

**Minutes of 1036<sup>th</sup> Meeting of the  
Town Planning Board held on 28.6.2013**

**Present**

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

Chairman

Mr. Stanley Y.F. Wong

Vice-chairman

Professor S.C. Wong

Mr. Timothy K.W. Ma

Mr. F.C. Chan

Ms. Bonnie J.Y. Chan

Professor K.C. Chau

Mr. H.W. Cheung

Dr. Wilton W.T. Fok

Mr. Ivan C.S. Fu

Mr. Sunny L.K. Ho

Professor P.P. Ho

Professor Eddie C.M. Hui

Ms. Janice W.M. Lai

Ms. Julia M.K. Lau

Ms. Christina M. Lee

Mr. Clarence W.C. Leung

Mr. H.F. Leung

Mr. Laurence L.J. Li

Mr. Roger K.H. Luk

Mr. Stephen H.B. Yau

Dr. W.K. Yau

Principal Assistant Secretary (Transport)  
Transport and Housing Bureau  
Miss Winnie M.W. Wong

Deputy Director of Environmental Protection  
Mr. C.W. Tse

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

Director of Lands  
Ms. Bernadette H.H. Linn (a.m.)  
Deputy Director of Lands (General)  
Mr. Jeff Y.T. Lam (p.m.)

Director of Planning  
Mr. K.K. Ling

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

Secretary

**Absent with Apologies**

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Mr. Lincoln L.H. Huang

Mr. Dominic K.K. Lam

Dr. C.P. Lau

Mr. Patrick H.T. Lau

Mr. Maurice W.M. Lee

Ms. Anita W.T. Ma

**In Attendance**

Assistant Director of Planning/Board  
Ms. Christine K.C. Tse

Chief Town Planner/Town Planning Board  
Mr. Edward W.M. Lo (a.m.)  
Ms. Donna Y.P. Tam (p.m.)

Senior Town Planner/Town Planning Board  
Ms. Caroline T.Y. Tang (a.m.)  
Ms. Johanna W.Y. Cheng (p.m.)

**Agenda Item 1**

[Open Meeting]

**Confirmation of Minutes of the 1035<sup>th</sup> Meeting held on 14.6.2013**

[The meeting was conducted in Cantonese.]

1. The minutes of the 1035<sup>th</sup> Meeting held on 14.6.2013 were confirmed without amendments.

**Agenda Item 2**

**Matters Arising**

[The meeting was conducted in Cantonese.]

2. The Secretary reported that there were no matters arising.
3. As the attendee (R3's representative) of Agenda Item 3 had not yet arrived to attend the representation hearing, the Chairman proposed and Members agreed to proceed with the procedural matters, i.e. Agenda Items 11 to 13, first.

**Procedural Matters**

**Agenda Item 11**

[Open Meeting]

Submission of the Draft Yi O Development Permission Area Plan  
No. DPA/I-YO/1A to the Chief Executive in Council for Approval  
under Section 8 of the Town Planning Ordinance  
(TPB Paper No. 9378)

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[The meeting was conducted in Cantonese.]

4. The Secretary briefly introduced the Paper. On 23.11.2012, the draft Yi O

Development Permission Area (DPA) Plan No. DPA/I-YO/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, 144 representations were received. On 15.2.2013, the representations were published for three weeks for public comments, and one comment was received. On 10.5.2013, after giving consideration to the representations and comment, the Town Planning Board (the Board) decided not to uphold the representations and not to propose any amendment to the draft DPA Plan to meet the representations. As the representation consideration process had been completed, the draft Yi O DPA Plan was ready for submission to the Chief Executive in Council (CE in C) for approval.

5. After deliberation, the Board:

- (a) agreed that the draft Yi O DPA Plan No. DPA/I-YO/1A at Appendix I of the Paper and its Notes at Appendix II of the Paper were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated Explanatory Statement (ES) for the draft Yi O DPA Plan No. DPA/I-YO/1A at Appendix III of the Paper as an expression of the planning intention and objectives of the Board for the draft DPA Plan and issued under the name of the Board; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft Yi O DPA Plan No. DPA/I-YO/1A.

[Mr. C.W. Tse arrived to join the meeting at this point.]

### **Agenda Item 12**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Kwu Tung South Outline Zoning Plan No. S/NE-KTS/13 (TPB Paper No. 9379)

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[The meeting was conducted in Cantonese.]

6. The Secretary briefly introduced the Paper. On 18.1.2013, the draft Kwu Tung South Outline Zoning Plan (OZP) No. S/NE-KTS/13, incorporating amendments mainly relating to the rezoning of various sites, was exhibited for public inspection under section 5 of the Town Planning Ordinance. During the two-month exhibition period, seven representations were received. On 5.4.2013, the representations were published for three weeks for public comments, and four comments were received.

7. Since the proposed amendments to the OZP had attracted much public interests, it was recommended that the representations and comments should be heard by the full Town Planning Board (the Board). The hearing could be accommodated in the Board's regular meeting and a separate hearing session would not be necessary. The arrangement would not delay the completion of the representation consideration process. As the representations and comments were of similar nature, it was suggested that they should be considered collectively in one group. Consideration of the representations and comments by the full Board was tentatively scheduled for 9.8.2013.

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

### **Agenda Item 13**

[Confidential Item. Closed Meeting.]

9. This item was recorded under confidential cover.

**Sha Tin, Tai Po and North District**

**Agenda Item 3**

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments to the  
Draft Fanling/Sheung Shui Outline Zoning Plan No. S/FSS/17  
(TPB Paper No. 9376)

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[The hearing was conducted in Cantonese.]

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

10. As the representations were concerned with a proposed public rental housing (PRH) development by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA), the following Members had declared interests in this item:

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| Mr. Stanley Y.F. Wong   | - being a member of the HKHA and Chairman of the Subsidised Housing Committee of the HKHA  |
| Ms. Julia M.K. Lau  | - being a member of the Commercial Properties Committee and Tender Committee of the HKHA and had business dealings with the HKHA |
| Mr. Dominic K.K. Lam  | ] had business dealings with the HKHA  |
| Mr. H.F. Leung  |  |
| Ms. Janice W.M. Lai   |  |
| Mr. K.K. Ling<br>(as Director of Planning)  | - being a member of the Strategic Planning Committee (SPC) and the Building Committee of the HKHA                                |
| Ms. Bernadette H.H. Linn<br>(as Director of Lands)  | - being a member of the HKHA   |
| Miss Winnie M.W. Wong<br>(as Principal Assistant Secretary (Transport), Transport and Housing Bureau) | - being the representative of the Secretary for Transport and Housing who was a member of the SPC of the HKHA                    |

Mr. Eric K.S. Hui - being an alternate member of the  
(as Assistant Director (2) of the Director of Home Affairs who was a  
Home Affairs Department) member of the SPC and Subsidised  
Housing Committee of the HKHA

11. Members noted that Mr. Dominic K.K. Lam had tendered apology for being unable to attend the meeting, Miss Winnie M.W. Wong had indicated that she would not attend the morning session of the meeting and Ms. Bernadette H.H. Linn had not yet arrived to join the meeting. Members considered that as the interests of Mr. Stanley Y.F. Wong, Ms. Julia M.K. Lau, Mr. H.F. Leung, Ms. Janice W.M. Lai, Mr. K.K. Ling and Mr. Eric K.S. Hui were direct, they should be invited to leave the meeting temporarily for this item.

[Mr. Stanley Y.F. Wong, Ms. Julia M.K. Lau, Mr. H.F. Leung, Ms. Janice W.M. Lai, Mr. K.K. Ling and Mr. Eric K.S. Hui left the meeting temporarily at this point.]

#### Presentation and Question Session

12. The Chairman said that sufficient notice had been given to invite all the representers and commenters to attend the hearing, but other than R3's representative who had registered but not yet arrived, the other representers and commenters had either indicated not to attend the hearing or made no reply. As sufficient notice had been given to the representers and commenters, Members agreed to proceed with the hearing in their absence.

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

Ms. Jacinta Woo - District Planning Officer/Shan Tin, Tai Po and  
North (DPO/STN), PlanD

Ms. Maggie Chin - Senior Town Planner/North (1) (STP/N1),  
PlanD



R3 – Green Sense

Mr. Roy Tam - Representer's Representative

[Mr. Roy Tam arrived to join the meeting shortly after PlanD's representative started the presentation as recorded below.]

