and local objection against the application. The development was also not compatible with the surrounding land uses which were predominated by residential structures/dwellings and agricultural land; and
- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “R(D)” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

Town Planning Appeal No. 4 of 2012

Proposed House (New Territories Exempted House – Small House) in “Green Belt” Zone, Government Land in D.D. 15, Shan Liu Village, Tai Po

(Application No. A/NE-TK/329)

10. The appeal was received on 15.3.2012 against the decision of the Board to reject on review an application (A/NE-TK/329) for proposed house (New Territories Exempted House – Small House) on a site zoned “Green Belt” (“GB”) on the approved Ting Kok Outline Zoning Plan No. S/NE-TK/17. The application was rejected by the Board for the reasons that:

- (a) the proposed development was not in line with the planning intention of the “Green Belt” zoning for the area which was to define the limits of urban and

sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone;

- (b) the proposed development did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories as the application site was entirely outside the “Village Type Development” zone and the village ‘environs’ of Shan Liu Village;
- (c) the applicant failed to demonstrate that the proposed development located within the lower indirect water gathering ground would not cause adverse impact on the water quality in the area; and
- (d) the approval of the application would set an undesirable precedent for other similar applications in the area.

11. The Secretary reported that the hearing dates of the three appeal cases were yet to be fixed and that the Secretary would act on behalf of the TPB in dealing with the three appeals in the usual manner.

(iii) Appeal Statistics

12. The Secretary reported that as at 23.3.2012, 26 cases were yet to be heard by the Town Planning Appeal Board. Details of the appeal statistics were as follows:

Allowed	:	28
Dismissed	:	122
Abandoned/Withdrawn/Invalid	:	155
Yet to be Heard	:	26
Decision Outstanding	:	1
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Total	:	332

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

(iv) Proposed Amendments to the Definitions of Terms used in Statutory Plans
(MA Paper (i))

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

Mr. C.T. Ling	Assistant Director of Planning/Board
Ms. Donna Tam	Senior Town Planner/Ordinance Review

14. With the aid of a Powerpoint presentation, Ms. Donna Tam presented the proposals as detailed in the Paper and made the following main points:

Purpose

- (a) to seek Members' agreement to the proposed amendments to the Definitions of Terms used in Statutory Plans (DoTs) in respect of 'Funeral Services Centre' use;

Background

- (b) arising from complaints from the public on the granting of undertaker's (the undertaker of burials) licence within the "Residential (Group A)" ("R(A)") zone in the Hung Hom District, a request from the Ombudsman was received by PlanD to clarify the office use of undertaker's licence and 'Funeral Services Centre' use;
- (c) the complainants considered that the operations under an undertaker's licence involved the provision of funeral services which should be regarded as 'Funeral Services Centre' use and should not be permitted within the "R(A)" zone;

Operations under the Undertaker's Licence and its relationship with the DoTs

- (d) the licence issued by the Food and Environmental Hygiene Department (FEHD) for an undertaker to conduct the business of burials at a premises

was subject to stringent conditions including that the premises should only be used as an office for enquiry in connection with the business. According to the DoTs, such office use operated under the undertaker's licence was regarded as 'office' use which meant any premises used as a place of business and for conducting clerical, administrative, documenting and other business- or industrial-related work;

- (e) a 'Funeral Services Centre' was defined in the DoTs as "any premises for the specific purpose of development by the public or private sectors for services and industries in connection with funeral requirements". There was a remark specifying that 'Funeral Services Centre' might be an ancillary use of a cemetery, columbarium and crematorium. According to the Broad Use Terms (BUTs), the 'Funeral Services Centre' use was subsumed under 'Columbarium', 'Crematorium' and 'Funeral Facility' uses and, in this respect, did not appear in the Notes of any statutory town plan;
- (f) any premises used for the carrying out of funeral services, such as the storage of coffins, offerings or funeral products, undertaking of funeral or religious spiritual meetings, and storage of corpse/remains/dead bodies or burnt ashes of human bodies would be regarded as 'Funeral Facility', 'Columbarium' or 'Crematorium' uses in accordance with the DoTs. These uses were not permissible within the "R(A)" zone on the statutory town plans; and

Proposed Amendments to the DoTs for Funeral Services Centre

- (g) it was proposed that the DoTs be amended to clearly set out that 'Funeral Services Centre' was an ancillary use of a cemetery, columbarium, crematorium and funeral facility and that the use was subsumed under 'Columbarium', 'Crematorium' and 'Funeral Facility' in the BUTs.

15. The Chairman noted that the proposed amendment was mainly a clarification of the definition of the 'Funeral Services Centre' use. As Members had no questions on the matter, the Chairman concluded that the proposed amendment to the DoTs was agreed by

the Board.

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

Agenda Item 3

[Closed Meeting]

16. This item was recorded under confidential cover.

Agenda Item 4

[Open Meeting]

Submissions from the Alliance for the Concern over Columbarium Policy and Local Concern Groups on Columbarium Development

(TPB Paper No. 9046)

[The meeting was conducted in Cantonese]

17. As the items for the morning session had overrun, Members agreed that this item be re-scheduled for consideration in the afternoon.

[Dr. C.P. Lau, Ms. Anita W.T. Ma, Ms. Anna S.Y. Kwong and Mr. B.W. Chan left the meeting temporarily at this point.]

Agenda Item 5

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/NE-KTN/150

Temporary Open Storage of Personal Miscellaneous Items for a Period of 3 Years in “Agriculture” and “Green Belt” zones, Lot No. 420 (Part) in D.D. 92, Long Valley, Sheung Shui

(TPB Paper No. 9049)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

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

Mr. W.K. Hui	District Planning Officer/Shu Tin, Tai Po and North, PlanD
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Mr. Chung Wai Man	- Applicant
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19. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited Mr. W.K. Hui to brief Members on the background of the application.

20. With the aid of some plans and photos, Mr. W.K. Hui made the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for temporary open storage of personal miscellaneous items for a period of three years at the application site which was partly zoned “Agriculture” (“AGR”) (about 54.7%) and partly zoned “Green Belt” (“GB”) (about 45.3%) on the Kwu Tung North Outline Zoning Plan (OZP);
- (b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 6.12.2011 and the reasons were:
 - (i) the development was not in line with the planning intention of the “AGR” zone in Kwu Tung North area which was primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The development was also not in line with the planning intention of the

“GB” zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets and there was a general presumption against development within this zone. There was no strong planning justification in the submission for a departure from such planning intentions, even on a temporary basis;

- (ii) the application did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No.13E) in that there was no previous planning approval granted to the application site and no technical assessment/proposals were submitted to demonstrate that the proposed uses would not generate adverse landscape and ecological impacts on the surrounding areas, and there were adverse departmental comments and local objection against the application;
- (iii) the application did not comply with the Town Planning Board Guidelines for Application for Development within Green Belt Zone (TPB PG-No.10) in that there was a general presumption against development and there was no exceptional circumstance which warranted the approval of the current application, and the proposed development would affect existing mature trees in the vicinity and cause adverse landscape impacts on the surrounding area;
- (iv) the application site was located within the Long Valley and Ho Sheung Heung Priority Site. The applicant had failed to demonstrate that the development under application would not generate adverse ecological impacts on the Priority Site and any associated wildlife; and
- (v) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such application would

result in general degradation of the environment and undermine the integrity of the “GB” zone;

- (c) the application site was the subject of previous planning enforcement action for unauthorised storage use (including deposit of containers). An Enforcement Notice was issued to the concerned parties on 4.5.2011. As the unauthorised development had been discontinued, a Compliance Notice was issued to the concerned parties on 18.10.2011;
- (d) the applicant had not submitted any written representation in support of the review application;
- (e) departmental comments – the departmental comments were summarized in paragraph 4 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural development and nature conservation points of view. Although the application site was paved, active agricultural activities were noted in the immediate vicinity and the site had a high potential for agricultural rehabilitation. Moreover, the site was located in the Long Valley and Ho Sheung Heung Priority Site which was an ecologically sensitive area. There was no information in the application to demonstrate that the proposed development would not generate adverse ecological impacts on the Priority Site and any associated wildlife. The Chief Town Planner/Urban Design & Landscape (CTP/UD&L) objected to the application from the landscape planning perspective as the proposed use was incompatible with the surrounding environment and approval of the application would set an undesirable precedent. The District Officer/North, Home Affairs Department indicated that the Chairman of the Sheung Shui District Rural Committee, the Indigenous Inhabitant Representatives (IIR) and the Resident Representatives (RR) of Tsung Pak Long and the IIR of Yin Kong raised objection to the proposal as there was no proper vehicular access and the proposed development would bring adverse impacts to the burial ground, fung shui and the landscape in the vicinity;

- (f) public comments – one public comment was received from a North District Councillor requesting that the local villagers should be consulted as far as possible; and

- (g) PlanD's views – PlanD did not support the application based on the assessment as stated in paragraph 6 of the Paper, which were summarized below:
 - (i) the proposed development was not in line with the planning intention of both the “AGR” zone and the “GB” zone. No strong justification had been provided in the submission for a departure from the planning intention of the “AGR” and “GB” zones, even on a temporary basis;

 - (ii) the site was partly within Category 3 area where applications would not normally be favourably considered unless the applications were on sites with previous planning approvals and partly within Category 4 areas where applications would normally be rejected except under exceptional circumstances. The application did not comply with TPB Guidelines No. 13E in that the application site was not the subject of any previous approval for similar open storage use. Moreover, the applicant had not submitted any technical proposals to demonstrate that the proposed development would not have adverse landscape and ecological impacts on the surrounding area;

 - (iii) the application did not comply with TPB Guidelines No. 10 in that there was a general presumption against development in the “GB” zone and there was no exceptional circumstance that warranted the approval of the current application;

 - (iv) the proposed development was not compatible with the surrounding areas which were predominantly rural in character;

- (v) DAFC did not support the application from the nature conservation viewpoint as the application site was located within the Long Valley and Ho Sheung Heung Priority Site for Enhanced Protection which was ecologically sensitive; and
- (vi) there were local objections due to possible adverse impacts on the environment, landscape, drainage, traffic and to the residents in the vicinity.

21. The Chairman then invited the applicant to elaborate on the application.
22. Mr. Chung Wai Man made the following main points:
- (a) the proposal would unlikely cause any ecological impact on the environment as it did not involve any diversion of streams;
 - (b) the proposed use was only for the temporary storage of miscellaneous items owned by the applicant. As there was not enough space at home to store his personal belongings and he did not wish to spend money to rent a warehouse, the proposal was to use the application site which was owned by him for temporary storage purposes; and
 - (c) the items to be stored at the site included his personal belongings, some equipment required by his job and bamboo stilts. He did not consider that the temporary storage of these miscellaneous items would adversely affect the ecology of the surrounding areas.
23. The Chairman enquired whether there was vegetation on the site before it was cleared and fenced off. In response, Mr. Chung said that there used to be some shrubs and wild grass at the site. However, the site was not used for agricultural purposes as there were graves nearby and he could not find any tenant to rent the land for farming. In this respect, the site had been left vacant for a long time.

24. Noting that the application site had an area of about 1,500m² and the applicant proposed to place 3 containers on the site and to use the remaining area for open storage, a Member enquired where the personal belongings of the applicant were stored at the moment. In response, Mr. Chung said that the items were currently stored at a friend's place as a temporary measure. In response to another Member's enquiry, he said that only a small part of the site would be used for open storage as most of the machinery and equipment would be stored inside the three containers.

25. In response to the Chairman, Mr. Chung Wai Man said that he needed the containers on the site for storage purposes as some of the machinery and equipment could not be stored in the open. The machinery and equipment were tools necessary for construction works.

26. A Member enquired about the specific machine and equipment that would be stored at the site. In response, Mr. Chung Wai Man said that he did not have the details as the construction machinery and equipment belonged to a relative. As the owner of the application site, he intended to make good use of the land by allowing his relative to use the site for temporary storage of machinery and equipment.

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

Deliberation Session

28. A Member considered that there was no reason to approve the application as the applicant had failed to provide any justifications for the proposed use. The Chairman also noted that the applicant had confirmed that he had cleared the vegetation on the site before fencing it off.

29. In conclusion, the Chairman noted that Members generally considered that the application should not be supported as the proposed development was not in line with the

planning intention of both the “AGR” zone and the “GB” zone; it did not comply with TPB Guidelines No. 13E in that the application site was not the subject of any previous approval for similar use; it did not comply with TPB Guidelines No. 10 in that there was a general presumption against development in the “GB” zone and there was no exceptional circumstance that warranted the approval of the application; and the applicant had not demonstrated that the proposed development would not have adverse ecological impact on the Long Valley and Ho Sheung Heung Priority Sites.

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

- (a) the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone in Kwu Tung North area which was primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The development was also not in line with the planning intention of the “Green Belt” (“GB”) zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets and there was a general presumption against development within this zone. There was no strong planning justification in the submission for a departure from such planning intentions, even on a temporary basis;
- (b) the application did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No.13E) in that there was no previous planning approval granted to the application site and no technical assessment/proposals were submitted to demonstrate that the proposed uses would not generate adverse landscape and ecological impacts on the surrounding areas, and there were adverse departmental comments and local objection

against the application;

- (c) the application did not comply with the Town Planning Board Guidelines for Application for Development within Green Belt Zone (TPB PG-No.10) in that there was a general presumption against development and there was no exceptional circumstances which warranted the approval of the current application, and the proposed development would affect existing mature trees in the vicinity and cause adverse landscape impacts on the surrounding area;
- (d) the application site was located within the Long Valley and Ho Sheung Heung Priority Site. The applicant had failed to demonstrate that the development under application would not generate adverse ecological impacts on the Priority Site and any associated wildlife; and
- (e) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such application would result in general degradation of the environment and undermined the integrity of the “GB” zone.

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

[Mr. B.W. Chan, Ms Anna S.Y. Kwong, Dr. C.P. Lau and Ms. Anita W.T. Ma returned to join the meeting at this point.]

Agenda Item 6

[Open Meeting]

Review of Application No. A/TM/398

Columbarium in “Government, Institution or Community” zone, Portions of Blocks 1, 2 and 3 within Fat Yuen Ching Shea at Lots No. 759 (Part), 791 (Part) and 830 (Part) in D.D. 131,

Tsing Shan Tsuen, Tuen Mun

(TPB Paper No. 9053)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

31. The following Government representatives and the applicant's representatives were invited to the meeting at this point.

Ms. Amy Cheung	District Planning Officer/Tuen Mun and Yuen Long, Planning Department (PlanD)
Mr. C.C. Lau	Senior Town Planner/Tuen Mun & Yuen Long, PlanD
Mr. Kelvin Lee	Assistant Divisional Commander (Operations) (Castle Peak), Hong Kong Police Force (HKPF)
Mr. Joe Ma)
Mr. Li Ka Choi)
Mr. Kim Chin) Applicant's representatives
Mr. Wai Hing Wah)
Ms. Vicky Ma)

32. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited the representatives from PlanD to brief Members on the background of the application.

33. Mr. C.C. Lau said that a replacement page for Plan-R4a had been tabled for Members' reference. With the aid of a Powerpoint presentation, he made the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for columbarium use at the application site which was zoned "Government, Institution or Community" ("G/IC") on the Tuen Mun Outline Zoning Plan (OZP);

- (b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 20.5.2011 and the reasons were:
 - (i) the applicant failed to demonstrate in the submission that the premises were structurally safe; and
 - (ii) the means of escape of the premises for columbarium use were not satisfactory in that the width of the escape routes was found inadequate and the required staircases had not been protected with adequate fire resisting construction and therefore would impose fire safety concerns to the visitors;
- (c) the application premises were currently occupied for columbarium use without valid planning permission;
- (d) the written representation submitted by the applicant in support of the review was summarised in paragraph 3 of the Paper and set out below:
 - (i) the applicant had submitted to the Buildings Department (BD) a report prepared by an authorised land surveyor confirming that the premises shown on the aerial photo taken in 1949 were structures of Fat Yuen Ching Shea and declarations from an elder of Tsing Shan Village and the Abbot of the nearby Cheung Ming Ching Shea certifying that the existing premises of Fat Yuen Ching Shea had been in existence since 1937;
 - (ii) the applicant noted that, upon consideration of the additional information submitted, BD agreed with the applicant's views that the existing buildings for columbarium use were pre-war buildings;
 - (iii) the applicant would submit formal submissions to remove the unauthorised building works (UBWs) and for the proposed

remedial works;

- (iv) the applicant had appointed an Authorised Person (AP) and a Registered Structural Engineer (RSE) to submit remedial proposals on the removal of any previous building works, the compliance with the order issued on unauthorised retaining walls and to rectify and complete the works to BD's satisfaction;
 - (v) proposals for alteration and addition works to comply with the requirements of the Buildings Regulations and Fire Services requirements would be submitted and the works carried out and completed to BD's satisfaction;
 - (vi) neither the Commissioner for Transport (C for T) nor the Commissioner of Police (C of P) raised any comment on the traffic impact assessment (TIA) at the s.16 application stage; and
 - (vii) the similar applications at Tsing Wan Koon (A/TM/405) and Shan Gor (A/TM/415), which were the concerns of C of P in terms of cumulative traffic impact in the locality, had not been approved. Moreover, there was no observation of illegal parking or gathering of sales representatives near the application site. The applicant would also provide direction signs to guide visitors to the application site and would offer visit-by-appointment schemes and other incentives during non-peak times to spread out the visitors during the Ching Ming and Chung Yeung Festivals;
- (e) departmental comments – the departmental comments were summarised in paragraph 5 of the Paper. The Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) indicated that unless there was evidence to prove otherwise, he would accept that the existing structures were pre-war buildings. CBS/NTW, BD also noted the applicant's commitment to submit remedial proposal to remove

UBWs, to submit remedial proposals to comply with the section 24 order under the Buildings Ordinance (BO) and to complete the remedial works, and to submit alteration and addition proposals to comply with the provisions of the BO and Fire Services requirements. CBS/NTW, BD commented that as there was uncertainty on the structural safety of the premises under concern, the use of the premises by the public was not recommended prior to the removal of the UBWs and the completion of the remedial works to the satisfaction of the Building Authority. C for T had no comments on the submitted traffic impact assessment (TIA) which demonstrated that the proposed columbarium would not cause adverse traffic impact to the nearby road network. He noted that an open car park to the northeast of the site could relieve the potential traffic impacts to Yeung Tsing Road caused by pick-up/drop-off activities. C of P had reservation on the application after reviewing the current situation and taking into account the cumulative effect of other proposed columbarium developments in the vicinity. Noting that Yeung Tsing Road was a single carriageway 2-lane cul-de-sac road linking to Hing Choi Road which was the only road connecting to other areas of Tuen Mun, there was concern on the public safety of other road users as any blockage along Yeung Tsing Road would jeopardise the swift arrival of emergency rescue vehicles to the site. The C of P also doubted whether the management measures proposed by the applicant to even out the number of visitors to the site were implementable;

- (f) public comments – during the statutory publication period of the review application, 12 public comments were received from nearby religious institutions, concern groups and individuals. Eleven public comments raised objection to or concerns on the application on the grounds that the proposed use was incompatible with the planned “G/IC” use, the proposed development would induce adverse traffic and environmental impact to the nearby residential developments and that retrospective approvals should not be granted for the existing unauthorised structures; and
- (g) PlanD’s views – PlanD did not support the application based on the

assessment in paragraph 7 of the Paper. Although the proposed columbarium use was generally in line with the planning intention of the “G/IC” zone and BD had no further comment on the UBW issue, C of P had reservation on the proposed development from the traffic management and crowd management points of view. The proposed development with 9,160 niches, together with other columbarium development proposals in the vicinity, would drastically increase the number of visitors to the area during the Ching Ming and Chung Yeung Festivals, causing cumulative impacts and posing potential traffic impact on the surrounding road network. As Yeung Tsing Road was a single carriageway 2-lane cul-de-sac road linking to Hing Choi Road which was the only road connecting to other areas of Tuen Mun, any blockage along Yeung Tsing Road during the festive season would jeopardise the swift arrival of emergency vehicles to the site. Any additional columbarium in the area would cause serious traffic and crowd management problems during the Ching Ming and Chung Yeung Festivals, with serious safety implications.