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

15. With the aid of a Powerpoint presentation, Ms. Maggie Chin, STP/N1, made the following main points as detailed in the Paper:

Background

- (a) on 25.1.2013, the draft Fanling/Sheung Shui Outline Zoning Plan (OZP) No. S/FSS/17 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The amendments incorporated into the OZP mainly involved rezoning of a site at Choi Yuen Road from "Government, Institution or Community" ("G/IC") and "Open Space" ("O") to "Residential (Group A) 1" ("R(A)1") for PRH development (Amendment Item A1), rezoning of the adjoining slopes and cycle tracks along Po Shek Wu Road and Choi Yuen Road from "G/IC" and "O" to an area shown as 'Road' (Amendment Item A2), rezoning of a site to the south of Yung Shing Court from "G/IC" and "Green Belt" ("GB") to "R(A)2" for PRH development (Amendment Item B1), and rezoning of various pieces of slopes and vegetated land to the south of Yung Shing Court from "G/IC" to "GB" (Amendment Item B2);
- (b) during the two-month exhibition period, four representations were received. On 5.4.2013, the representations were published for public comments for three weeks, and two comments were received;

[Mr. Roy Tam, R3's representative, arrived to join the meeting at this point.]

#### The Representations and Comments

- (c) R1 (submitted by a member of the public) only stated his opposition but had not specified any amendment items or grounds of representation. R2 to R4 (submitted by a member of the public, Green Sense and Fanling Golf Course Concern Group respectively) opposed the rezoning of the site at Choi Yuen Road for PRH development (Amendment Item A1). R3 and R4 also opposed the rezoning of the slope and cycle track adjoining the PRH site to an area shown as 'Road' (Amendment Item A2);
- (d) two comments were received from members of the public. Both C1 and C2 had not indicated which representation(s) they were related to;

#### The Representation Site

- (e) the representation site at Choi Yuen Road in Sheung Shui Area 27 (Amendment Item A1) was located to the northwest of the East Rail Sheung Shui Station and currently occupied by a temporary public car park. It had been rezoned to "R(A)1" for PRH development. In this connection, the existing slopes and cycle track adjoining the PRH site (Amendment Item A2) had been rezoned to an area shown as 'Road';
- (f) the representation site covered an area of about 1.24 ha. It would be developed for three housing blocks providing about 900 flats for about 2,700 persons. The building heights of the proposed PRH development would range from 24 to 32 storeys (maximum 110mPD) (including a podium of up to three storeys) for creating a stepped height profile. To facilitate the implementation of PRH development, the site was rezoned to "R(A)1" on the OZP with stipulation of a maximum total gross floor area (GFA) of 69,500m<sup>2</sup> and a maximum building height of 110mPD. Suitable provision had been incorporated into the Notes of the OZP for

the reprovisioning of an existing public car park as part of the proposed development as required by the Transport Department (TD). Ancillary parking facilities to the PRH would also be provided;

#### Grounds of Representations

- (g) the main grounds of representation were summarised in paragraph 2.3 of the Paper and highlighted below:

#### *Grounds of Representations Related to the Amendment Items*

##### *Rezoning Amendment only Meet Short-term Housing Demand*

- (i) planning should be a visionary strategy for the future. It should not just focus on short-term needs. There was no point to rezone the representation site from “G/IC” and “O” to “R(A)1” to meet the short-term housing demand (R2). The future generations would suffer from the poor living environment and a lack of public facilities;

##### *Proposed PRH Development subject to Adverse Noise and Air Quality Impacts*

- (ii) the representation site was surrounded by roads and railway on three sides. The proposed PRH development would be subject to adverse noise and air quality impacts (R3); and

#### *Grounds of Representations Not Related to the Amendment Items*

##### *Development of Fanling Golf Course Site to Replace the North East New Territories New Development Areas (NENT NDAs)*

- (iii) development of the Fanling Golf Course site with an area of 170 ha could replace the NENT NDAs development (R3 and R4). As compared with the NENT NDAs development, development of the golf course site in Fanling would avoid the time and cost for land resumption, and the first batch of flats could be provided in as early

as 2017. Development of the golf course site for residential development would not affect the existing residents and the agricultural land in NENT NDAs (R3);

#### Representers' Proposals

- (h) both R3 and R4 proposed to use the representation site for providing a public transport interchange (PTI) or light rail terminal to serve the development at the Fanling Golf Course site. R3 also put forth some proposals about the development of Fanling Golf Course site such as housing mix and provision of employment opportunities;

#### PlanD's Responses to Grounds of Representations

- (i) the responses to the grounds of representations were summarised in paragraph 5.3 of the Paper and highlighted below:

##### *Proposed PRH Development on "R(A)1" Site*

##### *Meeting the Housing Needs*

- (i) according to the Chief Executive (CE)'s Policy Address 2013, the Government would adopt a multi-pronged approach to build up land reserve with a view to meeting housing needs. For this purpose, the Government would increase the supply of land in the short, medium and long terms through optimal use of developed land and identifying new land for development at the same time. The NDAs would be a major component, amongst others, in the overall strategy to provide housing land for Hong Kong in the long-term. To increase housing land supply in the short to medium-term, one of the measures was to examine "G/IC" sites and other government sites to avoid under-utilisation of sites which had been long reserved but without specific development programme;

- (ii) in line with the government policy, PlanD had identified a number of suitable sites across the territory for housing development which included the subject representation site. Being located in the Sheung Shui town centre and within the walking distance of the East Rail Sheung Shui Station, the representation site was considered suitable for housing development. The site was previously zoned “G/IC” and “O” on the Fanling/Sheung Shui OZP. The “G/IC” portion of the site was originally reserved for a flushing water pumping station while the “O” portion was previously designated for district open space. As the planned facilities would be reprovioned elsewhere, both Water Supplies Department and Leisure and Cultural Services Department agreed to release the site for residential development;

*Contribution to Public Housing Supply*

- (iii) in the light of the increasing number of PRH applicants on the general waiting list and the need to meet the government’s pledge of average waiting time of around three years, the Government had undertaken active search for suitable sites for timely public housing development. All sites, regardless of their size and location, would be considered for public housing development under the principle of efficient use and optimal utilisation of land resources so as to develop cost-effective and sustainable public housing. As pledged in the Chief Executive’s Policy Address 2013, the Government targeted at a production of at least 100,000 flats in total, over the next five years starting from 2018;
- (iv) the representation site was easily accessible from the East Rail Sheung Shui Station and a public housing estate, Choi Po Court, was at its immediate south. The proposed public housing development on the site with a total GFA of 69,500m<sup>2</sup> and a maximum building height of 110mPD was considered compatible with the surrounding uses. With an area of about 1.24 ha, the site

could provide about 900 flats for about 2,700 persons. It would contribute to meeting the pressing need for public housing and allow a better use of land resources. The site was a piece of formed government land and readily available for housing development. It had been identified for public housing development since early 2008 and the development proposal had received general support from the North District Council;

*No Adverse Noise and Air Quality Impacts*

- (v) an Environmental Assessment Study (EAS) had been undertaken by HD to assess the environmental acceptability of the proposed PRH development. A micro-climate study had also been undertaken to assess the environmental and sustainable design including daylight provision and natural ventilation for the PRH development. Regarding the concerns on the possible adverse noise and air impacts, the proposed public housing development would be protected from the rail and road traffic noises as well as vehicular emissions from the adjoining roads through disposition of the buildings on podium with sufficient setback. Single aspect and self-protecting building design had been adopted with window opening facing away from the noise source. Sustainable building design and other mitigation measures, including architectural fins, fixed windows in localised areas and acoustic insulation would also be provided so as to provide a quality living environment. The EAS had confirmed that with the implementation of various mitigation measures, the PRH development would not be subject to unacceptable environmental impacts and would not cause adverse environmental impacts on the surrounding areas. In this regard, the Director of Environmental Protection (DEP) had no adverse comments on the proposed PRH development;

*No Shortage of Community Facilities*

- (vi) regarding the concerns on the lack of public facilities, the rezoning of the site for PRH development would not have any adverse impacts on the provision of GIC facilities and open space within the Fanling/Sheung Shui New Town. The existing public car park on the representation site would be reprovisioned as part of the proposed PRH development as required by TD. There would also be welfare facilities provided within the development including a neighbourhood elderly centre and a residential care home for the elderly. Provision of GIC facilities and open space had been made in accordance with Hong Kong Planning Standards and Guidelines (HKPSG); and

*Rezoning of the Slopes and Cycle Track adjoining the PRH Site to an Area shown as 'Road'*

- (vii) although R3 and R4 had submitted opposition to the rezoning of the slopes and cycle track adjoining the proposed PRH from "G/IC" and "O" to an area shown as 'Road' on the OZP, they had not specified any reason for the objection. The subject rezoning was mainly a technical amendment to reflect the as-built and long-term use of the concerned site;

PlanD's Responses to Representers' Proposals

- (j) the responses to the representers' proposals were summarised in paragraph 5.4 of the Paper and highlighted below:

*Proposal Related to the Amendment Items*

*Use of the Representation Site as PTI/Light Rail Terminal*

- (i) R3 and R4 proposed to use the representation site as PTI/light rail terminal to serve the development at the Fanling Golf Course site. However, there was no plan for development at the golf course site.