34. The Chairman then invited the applicant’s representatives to elaborate on the application. Mr. Li Ka Choi made the following main points:

- (a) the proposed columbarium development was in line with the planning intention of the “G/IC” zone and would not cause any adverse impact to the surrounding uses which comprised mainly religious and institutional uses and schools. There were no residential uses nearby;
- (b) the planning application was rejected by the RNTPC mainly due to the UBWs and fire safety concerns. Now that the applicant had resolved the all the building matters with BD, it was very unfair for the Police to raise new concerns on traffic management and crowd management during the processing of the section 17 review application;
- (c) the reservation raised by the Police was unfair in that the applicant had already submitted a TIA at the section 16 application stage which was

accepted by TD and the Police had no comment on that. As there were no changes to any of the development parameters in the review application, it was unfair for the Police to change its stand on the traffic management and crowd management aspects of the application;

- (d) he noted that the Police were concerned on the cumulative traffic impact resulting from approving two other columbarium proposals in the vicinity which were yet to be considered by the Board. As these applications were not yet approved, the Board should consider the current application on its individual merits;
- (e) the concerns of the Police were not supported by any statistics or technical assessments; and
- (f) TD had indicated no objection to the TIA submitted by the applicant and considered that the provision of a car park nearby would improve the traffic situation in the area. He hoped that the Board would consider his application in a fair manner.

35. With the aid of a Powerpoint presentation, Mr. Kim Chin made the following main points:

- (a) making reference to the location of the two columbarium proposals that were of concern to the Police, he said that one of the proposed columbaria was located more than 1.2 km away from the application site;
- (b) the purchasers of niches at Fat Yuen Ching Shea were mostly residents of Tuen Mun and Yuen Long. Most of the visitors visiting the application site would take the Light Rail Transit (LRT) as two LRT Stations were located nearby, viz. Lung Mun Station (about 580m away) and Tsing Shan Tsuen Station (about 610m away). The applicant would provide directional signs to guide visitors to the application site from these two LRT stations;

- (c) the existing railings along Yeung Tsing Road only provided two points for pedestrians to cross the road, which would facilitate crowd control;
- (d) there were two waiting areas inside Fat Yuen Ching Shea which could accommodate up to about 2,000 persons at one time, providing useful space for crowd management and control; and
- (e) the applicant had not included the other two columbarium proposals in the TIA because the planning applications for those two proposals were not submitted when the TIA was being prepared. When the application was considered by RNTPC in May 2011, TD was fully aware of the other two columbarium proposals in the area but did not raise any objection. This showed that the TIA was acceptable from the traffic engineering point of view.

36. With the aid of a Powerpoint presentation, Mr. Joe Ma made the following main points:

- (a) from the planning perspective, PlanD had all along indicated that the proposed columbarium development was in line with the planning intention of the “G/IC” zone and the proposal was not incompatible with the surrounding areas. Moreover, the proposed development was not anticipated to cause significant adverse impacts to the local traffic and infrastructural provisions;
- (b) after having resolved with BD the building matters, the applicant was surprised by the objection raised by the Police who had no comment on the application when it was considered by RNTPC;
- (c) while the Police had originally indicated their concern on the possible adverse impact caused by the two existing columbaria and the two columbarium applications in the vicinity, subsequent correspondence from the Police indicated that their prime concern was on the ‘law and order’ and ‘public safety’ issues generated by the two existing columbaria

only, without mentioning the two columbarium applications yet to be considered by the Board;

- (d) the TIA which was already accepted by TD had already taken into account the two existing columbaria. TD had also agreed that the provision of a car park near the application site would help alleviate the pick-up/drop-off problem along Yeung Tsing Road; and
- (e) as all the technical problems arising from the proposed columbarium development had been resolved, the application should be given favourable consideration by the Board.

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

37. Noting that BD would not grant retrospective approval to UBWs, a Member enquired whether the existing columbarium would need to be demolished and redeveloped if planning approval was granted. In response, Mr. Wai Hing Wah said that they had already agreed with BD to submit demolition plans for the UBWs and, upon completion of the demolition works, to submit addition and alteration plans for the remedial works. He confirmed that the UBWs were mainly concerned with some site formation works, retaining walls, building façades and some rooftop structures.

38. In response to a Member's enquiry on whether the Board's approach in handling 'Destroy First, Build Later' cases was applicable to the current application, Ms. Amy Cheung said that the 'Destroy First, Build Later' approach was normally applicable to cases concerning the damaging of the existing site conditions and environment where the Board would require the site to be reinstated before giving consideration to the application. As the current application mainly involved UBWs within existing building structures which fell within BD's purview, PlanD had to rely on the advice of BD on how to deal with the UBWs.

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

39. A Member enquired about C of P's reasons for objecting the application. In

response, Mr. Kelvin Lee (HKPF) said that with the two existing columbaria and the two columbarium applications, the total number of niches to be provided in the area would be about 22,000. As Yeung Tsing Road was a cul-de-sac linking to Hing Choi Road which was the only road connecting other areas of Tuen Mun, any serious congestion along Yeung Tsing Road during the Ching Ming and Chung Yeung Festivals would jeopardise the swift arrival of emergency vehicles to the application site. In this respect, the Police had reservation on the application from the public safety and crowd management perspectives. Besides, the applicant's proposals on restricting visitors to the columbarium during the peak seasons were considered to be impractical and would likely cause dispute and conflict, hence adversely affecting the law and order situation on-site during the Ching Ming and Chung Yeung Festivals.

40. In response to the Chairman's enquiry on TD's views on the application, Ms. Amy Cheung said that TD had assessed the TIA submitted by the applicant and considered it to be acceptable as the TIA had examined the traffic and pedestrian flows generated by the columbarium as well as the traffic management measures proposed. The measures included a Visit-By-Appointment scheme for regulating the number of visitors during the festivals, the provision of a waiting area as well as the provision of directional signs to guide visitors. On the other hand, C of P was concerned whether the traffic management measures proposed by the applicant were practical.

41. The Chairman further enquired about the management measures suggested by the applicant. In response, Mr. Li Ka Choi clarified that, contrary to the claim made by the Police, the applicant would not restrict people from visiting the columbarium. Instead, the applicant would inform its patrons about the logistical arrangements during the Ching Ming and Chung Yeung Festivals including the earlier opening hours, free car parking services for those who had made appointments, and the advice given to patrons to avoid arriving at the peak hours. Visitors with appointments would be given priority while those without appointments would need to pay hourly parking fees. The open car park had a capacity of 150 to 200 car parking spaces and about 80 to 90 parking spaces were occupied during Ching Ming Festival. Should the car park be fully occupied in future, visitors would be directed to the public car park at Lung Mun Oasis.

42. Mr. Kelvin Lee (HKPF) considered that the open car park would not have

enough capacity to cater for the parking needs when all the niches in the proposed columbarium were sold. Moreover, although the applicant claimed that the patrons would be informed of the logistical arrangements and would come at different time periods, no measures were proposed to regulate the visits made by friends and relatives of the deceased to the columbarium. In this respect, once the open car park was fully occupied, antecedent illegal parking problem along Yeung Tsing Road would likely occur.

43. In response to a Member's enquiry on the ownership of the car parking site and whether any government land had been illegally occupied, Mr. C.C. Lau said that the applicant had occupied government land illegally back in 2007. However, according to Lands Department, the illegal occupation of government land had ceased. Mr. Lau said that although he did not have information on the ownership of the concerned car parking site, he understood that the car park did not only serve Fat Yuen Ching Shea. Mr. Li Ka Choi explained that the applicant was one of the owners of the car parking site and part of the site had been rented to Fat Yuen Ching Shea for car parking use. Being one of the owners of the site, the applicant could ensure that adequate car parking spaces would be provided if it was developed in future. Mr. Li supplemented that the part of the car parking site rented by the applicant could park about 80 cars.

44. A Member enquired about the average number of visitors per niche generated during the Ching Ming and Chung Yeung Festivals. In response, Mr. Kim Chin said that according to their assumptions, a total of 60 to 150 visitors would be generated for every 1,000 niches during the peak hour. The figure was derived from surveys on the number of people visiting columbarium sites and cemeteries during the Ching Ming and Chung Yeung Festivals.

45. In response to a Member's enquiry, Mr. Li Ka Choi confirmed that the lease of Fat Yuen Ching Shea was granted in 1931. He explained that the columbarium of Fat Yuen Ching Shea had been in operation since the 1930s at a site in Tsing Shan Monastery where a Pu Tung Ta (普同塔) was built for the storage of the cremains of the deceased. When the niches in the Pu Tung Ta at Tsing Shan Monastery were used up, a new Pu Tung Ta was built on another part of the Fat Yuen Ching Shea site in the 1950s and that had been used up already. The same Member, however, noted that Mr. Li's explanation did not tally with the information provided in the TPB Paper. According to the lease conditions as

stated in paragraph 5.3.1(b) of the TPB Paper, the deposit of human remains was not allowed at the application site and the applicant's solicitor had confirmed in 2008 (paragraph (c) of Appendix III of RNTPC Paper No. A/TM/398) that no cremated ashes had been interred at the application site. Mr. Li Ka Choi said that there was a different understanding on what constituted human remains.

46. A Member enquired whether the deployment of Auxiliary Police for crowd management had been considered and whether there were appropriate measures to resolve the problems caused by the columbarium use under application. In response, Mr. Kelvin Lee said that the Police had all along deployed Auxiliary Police to carry out crowd control and management duties where necessary. However, the Police was very concerned about the crowd control problem caused by the proposed columbarium due to the design of the road network in the area. Any blockage along Yeung Tsing Road by large crowds would significantly affect the access of emergency vehicles to the application site and its surrounding area, resulting in serious public safety implications.

47. In response to a Member's enquiry on the number of free parking spaces available to visitors and whether outsiders could use the applicant's car parking spaces within the car park, Mr. Li Ka Choi said that the car park was operated on a commercial basis with no restriction on its users. Visitors with a coupon issued by Fat Yuen Ching Shea would be allowed to park their cars free of charge. The Chairman asked whether the applicant would consider closing the car park during the Ching Ming and Chung Yeung Festivals. In response, Mr. Li Ka Choi said that they had already proposed management measures to control and regulate visitors to the site. If necessary, the applicant was prepared to hire a tow truck to stand-by and assist the Police to tow away vehicles that were blocking the road. Mr. Kelvin Lee (HKPF) said that the Police would arrange tow truck themselves if it was necessary to do so. Noting that many other columbaria would close their car parks during Ching Ming and Chung Yeung Festivals, a Member suggested that the applicant should seriously consider closing the car park during the Festivals. In response, Mr. Li Ka Choi said that the applicant would be willing to close the car park at the festival days and to comply with any other traffic arrangements required by the Police.

48. Noting that 3,930 niches were already occupied or sold, a Member enquired whether the remaining 5,230 niches were already built and whether the existing niches

would be affected by the demolition works to be carried out to comply with BD's requirements. In response, Mr. Li Ka Choi said that the 9,160 niches proposed in the application were already built in 2007. On whether the demolition works would affect the existing niches, Mr. Wai Hing Wah said that it would depend on the detailed design of the demolition works which was yet to be done. He was not able to confirm that at the moment.

49. Noting that the Police would close the road leading to columbaria sites in areas such as Lo Wai in Tsuen Wan to facilitate grave sweepers, a Member enquired whether the Police would perform similar crowd management measures for the subject columbarium. In response, Mr. Kelvin Lee (HKPF) said that the area surrounding the application site was quite different from that of Lo Wai. As the area was only served by a single carriageway which was a cul-de-sac with one access point through Hing Choi Road, it would be much more difficult to close the road which would restrict access and result in conflict with other road users. Mr. Kim Chin supplemented that the road closure measure at Lo Wai was only implemented by the Police last year during Chung Yeung Festival. He also noted that Green Minibus was the only means of public transport serving the Lo Wai area while visitors to the application site could use the LRT which was a more efficient means of public transport. Besides, the columbaria in the Lo Wai area provided a total of about 60,000-70,000 niches while the current application would only provide 9,160 niches.

50. A Member asked what crowd management measures the Police would suggest to ensure that the situation would become manageable. In response, Mr. Kelvin Lee (HKPF) said that if the application was approved, the Police would need to consider closing the road during the Ching Ming and Chung Yeung Festivals, deploying more staff to carry out traffic management and crowd management duties in the area, and strictly enforcing illegal parking activities in the area.

51. A Member enquired about the parking fees at the open car park. In response, Mr. Li Ka Choi said that he did not have information on the hourly or monthly parking fees. The Chairman considered that the information might not serve much purpose as the parking fees could vary. Mr. Wai Hing Wah considered that the existence of a car park near Fat Yuen Ching Shea was a merit as it was very convenient for grave-sweepers. Since most people would only spend about 15 minutes to pay respects to their ancestors, the car park

was expected to have a very high turn-over rate and its holding capacity per hour would be much larger than normal.

52. A Member enquired whether the provision of shuttle bus service from an MTR station to and from the application site could be a solution that would be acceptable to the Police. Mr. Li Ka Choi said that the applicant had considered providing shuttle bus service to and from Tuen Mun Plaza. Mr. Kelvin Lee (HKPF) said that shuttle bus service could be considered but the pick-up/drop-off point would need to be carefully examined to avoid the crowd management problems at that point.

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

Deliberation Session

54. The Chairman said that the main issue of the subject application was traffic and crowd management. He said that in many other columbaria, the Police would close the road during the Ching Ming and Chung Yeung Festivals and encourage people to use public transport in visiting the columbaria.

55. A Member said that a columbarium would normally attract the most number of visitors during the first 10-15 years of its operation and an average of 3 visitors would be generated for each niche. As the application site would provide 9,160 niches, there was not enough capacity in the open car park to support the proposed columbarium. This Member said that the applicant had not provided information on how the traffic and crowd management problem could be resolved. Moreover, the application should not be supported as the act of illegal occupation of government land and unauthorised development without planning permission should not be encouraged.

56. Noting that the Police had no comments on the application at the section 16

stage, a Member asked whether the advice given by the Police during the section 17 review application should be considered by the Board.

57. The Secretary said that advice from the Department of Justice (DoJ) had been sought on this aspect. DoJ considered that the Board was empowered to consider any matters relevant to the review. As public comments on traffic matters had been raised at the section 16 stage of the application, it was justified for the Police to provide their views on traffic matters at the section 17 stage of the application. DoJ also noted that the applicant had provided a written response to the Police's comments. In this respect, it would be legally proper for the Board to take into account the applicant's response together with the Police's comments for the review. On whether the Board was empowered to consider the section 17 review de novo, DoJ considered that the Board would be justified to re-consider the case wholly if the entire decision was made on a fundamental mistake or ignorance of facts, misapplication or misunderstanding of law.

58. A Member considered that the traffic management and crowd management problems caused by columbaria developments during the Ching Ming and Chung Yeung Festivals were manageable. It was a pity that the issue had not been addressed by the applicant or the Police. Another Member considered that although the Auxiliary Police could be engaged to carry out crowd management duties during the Ching Ming and Chung Yeung Festivals, it might not be fair to pay them through public coffers.

59. A Member said that while the applicant had not provided a solution to the traffic and crowd management issue in the TIA, the Police had not considered the possibility of adopting traffic and crowd management measures implemented in other areas to this site. The Chairman said that should Members find the application acceptable, the traffic and crowd management issue could be addressed by imposing an approval condition subject to the satisfaction of the Police. Mr. Jimmy C.F. Leung considered that as possible means to address the traffic and crowd management problems had been suggested in the hearing, the application could be approved subject to an approval condition. Should the applicant fail to provide traffic and crowd management measures to the satisfaction of the Police, the application could be brought up to the Board.

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

60. A Member considered that the applicant had not done his best to resolve the traffic and crowd management problems raised by the Police. This view was echoed by another Member who noted that the applicant was aware of the measures suggested by the Police to address the problem, such as the provision of shuttle bus service, but the applicant did not incorporate these solutions in the TIA or make any commitment to implement the measures.

61. In view of Members' concern, the Chairman suggested deferring the consideration of the application and requiring the applicant to submit a traffic and crowd management plan for consideration of the Board. A Member said that the applicant should be requested to work together with the Police in coming up with an acceptable traffic and crowd management plan for consideration of the Board.

62. After further deliberation, the Board decided to defer the consideration of the application and to request the applicant to liaise with C of P for the submission of a traffic and crowd management plan to the Board for further consideration.

Agenda Item 7

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-SK/166

Proposed 5 Houses (New Territories Exempted Houses — Small Houses) in “Agriculture” zone, Lots 1034 S.A, 1034 S.B, 1034 S.C, 1034 S.D and 1034 RP in D.D. 106, Kam Tsin Wai, Pat Heung, Yuen Long, New Territories

(TPB Paper No. 9051)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

63. The Chairman invited Members to declare interests on this item. Mr. Jeff Y.T. Lam declared interests as one of the applicants was an ex-colleague of Lands Department. Members noted that Mr. Lam's interests were remote and indirect and agreed that he could

stay at the meeting.

64. The following representative of Planning Department (PlanD) and the applicants were invited to the meeting at this point.

Ms. Amy Cheung	District Planning Officer/Tuen Mun and Yuen Long, PlanD
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Mr. Cheng Ho Lai	- Applicant
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Mr. Cheng Ho Yi	- Applicant
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65. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited Ms. Amy Cheung to brief Members on the background of the application.

66. With the aid of a Powerpoint presentation, Ms. Amy Cheung made the following main points as detailed in the Paper:

- (a) the applicant sought planning permission to build 5 New Territories Exempted Houses (NTEHs) – Small Houses on the application site which was zoned “Agriculture” (“AGR”) on the Shek Kong Outline Zoning Plan (OZP);
- (b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 18.11.2011 and the reasons were:
 - (i) the proposed development was not in line with the planning intention of the “AGR” zone on the OZP, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification given in the submission for a departure from the planning intention;

- (ii) the application did not comply with the ‘Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories’ in that the site and the footprints of the proposed Small Houses fell wholly outside both the village ‘environs’ (‘VE’) of Kam Tsin Wai and the “Village Type Development” (“V”) zone. Village house development should be sited close to the village proper as far as possible to maintain an orderly development pattern, efficient use of land and provision of infrastructure and services. As there was no shortage of land in meeting the demand for Small House development in the “V” zone of Kam Tsin Wai, the applicants failed to demonstrate in the submission why suitable sites within the “V” zone could not be made available for the proposed development. There was no exceptional circumstance to justify approval of the application; and
 - (iii) the approval of the application would set an undesirable precedent for other similar developments to proliferate into the “AGR” zone. The cumulative effect of approving such applications would result in a degradation of the surrounding rural environment and adverse impact on the infrastructure provision of the area;
- (c) the application site was not the subject of any planning enforcement action;
- (d) the written representation submitted by the applicant in support of the review were summarized in paragraph 3 of the Paper and set out below;
- (i) the applicants were members of the same family and the proposed Small Houses were for self-occupation. They would not sell the houses;
 - (ii) they had applied for Small House development on government land within Kam Tsin Wai for many years. Due to the shortage of land,

their applications were yet to be approved;

- (iii) three applicants had either retired or would be retiring soon and they wanted to do farming after retirement. They needed the Small House to live in and to facilitate farming activities;
- (iv) they would withdraw their application for building Small Houses on government land if the planning application was approved;
- (v) the application site was no longer a piece of good quality agricultural land as the original irrigation system in that area had been damaged by the Government's drainage works and water no longer flowed through their land. Approval of the application would facilitate better utilisation of their land. Moreover, they would rent three neighbouring lots for farming activities which would help rehabilitate the fallow arable land within the "AGR" zone and achieve the planning intention;
- (vi) three planning approvals for Small House development had been granted by the Board within the same "AGR" zone, one of which (A/YL-SK/2) was adjacent to the application site. These were precedent cases and it was unfair for the Board to reject the application. The Board should give sympathetic consideration to the application;
- (vii) there was a village house built under an Old Building Licence (OBL 589 shown in Plan R-2) about 40 m away from the application site which was approved before the implementation of the Small House Policy in 1972. Moreover, at about 70m to the northeast of this village house, another village house was granted Building Licence in accordance with the Small House Policy (BL 910 shown in Plan R-2). The applicant claimed that according to the Small House Policy where indigenous villagers were entitled to build Small Houses within 300 ft (i.e. 91.5m) of an old village house, the

application site should be included into the 'VE' and should be zoned "V" and planning approval should be granted for the building of Small Houses;

- (viii) Kam Tsin Wai was a resettlement village for indigenous villagers affected by the construction of Shing Mun Reservoir in the 1930s. Except for three lots (viz. Lots 1067 s.D RP, 1252 s.A and 1252 s.B in D.D. 106), all land in the 'VE' and "V" zone was owned by outsiders and consortiums, and therefore villagers had difficulty in buying land to build Small Houses; and
- (ix) approval of the application would not result in a proliferation of the related uses as applications for Small House development had to meet the criterion of being within 300ft from the pre-1972 approved village house. That village house was the only village house under an Old Building Licence within the same "AGR" zone. According to PlanD's information, only three applications for Small House developments had been approved, showing that the granting of planning permission would not lead to a proliferation of the related use within the "AGR" zone;
- (e) departmental comments – the departmental comments were summarized in paragraph 5 of the Paper. The District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) advised that as the proposed house sites were outside both the 300 ft. 'VE' of any recognized village and the "V" zone encircling a recognized village, the Small House applications on the lots should not generally be considered. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as the site was an orchard and farming activities were active in the surrounding areas. The Chief Town Planner/Urban Design & Landscape (CTP/UD&L) had reservation on the application from the landscape planning perspective. Although the proposed development was not expected to create significant adverse impact on the landscape resources, approval of the application would

encourage more village house developments in the “AGR” zone, resulting in urban sprawl and further degradation of the landscape quality of the area. Other departments generally had no adverse comments on the application;

- (f) public comments – while the village representative of Kam Tsin Wai indicated his support to the application for the reason that the applicants would withdraw their applications for building Small Houses on government land which would benefit other villagers, a local resident objected to the application as the area lacked road infrastructure. Three public comments were received during the section 16 application stage, raising objections mainly on land use planning, compatibility, traffic, environmental, fairness and fung shui grounds; and
- (g) PlanD’s views – PlanD did not support the application based on the assessment as stated in paragraph 7 of the Paper, which were summarized below:
 - (i) the proposed development was not in line with the planning intention of the “AGR” zone. DAFC did not support the application as the site was an orchard and farming activities were still active in areas surrounding the site;
 - (ii) if the applicants had a genuine intention to rehabilitate their farmland, they could do so even without the proposed Small House developments. In fact, approval of the application would reduce the amount of agricultural land in the “AGR” zone and should thus not be considered as an incentive for agricultural rehabilitation;
 - (iii) the application did not meet the “Interim Criteria for Assessing Planning Applications for NTEH/Small House Development in the New Territories” (the ‘Interim Criteria’) as the footprint of the proposed Small Houses fell wholly outside both the ‘VE’ and the “V” zone of Kam Tsin Wai and there was no shortage of land in

meeting the demand for Small House development. Based on the advice of DLO/YL, LandsD, the outstanding Small House applications and the 10-year Small House Demand Forecast were 27 houses and 44 houses respectively and PlanD's assessment indicated that there was still about 4.91 ha of land within the "V" zone which could accommodate about 196 Small Houses;

- (iv) DLO/YL, LandsD advised that OBL 589 was granted in 1971 for the rebuilding of a village type house while BL 910 was granted in 1976 for the building of an NTEH. DLO/YL, LandsD also advised that as the current application was for Small House developments on a site that was both outside the 'VE' and the "V" zone, LandsD would not generally consider such applications;
- (v) although a similar application (A/YL-SK/2) adjacent to the application site was approved in 1995, that application was approved on sympathetic grounds before the promulgation of the Interim Criteria in 2000. No further planning approval for Small House development had been granted in the same "AGR" zone since 1995. The planning application approved in 1999 mentioned by the applicant (A/YL-SK/76) was in fact for an electricity substation development that served the surrounding village houses and not a Small House development; and
- (vi) the approval of the application would set an undesirable precedent for similar applications to proliferate into the "AGR" zone, causing degradation to the surrounding rural environment.

67. The Chairman then invited the applicant to elaborate on the application.

68. With the aid of a few plans, Mr. Cheng Ho Lai made the following main points:

- (a) besides him, the other applicants included his three brothers and his nephew;

- (b) the applicants currently owned a village house in Kam Tsin Wai of about 400ft² which was an ancestral house. As all his brothers were married with their own families, they could not be accommodated in the ancestral house. There was an urgent need for the applicants to build Small Houses for self-occupation;
- (c) the Board should have considered the planning intention of “AGR” zone in deciding the Column 1 and 2 uses. Since ‘House (NTEH only)’ was a use under Column 2 of the Notes for the “AGR” zone, the proposed use had to be in line with the planning intention of the “AGR” zone. It was unreasonable for the Board to reject the application for the reason that the proposed Small House development was not in line with the planning intention;
- (d) making reference to Plan R-1 of the TPB Paper, he said that there was previously a stream running along Kam Shui Road with several dams to hold water. However, as a result of the recent drainage works carried out by the Government, all the dams were demolished and the whole irrigation system was damaged. The land was therefore no longer suitable for agricultural purpose;
- (e) farming was a dying economic activity. According to information from the Census and Statistics Department, agricultural production only comprised less than 0.1% of Hong Kong’s Gross Domestic Product. In 2006, only 6,271 persons were engaged in agricultural production, comprising 0.3% of Hong Kong’s total workplace. As plenty of land had been zoned “AGR” on the OZP, there was simply not enough farmers to farm the land. The Board should give sympathetic consideration to the current application which would make good use of the land resources;
- (f) the subject site used to be rented out to a farmer for farming activities. However, the farmer had retired three years ago and the site was left unattended. The land could not even be used as an orchard as there was

no water for irrigation. Making reference to Plan R-4 of the TPB Paper, he said that the photo was taken after the elderly farmer had cleared the shrubs and wild grass that used to be found on the site;

- (g) agricultural rehabilitation was not possible because farmers could not live close to the farmland. Should the Board approve the application, his brothers could return to live at the site and carry out farming activities. His brothers had already entered into an agreement with owners of the adjacent farming lots to rent their land for farming activities. In this respect, approving the application would help achieve the planning intention of the “AGR” zone;
- (h) the Board should give sympathetic consideration to the application as a similar application adjacent to the subject site had been approved by the Board previously;
- (i) as the subject site was within 300ft of an existing old village house (OBL 589) that was built in 1971, before the Small House Policy was introduced by the Government in 1972, he could apply for Small House development there. Making reference to a Small House (BL910) shown on Plan R-2 which he claimed was approved by the District Lands Office in 1976 in accordance with the Small House Policy, the current application should also be approved accordingly;
- (j) making reference to a plan showing land ownership in Kam Tsin Wai, he indicated that most of the private land were already held by private developers and the amount of government land was not enough to meet the Small House demand of the indigenous villagers. The Board should help the villagers by approving the application;
- (k) the “V” zone shown on Plan R-1 was not correct as it should have followed the boundary of the ‘VE’ which should be drawn to include the area that was within 300ft from the old village house, i.e., OBL 589;

- (l) the rejection reason that the approval of the application would set an undesirable precedent was wrong as the Board had granted approval for Small House development in the “AGR” zone in 1995, it was unfair to the applicant for the Board to say that applications submitted afterwards would no longer be granted to avoid proliferation of development;
- (m) as the number of village houses built before 1972 would not be changed, approving the current application would not set an undesirable precedent for other applications;
- (n) referring to the existing uses in the vicinity of the application site as shown on Plan R-2 of the TPB Paper, approving the application would not result in an any adverse impact on the environment as there were already several Small House developments and workshops in the area;
- (o) the applicant had met with DLO/YL, LandsD who indicated that the Small House application submitted by the applicant was not a straightforward case. The comments of DLO/YL, LandsD had subsequently been softened as he only indicated that such application would not “generally” be considered;
- (p) the comments of AFCD on the application were also incorrect as only one plot of land was under active agricultural use. The other agricultural lots shown on Plan R-2 as fallow land were in fact abandoned farmland; and
- (q) the objections raised by the local people were due to a misunderstanding that the applicants were developers. Upon clarifying with the local villagers that the applicants were indigenous villagers building Small Houses for their own use, they no longer objected to the application.

69. As the applicants had no further comment to make and Members had no questions to raise, the Chairman informed them that the hearing procedures for the review had been completed and the Board would further deliberate on the application in their absence and inform them of the Board’s decision in due course. The Chairman thanked

the applicants and PlanD's representative for attending the meeting. They left the meeting at this point.

[Mr. Maurice W.M. Lee left the meeting at this point.]

Deliberation Session

70. As requested by the Chairman, Mr. Jeff Y.T. Lam explained that the two old village houses mentioned by the applicant, i.e. OBL 598 and BL 910, were in fact redevelopment of existing village houses that were implemented in the 1970s. Even if the application was approved by the Board, the Small House applications submitted by the applicant would not be considered by DLO/YL, LandsD as they did not comply with the criteria under the current Small House Policy.

71. The Chairman said that there was adequate land within the "V" zone to meet the Small House developments. Though the applicant claimed that land was not available within the "V" zone and the 'VE' as the land was sold to outsiders, the matter of land ownership was not a relevant consideration.

72. After further discussion, the Chairman concluded that Members generally considered that the application should not be supported as the proposed development was not in line with the planning intention of the "AGR" zone, the application did not meet the 'Interim Criteria' in that the application site was outside both the "V" and the 'VE', and there was adequate land within the "V" zone to meet the Small House demand forecast.

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

- (a) the proposed development was not in line with the planning intention of the "Agriculture" zone on the OZP, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other

agricultural purposes. There was no strong planning justification given in the submission for a departure from the planning intention;

- (b) the application did not comply with the 'Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories' in that the site and the footprints of the proposed Small Houses fell wholly outside both the village 'environs' ('VE') of Kam Tsin Wai and the "Village Type Development" ("V") zone. Village house development should be sited close to the village proper as far as possible to maintain an orderly development pattern, efficient use of land and provision of infrastructure and services. As there was no shortage of land in meeting the demand for Small House development in the "V" zone of Kam Tsin Wai, the applicants failed to demonstrate in the submission why suitable sites within the "V" zone could not be made available for the proposed development. There was no exceptional circumstance to justify approval of the application; and
- (c) the approval of the application would set an undesirable precedent for other similar developments to proliferate into the "AGR" zone. The cumulative effect of approving such applications would result in a degradation of the surrounding rural environment and adverse impact on the infrastructure provision of the area.

[Professor P.P. Ho and Mr. Walter K.L. Chan left the meeting at this point.]

Agenda Item 8

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-KTS/544

Proposed Six Houses (New Territories Exempted Houses – Small Houses) in "Agriculture" zone, Lots 1364 S.B (Part) and 1375 S.B in D.D. 106, Kam Sheung Road, Pat Heung, Yuen Long, New Territories

(TPB Paper No. 9050)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

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

Ms. Amy Cheung

District Planning Officer/Tuen Mun and
Yuen Long, PlanD

75. The Chairman extended a welcome and explained the procedures of the review hearing. As the applicant had decided not to attend the hearing, he indicated that the Board would proceed with the review hearing in the absence of the applicant. The Chairman then invited Ms. Amy Cheung to brief Members on the background of the application.

76. With the aid of a Powerpoint presentation, Ms. Amy Cheung made the following main points as detailed in the Paper:

- (a) the applicant sought planning permission to build 6 New Territories Exempted Houses (NTEHs) – Small Houses on the application site which was zoned “Agriculture” (“AGR”) on the Kam Tin South Outline Zoning Plan (OZP);
- (b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 23.9.2011 and the reasons were:
 - (i) the proposed development was not in line with the planning intention of the “AGR” zone on the Outline Zoning Plan, which was primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification given in the submission for a departure from

the planning intention; and

- (ii) the application did not comply with the Interim Criteria for assessing planning applications for New Territories Exempted House (NTEH)/Small House development in that the site and the proposed NTEH/Small House footprints fell entirely outside the village ‘environs’ for Yuen Kong Tsuen and the “Village Type Development” (“V”) zone. Village house development should be sited close to the village proper as far as possible to maintain an orderly development pattern, efficient use of land and provision of infrastructure and services. The applicants failed to demonstrate in the submission why suitable sites within the areas zoned “V” could not be made available for the proposed development. There was no exceptional circumstance to justify approval of the application;
- (c) the application site was not the subject of any planning enforcement action;
- (d) the written representation submitted by the applicant in support of the review were summarized in paragraph 3 of the Paper and set out below;
 - (i) the site was not good agricultural land as the site had been contaminated by toxic pollutant generated from the vehicle repairing workshop located to the east of the site. The site was surrounded by houses and other vehicle repair workshops located to the south and north of the site. The contaminated site and its surrounding developments had already departed from the planning intention;
 - (ii) the site was the only piece of land owned by the applicants. Even though it was located about 40m away from the village ‘environs’ (‘VE’), sympathetic consideration should be given as the site formed part of the village cluster, some of which were located about 100m away from the “V” zone and the ‘VE’;

- (iii) the proposed development was compatible with the surrounding developments. Only DLO/YL had reservation on the application and other government departments had no objection to the application;
 - (iv) the applicants could not identify an alternative site in any other village in Pat Heung for the proposed Small House development; and
 - (v) the proposed development was not a precedent as the site was surrounded by approved Small House developments. The proposed development would not affect the orchards and cultivated agricultural land in the vicinity;
- (e) departmental comments – the departmental comments were summarized in paragraph 5 of the Paper. The District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) had reservation on the application as the proposed Small House sites were outside the ‘VE’ of Yuen Kong Tsuen. The applicants might build their Small Houses in another recognized village within Pat Heung provided they were acceptable to the indigenous villagers of that village. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as agricultural life was still active in part of the site and in the vicinity, and the site had high potential for agricultural rehabilitation. Other departments generally had no adverse comments on the application;
- (f) public comments – two public comments were received objecting to the application. The villagers of Tin Sam Tsuen objected to the application as the proposed development would spoil the rural character and cause adverse drainage, environmental and fung shui impacts while a Yuen Long District Councillor objected to the application on the grounds that it was not in line with the planned land uses within the “AGR” zone; and
- (g) PlanD’s views – PlanD did not support the application based on the

assessment as stated in paragraph 7 of the Paper, which were summarized below:

- (i) the proposed development was not in line with the planning intention of the “AGR” zone. DAFC did not support the application as agricultural activity in part of the site and in the vicinity was still active and the site had high potential for agricultural rehabilitation;
- (ii) the application did not comply with the “Interim Criteria for Assessing Planning Applications for NTEH/Small House Development in the New Territories” (the ‘Interim Criteria’) as the footprint of the proposed Small Houses fell wholly outside both the ‘VE’ and the “V” zone of Yuen Kong Tsuen. There was no exceptional circumstances to justify approval of the application;
- (iii) as indigenous villagers of Yuen Kong Tsuen might rebuild their Small Houses in another recognised village within Pat Heung, the applicants had not demonstrated why suitable sites in other areas zoned “V” within Pat Heung could not be made available for the proposed development; and
- (iv) although similar applications were approved near the “V” zone of Tin Sam Sun Tsuen, they were mainly approved before the first promulgation of the ‘Interim Criteria’ on 24.11.2000. Other similar applications near the “V” zone of Yuen Kong Tsuen were approved because they complied with the ‘Interim Criteria’.

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

78. The Chairman noted that the written representation submitted by the applicant had not addressed the concerns of RNTPC with regard to the fact that the application was not in line with the planning intention and it did not comply with the Interim Criteria. While agreeing that the application should not be supported, a Member noted that the southern portion of the site was located amidst several village houses and might be suitable for village type housing development. The Chairman indicated that in deciding whether the site could be approved for Small House development, the Board had to consider whether it was in line with the Small House Policy, i.e. whether the site was within the “V” zone, the ‘VE’ of a recognised village, and whether the site fell outside the ‘VE’ but within the “V” zone and that the “V” zone concerned surrounded or overlapped within the ‘VE’.

79. After deliberation, the Chairman concluded that Members generally considered that the application should not be supported as the proposed development was not in line with the planning intention of the “AGR” zone and it did not comply with the ‘Interim Criteria’ in that the application site was outside both the “V” and the ‘VE’.

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

- (a) the proposed development was not in line with the planning intention of the “AGR” zone on the Outline Zoning Plan, which was primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification given in the submission for a departure from the planning intention; and
- (b) the application did not comply with the Interim Criteria for assessing planning applications for New Territories Exempted House (NTEH)/Small House development in that the site and the proposed NTEH/Small House footprints fell entirely outside the village ‘environs’ for Yuen Kong Tsuen and the “Village Type Development” (“V”) zone. Village house

development should be sited close to the village proper as far as possible to maintain an orderly development pattern, efficient use of land and provision of infrastructure and services. The applicants failed to demonstrate in the submission why suitable sites within the areas zoned “V” could not be made available for the proposed development. There was no exceptional circumstance to justify approval of the application.

Vote of Thanks

81. The Chairman said that this was the last full Board meeting of the current term (2010-2012) of the Town Planning Board. Thirteen Members would retire by the end of March 2012 and 15 Members would be re-appointed for the coming new term (2012-2014). The Chairman proposed and Members supported that a vote of thanks be given to the retiring Members, namely Mr. K.Y. Leung, Mr. Walter K.L. Chan, Mr. B.W. Chan, Ms. Maggie M.K. Chan, Mr. Raymond Y.M. Chan, Mr. Y.K. Cheng, Mr. Felix W. Fong, Ms. Anna S.Y. Kwong, Professor Paul K.S. Lam, Dr. James C.W. Lau, Dr. Winnie S.M. Tang, Ms. Pansy L.P. Yau, and Mr. Stephen M.W. Yip for their contribution to the work of the Board in the past years, and also to the Members to be re-appointed for their continuous contribution to the work of the Board in the coming two years.