A major transport interchange and public car park with commercial uses had been provided at Landmark North, which was located near the East Rail Sheung Shui Station. The concerned transport interchange was located to the immediate east of the representation site. TD had advised that there was currently no plan to provide another PTI or light rail terminal in the area;

*Proposal Not Related to the Amendment Items*

*Development of the Fanling Golf Course Site to replace the NENT NDAs*

- (ii) as to the suggestion of R3 and R4 to develop the Fanling Golf course site to replace the NENT NDAs, it should be noted that both the Fanling Golf Course site and NENT NDAs fell outside the Fanling/Sheung Shui OZP and were not related to the current OZP amendments;
- (iii) according to the District Lands Officer/North, Lands Department, the Fanling Golf Course site was currently under Private Recreational Lease which restricted the use of the concerned site for golf course and ancillary uses. The lease would expire in August 2020. At present, there was no plan for development at the golf course site; and
- (iv) the NENT NDAs Study had been undertaken since 2008, and the planning study was at an advanced stage. The NENT NDAs would be a major component, amongst others, in the overall strategy to provide housing land for Hong Kong in the long-term. It was anticipated that the Stage 3 Public Engagement report and the refined recommended development proposal would be promulgated to the public in mid-2013; and

PlanD's Views

- (k) PlanD did not support any of the representations and considered that the



OZP should not be amended to meet the representations for the reasons as set out in paragraph 7.1 of the Paper.

16. The Chairman then invited the representer's representative to elaborate on the representation. Noting that the representation submitted by the representer (R3) involved matters on NENT NDAs and Fanling Golf Course not related to the amendment items, the Chairman reminded the representer's representative to focus on the amendments to the OZP under consideration.

R3 – Green Sense

(Mr. Roy Tam – representer's representative)

17. With the aid of a Powerpoint presentation, Mr. Roy Tam made the following main points:

- (a) the NENT NDAs development was objected to for the main reasons that extensive land resumption would be involved, the ecology and air ventilation had not been addressed properly, the basic planning principles had been violated and only luxury housing would be provided at the expense of the interests of the indigenous villagers;
- (b) a large group of people who would be affected by the NENT NDAs development were discontent and had joined together to protest on 16.6.2013 against the government's proposal. This reflected the strong local objection to the NENT NDAs development;
- (c) the representation site was surrounded by roads and railway on three sides. The proposed PRH development at the representation site would be subject to adverse noise and air quality impacts;
- (d) the development of the Fanling Golf Course site with an area of 170 ha could replace the NENT NDAs development. As compared with the NENT NDAs development, development of the golf course site would avoid the time and cost for land resumption, and the first batch of flats

could be provided in as early as 2017. Besides, the conservation value of the golf course site should not be high due to the use of pesticides on the golf course;

- (e) in view of its close proximity to the East Rail Sheung Shui Station, the representation site was proposed to be used as a PTI or light rail terminal to serve the proposed development at the Fanling Golf Course site;
- (f) a Master Layout Plan had been prepared for the development of the Fanling Golf Course site which comprised residential, commercial, industrial (mainly light industrial) and community uses. The proposed development could accommodate a total population of about 120,000 people including 48,000 people in PRH, 28,000 people in Home Ownership Scheme, 10,000 people in Sandwich Class Housing Scheme and 10,000 people in elderly housing and 24,000 people in private housing. The site could be developed into a semi self-contained township. A theme park which resembled Lai Yuen Amusement Park could also be provided;
- (g) according to the lease conditions of the Fanling Golf Course site, the site could be taken back by the Government with a 12 months' notice, if required. There was no need to wait until the expiry of the lease until 2020 as claimed by PlanD; and
- (h) about 23.8% of the total land area in Hong Kong had been developed but some of the land had not been fully utilised such as brownfields, government land under Short Term Tenancy, under-utilised Barracks sites and unused land within "V" zone. As such, there was still a lot of land available for housing, recreational and economic developments.

18. A Member considered the housing land policy not related to the amendment items and requested Mr. Roy Tam to turn the subject of his presentation back to the OZP amendments. The Chairman reminded Mr. Tam to focus his presentation on matters related to the amendment items. In response, Mr. Tam said that the housing land policy

had implications on the amendment items under consideration.

19. Mr. Roy Tam continued and made the following main point:

- (a) Hong Kong was over-populated and the infrastructure and transport facilities had been overloaded. According to the “Hong Kong 2030 – Planning Vision and Strategy”, the total population of Hong Kong would reach 8.9 million in 2039. In 2012, PlanD had revised the population forecast to 8.43 million in 2041. In any case, the Government should take appropriate measures to control the population growth. For instance, the policy governing the issue of One-Way Permits for people from the Mainland should be subject to review.

20. A Member said that the population policy mentioned by Mr. Roy Tam was irrelevant to the amendment items. The Chairman reminded Mr. Roy Tam again to focus his presentation on the issues related to the amendment items as the purpose of the hearing was to consider the representations to the OZP amendments. Mr. Tam said that he only wished to express his vision on the future of Hong Kong and hoped that Members would take into account the major government policies in considering the subject amendments. The Chairman advised that while Mr. Tam could express his views on the government policies at other appropriate occasions, he should focus his presentation on the amendment items. Mr. Tam said that he noted the Chairman’s advice.

21. Mr. Roy Tam continued and made the following main points:

- (a) keeping on identifying land for development would create more conflicts in the society. The conflicts were mainly due to the increasing pressure from population growth;
- (b) reclamation was not supported from environmental point of view. In particular, it was also noted that the reclaimed land had been mainly used for development of luxury housing; and
- (c) building more flats would create more construction wastes, bearing in

mind that the landfill would be saturated in the near future. Even though the representation site was proposed for PRH, it would still increase the production of construction wastes.

22. The Chairman further reminded Mr. Roy Tam that the issues on reclamation and construction wastes were unrelated to the amendment items. Mr. Tam noted the Chairman's advice and indicated that he would focus on the related issues.

23. Mr. Roy Tam continued and made the following main points:

- (a) although an increase in flat production could help meet the housing needs, it would cause environmental problems such as air ventilation problem and an increase in the production of construction wastes. It should be noted that about 25% of the daily solid waste produced in Hong Kong was construction wastes which amounted up to 50,000 tonnes. A substantial increase in housing supply had exceeded the limit of what Hong Kong could accommodate; and
- (b) even with an increase in flat production, many people in Hong Kong could not afford to buy their own flats. In Singapore, the Government had provided over 80% public housing, which was an example for Hong Kong.

24. A Member said that the Board had the statutory duty to hear the representations and to consider matters relevant to the amendment items. This Member suggested that Mr. Roy Tam should elaborate on the points which were relevant to the amendment items so as to facilitate Members' consideration of his representation. Mr. Tam noted the Member's advice and indicated that he would be concise in his presentation.

25. Mr. Roy Tam continued and made the following main points:

- (a) to help ensure the impartiality and integrity of the Board, there should be an independent Secretariat of the Board; and

- (b) the Board was requested to take into account the views of the public in making its decision.

26. The Chairman said that the statutory duty of the Board to promote the health, safety, convenience and general welfare of the community through the preparation of plans was clearly prescribed under the Ordinance. As DPO/STN and the representer's representative had finished their presentations, the Chairman invited questions from Members.

27. A Member asked the representer's representative whether the representation site was more suitable for the development of a PTI/light rail terminal than PRH. Mr. Roy Tam said that his proposal was to replace the NENT NDAs development by the development at the Fanling Golf Course site. If that was the case, the representation site would be a suitable location for providing a PTI/light rail terminal to serve the development at the Fanling Golf Course site. Mr. Tam said that he did not object to the PRH development at the site but it would be better if the lower levels could be used for providing a PTI/light rail terminal and welfare facilities while the PRH could be provided above. In that regard, the PRH development at the representation site should be put on hold to cater for the PTI/light rail terminal proposed.

28. In response to a Member's question on the possible noise impact and the noise levels measured at the representation site, Ms. Jacinta Woo said that an EAS had been undertaken by HD to assess the environmental acceptability of the proposed PRH development. Although the site was near to roads/railway, the traffic noise impact could be minimised by disposition of the buildings on podium with sufficient setback, single aspect and self-protection building design and other mitigation measures. The EAS had confirmed that the PRH development would not be subject to unacceptable environmental impacts. In this regard, DEP had no adverse comments on the proposed PRH development. Regarding the noise levels of the site, Ms. Woo said that she did not have such information in hand.

29. A Member asked about the possibility of sharing the existing facilities provided in the surrounding developments and the implementation of the "O" zone to the

north of the representation site. Ms. Jacinta Woo said that as the representation site was located just opposite to Choi Po Court and Choi Yuen Estate, the future PRH residents could use the community facilities provided in these public housing estates as well as the retail facilities provided at Landmark North to the northeast. In addition, a neighbouring elderly centre and a residential care home for the elderly would be provided within the proposed PRH development. As regards the implementation of the “O” zone to the north, Ms. Woo said that the area was currently used as a bus depot, which was only a temporary use. LCSD had no implementation programme for the “O” zone yet. In this connection, an ‘entry and exit hub’ in relation to the New Territories Cycle Track Network would be provided at the eastern part of the “O” zone.