82. The meeting was adjourned for lunch break at 1:20 p.m.

83. The meeting was resumed at 2:30 p.m.

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

Mr. Thomas Chow

Chairman

Mr. K.Y. Leung

Mr. B.W. Chan

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Mr. Timothy K.W. Ma

Professor Eddie C.M. Hui

Ms. Julia Lau

Dr. W.K. Lo

Mr. Roger K.H. Luk

Ms. Anita W.T. Ma

Deputy Director of Environmental Protection

Mr. Benny Y.K. Wong

Deputy Director of Lands

Mr. Jeff Lam

Director of Planning

Mr. Jimmy C.F. Leung

Kowloon District

Agenda Item 10

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/K11/204

Columbarium Use in “Government, Institution or Community” Zone, Pu Tong Ta, Chi Lin Nunnery, Diamond Hill

(TPB Papers 9054)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

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

Mr. Richard Siu	-	District Planning Officer/Kowloon (DPO/K), PlanD
Ven. Sik Wei Che]	
Ven. Sik Chuen Shing]	Applicant’s representative
Mr. M.Y. Wan]	
Ms. Mimi Tse]	

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

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

- (a) the applicant sought planning permission for columbarium use (accommodating 6,800 urn spaces) at Pu Tong Ta in Chi Lin Nunnery. Pu Tong Ta was a 3-storey building located in the north-western periphery of the Nunnery, that was partly used for urn spaces and partly used for storage. The application premises fell within an area zoned

“Government, Institution or Community” (“G/IC”) on the approved Tsz Wan Shan, Diamond Hill and San Po Kong Outline Zoning Plan (OZP) No. S/K11/25;

- (b) on 6.12.2011, the Metro Planning Committee (MPC) decided to approve the application subject to the following conditions:
 - (i) the urn spaces should be restricted to serve deceased ascetics of Chi Lin Nunnery, deceased residents of the care and attention home for the elderly (including ascetics and non-ascetics) within Chi Lin Nunnery and deceased ascetics and non-ascetics who had close relationship or connection with and provided long term support to Chi Lin Nunnery, or who made important contribution to Hong Kong (approval condition (a)); and
 - (ii) no burning of dedicated materials including incense/joss sticks would be allowed in the Nunnery at present and in future (approval condition (b));
- (c) on 5.1.2012, the applicant applied for a review of the MPC’s decision to approve the application subject to approval condition (b). The Applicant had submitted written representation in support of the review application and the major grounds were summarised in paragraph 3.1 of the Paper. The applicant proposed to amend approval condition (b) to “no burning of dedicated materials, namely, joss paper, candle, paper offering and paperworks would be allowed in the Pu Tong Ta at present and in future.”;
- (d) departmental comments - comments from relevant government departments were detailed in section 5 of the Paper. Director of Environmental Protection (DEP) had no adverse comment on the review application and suggested that approval condition (b) might be amended to “no burning of dedicated materials, namely, joss paper, candle, paper offering and paperworks in relation to the columbarium use in Pu Tong

Ta would be allowed.” The other government departments consulted maintained their previous views of having either no adverse comment or no objection to the application;

- (e) public comment - one public comment was received during the publication of the review application that objected to the application for the reason that the columbarium use at Pu Tong Ta in Chi Lin Nunnery would create adverse air problem, traffic problem and nuisance; and
- (f) PlanD’s view - the PlanD partially supported the review application based on the planning considerations and assessments set out in paragraph 7 of the Paper, which were summarised below:
 - (i) in applying for a review of approval condition (b), the applicant requested to specify what constituted dedicated materials (namely joss paper, candle, paper offering and paperworks) and considered that the restriction should only be confined within Pu Tong Ta. Taking into account the justifications provided by the applicant and the advice of DEP, it was considered that the applicant’s suggested revision to approval condition (b) to set out more clearly the specific dedicated materials to be refrained from burning could be partially supported;
 - (ii) to safeguard against burning of dedicated materials for the columbarium use outside Pu Tong Ta, it was recommended that the applicant’s suggested revision to approval condition (b) be modified to restrict the burning of dedicated materials not only “in Pu Tong Ta” but “in relation to the columbarium use in Pu Tong Ta”. In this regard, the approval condition (b) could be amended to “no burning of dedicated materials, namely, joss paper, candle, paper offering and paperworks in relation to the columbarium use in PTT would be allowed” which was agreed by DEP; and

- (iii) the subject of objection raised in the public comment was not directly relevant to the review application.

88. The Chairman then invited the applicant's representatives to elaborate on the review application. Mr. M.Y. Wan said that the applicant agreed with the revised approval condition as stated in paragraph 8.1(b) of the Paper.

89. As Members had no question to raise, the Chairman thanked DPO/K and the applicant's representatives for attending the meeting. They all left the meeting at this point.

Deliberation

90. After deliberation, the Board agreed to amend approval condition (b) of the planning permission and the application was approved on the terms of the application as submitted to the Board and subject to the following conditions:

- (a) the urn spaces should be restricted to serve deceased ascetics of Chi Lin Nunnery, deceased residents of the care and attention home for the elderly (including ascetics and non-ascetics) within Chi Lin Nunnery and deceased ascetics and non-ascetics who had close relationship or connection with and provided long term support to Chi Lin Nunnery, or who made important contribution to Hong Kong; and
- (b) no burning of dedicated materials, namely, joss paper, candle, paper offering and paperworks in relation to the columbarium use in Pu Tung Ta would be allowed.

91. The Board also agreed to advise the applicant on the following:

- (a) the approval of the application did not imply that the necessary approvals would be given by any government departments. The applicant should approach the relevant government departments direct for any necessary approvals;

- (b) to note the comments of the Secretary for Food and Health and Director of Food and Environmental Hygiene that the columbarium operation still needed to comply with other statutory requirements and lease conditions now enforced by relevant departments; and
- (c) to note comments of Commissioner of Police that measures to ensure the public safety as a result of the increase of worshippers inside the Nunnery as well as measures to facilitate the crowd management and traffic control should be implemented in consultation with relevant authorities.

Sha Tin, Tai Po and North District

Agenda Item 11

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments to the Draft Tai Po Outline Zoning Plan No. S/TP/23

(TPB Papers 9047)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

92. The following Members declared interests on the item:

Mr. Stanley Y.F. Wong - co-owned with his spouse a flat and two car parks in Tai Po

Dr. W.K. Yau - owned some properties and land in Tai Po and being a member of the Tai Po District Council Member (TPDC) and the Environment, Housing and Works Committee (EHWC) of the TPDC. The EHWC of TPDC had passed a motion to

object to the rezoning of the representation site

Dr. W.K. Lo - owned properties in Hong Lok Yuen

93. Members noted that Mr. Stanley Y.F. Wong had tendered apologies for not being able to attend the meeting and Dr. W.K. Yau had left the meeting. Members noted that Dr. W.K. Lo's property was not in the vicinity of the representation site on Ma Wo Road and agreed that Dr. Lo's interest was indirect and should be allowed to stay in the meeting.

94. Members noted that PlanD had tabled a supplementary paper for the TPB Paper No. 9047 (the Paper) requesting for deferral of the representation hearing. The Chairman said that PlanD had requested for a deferral of the hearing as they had received some new information from the Leisure and Cultural Services Department (LCSD) two days ago. The Chairman suggested that the Board consider the deferral request first and decide whether to accede to the deferral request or to proceed with the hearing of the representations and comments. To consider the deferral request, the representatives of PlanD and LCSD as well as the representers, commenters and their representatives should be invited to the meeting so that all parties could express their views about the deferral request for the Board's consideration.

Presentation and Question Session

95. The following government representatives, the representers and commenters and their representatives were invited to the meeting at this point:

Mr. W.K. Hui	District Planning Officer/Shu Tin, Tai Po and North District, PlanD (DPO/STN)
Mr. Edward Lo	Senior Town Planner/Tai Po, PlanD
Miss Shirley Y.F. Chung	Chief Executive Office (Planning), LCSD

R7 (Owners' Committee of Classical Gardens Phase I)

Mr. Au Kwai Sum	- Representer's representative
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R8 (Liu Shiu Man, Chairman of Owners' Committee of Dynasty View)

陳伯加 - Representer's representative

R10 (Lo Sou Chour)

Mr. Lo Sou Chour - Representer

R16 (Cheung Ho Yin)

Mr. Cheung Ho Yin - Representer

R27 (Tjokro Tati)

Ms. Tjokro Tati - Representer

R215 (Leung Hung Fai)

Mr. Leung Hung Fai - Representer

R217 (Wong Man Ying)

Ms. Wong Man Ying - Representer

R219 (Lee Kam Tong)

Mr. Lee Kam Tong - Representer

R236 (Mok Mo Ching)

Ms. Mok Mo Ching - Representer

R237 (Chan Kim Ying)

Ms. Chan Kim Ying - Representer

R238 (Fung Kwok Chi)

Mr. Fung Kwok Chi - Representer

R267 (Chow Sau Ki)

Mr. Chow Sau Ki - Representer

R458 (Tse Wing Ho, Charles)

Mr. Tse Wing Ho, Charles - Representer
Ms. Yip Wan Chau - Representer's representative

R475 (Yu Bo Wan)

Yu Bo Wan - Representer

R578 (Wan Wing Wing)

Mr. Wan Wing Wing - Representer

R631 (Kong Mui Kam, Maria)

Mr. To Langa - Representer's representative

R642 (Ho Chak Hang)

Mr. Ho Chak Hang - Representer

R652 (Kung Po Kit)

Kung Po Kit - Representer

R662 (To Langa)

Mr. To Langa - Representer

R663 (Chan Chun Hoi)

Mr. Chan Chun Hoi - Representer

R669 (Hong Po Man)

Mr. Hong Po Man - Representer

R670 (To Sing You)

Mr. To Langa - Representer's representative

R674 (Tong Dai Li)

Mr. Cheung Kwok Chiu - Representer's representative

R682 (Chan Kam Wing)

Chan Kam Wing - Representer

R683 (Ho Yin Ni)

Ho Yin Ni - Representer

R695 (Wong Chau Pui Yin)

Ms. Wong Chau Pui Yin - Representer

R697 (Wong Tung Wai)

Wong Tung Wai - Representer

R706 (Cheung Kwok Chiu)

Mr. Cheung Kwok Chiu - Representer

R712 (Ho Ka Fung)

Ms. Ho Ka Fung - Representer

Mr. Cheung Kwok Chiu - Representer's representative

R747 (Yeung Kwan Pui)

Yeung Kwan Pui - Representer

R778 (Fung Shui Ping)

Fung Shui Ping - Representer

R798 (Ho Wan Ming)

Mr. Ho Wan Ming - Representer

Mr. Yu Chi Wing]

Mr. Kwok Kam Wing, Martin]

Mr. Suen Yin Lau]

Mr. Lee Chu Kwan] Representer's Representative

Mr. Tang Kwai Cheung]

Lee Pak Hoi]

Tam Wing Fan]

Wong Yau Tak]
Cheung Kwok Wai]

C1 (Wong Tung Wai)

Mr. Wong Tung Wai - Commenter

C3 (Lo Sou Chour)

Mr. Lo Sou Chour - Commenter

96. The Chairman extended a welcome and explained that PlanD had received some new information from LCSD in respect of the Site. PlanD had requested for deferral of the hearing as the Administration needed more time to review the latest circumstances on recreational provision in consultation with LCSD and other relevant government departments / bureaux. The Chairman explained that the Board would first consider the request for deferral of the hearing.

97. As requested by the Chairman, Mr. W.K. Hui (DPO/STN) explained that the representations and comments were in respect of a Site in Area 6, Tai Po (the Site), that was rezoned from “Government, Institution or Community” (“G/IC”) (previously reserved for a proposed indoor recreation centre (IRC)) to “Residential (Group B)” (“R(B)”) on the draft Tai Po Outline Zoning Plan (OZP) No. S/TP/23. PlanD received some new information from the LCSD on Wednesday evening (two days before the meeting) about the provision of recreational facilities on the Site. The Administration needed more time to review the latest circumstances about the Site in consultation with the LCSD and relevant government departments / bureaux. Since the review would be essential for the Board’s consideration of the representations and comments in respect of the Site, PlanD requested for a deferral of the hearing pending the findings of the review of the new information from LCSD by the Administration. The review of LCSD’s new information would be submitted to the Board for its consideration of the representations and comments as soon as possible.

98. In response to the Chairman, a number of attendees indicated that they objected to PlanD’s request for deferral of the hearing. The Chairman then invited the attendees to explain their reasons for objecting to the deferral request.

99. Mr. Au Kwai Sum (representative of R7) said that he strongly objected to defer the hearing as they had taken leave from work and reserved the time to make a presentation to the Board and that only very short notice was given to them about the deferral request. He would lodge a complaint with the Ombudsman about the matter.

100. Ms. Tjokro Tati (R27) said that she strongly objected to defer the hearing as they had travelled a long way from Classical Gardens in Tai Po to the meeting. It was unreasonable to give such short notice to them about the deferral request (the letter about the deferral request was only received in the evening the day before).

101. Mr. Leung Hung Fai (R215) objected to the deferral request and made the following main points:

- (a) he was a resident living in Ma Wo, he understood that people in the local community, including district councillors and parents of students studying in schools in the area, objected to rezoning of the Site for residential use;
- (b) the Chinese version of the Paper was only received on Monday, four days before the meeting. The Paper was very lengthy and difficult to comprehend;
- (c) he was informed about the deferral request the day before the meeting but they had already paid for the coaches to transport the attendees to the hearing; and
- (d) the Site was planned for an IRC for more than 20 years but it was rezoned for residential use about a year ago. This change in land use would affect his property which he had spent a lot of money to purchase.

102. Ms. Wong Man Ying (R217) objected to the deferral request and said that only very short notice was given to them about the deferral request (the letter about the deferral request was received in the evening the day before). They had spent lots of time to

prepare for the presentations and taken leave from work to attend the hearing, deferral of the meeting would waste their time and efforts.

103. Mr. Lee Kam Tong (R219) strongly objected to the deferral request and queried whether the Government was only using delaying tactics to suppress their objecting views. The Owners' Committee of Classical Gardens only had limited resources but they had solicited more than 100 persons to attend the meeting. Very short notice was given to them about the deferral request (the letter about the deferral request was only received in the evening the day before). Deferral of the meeting would waste their time and the Owners' Committee's resources.

104. Ms. Mok Mo Ching (R236) objected to the deferral request. She said that she had to re-arrange her work schedule to attend the hearing and she would not be able to take leave again to attend the deferred hearing to be held on another day. She would lodge a complaint with the Ombudsman about the matter.

105. Mr. Wan Wing Wing (R578), Chairman of the Owners' Committee of Classical Gardens Phase II, strongly objected to the deferral request. Only very short notice was given to them about the deferral request. PlanD had six months since the deadline for submission of representations to prepare for the hearing and it was difficult to understand why there could still be outstanding issues that needed to be resolved at this juncture. Deferral of the hearing would waste their time and effort.

106. Mr. To Langa (R662, representative of R631 and R670) objected to the deferral request as it would deprive the attendees of their right to make a presentation. Due to work commitments of the attendees, deferral of the hearing to another day would create practical injustice as some attendees might not be able to attend the deferred hearing.

107. Mr. Chan Chun Hoi (R663) objected to the deferral request and said that government departments should have been consulted about the rezoning of the Site and it was difficult to believe that LCSD did not have knowledge about the rezoning of the Site at this juncture. They had already reserved the time to attend the hearing to express their views.

108. Mr. Hon Po Man (R669) objected to the deferral request and made the following main points:

- (a) he had re-arranged his work schedule to attend the hearing;
- (b) there was ample time (more than seven months) for preparation of the Paper. The comments of government departments, including those of LCSD, were already included in the Paper;
- (c) the receipt of new information from LCSD on Wednesday evening might involve administrative negligence and / or government departments telling lies. It was implied in the Paper that the Director of Leisure and Cultural Services (DLCS) had given up the Site for building an IRC but the information that LCSD had provided to the TPDC had indicated the contrary;
- (d) he had spent lots of time to prepare for his presentation which would include cogent arguments to convince the Board; and
- (e) the deferral request was only a means for the Administration to rectify its negligence and it was unjust. He would write to the media to make the matter known to the public.

109. Mr. Cheung Kwok Chiu (R706 and representative of R674 and R712) objected to the deferral request. He said that there was no strong reason to justify the deferral request especially that the Paper had already been circulated to the representers and commenters.

110. Ms. Wong Chau Pui Yin (R695) said that the change in land use of the Site had affected the mental and physical health of residents in Classical Gardens.

111. Mr. Wong Tung Wai (R697 and C1) said that a lot of time had been taken to prepare the Paper and it was difficult to understand why LCSD would still submit new

information to PlanD two days before the hearing. He would only consider supporting the deferral request if LCSD had changed its position to support using the Site for an IRC.

112. Mr. Ho Wan Ming (R798) said that there was insufficient justification for the deferral request as there should have been better communication between government departments. It was unreasonable to give a notice of less than 24 hours about the deferral request.

113. Mr. Lo Sou Chour (R10 and C3) said that the Board should proceed with the hearing. PlanD should have obtained all relevant information before gazetting the rezoning amendment and it was unacceptable to request for deferral of the hearing on the basis that new information was received shortly before the meeting. It was unreasonable for the notice about the deferral request to be received in the evening the day before the meeting. He had already prepared his presentation and hence objected to the deferral request.

114. Mr. Yu Chi Wing, Tai Po District Councillor (Wan Tau Tong District) (representative of R798), said that government departments had acted with negligence on this matter. The OZP was gazetted seven months ago, and all relevant government departments should have been consulted. It was unreasonable to request for deferral of the hearing at this juncture. He urged Members to continue with the hearing and allow the attendees to express their views.

115. Mr. Leung Hung Fai (R215) reiterated that he strongly objected to the deferral request. He was informed by the Board's secretariat in the morning the day before that the hearing might be deferred. If the hearing was really deferred, he would make the matter known to the media. He tried but failed to meet with the Secretary for Development about the matter, and was told that the rezoning of the Site was a matter for the Board. In this regard, the Chairman clarified that the Board was an independent statutory body with Members appointed by the Chief Executive and did not work under the DEVB.

116. Mr. Cheung Ho Yin (R16) objected to the deferral request. He said that LCSD should have carefully considered the provision of recreational facilities in the area

when making the comment that they would not build the IRC on the Site. He requested LCSD to elaborate on what new information it had furnished to the PlanD and what further review was required. He said that there might be other reasons for requesting deferral in future and that would delay the Board in making a decision on the matter.

117. The Chairman asked LCSD to clarify what was their department's latest position about the Site. Miss Shirley Y.F. Chung (CEO(Planning), LCSD) said that they had all along wanted to retain the Site for IRC or sports / recreational uses. The proposed IRC on the Site was an ex-Municipal Council project. She said that the number of existing IRCs in Tai Po met the requirement recommended in the Hong Kong Planning Standards and Guidelines (HKPSG) but the facilities provided in some existing IRCs were not up to modern standard. Hence, LCSD considered that there was a need to retain the Site for development of IRC or sports / recreational uses and would further consult the TPDC about the details of the facilities to be provided in the proposed IRC in due course.

118. In response to the Chairman, Mr. W.K. Hui (DPO/STN) said that as the new information from LCSD was only received on Wednesday evening and given the clarification provided by LCSD at the meeting, they needed some time to further review the latest circumstances with relevant government departments / bureaux.

119. Mr. Lo Sou Chour (R10 and C3) said that LCSD was right to point out that the Site should be used for building an IRC. He informed Members that the EHWC of TPDC had unanimously passed a motion to object to the rezoning of the Site for residential use and proposed to retain the Site for providing recreational facilities. The proposed IRC had been planned for more than 20 years and PlanD was irresponsible in rezoning the Site for residential use.

120. Mr. Hong Po Man (R669) referred Members to paragraph 3.1 of the Chinese version of the Paper and quoted that “康文署署長表示無計劃在該用地興建體育館”. He said that he had gathered information that had been submitted by LCSD to TPDC indicating the contrary. In the information which LCSD submitted to TPDC in September 2011, LCSD had not indicated that they would give up the Site. That was proven by the clarification provided by the representative of LCSD at the meeting. Hence, the deferral request was unjust. The Chairman said that the wording in paragraph 3.1 of

the Chinese version of the Paper meant that LCSD had “no programme” to build the IRC (as per stated in the English version of the Paper), rather than meaning that LCSD would not build the IRC.

121. As Members had no question to raise, the Chairman invited the government representatives and attendees to leave the meeting room temporarily so that the Board could deliberate on the deferral request.

[The government representatives and the representers, commenters and their representatives left the meeting at this juncture.]

Deliberation

122. Ms. Anna S.Y. Kwong declared an interest as Mr. Wong Tung Wai (R697 and C1) was her classmate. Members noted that Ms. Kwong was not in close contact with R697 and had not discussed the subject representations with him. Members agreed that Ms. Kwong’s interest was indirect and that she should be allowed to stay in the meeting.

123. The Chairman asked Members to consider the deferral request based on PlanD’s reasons for requesting deferral, LCSD’s latest position about the Site and the attendees’ reasons of objecting to the deferral request. He said that PlanD had in the past two days tried to clarify the matter. Based on the available information, there appeared to be miscommunication between PlanD and LCSD. DLCS had indicated to PlanD that there was no programme to develop the IRC on the Site, and that normally meant that the IRC would not be built in the foreseeable future. DLCS had not explicitly indicated that their department objected to rezoning of the Site although they had pointed out that there would be opposition from the local community if the Site was to be used for residential rather than IRC purpose and had asked PlanD to consult the TPDC.

124. The Chairman continued by saying that deferral of the hearing could allow time for relevant departments / bureaux to be consulted on LCSD’s latest position about the Site. Should the Board decide to proceed with the hearing, the Board could decide on the representations based on the presentations made at the hearing. Alternatively, the Board might adjourn the meeting after hearing the representations to allow relevant

government departments / bureaux to be consulted before making a decision.

125. As requested by the Chairman, the Secretary explained that in a previous judicial review (Fine Towers Associates Limited versus the Town Planning Board), the Court had ruled that if the Board had sought new information that it relied upon to make its decision, the Applicant / opponent should be given an opportunity to comment on the new information. Hence, if new information was obtained by the Board which it would rely upon to make its decision, it might be necessary to invite all attendees to the meeting for further considering the representations and comments.

126. The Chairman said that the new information in this case was LCSD's latest position that they would like to retain the Site for building an IRC or sports / recreational facilities and that new information was already made known to all attendees at the earlier discussion. Hence, it might not be necessary to invite all attendees to attend any meeting to further consider the representations and comments.

127. A Member said that LCSD's latest position to retain the Site for building the IRC or sports / recreational facilities was very clear and that provided sufficient information for the Board to continue with the hearing. As the attendees had spent a lot of effort to prepare for the presentations, it was only fair to continue with the hearing. If LCSD's latest position was so clear, after hearing the representations, the Board might consider to rezone the Site back to its previous "G/IC" zoning.

128. A Member said that the Board could continue to hear the representations but should defer making a decision so that relevant government departments / bureaux could be consulted about LCSD's latest position about the Site.

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

129. Another Member also agreed that the Board should continue with the hearing. In response to this Member's question, the Chairman said that LCSD had confirmed its department's position and other relevant government departments / bureaux should be consulted about LCSD's latest position. In response to another question from this Member, the Chairman said that the Board had to take into account LCSD's position as

expressed at the earlier discussion when considering the representations.

130. The Chairman said that due to LCSD's late confirmation of its position and that only very short notice was given to the representers and commenters about the deferral request, he also agreed with other Members that the Board should continue with the hearing and decide afterwards whether to adjourn the meeting.

131. Another Member also agreed that the Board should continue with the hearing. He said that it was unfair for the attendees to allege that PlanD had acted with negligence as LCSD only confirmed its latest position two days before the meeting. The threat of some representers to make public the matter to the media was not the concern of the Board when deciding on whether to accede to PlanD's deferral request. Two other Members agreed that the allegations against PlanD were unfounded and unfair.

132. The Chairman concluded Members' views that the Board should continue with the hearing. He said that there appeared to be miscommunication rather than any negligence on the part of the two government departments. It was also necessary to indicate to the attendees that their threats of making the matter known to the media and complaining to the Ombudsman had no bearing on the Board's decision to continue with the hearing.

[Mr. B.W. Chan, Prof. Paul K.S. Lam, Mr. Timothy K.W. Ma, Dr. W.K.Lo and Ms. Anita W.T. Ma left the meeting at this point.]

Presentation and Question Session

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

134. Members noted that the following letters and information, all opposing the rezoning of the Site for residential use, were tabled at the meeting:

- (a) information submitted by Tai Po District Councillor, Mr. Lo Sou Chour (R10 and C3) at the meeting, which included petition letters from Mr. Lo Sou Chour; letters from Law Ting Pong Secondary School dated 7.3.2012 and Yan Chai Hospital Choi Hin To Primary School dated 5.3.2012; a letter from the Ma Wo Rural Committee dated 21.3.2012; a letter from the Indigenous Inhabitant Representative of Pan Chung, Mr. Mak Siu Hung dated 23.3.2012; a letter from Legislative Councillor Hon. Ip Wai Ming dated 8.3.2012; the representation of Legislative Councillor Hon. Wong Sing Chi (R11) dated 9.9.2011; the representation of Democratic Alliance for Betterment of Hong Kong, Tai Po Branch (R12) dated 7.9.2011; the minutes of the meeting of the EHWC of TPDC held on 7.9.2011; and the powerpoint presentation of Mr. Lo Sou Chour;
- (b) information submitted by Mr. Leung Hung Fai (R215) at the meeting, which included a letter from Legislative Councillor Hon. Ip Wai Ming dated 8.3.2012; a letter from Legislative Councillor Hon. Cheng Kar Foo dated 16.3.2012; a letter from Tai Po District Councillor Mr. Yu Chi Wing dated 1.9.2011; letters from Po Leung Kuk Tin Ka Ping Primary School, Yan Chai Hospital Choi Hin To Primary School, Law Ting Pong Secondary School and Hong Kong Teachers' Association Lee Heng Kwei Secondary School;
- (c) a letter from Legislative Councillor Hon. Cheng Kar Foo dated 16.3.2012;
- (d) a letter from Legislative Councillor Hon. Leung Kwok Hung dated 12.3.2012; and
- (e) a letter from Mr. Fung Chi Kan (R598) dated 18.3.2012.

135. The government representatives and the representers, commenters and their representatives were invited to return to the meeting room at this point. The Chairman informed the attendees that the Board had considered the views expressed by the government representatives and the attendees and had decided to continue with the hearing.

He said that the Board decided to continue with the hearing because the attendees had indicated that they had taken leave from work and had spent a lot of efforts to prepare for the hearing, and he stressed that the attendees' threat of making the matter known to the media and making a complaint to the Ombudsman was not a consideration behind the Board's decision to continue with the hearing. The Chairman explained the procedures of the hearing and then invited Mr. Edward Lo to brief Members on the representations and comments.

136. With the aid of a powerpoint presentation, Mr. Edward Lo made the following main points as detailed in the Paper:

Background

- (a) on 12.8.2011, the draft Tai Po Outline Zoning Plan (OZP) No. S/TP/23 was exhibited for public inspection under section 7 of the Town Planning Ordinance (the Ordinance) to include two amendments. The relevant amendment that was subject of the representation hearing was for rezoning of a site in Area 6 (the Site) to the east of Classical Gardens II from "G/IC" to "R(B)" and stipulation of building height restriction (BHR) of 13-storey and plot ratio (PR) restriction of 3.3 for the "R(B)" zone;
- (b) the Site was currently used as a temporary car parking area. There were some medium-density and medium-rise housing estates (including various phases of Classical Gardens and Balmoral). To the east of the Site were two existing secondary schools (the Law Ting Pong Secondary School and Buddhist Hui Yuan College) and land reserved for development of a clinic and a local open space at Tat Wan Road;
- (c) during the exhibition period of the OZP and publication period of the representations, a total of 879 representations and 3 comments were received. On 3.2.2012, the Board ruled that R879 that supported the imposition of BHR of 55m in Tai Po Hui was invalid and should be treated as not having been made;

- (d) the valid representations were all related to rezoning of the Site from “G/IC” (previously reserved for a proposed IRC) to “R(B)”. The representations were submitted by members of the general public, who were mainly local residents, Owners’ Committees of housing estates in the area, political parties (one Legislative Councillor), and two Tai Po District Councillors;

Grounds of Representations / Comments

R1 to R5 (*Supporting the rezoning from “G/IC” to “R(B)”*)

- (e) the supporting representations in general supported the rezoning proposal as this would facilitate more economic activities in the area, lead to more frequent mini-bus service and higher housing price.

R6 to R878 and C1 to C3 (*Opposing to the rezoning from “G/IC” to “R(B)”*)

- (f) the main grounds of the adverse representations and comments as set out in paragraph 2.3.2 of the Paper were briefly summarized below:
- (i) provision of recreational facilities preferred - it was more beneficial for the community to have an IRC than a private residential development as there was shortage of sports / recreational facilities and open space in the area;
 - (ii) no housing need in the area – there were already many residential developments at Ma Wo Road. The Site could only provide a limited number of flats and could not solve the housing problem. There was no demand for new flats in the area and housing price would drop due to the increase in flat supply;
 - (iii) residents’ expectation for an IRC and open space - for more

than a decade, it had been the expectation of the owners of Classical Gardens to have an IRC and open space in the area as once promised by the Government. The Government should honour its promise;

- (iv) wall effect - a residential development at the Site would lead to wall effect affecting air ventilation in the area;

- (v) environmental impacts due to population increase – the proposed residential development at the Site would lead to increased population in the area, thus adversely affecting the living environment including:
 - the addition of a new residential development would overload Ma Wo Road and result in traffic congestion. There were also insufficient parking spaces in the area;

 - the proposed residential development would lead to overcrowding in the existing low-density built environment and would cause adverse ecological impacts, affecting the landscape quality/green environment in the area; and

 - the proposed residential development at the Site would create adverse visual impact;

- (vi) impacts on nearby schools – the nearby schools would be adversely affected by the proposed residential development as there would be noise and air pollution during construction; and

- (vii) need for community facilities in future – as the elderly population in Tai Po continued to increase, there was a need to reserve the Site for providing community facilities in future;

Responses to Grounds of Representations / Comments

- (g) the responses to the grounds of representations / comments as set out in paragraph 4.5 of the Paper were briefly summarised below:

Provision of Recreational Facilities in the Area, Residents' Expectation for Government to Develop an IRC and Housing Need

- (i) there were five sports centres/IRCs in Tai Po and the one at Tai Po Hui was in close proximity to the residential developments in Area 6. DLCS advised that residents could make use of the facilities in the sports centre in Tai Po Hui that was about 15-minute walking distance from residential buildings in Area 6. Moreover, LCSD was actively pursuing the development of a district sports centre on Plover Cove Road in Tai Po Area 1. This would further enhance the provision of recreational facilities in Tai Po;
- (ii) the HKPSG specified that for every 50,000 to 65,000 residents, there should be a sports centre and Tai Po New Town had a planned population of about 300,000. In this regard, DLCS had advised that five sports centres would be required in accordance with the HKPSG requirements. Hence, the provision of sports centres/IRCs in Tai Po was adequate to meet the HKPSG requirements and there was one sports centre nearby at Tai Po Hui to serve the local community in Area 6;
- (iii) the Site was considered suitable for medium-density housing development to meet the pressing societal aspiration for expediting housing land supply. There was no programme for Government, institution or community (GIC) development on the Site. The proposed medium-density residential development, at a PR of 3.3 and a BHR of 13-storey (with an estimated flat production of about 280 flats), was similar in PR

and building height to the adjacent Classical Gardens Phase II and would be compatible with the surrounding cluster of medium-density and medium-rise residential developments in the area.;

Wall Effect and Air Ventilation

- (iv) according to the findings of an air ventilation assessment (AVA) by expert evaluation (EE) for the Tai Po New Town, the major prevailing annual winds in Tai Po came from the East and North; while the summer wind came mainly from the East and South. For most of the time, Tai Po was dominated by prevailing wind coming from the east. Two downhill wind systems from the north and south helped improve the air ventilation in Tai Po. As the area surrounding the Site was generally open in the east, the prevailing winds from the east would not be obstructed. Ma Wo Road, an east-west aligned road, served as an important air path for the easterly winds. The vegetated hill slopes surrounding the area providing the backdrops for the downhill air ventilation in summer was strengthened by the prevailing summer winds. Hence, there was no major air ventilation issue in Tai Po including the area along Ma Wo Road where the Site was located;

- (v) according to the Housing, Planning and Lands Bureau Technical Circular No. 1/06 on AVA setting out the guidance for applying AVA for government projects, AVA would only be required for sites exceeding 2 hectares, over a PR of 5 and exceeding a Gross Floor Area (GFA) of 100,000m². The Site was 0.68 hectare at PR 3.3 and did not fall into the criteria under which AVA would be required. The design and disposition of the Site would be subject to the scrutiny of relevant government departments. Given the size of the Site, there would be reasonable scope to accommodate good

building design and layout disposition to avoid wall effect of buildings and enhance permeability;

Development Impacts

- (vi) adequate car parking facilities were provided within the medium-density residential development cluster in the Ma Wo area to serve their residents and visitors according to HKPSG requirements. Although the temporary car parking area at the Site would no longer be provided after the Site was developed for residential use, the Commissioner for Transport had no objection to rezoning of the Site as no traffic problem (including parking space provision) was anticipated;
- (vii) regarding the environmental impacts, Director of Environmental Protection (DEP) did not anticipate that the proposed residential development would bring about significant adverse environmental impact to the surrounding area;
- (viii) regarding the ecological/landscape impacts, the site was a formed site and was planned for development. It was previously reserved for GIC use and was currently occupied by a paved public car park. The surrounding “Green Belt” (“GB”) areas would remain intact. Therefore, no significant adverse ecological and landscape impacts were anticipated. Director of Agriculture, Fisheries and Conservation (DAFC) advised that the Site was an existing car park sandwiched between roads, residential estates and village houses. Although there were trees at the periphery of the Site, they were all common exotic or amenity species. The environmental setting of the Site and the characteristics of the locality did not constitute an ecologically important habitat to birds or other wildlife. The Chief Town Planner / Urban Design and Landscape

(CTP/UD&L) had no objection to the proposed rezoning from the landscape planning perspective; and

- (ix) for the visual aspect, the nearest residential blocks at Classical Gardens II would have a reasonable separation (at least 20m) from the proposed medium-rise housing development on the Site. The proposed residential development on the Site was not expected to have adverse visual impacts in terms of visual quality, sunlight penetration and privacy issue on nearby developments. Moreover, a stepped building height profile (from about 65 metres above principal datum (mPD) to 54mPD descending along Ma Wo Road) would be maintained to ensure that a compatible built form would be achieved at the residential cluster along Ma Wo Road;

Other Concerns

- (x) school and residential development were not incompatible uses. The construction impact would be temporary in nature and could be mitigated by good site practice. Noisy construction works and the use of powered mechanical equipment in populated areas were subject to statutory control under the Noise Control Ordinance (Cap. 400). DEP did not anticipate that the proposed residential development would bring about significant adverse environmental impact to the schools nearby;
- (xi) Area 6 had been planned to accommodate a population of about 37,000 upon full development. The existing population was about 35,000 and had not reached the planned capacity. The increase in population due to the proposed residential development, estimated to be less than 1,000, would not create adverse infrastructure implications in the area. The existing and planned provision of recreational, community and

supporting facilities in the Tai Po District was adequate to meet the needs of the existing and planned population;

- (xii) housing price was determined by the market and was affected by many factors. There was no strong evidence that the proposed housing development would necessarily create a significant impact on the housing price; and
- (xiii) regarding the concern on public consultation, the statutory and administrative procedures in consulting the public on the proposed zoning amendments had been duly followed. The exhibition of OZP for public inspection and the provisions for submission of representations and comments on representations form part of the statutory public consultation process under the Ordinance.

Proposals from Representers and Commenters and Responses

- (h) the proposals put forth by the representers and commenters as set out in paragraphs 2.3.3 and 2.3.4 of the Paper; and the responses to the proposals as set out in paragraphs 4.6 to 4.8 of the Paper were briefly summarised below:
 - (i) the representers and commenters' proposals were generally to keep the "G/IC" zone for early implementation of the proposed IRC. PlanD's response was that the provision of recreational facilities including IRCs / sports centre on other sites in Tai Po would be adequate to meet the needs of the existing and planned population;
 - (ii) regarding R10's proposal to preserve the neighbourhood open space in Area 6, it should be noted that the rezoning of the Site to "R(B)" would not affect the planned local open space project at Tat Wan Road being implemented by LCSD; and

- (iii) regarding R697's proposal that if the Site was to be used for residential development, it should be zoned as "R(B)1" with BHR of 8-storey. The response was that the proposed development intensity at a PR of 3.3 and a BHR of 13-storey (excluding basement) were considered more appropriate as they would optimize the development potential of the Site and the resulting building intensity was considered compatible with that of the adjacent developments. A stepped building height profile for the medium-density and medium-rise residential cluster along the Ma Wo Road area would be maintained;

PlanD's Views

- (i) based on the planning assessment and considerations set out paragraph 4 of the Paper, PlanD's views were to note the support of R1 to R5 and not to uphold R6 to R878.

137. In response to the Chairman, Miss Shirley Y.F. Chung made the following main points:

- (a) LCSD would like to retain the Site for IRC or sports / recreational uses and the proposed IRC was an ex-Municipal Council project;
- (b) what LCSD had indicated was that currently there was no programme to build the proposed IRC on the Site. LCSD would further consult the TPDC before deciding on the implementation programme for the IRC. LCSD was currently carrying out another local open space project at Tat Wan Road;
- (c) the provision of IRCs in Tai Po met the requirement recommended in the HKPSG in terms of numbers but facilities provided in three of the existing IRCs, namely, Fu Heng Sports Centre, Fu Shin Sports Centre and Tai Wo Sports Centre, were not up to modern standards. Hence,

there were inadequacies in terms of the type of facilities provided in the area and the Site should be retained for development of IRC or sports / recreational facilities; and

- (d) the district sports centre planned in Tai Po Area 1 was an independent project being actively planned by LCSD.

138. The Chairman then invited the representers and commenters and their representatives to elaborate on their representations and comments. The Chairman asked the attendees to be concise with their presentations in the light that LCSD's latest position about the Site had already been clearly stated.

R7 – Owners' Committee of Classical Gardens Phase I

(Mr. Au Kwai Sum – representer's representative)

139. Mr. Au Kwai Sum, Chairman of the Owners' Committee of Classical Gardens Phase I, made the following main points:

- (a) many residents had all along known that the Site would be used for building an IRC when they purchased their flats in Classical Gardens. Between 2001 and 2004, residents were consulted on the facilities to be provided in the proposed IRC on the Site. Hence, they were disgruntled about the Board's decision to rezone the Site for residential use. They felt being cheated and if they had known that the Site was to be for obnoxious uses (e.g. funeral parlour) or public housing, they would not have spent so much money to buy flats in Classical Gardens;
- (b) he lived in Classical Gardens Phase I, which would only be indirectly affected by the rezoning of the Site. However, he had concerns for residents in Phase II which was abutting the Site. It was likely that all air-conditioning outlets and other drainage pipes of the future development would be designed to face onto the flats in Classical Gardens Phase II; and

- (c) he objected to rezoning the Site to residential use.

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

R16 – Cheung Ho Yin

(Mr. Cheung Ho Yin)

140. Mr. Cheung Ho Yin made the following main points:

- (a) he did not agree with paragraph 3.1 of the Paper which indicated that there was no programme to develop the IRC on the Site. According to papers submitted by LCSD to the TPDC, the feasibility study for the project was completed in 2003; the Home Affairs Bureau (HAB) had issued the Project Definition Statement (PDS) for the project in April 2009; the technical feasibility study was completed in August 2009; and the design was being undertaken by the Administration. Hence, works for the IRC had progressed to design stage and LCSD only lacked the fund to build the IRC;
- (b) he did not agree that there was no need for the IRC. The proposed IRC would accommodate two basketball courts and two volleyball courts. There was currently no outdoor volley ball court in Tai Po, whereas there were 12 numbers in the North District and 7 numbers in Sha Tin. Whilst there were a number of basketball courts in Tai Po, there was no basketball court in the area south of the railway line (i.e. Tai Po south area) covering the Classical Gardens and Uptown Plaza areas;
- (c) the closest sports centre was the sports centre in the Tai Po Complex at Tai Po Hui, which was about one-hour walking distance from the place where he lived. An IRC was needed on the Site to serve the residents living in Tai Po south area;
- (d) the proposed district sports centre in Area 1 would provide facilities such as swimming pool and soccer pitches and not the basketball courts and

volleyball courts that would be provided in the IRC proposed on the Site;
and

- (e) it was only indicated in the Paper that there was no major air ventilation issue in the area along Ma Wo Road where the Site was located. However, there was no assessment about the air ventilation impacts of the proposed residential development on the Site on Classical Gardens.

R27 – Tjokro Tati

(Ms. Tjokro Tati)

141. Ms. Tjokro Tati made the following main points:

- (a) she lived in Classical Gardens. She was angry that the Government had broken its promise to use the Site for an IRC and proposed to change it for residential use;
- (b) there was no recreational facility in her son's school, Law Ting Pong Secondary School. Her son and other students in that school had to travel by coaches to sports centres in Tai Wo, Fo Tan and Sha Tin for compulsory extra-curricular activities. The students were put at risks when they travelled back to their home or the schools on their own;
- (c) the more than 1,000 students, teachers and residents in the surrounding housing estates needed a sports centre to be built on the Site rather than another luxurious housing development. They had waited for more than a decade for the IRC to be built;
- (d) it was not correct to say that the existing and planned provision of sports centre, open space and community facilities in Tai Po was adequate as there were long booking time, queuing time and high usage rate for these existing facilities; and
- (e) she urged the Board to re-consider the residential use of the Site and to

make a right decision for the students, teachers and residents. The Board should be concerned about the needs of the existing students and residents rather than those less than 1,000 residents who would move into the proposed housing development in future.