30. A Member asked whether the current public car park at the representation site serving as a park-and-ride facility near East Rail Sheung Shui Station would be reprovioned. Ms. Jacinta Woo confirmed that all the 197 car parking spaces at the current park-and-ride car park would be reprovioned within the proposed PRH development. The Chairman further enquired whether the car parking facilities would be affected during the construction stage of the PRH. Ms. Woo advised that half of the above parking facilities would be maintained during the construction stage.

31. The same Member said that apart from the reprovioning of 197 car parking spaces, additional car parking spaces should be provided to cater for the PRH development. In response, Ms. Jacinta Woo said that another 20 private car parking spaces would be provided for the proposed PRH development.

32. A Member noted that the proposed PRH development was subject to a maximum building height of 110mPD. This Member asked whether there was scope to lower the building height limit subject to the results of the air ventilation assessment (AVA) and visual impact assessment conducted at the detailed design stage. Ms. Jacinta Woo said that HD had undertaken an AVA for the proposed development. Three housing blocks with building heights ranging from 24 to 32 storeys (maximum 110mPD) in a stepped height profile were proposed at the site a view to minimising the air ventilation and visual impacts. As shown on Plan H-5 of the Paper, the building height of the PRH development was compatible with Choi Po Court.

33. In response to a Member's question, Ms. Jacinta Woo said that according to the design proposed by HD in Drawings H-1 and H-2 of the Paper, the transport and welfare facilities would be provided at basement and the lower levels of the proposed development with the residential towers above.

34. A Member noted that a shop was proposed at the eastern tip of the proposed layout plan at the representation site as shown in Drawing H-1 of the Paper and suggested exploring the possibility of extending the subject housing development into the "O" zone in the east or integrating the design of the housing development with that of the public open space. Ms. Jacinta Woo said that the area zoned "O" in the east was being used as a seizure pound by the Lands Department which was only a temporary use. Although LCSD had no implementation programme for the public open space, the "O" zone should be retained. The Member further suggested that this piece of land could be allocated to HD for a more integrated development scheme without expanding the proposed housing development. Ms. Woo said that the matter could be considered separately at a later stage.

35. In response to a Member's question, Mr. Roy Tam explained that the representation site, being located at strategic location in the Sheung Shui town centre, was suitable for use as a PTI or light rail terminal to serve the development at the Fanling Golf Course site. Mr. Tam further said that the proposed PTI or light rail terminal could be accommodated at the lower levels of the future development and the upper levels could still be used for PRH development. It was also possible to use half of the site for a PTI and half of the site for a light rail terminal. The same Member asked whether facilities such as PTI, light rail terminal and community facilities were permitted in "R(A)" zone. Ms. Jacinta Woo said that those uses were always permitted in the "R(A)" zone. However, there was already a PTI at Landmark North which was located to the northeast of the site and TD had advised that the provision of another PTI at the subject site was not necessary. Mr. Roy Tam commented that according to his understanding, the PTI at Landmark North was only able to cater for the existing developments. Their proposed PTI at the subject site was mainly to serve the future development.

36. A Member asked whether the proposed PRH development could be considered as an extension of Choi Po Court and Choi Yuen Estate. Ms. Jacinta Woo said that the

facilities provided in these developments could be shared by the residents and there were proposed footbridge linkages connecting these developments and the East Rail Sheung Shui Station.

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

#### Deliberation Session

38. The Chairman invited Members to consider the representations taking into consideration all the written submissions and the oral representations and materials presented.

#### *The Representer's Proposals*

39. A Member noted that R3's proposal to use the representation site as a PTI was related to his proposal to develop the Fanling Golf Course site for residential use. With respect to the proposal by R3 to develop the golf course site to accommodate a population of 120,000 persons, the Chairman said that a comprehensive study had to be undertaken given the large site area involved. Given the urgent need for housing supply, it could not be regarded as replacement option for the two amendment sites.

40. A Member asked whether the representation site had been planned to be used as a PTI for the future development of NENT. The Chairman said that in the NENT NDAs Study, the transport infrastructure would be comprehensively planned and suitable land had been reserved for the required railway stations and road widening works. There was no plan to use the subject site for providing a PTI to serve the future development.



*Reprovisioning of Public Car Park*

41. In response to a Member's concern on the reprovisioning of the current park-and-ride car park at the subject site, the Secretary said that the concerned parking facilities would be partly maintained during construction and totally reprovisioned upon completion of the proposed PRH development. The arrangement was agreed by TD.

*Provision of Parking Facilities*

42. In view its close proximity to the East Rail Sheung Shui Station and its compatibility with the existing public housing estates in the vicinity, a Member considered that the representation site was suitable for the proposed PRH development. This Member opined that the provision of 20 private car parking spaces to meet the need of the PRH development might be on the low side. Two Members said that an increase in the provision of car parking spaces in the proposed development should be considered, taking into account the increasing demand for park-and-ride facilities in this area.

43. The Chairman said that TD had been consulted on the car parking provision of the proposed development. As the representation site was for a PRH development located near the railway station, the requirement for car parking facilities should be relatively low. Apart from the provision of 20 private car parking spaces, other ancillary parking facilities including 7 motor-cycle parking spaces, 2 light goods vehicle parking spaces, 30 bicycle parking spaces and 5 loading/unloading spaces would also be provided within the proposed development. A Member asked if the parking standard had been revised as there had been a number of planning applications for use of vacant car parks in the public housing estates for renting to non-residents of the housing estates. The Secretary supplemented that the parking facilities in the subject PRH development were proposed in accordance with the standard laid down in the HKPSG, which were considered acceptable by TD. Members noted that the parking standards in the HKPSG had been revised in 2011 and in the revised standard, locational factors such as proximity to the mass transport system should be taken into account in working out the parking provision. Areas with good accessibility to public transport would be subject to a lower parking standard. Given that the subject site was located just next to the East Rail Sheung Shui Station, the requirement for parking facilities was therefore relatively lower in accordance

with HKPSG.

#### *Additional Public Transport Interchange*

44. Noting that the PTI at Landmark North was always congested, a Member asked if HD should be requested to consider including a small scale PTI in the PRH development at the representation site. Another Member held a different view and said that if such a request had to be made, it should be supported with strong justifications as the need for an additional PTI at this stage had yet to be demonstrated. The Chairman said that there was no need to provide an additional PTI at this stage and whether an additional PTI would be required for the future development in a wider area should be subject to further study. The Secretary added that a study to explore the development potential of Sheung Shui Area 30 would be conducted.

#### *Urban Design Considerations*

45. A Member said that the building design of the PRH development should be more compatible with the surrounding environment. The Secretary said that the building design matters would be taken care of by the Building Committee of the HKHA in which PlanD's representative was a Member. Given that the representation site was located on a sloping ground, the public car park would adopt a semi-sunken design such that the visual impact on the surrounding area could be minimised. In response to a Member's question on the design with the "O" zone on the other side of Choi Yuen Road, the Secretary said that the option of including the "O" site to the east of the subject site into the proposed development had been explored. As there were strong local aspirations for the development of the public open space, it was decided that the "O" zoning of that piece of land should be retained.

#### *Conclusion*

46. The Chairman summarised Members' views that the proposed PRH development would facilitate better utilisation of the land resources to meet the housing needs of the community. The subject rezoning was one of the short-term measures for increasing the housing land supply. Regarding the representer's proposal to develop the Fanling Golf Course site to replace the NENT NDAs development, it should be noted that

at present, there was no plan for development at the golf course site. The feasibility of developing the golf course site should be subject to a separate comprehensive study including the required infrastructure and transport facilities. On the concerns of possible noise and air quality impacts at the representation site, the EAS undertaken by HD had confirmed the environmental acceptability of the proposed PRH development at the subject site. Moreover, appropriate mitigation measures would be adopted to ensure compliance with relevant environmental protection requirements. As regards the proposal of providing a PTI or light rail terminal at the representation site, it should be noted that a PTI had already been provided at Landmark North near the East Rail Sheung Shui Station. TD considered that there was no need to provide another PTI at the subject site. In view of the above, Members agreed that R1 to R4 should not be upheld.

47. After deliberation, Members agreed not to uphold Representations No. R1 to R4. Members then went through the reasons for not upholding the representations as stated in paragraph 7.1 of the Paper and considered that they were appropriate.

#### Representations No. R1 to R4

48. After further deliberation, the Board decided not to uphold Representations No. R1 to R4 for the following reasons:

- (a) to meet the increasing demand for housing land, the Government had undertaken a number of measures to increase housing land supply in both long-term and short/medium term (R2);
- (b) land suitable for development in Hong Kong was scarce and there was a pressing need for increasing housing supply. The rezoning of the site for the public rental housing (PRH) development would better utilise the land resource to meet the housing needs of the community (R1, R2, R3 and R4);
- (c) rezoning of the site at Choi Yuen Road for public rental housing development would not have any adverse impacts on the provision of community facilities or the living environment in the area (R2);

- (d) Environmental Assessment Study had been undertaken to confirm the environmental acceptability of the proposed PRH development at Choi Yuen Road site. Appropriate mitigation measures would also be provided to ensure compliance with relevant environmental protection requirements (R3); and
- (e) there was, at present, no plan for development at the Fanling Golf Course site. Besides, a transport interchange had already been provided near the East Rail Sheung Shui Station. Hence, there was no need to use the site for providing a public transport interchange/light rail terminal (R3 and R4).

49. The Board also noted that R3 and R4 had put forward proposals which were not related to the amendment items and agreed to provide the following responses to their proposals:

- (a) both the Fanling Golf Course site and the New East New Territories New Development Areas (NENT NDAs) fell outside the Fanling/Sheung Shui Outline Zoning Plan (OZP) and were not related to the current OZP amendments;
- (b) the Fanling Golf Course site was currently under Private Recreational Lease which would expire in 2020. There was, at present, no plan for development at the golf course site; and
- (c) the NENT NDAs Study had been undertaken since 2008, and was at an advanced stage. The NENT NDAs would be a major component, among others, in the overall strategy to provide housing land for Hong Kong in the long-term.

[The meeting was adjourned for a short break of 5 minutes.]

[Mr. Stanley Y.F. Wong, Ms. Julia M.K. Lau, Mr. H.F. Leung, Ms. Janice W.M. Lai, Mr. K.K. Ling and Mr. Eric K.S. Hui returned to join the meeting at this point.]

**Agenda Items 4 to 8**

[Open Meeting]

Further Consideration of New Plans –

Draft Sha Tau Kok Outline Zoning Plan No. S/NE-STK/C,

Draft Lin Ma Hang Outline Zoning Plan No. S/NE-LMH/D,

Draft Tau Kwu Ling North Outline Zoning Plan No. S/NE-TKLN/D,

Draft Man Kam To Outline Zoning Plan No. S/NE-MKT/C and

Draft Ma Tso Lung and Hoo Hok Wai Outline Zoning Plan No. S/NE-MTL/D

(TPB Papers No. 9371, 9372, 9373, 9374 and 9375)

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[The meeting was conducted in Cantonese.]

50. The Chairman suggested and Members agreed that since all the five draft Outline Zoning Plans (OZPs) covering the Sha Tau Kok (STK), Lin Ma Hang (LMH), Ta Kwu Ling North (TKLN), Ma Kam To (MKT) and Ma Tso Lung and Hoo Hok Wai (MTL) areas were all located in proximity to each other in the Frontier Closed Area (FCA) and with similar planning background, they would be considered together by the Town Planning Board (the Board).

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

Ms. Jacinta Woo - District Planning Officer/Shu Tin, Tai Po and North (DPO/STN), PlanD

Mr. Otto Chan - Senior Town Planner/North (2) (STP/N2), PlanD

52. The Secretary said that a petition letter from Lin Ma Hang Village Office in relation to the LMH OZP which was just received was tabled at the meeting for Members' information. Their comments and PlanD's responses would be covered in the presentation by DPO/STN at the meeting. Members noted that three replacement pages regarding STK OZP, LMH OZP and MTL OZP respectively were also tabled at the meeting.

53. The Chairman extended a welcome and invited DPO/STN to brief Members on the Papers.

54. With the aid of a Powerpoint presentation, Ms. Jacinta Woo, DPO/STN, made the following main points as detailed in the Papers:

Preliminary Consideration of the five draft OZPs

- (a) on 26.4.2013, the Board gave preliminary consideration to the draft OZPs No. S/NE-STK/B, No. S/NE-LMH/C, No. S/NE-TKLN/C, No. S/NE-MKT/B and No. S/NE-MTL/C (TPB Papers No. 9326 to 9330) and agreed that the five draft OZPs were suitable for submission to the North District Council (NDC) and the respective local district rural committees for consultation. PlanD had been requested to report back the comments received from the NDC and the respective local district rural committees before gazetting of the draft OZPs; and

Public Consultation

- (b) meetings with NDC, RCs (including Sai Tau Kok District Rural Committee (STKDRC), Sheung Shui District Rural Committee (SSDRC) and Ta Kwu Ling District Rural Committee (TKLDRC)), Village Representatives (VRs) of LMH, Muk Min Tau and Tsiu Hang, and the Green Groups (including World Wide Fund for Nature Hong Kong (WWF), Kadoorie Farm and Botanic Garden (KFBG), the Conservancy Association (CA), Green Power (GP) and Designing Hong Kong (DHK)) were held in May 2013 to seek their views on the concerned draft OZPs. Written submissions were received from the VRs and the Green Groups.

Draft STK OZP

55. With the aid of a Powerpoint presentation, Ms. Jacinta Woo made the following main points on the draft OZP No. S/NE-STK/C as detailed in TPB Paper No.

9371:

Board's Decisions on 26.4.2013

- (a) on 26.4.2013, the Board gave preliminary consideration to the draft OZP No. S/NE-STK/B and its decisions were summarised as follows:
- (i) no changes were proposed to the “Village Type Development (“V”) zones of Tong To, San Tsuen and Muk Min Tau (including Tsiu Hang);
  - (ii) two pieces of land north of Tam Shui Hang and Shan Tsui should be rezoned from “V” to “Green Belt” (“GB”) to preserve the existing mature trees and landscape character, and two pieces of land sandwiched between Muk Min Tau and Tam Shui Hang and at the northwestern fringe of Tam Shui Hang should be rezoned from “Agriculture” (“AGR”) to “V” to reflect the existing development pattern;
  - (iii) the land use zonings for the three major streams in STK area should be retained except that the lower-middle course of the stream near Tam Shui Hang should be rezoned to “V” to reflect the recent village house development in the area; and
  - (iv) the “AGR” zone south of STK and the two pieces of land zoned “GB” near Gate One Checkpoint of the Closed Area should be retained;
- (b) Members had great concerns on insufficient provision of car/coach parking facilities in STK particularly at weekends and public holidays in view of the recent opening up of the concerned area. Proper traffic measures to ensure the promotion of recreational development and eco-tourism without undermining the planning intention to conserve the area should also be considered;

Comments from NDC, STKDRC and the VR

- (c) STKDRC, NDC and the VR of Muk Min Tau and Tsiu Hang were consulted on the draft OZP No. S/NE-STK/B on 15.5.2013, 20.5.2013 and 30.5.2013 respectively. The major comments received were summarised as follows:

*Insufficient Parking Spaces in STK Area*

- (i) members of the STKDRC and NDC commented that there were insufficient parking spaces in STK Area to meet the future increase in demand for parking spaces. They proposed to rezone two pieces of land zoned “GB” near Gate One Checkpoint to “Government, Institution or Community” (“G/IC”) to allow ‘Public Vehicle Park (excluding container vehicle)’ use or to an area shown as ‘Road’;

*Review of “AGR” Zone*

- (ii) STKDRC and NDC considered that the piece of land zoned “AGR” on the southern side of Sha Tau Kok Road was not suitable for agricultural activities as the area was subject to salt-laden air and sea water intrusion. They suggested rezoning the area to “Recreation” (“REC”) to allow greater flexibility for development of the area and to provide more parking spaces (either through planning permission or ancillary to permitted developments). The VR of Muk Min Tau and Tsiu Hang suggested that the site should be rezoned to “V”; and
- (iii) the two strips of land zoned “AGR” in the northern side of Sha Tau Kok Road were too small and not suitable for agricultural activities in view that they were adjacent to Sha Tau Kok Road. It was suggested that the two strips of land should be rezoned from



“AGR” to “V” to meet the Small House demand for Tsiu Hang/Muk Min Tau or for parking of coaches to address the problem of acute shortage of parking spaces in STK Area;

#### Comments from the Green Groups

- (d) a meeting between PlanD and the Green Groups (including WWF, KFBB, CA, GP and DHK) was held on 2.5.2013 to seek their views on the draft OZP No. S/NE-STK/B. The major comments received were summarised as follows:

##### *Nature Conservation*

- (i) the Green Groups suggested that more restrictive zonings should be designated to reflect the conservation value of Tam Shui Hang Stream and its riparian area. WWF proposed to rezone them to “GB” or “AGR” while GP proposed to rezone them to “Conservation Area” (“CA”); and
- (ii) WWF proposed that the two fish ponds near Gate One Checkpoint should be rezoned from “AGR” to “CA”;

#### PlanD’s Responses

- (e) PlanD’s responses to the points raised by NDC, STKDRC, the VR and the Green Groups as detailed in paragraph 4 of the Paper were summarised as follows:

##### *Insufficient Parking Spaces in STK Area and Traffic Issues*

- (i) since the opening up of STK Area in February 2012, it was observed that there had been substantial increase in visitors to the area. There was a genuine need for provision of supporting facilities, including car parks, to meet the vast volume of visitors and local tours and proper traffic control measures;