R215 – Leung Hung Fai

(Mr. Leung Hung Fai)

142. With the aid of a powerpoint presentation, Mr. Leung Hung Fai made the following main points:

- (a) he had lived in Classical Gardens for almost 10 years;
- (b) he had liaised with district councillors, members of rural committee and Heung Yee Kuk, local residents and schools and they all opposed the rezoning of the Site for residential use. Letters from the schools opposing the rezoning had been submitted for Members' information. The EHWC of TPDC had also passed a motion to unanimously oppose the rezoning of the Site;
- (c) the Government should not change the use of the Site from IRC to residential use and urged the Board to make a just decision for them;
- (d) recreational facilities in Tai Po were inadequate and sub-standard;
- (e) it was indicated in the Paper that the sports centre in Tai Po Hui was within 15-minute walking distance from the residential buildings in Area 6. However, the sports centre would be too far for those living in areas further south (such as Lai Chi Shan) to use;
- (f) local residents used to exercise along Tai Po River, however the road widening project had reduced the amount of green space and had involved felling lots of trees along the river bank. That area had also become very polluted. In such circumstances, the Government should

not further take away the proposed IRC on the Site; and

- (g) he concurred with LCSD that the Site should be used for providing sports and recreational facilities for the local residents. If the Site was changed to residential use, it would affect the well-being of residents and the health of the younger generation. He urged the Board to make the right decision for the 50,000 to 60,000 people living in Area 6.

R219 – Lee Kam Tong

(Mr. Lee Kam Tong)

143. Mr. Lee Kam Tong made the following main points:

- (a) he had lived in Classical Gardens Phase II since 1997 and he had been the Chairman / Vice-chairman of the Owners' Committee;
- (b) when he purchased his flat in Classical Gardens Phase II, the Site was shown to be reserved for an IRC in the sales brochure. In the past 15 years, the Owners' Committee had been informed by the Government that the Site would be used for building an IRC;
- (c) in early 2011, Mr. Lo Sou Chour advised him that the TPDC had been informed that the IRC would be upgraded to a Category A project and would be built in the near future. However, Mr. Lo Sou Chour informed them a few months later that the Government had decided to change the use of the Site from IRC to residential. The residents felt being cheated by the Government;
- (d) there was strong demand for sports and recreational facilities as there were many people living in the area, that included those living in Classical Gardens Phases I to IV (1,400 flats), Balmoral (79 flats), Ma Wo and Lai Chi Shan;
- (e) the road serving Classical Gardens was very narrow and there was no

scope for further widening to cater for increased population;

- (f) Balmoral was already affected by the Tolo Highway widening project to its south and the Classical Gardens Phase II would be affected by the proposed residential development on the Site to its immediate east. He doubted why the Government had to change the IRC use on the Site, that had been planned for more than 15 years, and to inflict so much hardship on the local residents; and
- (g) he said that rezoning of the Site was without justification and was a mistake of the Government. The attendees only wanted a pleasant living environment and he urged Members to empathize with them and make a right decision.

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

R236 – Mok Mo Ching

(Ms. Mok Mo Ching)

144. With the aid of a powerpoint presentation, Ms. Mok Mo Ching made the following main points:

- (a) she objected to changing the Site from an IRC to residential use;
- (b) building an IRC on the Site was more beneficial to the local community as exercise was good for health. It was indicated in the Paper that there were five IRCs / sports centres in Tai Po. However, it should be noted that those facilities were all located to the north of the railway line. There was no IRC / sports centre serving residents in areas to the south of the railway line;
- (c) if the Government decided not to build the IRC, it would be acting contrary to the Government policy to encourage people to exercise more and to develop a healthy city. Tai Po's population age profile was

similar to the territorial pattern, hence it was unfair for other districts to have good quality sports and recreational facilities whereas residents of Tai Po were deprived of such facilities and the right to exercise;

- (d) paragraph 4.5 (a) stated that DLCS advised that the sports centre in Tai Po Hui was about 15-minute walking distance from the residential buildings in Area 6. However, it would take at least 20 minutes to walk from Classical Gardens to the said sports centre. Access to the said sports centre would be more inconvenient for residents living further south;
- (e) according to a study conducted by the Hong Kong Polytechnic University and other international studies, people would choose facilities at convenient locations for exercise. The Study findings indicated that the youth, adult and elderly all relied heavily on LCSD / government facilities to exercise. The Sports Federation & Olympic Committee of Hong Kong, China had previously indicated that the lack of sports facilities was the reason why Hong Kong people did not have an exercise culture;
- (f) the local community really needed the sports and recreational facilities. Building an IRC on the Site would benefit students in the five schools located in the immediate surroundings (namely, Law Ting Pong Secondary School, Hong Kong Teachers' Association Lee Heng Kwei Secondary School, Po Leung Kuk Tin Ka Ping Primary School, Yan Chai Hospital Choi Hin To Primary School and Buddhist Hui Yuan College). Those schools have indicated that there was a serious shortage of sports and recreational facilities in Area 6 and students had to be transported by vehicles to far away sports ground to exercise; and
- (g) she urged the Board to care for the younger generation and make a right decision.

R578 – Wan Wing Wing

(Mr. Wan Wing Wing)

145. With the aid of a powerpoint presentation, Mr. Wan Wing Wing made the following main points:

- (a) he objected to changing the land use of the Site from IRC to residential use;
- (b) it was indicated in the Paper that the five existing sports centres in Tai Po New Town (that had a population of about 300,000) were adequate to meet the HKPSG standard. However, other representers had pointed out that the IRCs / sports centres in Tai Po were not evenly distributed and were not located in the Tai Po south area;
- (c) it was estimated that there were around 1,000 village houses in the vicinity of Area 6, covering the Lai Chi Shan, San Uk Ka, Shan Tong New Village, Wun Yiu and Ma Wo area. According to PlanD's data, the population in Area 6 was 37,000 and if the population in those village houses were taken into account, there was a total population of about 61,000 persons living in the Tai Po south area. Hence, there would be sufficient population to justify building a sports centre;
- (d) it was indicated in the Paper that DLCS had indicated that there was no programme to develop the IRC on the Site. However, that was not a justification to change the Site for residential use as there might be other more appropriate uses. Furthermore, residents had met with LCSD and were informed that LCSD had not given up the Site for building an IRC. The Paper should not have misrepresented the views of LCSD;
- (e) the closest sports centre in Tai Po Complex at Tai Po Hui was already over capacity and the facilities were often fully booked. The situation would be worsened when the public rental housing under construction in the vicinity became occupied in future;

- (f) according to the findings of the AVA prepared by PlanD, it was indicated that there was no major air ventilation issue in Tai Po. However, Ma Wo was a valley surrounded by mountains on three sides and the Site was located at the entrant point for easterly wind flowing into the Classical Gardens area. If a high-rise development was built on the Site, it would block this wind corridor;
- (g) downhill wind would carry the pollutants from the heavily trafficked Tolo Highway to the Classical Gardens area. The Highway was being widened to eight-lanes and that would worsen the pollution level. If a high-rise development was to be built on the Site, it would block the dispersion of these pollutants causing negative impacts on residents' health;
- (h) it was indicated in the Paper that the Site was suitable for residential development to meet the pressing societal aspiration for housing. However, if luxurious flats were to be built on the Site, it would not help to meet the housing demand. The Site would also not be the right location for building 'size-limited' flats;
- (i) it was indicated in the Paper that the statutory and administrative procedures for consulting the public on the zoning amendments had been duly followed. However, it was obvious that there were lots of objection to the rezoning of the Site for residential use. Out of the 878 valid representations received, other than 5 numbers, all of them objected to rezoning of the Site. Signatures were collected from 53% of the flat owners in Classical Gardens who all objected to the rezoning of the Site for residential use. All the schools in the area also objected to rezoning of the Site. The EHWC of TPDC unanimously passed a motion to object the rezoning and proposed retention of the Site for sports centre or recreational uses; and
- (j) he urged Members to support their opposition against rezoning of the

Site.

R631 – Kong Mui Kam, Maria

R662 – To Langa

R670 – To Sing You

(Mr. To Langa – representer and representers' representatives)

146. Mr. To Langa made the following main points:

- (a) paragraph 3.1 of the Paper indicated that LCSD had no programme to develop the IRC on the Site. It was incorrect to interpret it as meaning the IRC was not required;
- (b) the assessments prepared, including the AVA by expert evaluation and transport assessments, were not comprehensive. Those assessments concluded that the proposed residential development would have no adverse impact on the wider district. However, it had not given a balanced consideration of the adverse impacts on the local community, for example, the impacts of downhill wind bringing pollutants from the Tolo Highway to Classical Gardens as pointed out earlier by other representers;
- (c) paragraph 6.2(b) of the Paper indicated that rezoning of the Site was mainly for meeting the pressing housing need. However, this was a general statement which could be applicable to any site in other places. Furthermore, the Site which was proposed for a medium-rise development at a PR of 3.3 would be for large flats with high prices. Such kind of flats would not be able to meet the imminent housing needs of first-time buyers;
- (d) the sports centre at Tai Po Hui was about one kilometre from Classical Gardens, that was very far away and would require the equivalence of walking from Yau Ma Tei to Prince Edward or walking 10,000 steps; and

- (e) he urged Members to make a right decision according to their conscience.

R642 – Ho Chak Hang

(Mr. Ho Chak Hang)

147. Mr. Ho Chak Hang made the following main points:

- (a) in PlanD's presentation, it was indicated that all government departments supported using the Site for housing. However, this was clearly contrary to the views expressed by the representative of LCSD who indicated that their department wanted to retain the Site for building an IRC;
- (b) he doubted whether there were other government departments who also objected to using the Site for residential purpose; and
- (c) he requested Members to consider the matter having regard to the accuracy of the information provided in the Paper and to make a fair decision.

R663 – Chan Chun Hoi

(Mr. Chan Chun Hoi)

148. Mr. Chan Chun Hoi made the following main points:

- (a) it was indicated in the Paper that there would be no air ventilation issue in Tai Po including the area along Ma Wo Road. However, if a housing development was built on the Site, it would inevitably affect air ventilation for some flats in Classical Gardens;
- (b) if a housing development was built on the Site, there would be no wind reaching the children's playground in Classical Gardens;
- (c) the residents had waited many years for the IRC. The representative of

LCSD had indicated at the meeting that they had a plan to build the IRC. It was doubted why PlanD had indicated in the Paper that LCSD had no plan to build the IRC;

- (d) there was no sports centre in Area 6. The facilities in the closest sports centre at Tai Po Hui were often fully booked and the situation would be worsened when the public rental housing under construction became occupied. It was unreasonable to expect residents to travel to those sports centres that were too far away, including those at Tai Wo and Fu Heng Estate. The Government should not just stick to the numbers and claim that the total number of IRCs / sports centres met the standard, as the existing IRCs / sports centres were unevenly distributed in Tai Po; and
- (e) he objected to using the Site for residential purpose.

R674 – Tong Dai Li

R706 – Cheung Kwok Chiu

R712 – Ho Ka Fung

(Mr. Cheung Kwok Chiu – presenter and presenters' representative)

149. Mr. Cheung Kwok Chiu made the following main points:

- (a) it was indicated in paragraph 4.5 (k) of the Paper that Area 6 had been planned to accommodate a population of about 37,000 upon full development and the existing population was only about 35,000 (i.e. still having a residual population capacity of about 2,000). Hence, it was considered that the increase of population of about 1,000 in the proposed residential development would not create adverse infrastructure implications. It was obvious that there were other housing sites in Area 6 reserved to accommodate the residual population capacity of about 2,000, he doubted why it was necessary to change the land use of the Site;

- (b) PlanD requested to defer the hearing in the last minute due to the receipt of new information from LCSD. This showed that PlanD did not have a thorough planning for changing the Site for residential use. Residents should not be asked to sacrifice the IRC which was planned for them purely because of a mistake that the Government had made;
- (c) the Paper briefly indicated that changing the Site for residential use would not create traffic, air and noise pollution and privacy problems. This was unacceptable as it was obvious that additional housing and population would create adverse development impacts; and
- (d) the residents of Classical Gardens were only requesting that the quality of their existing living environment be preserved. The Government should come up with a win-win proposal.

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

R669 – Hong Po Man

(Mr. Hong Po Man)

150. Mr. Hong Po Man made the following main points:

- (a) he clarified that when he had said earlier that he would make known the matter to the media, he only meant to pinpoint the government department and not the Board;
- (b) it was understandable that PlanD was following a policy direction to identify more housing sites, which had led to rezoning of the Site without proper consultation with the LCSD;
- (c) the public opinion obviously opposed rezoning the Site for residential use. 99.43% (873 numbers) of the valid representations (878 numbers) opposed the rezoning. In addition, the EHWC of TPDC unanimously opposed the rezoning. However, PlanD did not respect these opposing

views;

- (d) the clarifications provided by the representative of LCSD at the meeting and the views of LCSD as stated in the Paper were contradictory. He said that LCSD had previously submitted information to TPDC about the IRC in Area 6 which indicated the details of the facilities to be provided (i.e. project number 094LS). LCSD had continuous consultation with TPDC and liaison with Architectural Services Department and HAB about the IRC development. LCSD also submitted the IRC proposal for TPDC's review on 9.9.2011;
- (e) it was indicated in paragraph 4.5 of the Paper that the sports centre in Tai Po Hui was about 15-minute walking distance from the residential buildings in Area 6. It was also indicated that LCSD was actively pursuing the development of a district sports centre in Area 1, which would ultimately further enhance the provision of recreational facilities in Tai Po. However, the residential developments in Area 1 were only within 15-minute walking distance from the Tai Po IRC and 16-minute walking distance from the Tai Wo IRC. Since there were already two IRCs within walking distance from residential developments in Area 1, he doubted why LCSD should build another district sports centre there. On the contrary, there was only one IRC within 15-minute walking distance from Area 6. If only one additional sports centre was to be built, LCSD should give priority to building the IRC in Area 6 (an ex-Municipal Council project) rather than building the sports centre in Area 1;
- (f) there were private recreational facilities in Classical Gardens, and residents might not be totally reliant on LCSD's facilities. However, building an IRC on the Site would benefit the residents in the surrounding public housing estates and village houses who did not have direct access to private sports and recreational facilities;
- (g) if the Government changed the use of the Site for residential purpose,

the Government would be breaking its promise, the interests of flat owners would be affected and it would deprive the surrounding residents (especially the lower income group) of sports and recreational facilities;

- (h) if the Government needed a housing site, the site reserved for the proposed district sports centre in Area 1 was more suitable. That site was much larger, could be built to higher development intensity and there was no building in its immediate surroundings. That site could be used to build smaller flats that would better meet the housing demand;
- (i) the Government had indicated in the 2011 Policy Address that there were new ways to supply land for development, that was, including the use of caverns;
- (j) it was indicated in the Paper that the prevailing wind in Tai Po was from the east. The Site was located immediately to the east of Classical Gardens Phase II, and the proposed housing development would block easterly wind flowing to the area. It was indicated in the Paper that Ma Wo Road was an important wind corridor but, however, it was pointed out that the so-called wind corridor was only a 2-lane road;
- (k) it was indicated in the Paper that the Commissioner for Transport had no objection to the rezoning proposal as no traffic problem (including car parking spaces provision) was anticipated. Whilst parking spaces would be / had been provided within each housing estates, it should be noted that the transport capacity in Tai Po Hui area was already reaching full capacity during peak hours and having another new housing development would worsen the current situation;
- (l) it was indicated in the Paper that the Director of Environmental Protection did not anticipate significant adverse environmental impact. However, it was unclear whether it meant that there was no environmental impact or there would be some adverse environmental impacts;

- (m) DAFC indicated that the Site was not an ecologically important habitat; he had doubts about DAFC's response;
- (n) it was indicated in the Paper that the CTP/UD&L did not object to the rezoning of the Site. The UD&L section was under the PlanD, hence they would take the same line as PlanD. The comment that it was not expected to have adverse impacts in terms of visual quality and sunlight penetration could not be comprehended as additional buildings would inevitably create some adverse impacts in those two aspects;
- (o) PlanD had not pointed out that the utilisation rate of sports facilities in the vicinity of Area 6 was very high; and
- (p) if the Site was to be retained for building an IRC, it would benefit the residents (especially the lower-income group) in the locality and the Government would be keeping its promise which would be supported by the local residents. On the other hand, if the Site was to be used for residential purpose, it would benefit very few people and many residents would be adversely affected and the Government would lose its trust from the local residents.

R695 – Wong Chau Pui Yin

(Ms. Wong Chau Pui Yin)

151. Ms. Wong Chau Pui Yin made the following main points:

- (a) the proposed residential development on the Site would create a lot of adverse impacts, including air ventilation, noise and waste generation; and
- (b) she doubted that the future developer of the residential development would really design buildings with stepped building height and building gaps.

R697 and C1 – Wong Tung Wai

(Mr. Wong Tung Wai)

152. Mr. Wong Tung Wai made the following main points:

- (a) he said that residents used to exercise along the Tai Po River but a large area along the river bank had been taken up by the Tolo Highway widening project. The size of the local open space project at Tat Wan Road was not as big as the river bank area that had been taken up by the Tolo Highway widening project;
- (b) he could not understand why the Government would say that there was no need to build the IRC on the Site. In fact, the “G/IC” site adjacent to the Site, that was designated for clinic use, should also be changed for sports and recreational uses;
- (c) the existing and planned IRCs / sports centres in Tai Po were all far from the Tai Po south area and could not cater for their sports and recreational needs. On the other hand, the Site was in a central location in the Tai Po south area;
- (d) it was indicated in the Paper that a stepped building height profile was possible even though the Site and the “R(B)” zone on which Classical Gardens Phase II was located were subject to the same BHR of 13-storey. The basis for this argument was that there was an 8m-level difference between the Site and the site formation level of Classical Gardens Phase II. However, he pointed out that there was no control on the maximum floor-to-floor height of residential developments. Hence, if the proposed residential development was to be built at a floor-to-floor height of 10ft (same as Balmoral) rather than 8ft (as per in Classical Gardens), then the building height of the proposed residential development on the Site would be the same as Classical Gardens Phase II and there would not be stepped building height;

- (e) the Site was subject to a PR of 3.3 and BHR of 13-storey, these development parameters were more intensive than Balmoral in the same area, that was only subject to a PR of 1.8 and BHR of 8-storey; and
- (f) the Government was contradicting itself when it indicated in the Paper that given the size of the Site, there would be reasonable scope for the future developer to accommodate good building design and layout to avoid wall effect of buildings and enhance permeability. On the other hand, it indicated in the Paper that there was no need to carry out AVA for the Site. Given the elongated shape of the Site and the high PR of 3.3, he doubted that a residential development with no wall effect could be designed and built.