- (ii) relevant government departments including Commissioner for Transport (C for T), Chief Highways Engineer/New Territories East, Highways Department (CHE/NTE, HyD), Commissioner of Police (C of P), Director of Agriculture, Fisheries and Conservation (DAFC), had been consulted on NDC's and STKDRC's land use proposals for the two pieces of land near Gate One Checkpoint. The departments consulted had no objection to the proposed rezoning of Site B1 (about 0.09 ha) and Site B2 (about 0.2 ha) (as shown on Plan 12 of the Paper) from "GB" to 'Road';
- (iii) in view of the existing mudflats and mangroves in Site A (about 0.23 ha) and Site B3 (about 0.35 ha) (as shown on Plan 12 of the Paper), the "GB" zone for these two sites should be retained to protect the ecology associated with the existing landscape and mangroves;

*Review of "AGR" Zones on the Southern Side of Sha Tau Kok Road*

- (iv) while the local community requested to rezone a site south of Sha Tau Kok Road from "AGR" to "REC" (Site E as shown on Plan 12 of the Paper), WWF proposed to rezone the existing fish ponds in the north to "CA" (i.e. part of Site E) to protect the nearby mangroves;
- (v) PlanD had reviewed the land use zoning of the site in consultation with other departments including AFCD, HyD, TD and C of P. The site was currently covered mostly by fallow arable land with grass and shrubs and some village houses, and enjoyed good accessibility from Sha Tau Kok Road. The area to the immediate south and west was zoned "REC" which was occupied by the existing Sha Tau Kok Farm. To the east, it fronted onto Starling Inlet and there were mangroves along the coasts of the site. Since

the opening up of STK Area in February 2012, it was observed that there had been substantial increase in visitors to the area, particularly at weekends and public holidays. There was a genuine need for provision of supporting facilities, including car parks, to meet the vast volume of visitors and local tours and proper traffic control measures. In view of the latest development in STK Area including the nearby Sha Tau Kok Farm in the south and west, the site would have potential for development of agri-tourism and low-intensity recreational use, such as holiday farm and leisure fishing with provision of supporting facilities such as cafes and small shops selling local produce. A special zone of “REC(1)” was proposed with ‘Place of Recreation, Sports or Culture’ use placed under Column 2 so that the Board could retain control on major development in the area which might have potential impact on the natural environment. The “REC(1)” zone could serve as an extended area of the existing “REC” zone to the south and west and car/coach parking facilities could be provided subject to planning permission by the Board. Filling of ponds was also subject to planning permission under the Notes of the “REC(1)” zone to protect the existing ponds. ‘Agricultural Use’ was always permitted under the “REC(1)” zone and the existing ponds could be protected by the restriction on filling of ponds;

*Review of “AGR” Zone on the Northern Side of Sha Tau Kok Road*

- (vi) a small piece of land (Site F as shown on Plan 12 of the Paper) (about 0.07 ha) currently zoned “AGR” and sandwiched between the “GB” zone and the “V” zone of San Tsuen was covered with dense trees and vegetation. It was considered appropriate to rezone the site to “GB” to protect the natural features including the vegetation and existing trees;
- (vii) the two strips of land, which covered a total of about 0.62 ha and currently zoned “AGR” on the northern side of Sha Tau Kok Road

(Sites C and D as shown on Plan 12 of the Paper), were originally reserved as a buffer from Sha Tau Kok Road. CHE/NTE of HyD and C for T commented that the buffer was no longer needed and there was no plan for widening of Sha Tau Kok Road. In view that the area of the current “V” zone of San Tsuen and Muk Min Tau covered only about 95% of its ‘VE’, and there was only about 12.33 ha of land available in the current “V” zone which was insufficient to meet the latest total Small House demands (3,165 Small Houses) for the two villages based on the figures provided by District Lands Office/North of Lands Department (DLO/N, LandsD), it was proposed to rezone the area to “V” to help meet the Small House demand for San Tsuen and Muk Min Tau (including Tsiu Hang) according to the established criteria agreed by the Board on 8.9.2011;

*Tam Shui Hang Stream and Its Riparian Area*

(viii) with regard to the Green Groups’ proposal to designate a more restrictive land use zoning for Tam Shui Hang Stream and its riparian area (Site A as shown on Plans 2 and 3 of the Paper), it should be noted that there were signs of recent village house developments alongside the nearby “V” zone which was close to the lower-middle course of the stream and this part of the stream should remain to be zoned “V” to reflect the existing development pattern. This proposal had been fully deliberated in the Board’s meeting on 26.4.2013. There had been no significant change in planning circumstances. In this regard, no changes were proposed to the land use zonings; and

*Minor Zoning Boundary Adjustments*

(ix) there were other minor boundary adjustments to the OZP such as rezoning of the area along Sha Tau Kok Road to reflect the existing alignment of the road and rezoning of a piece of land near San

Tsuen (Site F as shown on Plan 12 of the Paper) from “AGR” to “GB” to protect the existing trees of the site; and

- (f) as compared the draft OZP No. S/NE-STK/B considered by the Board at its meeting on 26.4.2013 with the current draft OZP No. S/NE-STK/C, the major zoning amendment was related to the rezoning of a site on the southern side of Sha Tau Kok Road from “AGR” to “REC(1)”.

56. As DPO/STN had finished the presentation on the draft STK OZP, the Chairman invited questions from Members.

57. In response to the Chairman’s question, Ms. Jacinta Woo said that the only difference between “REC” and “REC(1)” zone was that ‘Place of Recreation, Sports and Culture’ was a Column 1 use in “REC” zone but a Column 2 use in “REC(1)” zone. For the “REC(1)” zone, given its location at the coastal area and the two existing fish ponds were potential habitats for the over-wintering birds and ardeids (池鷺), and were fringed by mangroves along the coast, ‘Place of Recreation, Sports or Culture’ was put under Column 2 for better control of large-scale development in the area. Recreational uses compatible with the rural setting of the area might be permitted by the Board on individual merits. Apart from this, the other development restrictions imposed on “REC(1)” and “REC” zones were the same.

58. The Chairman further asked whether rebuilding of houses required permission from the Board in “REC(1)” zone. Ms. Jacinta Woo said that according to the covering Notes of the OZP, rebuilding of New Territories Exempted House (NTEH) was always permitted on land falling within the OZP except “CA” zone. The Secretary supplemented that rebuilding of NTEH and replacement of an existing domestic building were always permitted under the OZP except “CA” zone and permission from the Board was not required. As stated in Column 2 of the Notes of the OZP for ‘REC(1)’ zone, ‘House (other than rebuilding of NTEH or replacement of existing domestic building by NTEH)’ required permission from the Board.

59. In response to a Member’s enquiry concerning the rezoning of the two strips of land along Sha Tau Kok Road to “V”, Ms. Jacinta Woo said that the two strips of land

were originally reserved as a buffer along Sha Tau Kok Road. Upon further consultation with relevant government departments, CHE/NTE, HyD and C for T advised that the buffer was no longer required and there was no plan for widening of Sha Tau Kok Road. Since the two strips of land had mostly been paved and no agricultural activities were carried out on site, they were considered appropriate to be rezoned from “AGR” to “V” to help meet the Small House demand.

60. Members noted the comments from and responses to NDC, STKDRC, VR of Muk Min Tau and Tsiu Hang, and the Green Groups on the draft OZP No. S/NE-STK/B. After deliberation, the Board:

- (a) agreed that the draft Sha Tau Kok OZP No. S/NE-STK/C (to be renumbered as S/NE-STK/1 upon gazetting) and its Notes (Attachments I and II of the Paper) were suitable for exhibition for public inspection under section 5 of the Ordinance;
- (b) adopted the Explanatory Statement (Attachment III of the Paper) as an expression of the planning intentions and objectives of the Board for various land use zonings of the draft Sha Tau Kok OZP No. S/NE-STK/C; and
- (c) agreed that the Explanatory Statement was suitable for exhibition for public inspection together with the draft OZP and issued under the name of the Board.

[Ms. Bernadette H.H. Linn arrived to join the meeting at this point.]

#### Draft LMH OZP

61. With the aid of a Powerpoint presentation, Ms. Jacinta Woo made the following main points on the draft OZP No. S/NE-LMH/D as detailed in TPB Paper No. 9372:

Board's Decisions on 26.4.2013

- (a) on 26.4.2013, the Board gave preliminary consideration to the draft OZP No. S/NE-LMH/C and its decisions were summarised as follows:
- (i) no change was proposed to the “V” zone of the recognised villages of Lin Ma Hang and San Kwai Tin as the “V” zone on the approved DPA Plan for Lin Ma Hang was already larger than the ‘VE’ of the recognised village by about 7%;
  - (ii) in response to the Green Groups’ proposal on conservation, the buffer area along the upper section of Lin Ma Hang Stream was proposed to designate as “CA” for better protection of the water quality and habitat characteristic of the stream. The “GB” zoning would be retained for the buffer area along the lower section of Lin Ma Hang; and
  - (iii) Members expressed divergent views on the proposed “GB” and “CA” zonings for the buffer area along Lin Ma Hang Stream. Some Members were of the view that the riparian zone of the whole Lin Ma Hang Stream should be designated as “CA” zone from nature conservation point of view. They considered that the proposed different zonings might not be able to meet the aspirations of the Lin Ma Hang villagers and the Green Groups. However, other Members supported the different zonings on the grounds that it was able to strike a proper balance between nature conservation and village development. They considered that there was adequate provision for the Board to guard against incompatible developments within the proposed “GB” zone under the current planning system;

Comments from NDC, STKDRC and the VRs

- (b) STKDRC, NDC and the VRs of Lin Ha Hang were consulted on the

draft OZP No. S/NE-LMH/C on 15.5.2013, 20.5.2013 and 21.5.2013 respectively. The major comments received were summarised as follows:

*Buffer Area of Lin Ma Hung Stream*

- (i) NDC and STKDRC (in particular the VRs of Lin Ma Hang Village) strongly opposed the proposed “CA” zoning for the riparian zone along Lin Ma Hang upstream area. The VRs of Lin Ma Hang Village claimed that the land that was proposed to be rezoned to “CA” were mostly private land owned by the villagers for farming purpose. They considered that the proposed “CA” zone would ‘freeze’ their land and thus they would be restricted from any kinds of development/engineering operation within the riparian zone along Lin Ma Hang upstream area, including maintenance of the stream; and

*Explanatory Statement of the OZP*

- (ii) the VRs of Lin Ma Hang Village objected to the proposed incorporation of an administration requirement regarding the practice of assessing Small House applications (i.e. consultation with concerned government departments including AFCD and PlanD) that were in close proximity to existing stream courses within “V” zone into the Explanatory Statement of the draft OZP;

Comments from the Green Groups

- (c) a meeting between PlanD and the Green Groups (including WWF, KFBG, CA, GP and DHK) was held on 2.5.2013 to seek their views on the draft OZP No. S/NE-LMH/C. The major comments received were summarised as follows:



*Buffer Area of Lin Ma Hang Stream*

- (i) all the Green Groups opposed to the proposed “GB” zoning for the riparian zone along the downstream area and proposed that the riparian zone along the whole Lin Ma Hang Stream should be zoned “CA” to safeguard its ecological integrity and conserve its high ecological value; and

*Residence of Ip Ting-sz*

- (ii) DHK proposed that Residence of Ip Ting-sz, the Declared Monument in Lin Ma Hang, should be zoned “Other Specified Uses” annotated “Heritage Site”;

PlanD’s Responses

- (d) PlanD’s responses to the points raised by NDC, STKDRC, the VRs of Lin Ma Hang and the Green Groups as detailed in paragraph 4 of the Paper were summarised as follows:

*Rezoning of the Buffer Area along Lin Ma Hang Village*

- (i) since there were divergent views on the land use zoning for the riparian zone along Lin Ma Hang Stream, AFCD’s further advice regarding the zoning proposal had subsequently been sought. It was proposed that the riparian zone along Lin Ma Hang upstream area should be designated with a special “GB(1)” zoning (4.71 ha) (Plans 3 and 4 of the Paper); and
- (ii) the planning intention of “GB(1)” was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl. There was a general presumption against development within the “GB(1)” zone. The proposed “GB(1)” zone was more restrictive than “GB” zone for better control of development. Moreover, the existing

administrative measures in processing Small House applications would ensure that potential impact on the stream could be addressed; and

- (e) as compared with the draft OZP No. S/NE-LMH/C considered by the Board at its meeting on 26.4.2013, the only amendment incorporated into the current draft OZP No. S/NE-LMH/D was related to the rezoning of the riparian zone along Lin Ma Hang upstream area from “CA” to “GB(1)”.

62. As DPO/STN had finished the presentation on the draft LMH OZP, the Chairman invited questions from Members.

63. The Chairman asked whether the rezoning of the upstream buffer zone of Lin Ma Hang Stream to “GB(1)” could meet the expectations of the local villagers and the Green Groups. Ms. Jacinta Woo said that the proposed “GB(1)” zone was more restrictive than “GB” zone but less restrictive than “CA” zone. The “GB(1)” zoning was proposed after striking a balance between the interests of the local villagers and the concerns of the Green Groups in that it could still provide the necessary protection to the upstream area. As compared with “CA” zone, ‘Picnic Area’ and ‘Tent Camping Area’ were always permitted in “GB(1)” zone and some village-related developments such as ‘Burial Ground’ and ‘Rural Committee/Village Office’ which were not permitted under “CA” zone might be permitted upon application to the Board under “GB(1)” zone. Besides, maintenance or repair of watercourse not co-ordinated or implemented by the Government was also always permitted in “GB(1)” zone but not in “CA” zone according to the covering Notes of the OZP. By comparing “GB” zone and “GB(1)” zone, while there was a general presumption against development under both zonings, the uses were more restrictive in “GB(1)” zone for better control of development.

64. In response to a Member’s enquiry, Ms. Jacinta Woo explained that the upstream area of Lin Ma Hang Stream was zoned ‘GB’ on the approved DPA plan. After giving preliminary consideration to the draft OZP on 26.4.2013, the Board decided to rezone the concerned area to ‘CA’ and the proposal was submitted to NDC, STKDRC and the Green Groups for consultation. The concerned area was proposed to be rezoned to

from “CA” to “GB(1)” after the above consideration. As the land use budget in Table 1 of the Paper was to show the changes between the approved DPA Plan No. DPA/NE-LMH/2 and the current draft OZP No. S/NE-LMH/D, it had recorded a change from “GB” to “GB(1)” in relation to the rezoning of the upstream area. This Member also queried about the calculation in respect of the “GB” zone as shown in Table 1. Ms. Woo undertook to double check the figures.

[Post-meeting note: On 3.7.2013, DPO/STN confirmed that the “GB” zone on the current draft OZP had been reduced by 1.78% as compared to the approved DPA Plan and hence the figures presented in Table 1 of the Paper were in order.]

65. A Member asked whether consideration had been taken to extend the “V” zone so as to retain the “CA” zoning of the buffer area of Lin Ma Hang Stream. Ms. Jacinta Woo said that the existing “V” zone for Lin Ma Hang village was defined by physical features including knolls, slopes, dense vegetation and a fung shui woodland which was currently zoned “CA” to the east of the village, and there was little scope for further expansion. Moreover, as the size of the “V” zone was already larger than that of the ‘VE’ by 7%, it should not be further extended according to the criteria agreed by the Board at the representation hearing held on 8.9.2011. In the event that the designated “V” zone was still not sufficient to meet the future demand of Lin Ma Hang Village, there was provision under the Notes of the OZP for applying planning permission for Small House development to the Board in “AGR” and “GB” zones.

66. The same Member said that application for Small House development within “GB” zone was against the intention of protecting the stream. In response, Ms. Jacinta Woo said that although planning applications could be made for Small House development within “GB” zone, each case would be considered by the Board on its own individual merits in accordance with the ‘Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories’. However, there was no provision for new Small House applications within “GB(1)” zone and only applications for ‘House (Redevelopment Only)’ could be made in “GB(1)” zone. In response to the same Member’s question on the zoning of the whole Lin Ma Hang Stream, Ms. Woo said that under the current proposal, the upstream buffer zone was zoned “GB(1)” while the downstream buffer zone was zoned “GB”.

67. The Member queried whether the villagers could build Small Houses up to the banks of the stream. Ms. Jacinta Woo said that such situation would unlikely happen. Under the current administrative practice, for development proposals/submissions that might affect natural streams/rivers, the approving/processing authorities at various stages of the development should consult and collate comments from the AFCD and relevant authorities and incorporate relevant comments/advice as conditions of approving wherever possible. Accordingly, LandsD when processing Small House grant and applications in close proximity to existing stream course should consult concerned departments including AFCD and PlanD to ensure that all relevant departments would have adequate opportunity to review and comment on the applications.

68. In response to a Member's question, Ms. Jacinta Woo said that the local villagers objected to the "CA" zone mainly for the reason that the land falling within the "CA" zone was mostly private land owned by the villagers. They considered that the "CA" zoning would 'freeze' their land and thus they would be restricted from all kinds of activities within the buffer zone along the Lin Ma Hang upstream area, including maintenance of the watercourse. Their objection to the "CA" zone was not directly related to whether there was sufficient land for Small House development.

69. A Member asked if the degree of protection to Lin Ma Hang Stream was in the order of "CA", "GB(1)" and then "GB" with "CA" zoning being the most protective. Ms Jacinta Woo replied in the affirmative.