R798 – Ho Wan Ming

(Mr. Ho Wan Ming)

153. With the aid of a powerpoint presentation, Mr. Ho Wan Ming made the following main points:

- (a) it was unfair that the Paper was only distributed to the representers a few days before the hearing, when PlanD had seven months to prepare for the Paper;
- (b) he was shocked when he read the views of DLCS as recorded in the Paper. On 21.3.2012, he had a meeting with LCSD and LCSD indicated the following:
 - (i) that LCSD had never indicated that they would give up the Site and the proposed IRC was all along being put under the list of projects under review;
 - (ii) the Site was suitable for building an IRC;
 - (iii) the planning for recreational facilities was long term, and should not be affected by short-term changes in population level or

- housing need;
 - (iv) the planned IRC on the Site in Area 6 and the district sports centre planned in Area 1 were two independent projects; and
 - (v) LCSD had not seen the Paper and how LCSD's views were presented in the Paper;
- (c) he had serious concern that the Paper had misrepresented the above views of LCSD;

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

- (d) it was pointed out that according to the 2006 Census data, Tai Po had a population of about 290,000. This population figure was different from that stated in the Explanatory Statement of the OZP (i.e. about 256,000);
- (e) he had lived in Tai Po for more than 20 years and was very familiar with the sports and recreational facilities and their distribution. Whilst there were IRCs / sports centres and parks serving residents living in the area north of the railway line, there was no park and no IRC in the Tai Po south area. The recreational space formerly along the Tai Po River was taken away by the Tolo Highway widening project. The closest recreation centre at Tai Po Hui was very crowded. Hence, there was a genuine need for the IRC on the Site and the local open space project at Tat Wan Road;
- (f) the need to rezone the Site for residential purpose stamped from the housing policy to identify and release more housing sites to the market. However, he said that the rise in property prices was due to an abundance of funds from investors and not due to shortage of housing land;
- (g) on visual impacts, the proposed residential development on the Site was immediately abutting Classical Gardens Phase II and would block its views. On air ventilation impacts, wind from the east would be blocked if a housing development was built on the Site and the air quality in

Classical Gardens would be adversely affected; and

- (h) in conclusion, it was necessary to provide sufficient sports and recreational facilities to encourage residents to exercise more. It was very ineffective and shameful for the Government to have planned for the IRC on the Site for 20 years but it still had not been built. The Government should keep its promise to build an IRC on the Site. He urged the Board to be fair and just when making a decision on the representations.

R10 and C3 – Lo Sou Chour

(Mr. Lo Sou Chour)

154. With the aid of a powerpoint presentation, Mr. Lo Sou Chour made the following main points:

- (a) the about 80,000 residents in Tai Po south-east area (including Tai Po Hui, San Fu, Wan Tau Tong and Wong Yi Au districts) all objected to rezoning the Site from “G/IC” to “R(B)” zone;
- (b) the IRC proposed on the Site was an ex-Municipal Council project. For the past ten years, the Government had informed residents and the TPDC that there was no implementation programme but the project was under planning;
- (c) the closest sports centre was within the Tai Po Complex at Tai Po Hui. The site where the Tai Po Complex was located, was previously a 7-person soccer pitch, children’s playground and two basketball courts. However, with the building of the Tai Po Complex, the residents had lost this space for sports and recreation. In addition, the rental fees for venues within the Tai Po Complex were very high and the facilities were often fully booked;
- (d) he gave an account of the background about the planning of sports and

recreational facilities in Area 6 as follows:

- Sept 2002 – the HAB confirmed the development of open space and recreational facilities in Area 6;
- March 2003 – the feasibility study was completed but the project was put on hold due to the lack of public funds at that time;
- March 2007 – the local open space project at Tat Wan Road was listed as a priority project;
- 2008 – the District Facilities Management Committee of TPDC agreed to take forward the recreational facilities project in Area 6;
- 2010 – the Architectural Services Department had commissioned a consultancy to design the local open space project in Tat Wan Road (Project No. 094LS), which would include amongst others, a multi-purpose main court for two basketball courts/ two volleyball courts/8 badminton courts/8 table tennis tables;
- 22.7.2011 – the PlanD submitted the proposed amendment to the OZP to rezone the Site from “G/IC” to “R(B)” to the Rural and New Town Planning Committee (RNTPC) for consideration and agreement;
- 12.8.2011 – the Board gazetted the amendments to the OZP involving the Site; and
- 7.9.2011 – the PlanD consulted the EHWC of TPDC about the amendments to the OZP. The EHWC of TPDC unanimously passed a motion that the Committee opposed the PlanD to rezone a site to the east of Classical Gardens II in Area 6 from “G/IC” to “R(B)” zone on the OZP, and the Site should be retained for providing recreational facilities;

(e) in view of the above background, PlanD should be well aware that the LCSD and TPDC had been conducting studies and design for the local open space project in Area 6. PlanD should respect the views of the TPDC;

(f) it was indicated in the Paper that there were five IRCs / sports centres in Tai Po and that was adequate according to standards. His response was

that those IRCs were all located in the northern and western part of Tai Po and not the Tai Po south-east area. There was no basketball court in the Tai Po south-east area. Furthermore, four of the IRCs (Fu Heng Sports Centre, Fu Shin Sports Centre, Tai Po IRC and Tai Wo IRC) were built 15 to more than 20 years ago and facilities were not up to modern standard. The facilities in the sports centre in the Tai Po Complex in Tai Po Hui were often fully booked and the rental fees were high;

- (g) it was not true that there was insufficient housing. He quoted Balmoral which had 79 flats, but only seven flats were being occupied. According to the Paper, there would only be 280 flats in the proposed residential development on the Site and those luxurious flats might not meet the real housing needs;
- (h) he raised doubts about the assertion in the Paper that there would be a building gap of 20m between Classical Gardens Phase II and the proposed residential development on the Site;
- (i) in terms of air ventilation, Classical Gardens was located within a valley and surrounded by hills on three sides. The only ventilation gap was in the eastern side, where the Site was located. If a residential development was built on the Site, it would block the wind corridor for the area. The Classical Gardens was already suffering from air pollutants from Tolo Highway. If the eastern side was also blocked by the proposed residential development on the Site, the pollutants would be blocked and could not be dispersed; and
- (j) the Government should plan for the people. Planning in the community was long-term, and the Government should keep its promise of building an IRC on the Site.

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

156. Mr. Jimmy C.F. Leung (D of Plan) asked the representative of LCSD to advise on the progress of the planning and implementation of the proposed IRC on the Site. Miss Shirley Y.F. Chung (CEO(P), LCSD) advised that LCSD had some ideas about the facilities that could be accommodated in the proposed IRC, such as a main sports hall and some supporting facilities. LCSD had made regular reports to the TPDC and they would continue to consult the TPDC on the exact facilities that should be provided in the proposed IRC in due course.

157. The Chairman said that Mr. Cheung Ho Yin (R16) had indicated that PDS had been submitted for the IRC, and he asked LCSD to clarify in this regard. Miss Shirley Y.F. Chung said that PDS for the proposed IRC on the Site had yet to be confirmed and she considered that what Mr. Cheung was referring to was the PDS for the local open space project at Tat Wan Road under active planning.

158. Referring to Plan H-5 and paragraph 4.5(b) of the Paper, a Member said that the five existing IRCs in Tai Po were located to the north of the railway line. This Member asked whether LCSD considered that the existing IRCs could really satisfy the requirements for IRC of the local community. Miss Shirley Y.F. Chung said that LCSD would plan for IRCs / sports centres based on the total population in Tai Po and that the five existing IRCs had met the HKPSG's requirement in terms of number of IRCs provided in respect of the current population in Tai Po District. However, the facilities provided in three of the existing IRCs that were built in the mid-80's to early-90's were not up to modern standard. They would like to retain the Site for development of IRC or sports / recreational uses, which would be more convenient for residents living in the Tai Po south and south-east areas.

159. The same Member said that according to Mr. Lo Sou Chour (R10 and C3), LCSD had informed him on 29.8.2011 that the Site would continue to be used for the proposed IRC development. As that was after the gazettal of the draft Tai Po OZP No. S/TP/23 to rezone the Site (on 12.8.2011), there was apparently contradictory information about the future use of the Site. The Member asked whether Mr. Lo Sou Chour had undertaken any follow-up actions or communications on the matter after his receipt of LCSD's reply dated 29.8.2011. In response, Mr. Lo Sou Chour said that LCSD had informed him that there was no change of use for the proposed IRC development. He

said that the TPDC was very concerned about the rezoning of the Site for residential use and when the PlanD consulted the EHWC of TPDC about the OZP amendments, members of EHWC of TPDC unanimously passed a motion to oppose the rezoning of the Site and reiterated that the Site should be retained for providing recreational facilities. Mr. Lo Sou Chour said that there was no follow-up action undertaken during the 3-month recess of the district council at the end of 2011 due to the district council election. After the TPDC meeting resumed in January 2012, LCSD had submitted documents to the TPDC about proposals for the Site and LCSD had indicated that they respected the motion passed by TPDC about opposing the rezoning of the Site.

160. Mr. Lee Kam Tong (R219) said that LCSD had indicated that they wanted to retain the Site for IRC use. He doubted why the LCSD did not have a concrete programme for the IRC project even though it had been proposed for some 20 years, the pending decision on the IRC harmed the residents' well-being. In response, the Chairman said that the Board was considering the land use for the Site and that the implementation programme of the IRC was a matter that needed to be decided by LCSD.

161. Mr. To Langa (R662 and representative of R631 and R670) said that there was reasonable doubt that the comments of LCSD as included in the Paper constituted a misrepresentation. The Chairman re-assured the attendees that the Board would consider the representations and views presented by all parties before making a decision.

162. As the representers, commenters and their representatives had finished their presentations and 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 their absence and would inform them of its 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.

Deliberation

163. The Chairman said the RNTPC had agreed to rezone the Site for residential use after considering the planning assessment prepared by PlanD. The representers were of the view that they wanted the Site to be retained for building an IRC and some of them

did not want to have a new housing development in the area. He said that it appeared that an IRC and a residential development were both suitable land uses for the Site. He said that Members could decide to make a decision on the representations at that point. Alternatively, if Members considered that it was necessary to know the views of other relevant government departments / bureaux on LCSD's latest position, which was made known to the PlanD only two days before the meeting, the meeting could be adjourned.

164. A Member agreed that it was better to adjourn the meeting, other Members also agreed. After deliberation, the Board decided to adjourn the meeting pending clarification of views of relevant government departments / bureaux on LCSD's latest position to retain the Site for IRC or sports and recreational facilities.

General

Agenda Item 4

[Open Meeting]

Submissions from the Alliance for the Concern over Columbarium Policy and Local Concern Groups on Columbarium Development
(TPB Paper 9046)

[This item was conducted in Cantonese]

165. Mr. C.T. Ling, Assistant Director/Town Planning Board, PlanD (AD/B) and Ms. Donna Tam, Senior Town Planner/Ordinance Review, PlanD (STP/OR) were invited to brief Members on the Paper.

166. With the aid of a powerpoint presentation, Mr. C.T. Ling (AD/B, PlanD) and Ms. Donna Tam (STP/OR, PlanD) made the following main points as detailed in the Paper:

Purpose

- (a) the Paper was to brief Members on the submissions from the Alliance for the Concern over Columbarium Policy (the Alliance), the Incorporated Owners of Parkland Villas and the indigenous villagers of

Mong Tung Wan, South Lantau and to seek Members' views on the responses to the submissions;

Background

- (b) in processing applications for columbarium use, strong public objections mainly from local residents against the operation and development of columbarium in their neighbourhood had been received. The Alliance was also active in raising comments and objections to the applications involving columbarium use;
- (c) at the request of the Alliance, on 1.3.2012, the Board's Secretariat met representatives of the Alliance and representatives from local concern groups on columbarium developments in Mong Tung Wan, Tai O, Tsuen Wan Lo Wai, Tao Fung Shan, Yuen Long, Lau Fau Shan, Tuen Mun Parkland Villas, Hung Hom and Kowloon Tong to listen to their concerns on the processing of rezoning and planning applications for columbarium use. Three written submissions were made by the Alliance and other representatives at the meeting and they requested that their submissions should be submitted to the Board for consideration;

Main Requests made at the Meeting and in the Written Submissions

- (d) the requests made by the attendees during the meeting on 1.3.2012 and stated in the written submissions were set out in paragraph 3 of the Paper and summarized below:
 - (i) repeated requests for deferral - the Board should set clear guidelines on requests for deferral and documents to be submitted to the Board in the applications, in order not to allow deliberated action to delay submission of the applications to the Board for consideration;

- (ii) stepping up measures to deter 'destroy first, build later' activities - the Board should refuse to consider and not to approve applications if the columbaria involved unauthorized development (UD) and violation or infringement of the lease conditions and/or other regulations as the columbaria were built and operated without first obtaining relevant approvals;
- (iii) consultation procedures - the consultation procedures on planning applications should be improved. The applicants should be required to submit documents for planning applications in both Chinese and English, so that the public would be aware of and understand the columbarium proposal and could make comments to the Board;
- (iv) right to review - people who were affected by the proposed columbarium use should be allowed to review the decision of the Board, if they were aggrieved by such decision;
- (v) Town Planning Board Guidelines on columbarium use - the Board should set clear guidelines for consideration of rezoning and planning applications for columbarium use; and
- (vi) enforcement within the urban area - the Town Planning Ordinance (the Ordinance) should be amended to extend the enforcement power to the urban area;

Responses to The Requests of the Concerned Groups

Repeated Requests for Deferral

- (e) according to the Ordinance, the Board should within 3 months and 2 months respectively of the receipt of the rezoning and planning applications consider the applications. There might be circumstances or upon request of the applicant that the Board might defer making a

decision on the application, and the Board had promulgated a set of guidance on deferment of decision on applications (TPB Guidelines No. 33). The Board would not accept deferral request without reasonable grounds and the proposed deferment period should not be indefinite. The Board would also not accept the deferral request if it affected the right or interest of concerned parties;

- (f) the Board had also promulgated guidance notes, which provided guidelines on what documents were required for the submission of applications. For applications, including application for columbarium use, which involved a particular use or development that might have implications on the environment, drainage, traffic, infrastructure, landscape and topography, etc., technical assessments on the impacts of the proposed use or development might be required. However, it was up to the applicant to submit relevant information in support of the application. Failure to submit sufficient information to support the application might render the application being rejected by the Board;
- (g) submission of further information was permissible under the Ordinance. When further information was received, the submission date would be recounted from the day of receipt of the further information. This provision allowed time for the processing of the application, as the further information (unless exempted) would be published for public comments. The recounting of the submission date was not to delay the processing of the application, but to allow the public to provide comments on the application based on the updated information provided by the applicant. The requirement was one of the amendments incorporated in the Town Planning (Amendment) Ordinance 2004, the objective of which was to enhance the transparency and public involvement in the planning approval process;
- (h) the Board had promulgated a set of guidelines on submission of further information (TPB Guidelines No. 32). Further information resulting in a material change of the nature of the application would not be accepted

and a fresh application would need to be submitted;

- (i) processing of applications under the Ordinance should not affect enforcement/regulatory actions to be undertaken by the relevant authorities;

Stepping Up Measures to Deter “Destroy First, Build Later” Activities

- (j) in order to send a clear signal to the community that the Board was determined to preserve the rural and natural environment and would not tolerate any deliberate action to destroy the rural and natural environment in the hope that Board would give sympathetic consideration to subsequent development, on 24.6.2011, the Board adopted measures to deter “destroy first, build later” activities. Such measures had been promulgated in the press release on 4.7.2011. The measures, however, were not related to developments which involved violation or infringement of the lease conditions and/or other regulations which was outside the purview of the Board;
- (k) planning considerations were those relating to the use and development of land. As confirmed in previous legal advice, the track record of an applicant or an application site should not be taken as a relevant consideration in assessing an application. It was not recommended that the Board should refuse to consider and reject an application only on ground that the application site involved UD and violation or infringement of the lease conditions and/or other regulations;

Consultation Procedures

- (l) as required under the Ordinance, rezoning and planning applications submitted to the Board would be published for public comments. Upon receipt of an application, a notice would be published in the newspaper and posted in a prominent position on or near the application site at the beginning of the public inspection period;

- (m) as additional administrative measures, a notice would also be uploaded to the Board's website; posted at the Secretariat of the Board, the PlanD's Planning Enquiry Counters, the relevant District Planning Office, local community centre, District Office and Rural Committee office (where appropriate); and sent to the Owners' Corporation(s) or other committee(s) of the buildings within 100 feet (around 30m) from the boundary of the application site at the beginning of the public inspection period;
- (n) the above practices had been adopted since the enactment of the Town Planning (Amendment) Ordinance, with an objective to enhance the transparency and public involvement in the planning approval process. They provided reasonable channels for the application to be made known to the public and for the public to provide comments;
- (o) since both English and Chinese were official languages used in Hong Kong, it would not be appropriate to require applicants to make submissions in both English and Chinese. However, as stated in the guidance notes for submission of application, the applicant was advised to submit an Executive Summary (500 words) on the submission in both English and Chinese, if the application contained any supplementary information such as planning studies and reports on technical assessments. A bilingual gist of the application would also be unloaded to the Board's website to facilitate public understanding of the application. The public might also seek help from the PlanD's Planning Enquiry Counters if they had difficulties in understanding the planning applications and the submitted documents;

Right to Review

- (p) according to section 17 of the Ordinance, where an applicant was aggrieved by a decision of the Board under section 16 or 16A, the applicant might apply for a review of the Board's decision. There was

no provision for a review by a third party. There was no provision for review of the Board's decision under section 12A;

- (q) in accordance with the provision of the Ordinance, rezoning and planning applications under section 12A and section 16 would be published for public comments and the Board shall take into account the comments received. It should also be noted that if the Board agreed to a section 12A application, the amendment would be incorporated in the OZP and exhibited for public inspection in accordance with the provisions of the Ordinance. The public could submit representations in respect of the amendment for consideration by the Board. The representers could attend the hearing and make representations to the Board.

Town Planning Board Guidelines on Columbarium Use

- (r) since the Government was conducting a review on columbarium policy, consideration could be given to prepare a set of guidelines for consideration of applications for columbarium use after the completion of the review; and

Enforcement within the Urban Area

- (s) there was no provision under the Ordinance for enforcement within the urban area. Enforcement and prosecution of UD under the Ordinance was under the jurisdiction of the Planning Authority and outside the purview of the Board.

167. Members did not raise any question on the Paper. Members noted that the requests made by the concern groups. Members also agreed to the responses set out in paragraph 4 of the Paper as summarised above and requested the Secretariat to arrange suitable replies to the written submissions.

Agenda Item 9

[Open Meeting]

Updating of the List of Proposed Reclamation Projects
(TPB Paper 9045)

[The meeting was conducted in Cantonese.]

168. With the aid of a powerpoint presentation, Mr. C.T. Ling made the following main points as detailed in the Paper:

- (a) the Paper was to inform the Board of the three proposed reclamation projects. The purposes were to seek the Board's agreement on whether the administrative arrangement on reclamation should apply and whether the projects should be covered by statutory town plans;

Background

- (b) on 29.11.1996, the Board agreed to the administrative arrangement under which the procedures under the Town Planning Ordinance (TPO) and the Foreshore and Sea-bed (Reclamations) Ordinance (FS(R)O) could be proceeded in parallel, but with the requirement that the town planning procedures be completed before the authorization of a reclamation under the FS(R)O;
- (c) all proposed reclamation projects (except projects such as small-scale piers, land points, utilities and facilities along the shoreline which had previously been agreed to be exempted) should be submitted to the Board for consideration so as to ascertain whether the projects concerned should be covered by statutory town plans and whether the administrative arrangement on reclamation should apply;

Proposed Improvement Works at Ma Wan Tung Wan Beach

- (d) Ma Wan Tung Wan Beach was partly zoned "Open Space" and partly zoned "Comprehensive Development Area" on the approved Ma Wan

Outline Zoning Plan (OZP) No. S/I-MWI/14. Improvement works to the Ma Wan Tung Wan Beach were initiated and had been/would be undertaken by the developer of the Park Island on Ma Wan Island;

- (e) the Phase I improvement works which involved mainly the upgrading of the existing beach facilities was completed in 2004. The Phase II Improvement Works would mainly involve filling of sand in an area of about 3.47 hectares (ha.) of foreshore and sea-bed. The sandy area of the beach would increase from about 3,400m² to about 15,000m²;
- (f) an Environmental Permit (EP) for the proposed Phase II Improvement Works was issued by the Director of Environmental Protection (DEP) in May 2005. The programme for gazettal under the FS(R)O had yet to be fixed;
- (g) in view of the large area of sand filling to be undertaken along the foreshore and sea-bed and the extension of the sandy area of the beach, it was proposed that the eastern boundary of the Ma Wan OZP should be extended to impose statutory planning control on the extended beach area. In accordance with the Board's convention that the plan/zoning boundary on the waterfront should follow the high water mark, it was proposed that the boundary of the OZP should be extended to cover the extended beach area up to the high water mark (i.e. at 2.3 metres above principal datum (mPD)). The planning scheme area for the Ma Wan OZP would then be increased by about 2 ha.;
- (h) to enable the Chief Executive in Council (CE in C) to consider all possible representations and comments under the TPO and objections under the FS(R)O, the administrative arrangement on reclamation should apply, i.e. the OZP would be amended in accordance with the provision of TPO and that the town planning process would be completed before authorization under the FS(R)O;

*Phase III Redevelopment of the Hong Kong Federation of Youth Groups (HKFYG)
Jockey Club Sai Kung Outdoor Training Camp*

- (i) the HKFYG Jockey Club Sai Kung Outdoor Training Camp was partly zoned “Recreation” (“REC”) and partly zoned “Country Park” (“CP”) on the approved Tai Mong Tsai and Tsam Chuk Wan OZP No. S/SK-TMT/4. To meet the increasing demand from the public, HKFYG had been planning to redevelop its facilities at the site. The redevelopment project would include, amongst others, erection of two platform decks near the existing slipway to provide ground level open area for outdoor activities;
- (j) the environmental impact assessment (EIA) report for the redevelopment project was approved in December 2010 and an EP was issued by DEP in January 2011. As part of the training camp fell within the Country Park boundary, the redevelopment project was also considered by the Country and Marine Park Board on 28.1.2011, which had no objection to the project;
- (k) according to the HKFYG’s latest submission for land grant, only one platform deck with a size of about 170m² was proposed and required gazettal under the FS(R)O. The programme for gazettal under the FS(R)O had yet to be fixed. Since the proposed erection of the platform deck was small-scale in nature and ancillary to the existing training camp with insignificant planning implications, it was recommended not to extend the concerned OZP to cover the proposed reclamation area for the platform deck and that the administrative arrangement on reclamation would not apply;

Development of an Offshore Wind Farm in Hong Kong

- (l) the proposed Offshore Wind Farm (about 600 ha. in area) would be located at 3.5km southwest of Lamma Island and would involve the installation of 28 to 35 wind turbines. The project was intended to provide renewable

energy sources for power generation in Hong Kong;

- (m) the wind turbines (with the highest point at 145mPD and a diameter of about 7m) would be supported by pile foundations fixed to the seabed;
- (n) the EIA Report for the project was approved in May 2010 and an EP was issued by DEP in June 2010. The programme for gazettal under the FS(R)O had yet to be fixed; and
- (o) the proposed reclamation in the form of monopole at seabed level would have little, except visual, planning implications. Preparation of a new statutory town plan to cover the proposed project might not be necessary and that the administrative arrangement would not apply.

169. Members did not raise any question on the Paper. Members noted the three proposed reclamation projects set out in Section 3 of the Paper as summarized above and agreed that :

- (a) the administrative arrangement on reclamation should apply to the proposed reclamation at Ma Wan Tung Wan Beach; and
- (b) the administrative arrangement on reclamation should not apply to the proposed reclamation at the HKFYG Jockey Club Sai Kung Outdoor Training Camp and the proposed Offshore Wind Farm.

170. The Chairman thanked Mr. C.T. Ling and Ms. Donna Tam for their briefings to the Board. Ms. Donna Tam left the meeting at this point.

Sha Tin, Tai Po and North District

Agenda Item 12

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/NE-TK/359

Proposed House (New Territories Exempted House - Small House) in "Village Type Development" and "Agriculture" zones, Lot 613 in D.D. 15 and Adjoining Government Land, Shan Liu Village, Tai Po

(TPB Papers 9048)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

171. Mr. W.K. Hui (DPO/STN, PlanD) was invited to the meeting at this point. The Chairman informed Members that the applicant had confirmed that he would not attend the meeting. He then invited DPO/STN to brief Members on the review application.

172. Mr. W.K. Hui presented the application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission to build a proposed house (New Territories Exempted House (NTEH) - Small House) on the Site. The Site was zoned "Village Type Development" ("V") (about 21% of the Site) and "Agriculture" ("AGR") (about 74% of the Site) on the draft Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/16 at the time of submission of the application. The zonings of the Site remained unchanged on the current approved Ting Kok OZP No. S/NE-TK/17;
- (b) the Site was within the Village 'Environs' ('VE') of Shan Liu Village, within the upper indirect water gathering ground (WGG) and at the fringe of woodland covered with trees and vegetation. There were signs of recent vegetation clearance in the area. The Site was accessible via a

local track and Shan Liu Road off Ting Kok Road;

- (c) on 2.9.2011, the Rural and New Town Planning Committee (the RNTPC) approved the application with conditions. Approval condition (a), that was subject of the review application, was “the submission and implementation of landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the Board”;

- (d) on 11.10.2011, the applicant applied for a review of the RNTPC’s decision to approve the application subject to approval condition (a). The Applicant had submitted two written representations in support of the review application. The main justifications put forth by the applicant as summarised in section 3 of the Paper were:
 - (i) the applicant undertook in the section 16 application that he would provide compensatory planting of two trees for every tree felled. However, it was estimated that the replanting of more than 10 mature trees on the Site would require more than a million dollars. That was beyond the applicant’s financial ability and had violated the spirit of the Government in allowing the construction of Small Houses by indigenous villagers;

 - (ii) based on Lands Department’s requirement in granting Small House application, as the Site was situated on slope, the applicant was required to carry out slope maintenance and stability works within an area 10m from the site boundary. The applicant’s preliminary estimate was that about 40 mature trees would be further affected by the site formation works (involving an area of about 800m²). As such, the applicant would have to re-provide a total of 80 more trees at a total cost of about \$640,000, which was further beyond the applicant’s financial ability; and

 - (iii) the applicant requested that approval condition (a) be amended

from ‘the submission and implementation of landscape and tree preservation proposal’ to ‘the submission and implementation of landscape proposal’ (i.e. deleting the requirements for tree preservation proposal);

- (e) departmental comments - comments from relevant government departments as summarised in section 5 of the Paper were:
 - (i) the Chief Town Planner/ Urban Design and Landscape, PlanD (CTP/UD&L) maintained his view of objecting to the application and did not support the review from the landscape planning perspective. CTP/UD&L was of the view that replanting of two trees for every tree to be felled was necessary and appropriate from landscape planning perspective and that the cost of planting healthy young trees was considerably lower than the applicant’s estimate;
 - (ii) District Lands Officer/Tai Po, Lands Department (DLO/TP) maintained his previous view of having no objection to the application. DLO/TP further advised that the applicant would be required to provide a Geotechnical Assessment Report or submission to the Buildings Authority if site formation works was needed. It was not accurate to conclude that the site formation works would involve about 800m² of land surrounding the Site before the above submissions were made and approved;
 - (iii) the Director of Agriculture, Fisheries and Conservation (DAFC) maintained his previous views of not supporting the application from agricultural point of view as the site was partly within “AGR” zone and had high potential for agricultural rehabilitation; and
 - (iv) other government departments consulted maintained their

previous views of having no adverse comment or no objection to the planning application;

- (f) public comments - during the publication of the review application, one public comment was received from the Indigenous Inhabitant Representative (IIR) of Shan Liu objecting to the review application as the proposed Small House would require the felling of 20 valuable maples; and
- (g) PlanD's view - PlanD did not support the review application based on the planning considerations and assessments set out in paragraph 7 of the Paper, which were summarised below:
 - (i) when approving the section 16 application, the RNTPC had recognized the applicant's commitment to provide compensatory planting of two trees for every tree felled. The RNTPC approved the application mainly on sympathetic considerations that more than 90% of the footprint of the proposed Small House fell within "V" zone; there was a general shortage of land in meeting the demand for Small House development in the "V" zone of Shan Liu Village; the proposed Small House located within the WGG could be connected to the planned sewerage system; and concerned government departments including Director of Environmental Protection (DEP), Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) and Chief Engineer/Mainland North (CE/MN), Drainage Services Department (DSD) had no objection;
 - (ii) to address the concern of CTP/UD&L, approval condition (a) was imposed which required the submission and implementation of landscape and tree preservation proposal with a view to minimising the potential adverse impact on the existing landscape resources in the surrounding area;

- (iii) in the review, the applicant proposed to amend approval condition (a) to the effect of deleting the requirement for ‘the submission and implementation of tree preservation proposal’ but no planning reason had been given;
- (iv) CTP/UD &L did not support the review. His view was that compensatory planting at a ratio of 2:1 (i.e. replanting of two trees for every tree fell) was necessary and appropriate, and the cost of planting young healthy mature trees was lower than that claimed by the applicant;
- (v) as the footprint of the proposed Small House was confined in the eastern portion of the Site within the area zoned “V”, there should be feasible way to confine site formation and building works to minimise the extent of tree felling; and
- (vi) there was public comment against the review application raising concern on the adverse impact on the existing landscape resources in the Site and surrounding area.

173. As Members had no question to raise, the Chairman thanked Mr. W.K. Hui for attending the meeting. Mr. W.K. Hui left the meeting at this point.

Deliberation

174. The Chairman said that no planning justification had been provided by the applicant to justify its proposed revision to approval condition (a), that was, to delete the requirement for submission and implementation of tree preservation proposal. Members agreed that the review should be rejected. Members then went through the reasons for rejecting the review in paragraph 8.1 of the Paper and considered that they were appropriate. The reasons were:

- (a) in view of the high landscape quality of the area, approval condition (a) was considered necessary to minimise the potential adverse impact on the existing landscape resources in the subject and surrounding area; and
- (b) no planning reason had been given to justify waiving the requirement for submission and implementation of tree preservation proposal.

175. Members agreed that the application was approved on the terms of the application as submitted to the Board and should be subject to the same approval conditions as agreed by RNTPC on 2.9.2011. The permission should be valid until 2.9.2015; and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The approval conditions were:

- (a) the submission and implementation of landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission and implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (c) the provision of fire fighting access, water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (d) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the Town Planning Board; and
- (e) the provision of protective measures to ensure no pollution or siltation occurred to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the Town Planning Board.

176. Members agreed to advise the Applicant on the following:

- (a) the occupation of the proposed Small House shall only begin after the completion of the public sewerage system;
- (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage system;
- (c) the trunk sewers would be laid along Shan Liu Road under the 'Tolo Harbour Sewerage of Unsewered Areas Stage 1 Phase 2C' project. Upon completion of the trunk sewers, the applicant should extend his sewer, at his own cost, to the nearest connection point of the planned sewerage system in the area;
- (d) the applicant was required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots and resolved all necessary government land issues with District Lands Office/Tai Po in order to demonstrate that it was both technically and legally feasible to install sewage pipes from the proposed house to the planned sewerage system via the concerned private lot and government land;
- (e) to note the comments of the Chief Engineer / Mainland North, Drainage Services Department (DSD) and the Chief Engineer/Consultants Management of DSD that there was no public drain in the vicinity of the Site, the applicant should provide drainage facilities for the Site, and maintain such systems properly and rectify the system if it is found to be inadequate or ineffective during operation. The applicant should also be liable for and indemnify claims and demands arising out of damage or nuisance caused by failure of the system. Moreover, while there was currently no existing public sewerage in the vicinity of the Site, sewerage connection might be available when proposed village sewerage

works under the project 'Tolo Harbour Sewerage of Unsewered Areas Stage 1 Phase 2C' was completed in around 2013. The DEP should be consulted regarding the sewage treatment/disposal aspects of the proposed development. The trunk sewer was to serve the potential Small House development within the "V" zone of Shan Liu Village. No branch sewer was planned;

- (f) to note comments of the Head of Geotechnical Engineering Office, Civil Engineering Department that the applicant was reminded to make necessary submission to the DLO to verify if the Site satisfied the criteria for the exemption for site formation works as stipulated in PNAP APP-56. If such exemptions were not granted, the applicant shall submit site formation plans to the Buildings Department in accordance with the provision of the Buildings Ordinance; and
- (g) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the Town Planning Board where required before carrying out the road works.

Agenda Item 13

[Open Meeting]

Request for Deferral for Review of Application No. A/YL-HT/707

Proposed Pond Filling for Agricultural Use in "Agriculture" zone, Lot No. 399 RP (Part) in D.D. 128, Ha Tsuen, Yuen Long
(TPB Paper 9055)

[This item was conducted in Cantonese]

177. The Secretary said that upon the Board's decision to defer a decision on the review application on 26.8.2011, the applicant submitted further information (on

20.10.2011, 2.11.2011, 28.12.2011 and 3.1.2012) covering the methodology of the proposed pond filling works and a drainage proposal to address Members' concerns as expressed at the review meeting in August 2011.

178. On 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 2 months so as to allow time for the applicant to submit a supplementary drainage proposal in response to the Drainage Services Department's comments.

179. 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 prepare the supplementary drainage proposal in response to departmental comments, the deferment period was not indefinite, and that the deferment would not affect the interest of other relevant parties.

180. 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 two months for preparation of submission of further information. Since this was the second deferment, the applicant should be advised that the Board had allowed a total of four months of deferment including the previous one, and no further deferment would be granted unless under very special circumstances.

Agenda Item 14

[Open Meeting]

Request for Deferral for Review of Application No. A/YL-LFS/216

Proposed Pond Filling (by about 2m) for Permitted New Territories Exempted House in "Village Type Development" Zone, Lots 1531 S.A (Part) and 1531 S.B (Part) in D.D. 129, Mong Tseng Tsuen, Lau Fau Shan, Yuen Long
(TPB Paper 9056)

[This item was conducted in Cantonese]

181. The Secretary said that on 23.12.2011, the Board decided to defer consideration of the application as requested by the applicants pending the submission of further information about an ecological assessment to address the Agriculture, Fisheries and Conservation Department's (AFCD's) concerns.

182. On 21.2.2012, the applicants wrote to the Board and requested the Board to defer consideration of the application for a period of 2 months in order to allow more time for their consultants to complete ecological surveys on seasonal basis. The applicants submitted a survey programme and advised that the ecological surveys would be completed around April 2012.

183. 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 applicants needed more time to complete the ecological surveys to address AFCD's concerns, the deferment period was not indefinite, and that the deferment would not affect the interest of other relevant parties.

184. After deliberation, the Board agreed to defer consideration of the review application as requested by the applicants. The Board also agreed that the review application should be submitted for its consideration within 3 months upon receipt of further submission from the applicants. The applicants should be advised that the Board had allowed two months for preparation of submission of further information. Since this was the second deferment, the applicants should be advised that the Board had allowed a total of four months of deferment including the previous one, and no further deferment would be granted unless under very special circumstances.

Agenda Item 15

[Closed Meeting]

185. This item was recorded under confidential cover.

Procedural

Agenda Item 16

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comment to the Draft Ngau Tau Kok and Kowloon Bay Outline Zoning Plan No. S/K13/27
(TPB Paper 9044)

[This item was conducted in Cantonese]

186. The Secretary reported that on 14.10.2011, the draft Ngau Tau Kok and Kowloon Bay Outline Zoning Plan (OZP) No. S/K13/27 was exhibited for public inspection under section 7 of the Town Planning Ordinance. During the two-month exhibition period, 184 representations were received. On 23.12.2011, the representations were published for public comments and, in the first three weeks of the publication period, one public comment was received.

187. The representations and comment were related to rezoning of three sites along Tai Yip Street and Wai Yip Street from areas shown as 'Road' to "Other Specified Uses" annotated "Business" ("OU(Business)") zone and rezoning a site along Choi Hei Road from "Residential (Group A)" ("R(A)") to "Open Space" ("O") to reflect as-built conditions and the lot boundaries. As the Plan was the subject of judicial reviews which had attracted general public and local concerns, it was considered more appropriate for the representations and comment to be considered by the full Board without resorting to the appointment of an Representation Hearing Committee. As all the 184 representations and one comment relating to the two amendment items were based on similar grounds, it was considered appropriate to collectively consider the representations and comment in one group. The hearing could be accommodated in the Board's regular meeting and a separate hearing session would not be necessary.

188. After deliberation, the Board agreed that the representations should be heard by the Board in the manner as proposed in paragraphs 2.1 and 2.2 of the Paper.

Agenda Items 17 to 19

[Closed Meeting]

189. These three items were recorded under confidential cover.

Agenda Item 20

Any Other Business

[Open Meeting]

190. There being no other business, the meeting was adjourned at 8:00pm. Members would be notified of the meeting date to resume the deliberation on Agenda Item 11.

191. The meeting was resumed at 12:30 p.m. on 30.3.2012.

192. The following Members and the Secretary were present at the resumed meeting:

Mr. Thomas T.M. Chow Chairman

Mr. K.Y. Leung

Ms. Anna S.Y. Kwong

Mr. Roger K.H. Luk

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

Deputy Director of Lands
Mr. Jeff Lam

Director of Planning
Mr. Jimmy C.F. Leung

193. The Chairman thanked all Members for attending the resumed meeting for consideration of the representations and comments on the draft Tai Po OZP No. S/TP/23, in respect of rezoning of a Site in Area 6 of Tai Po from “G/IC” (and previously reserved for a proposed IRC) to “R(B)”.

194. Members noted that the following letters, all opposing the rezoning of the Site for residential use, were tabled at the resumed meeting:

- (a) letter dated 27.3.2012 from the Chairman of the Owners’ Committee of Classical Gardens Phase II;
- (b) letter from Mr. Leung Hung Fai (R215) and Mr. Ho Wan Ming (R798) dated 28.3.2012;
- (c) letter dated 24.3.2012 from Mr. Wong Tung Wai (R697 and C1) to the DLCS and copied to the Chairman of the Board; and
- (d) an email dated 24.3.2012 from a member of the public.

195. The Chairman said that at the hearing on 23.3.2012, the LCSD had indicated that they would like to retain the Site for IRC or sports and recreational uses. The representers and commenters and their representatives had made their presentations which generally opposed changing the use of the Site to residential use and supported retaining the Site for building an IRC or for providing sports and recreational facilities. After considering the views of PlanD and LCSD and the representers’ and commenters’ presentations, Members were of the view that both sports and recreational use and residential use could be suitable land uses for the Site. Members decided to adjourn the meeting so that views of any relevant government departments / bureaux could be sought on LCSD’s latest position about the Site, that was made known to PlanD only two days before the meeting. He then requested the Secretary to brief Members on the updated situation.

196. The Secretary said that after consulting the relevant government department / bureau, it had been ascertained that LCSD would like to retain the Site for sports and

recreational facilities and there was no objection from the relevant government department / bureau about this latest position of LCSD. In the light of the above, the Chairman invited Members to consider the representations and comments.

197. A Member said that considering LCSD's latest position to retain the Site for sports and recreational facilities and the written submissions and oral presentations made by the representers and commenters, the Site should be reverted back to the previous "G/IC" zoning. Another Member agreed.

198. In response to the Chairman, the Secretary indicated that the proposed amendment to rezone the Site to the previous "G/IC" zoning would be gazetted under section 6C(2) of the Town Planning Ordinance and subject to further representations.

199. The Chairman concluded Members' agreement to note the support of R1 to R5 to rezone the Site from "G/IC" to "R(B)" for medium-density housing development. Members agreed to advise them that the Board had proposed to rezone the Site back to the previous "G/IC" zoning as shown on the Tai Po OZP No. S/TP/22 to uphold representation No. R6 to R878 in view of the fact that LCSD wanted to retain the Site for sports and recreational facilities.

200. The Chairman concluded Members agreement to uphold R6 to R878.

Representation No. R1 to R5

201. After further deliberation, the Board agreed to note the support of representation No. R1 to R5 to rezone the representation site from "G/IC" to "R(B)" for medium-density housing development. The Board agreed to rezone the Site back to the previous "G/IC" zoning as shown on the Tai Po OZP No. S/TP/22 to uphold representation No. R6 to R878 in view of the fact that LCSD wanted to retain the Site for sports and recreational facilities.

Representation No. R6 to R878

202. After further deliberation, the Board agreed to uphold representation No. R6 to R878 to rezone the Site back to the previous “G/IC” zoning as shown on the Tai Po OZP No. S/TP/22.

203. There being no other business, the meeting closed at 12:50pm.