70. In response to a Member's question in relation to the letter from Lin Ma Hang Village Office tabled at the meeting, Ms. Jacinta Woo said that the purpose of the administration practice for LandsD to consult concerned departments including AFCD and PlanD when processing Small House applications in close proximity to existing stream courses within "V" zone was to ensure that the potential impacts from developments on the existing stream courses could be properly addressed.

71. Members noted the comments from and responses to NDC, STKDRC, the VRs of Lin Ma Hang and the Green Groups on the draft OZP No. S/NE-LMH/C. After deliberation, the Board:

- (a) agreed that the draft Lin Ma Hang OZP No. S/NE-LMH/D (to be renumbered as S/NE-LMH/1 upon gazetting) and its Notes (Attachments I and II of the Paper) were suitable for exhibition for public inspection under section 5 of the Ordinance;
- (b) adopted the Explanatory Statement (Attachment III of the Paper) as an expression of the planning intentions and objectives of the Board for various land use zonings of the draft Lin Ma Hang OZP No. S/NE-LMH/D; and
- (c) agreed that the Explanatory Statement was suitable for exhibition for public inspection together with the draft OZP and issued under the name of the Board.

#### Draft TKLN OZP

72. With the aid of a Powerpoint presentation, Ms. Jacinta Woo made the following main points on the draft OZP No. S/NE-TKLN/D as detailed in TPB Paper No. 9373:

#### Board's Decisions on 26.4.2013

- (a) on 26.4.2013, the Board gave preliminary consideration to the draft OZP No. S/NE-TKLN/C and its decisions were summarised as follows:
  - (i) the “V” zone of Kan Tau Wai Village had been expanded from the current area of about 3.07 ha to about 5.53 ha (i.e. an increase of about 2.46 ha) to cater for the updated Small House demand provided by the VR in 2012 and the area was equivalent to that of the ‘VE’ in accordance with the criteria agreed by the Board during the representation hearing held on 8.9.2011;
  - (ii) no change had been proposed to the “V” zones of Heung Yuen Wai

(including Ha Heung Yuen) and Tsung Yuen Ha;

- (iii) for Tong Fong, there was no change to its “V” zone within the Ta Kwu Ling North OZP but the expansion of Tong Fong could be considered in the review of the Ping Che and Ta Kwu Ling OZP;
- (iv) in view of the ecological significance of the upper course of the Heung Yuen Wai Stream, it was agreed to rezone a strip of land of about 0.59 ha along the natural stream course at Heung Yuen Wai between the north of Heung Yuen Wai and Ha Heung Yuen from “REC” to “AGR” and a piece of land of about 0.31 ha east of Heung Yuen Wai from “REC” to “GB”;
- (v) the “REC” zones along the upper section of Ping Yuen River and for the lowland habitats between Kan Tau Wai and Heung Yuen Wai should be retained;
- (vi) the “GB” zone north of Pak Fu Shan should be retained; and
- (vii) the ‘Public Vehicle Park (excluding container vehicles)’ use was added to Column 1 under the “Other Specified Uses” annotated “Boundary Crossing Facilities” zone;

#### Comments from NDC and TKLDRC

- (b) NDC and TKLDRC were consulted on the draft OZP No. S/NE-TKLN/C on 20.5.2013 and 24.5.2013 respectively. The major comments received were summarised as follows:

##### *“GB” Zone North of Pak Fu Shan*

- (i) TKLDRC commented that part of the area to the north of Pak Fu Shan zoned “GB” on the TKLN DPA Plan was mainly flat agricultural land under cultivation and under private ownership.

It was suggested that the concerned area should be rezoned to “AGR”;

*“AGR” Zone North of Nga Yiu Ha*

- (ii) TKLDRC suggested that a piece of land currently zoned “AGR” in the south of the Ta Kwu Ling North area should be rezoned to “V” to reflect Nga Yiu Ha Village;

*Expansion of the “V” Zone for New Chuk Yuen Village*

- (iii) TKLDRC commented that the “V” zone of New Chuk Yuen Village was insufficient to meet the Small House demand and requested to expand the “V” zone; and

*Provision of Access Roads, Footpaths and Cycle Tracks*

- (iv) TKLDRC expressed concerns that there was insufficient/lack of access road, footpaths and cycle tracks, particularly along Lin Ma Hang Road. NDC requested for the widening of Lin Ma Hang Road and Ping Che Road;

Comments from the Green Groups

- (c) a meeting between PlanD and the Green Groups (including WWF, KFBG, CA, GP and DHK) was held on 2.5.2013 to seek their views on the OZP No. S/NE-TKLN/C. The major comments received were summarised as follows:

*Heung Yuen Wai Stream and its Riparian Area*

- (i) the Green Groups commented that Heung Yuen Wai Stream was of high ecological value according to the FCA Study. They opined that the upper course of the stream was of particular interest and a more restrictive land use zoning should be designated to protect the

middle to upper stream course and its riparian area;

- (ii) WWF and GP proposed that a riparian buffer of at least 10m in width in the middle and upper stream course of Heung Yuen Wai Stream should be zoned “CA”. DHK suggested that Heung Yuen Wai Stream and its riparian area should be zoned “CA” or “Site of Special Scientific Interest”. The KFBG urged that a riparian buffer of at least 5m to 10m in width from Heung Yuen Wai Stream should not be covered with zonings for development/recreation (e.g. “V” or “REC” zones);

*Fung Shui Woodlands near to Kan Tau Wai and Tsung Yuen Ha*

- (iii) WWF had proposed that the fung shui woodlands near Kan Tau Wai and Tsung Yuen Ha were of ecological interest and they should be zoned “CA”; and

*Restrictions on Land Filling and Excavation in “REC” Zone*

- (iv) WWF suggested that there should be some form of planning restrictions on land filling and excavation activities on land covered by the “REC” zone in Ta Kwu Ling North area;

PlanD’s Responses

- (d) PlanD’s responses to the points raised by NDC, TKLNRC and the Green Groups as detailed in paragraph 4 of the Paper were summarised as follows:

*“GB” Zone North of Pak Fu Shan*

- (i) in response to the TKLRC’s proposal to rezone the area to “AGR”, further site investigation had been carried out by Planning Department. It was found that the area was predominantly



covered with trees and shrubs, with scattered temporary structures and small scale farming activities. There was no direct road access to the area. In view that there was no change in planning circumstances, the “GB” zone was appropriate for the area and should be retained. Whilst it was acknowledged that there was also flat agricultural land under cultivation in the area, it should be noted that ‘Agricultural Use’ was a Column 1 use which was always permitted in “GB” zone;

*“AGR” Zone North of Nga Yiu Ha*

- (ii) the current “AGR” zoning reflected the existing rural character of the area which covered a mix of grassland and trees, and active agricultural land in the vicinity. DLO/N, LandsD commented that Nga Yiu Ha was not related to any recognised village nor its environs. With regard to the current Small House policy, Small House applications would only be considered if it was situated within a recognised village encircled by a “V” zone but not merely within a settlement encircled by a “V” zone. As such, no Small House applications within the proposed area would be entertained even if the area was zoned “V”. The “AGR” zone was therefore considered appropriate for Nga Yiu Ha;

*Expansion of the “V” Zone for New Chuk Yuen Village*

- (iii) according to DLO/N, LandsD’s records, there was no outstanding Small House application for new Chuk Yuen Village while the 10-year Small House demand for the same village was 22. The “V” zone for New Chuk Yuen Village covered an area of 6.2 ha. There was still available land of 5.45 ha (equivalent to 218 Small House sites) which was more than enough to cater for the estimated demand of 0.55 ha (equivalent to 22 Small House sites) and the future expansion. In this regard, no amendment was proposed for the “V” zone for New Chuk Yuen Village;

*“REC” Zone Covering Heung Yuen Wai Stream and its Riparian Area*

- (iv) according to the FCA Study, the area, which were covered mostly by fallow agricultural land, seasonally wet grassland and grassland/shrubland, were generally of moderate and low to moderate intrinsic ecological values. The “REC” zone of these areas should be retained in the area. To address the Green Groups’ concern on control of any development in the area which might require diversion of the existing streams in the area, restriction on diversion of streams was already included in the Notes of the “REC” zone;

*Fung Shui Woodlands near Kan Tau Wai and Tsung Yuen Ha*

- (v) the Board on 8.9.2011 decided not to uphold the representations for rezoning the fung shui woodlands near Kan Tau Wai and Tsung Yuen Ha from “GB” to “CA” on consideration that the concerned woodlands were of low to moderate ecological value according to the FCA Study. As the proposed rezoning from “GB” to “CA” had been fully deliberated by the Board and there was no change in circumstances since then, it was appropriate to retain the “GB” zones for the two pieces of woodlands;

*Planning Control on Land Filling and Excavation in “REC” Zone*

- (vi) according to the FCA Study, the area designated as “REC” mainly included seasonal wet grassland, grassland/shrub land, shrub land and lowland grassland which were of insignificant ecological value. It was considered not necessary to impose control of land filling/excavation in development zones. However, diversion of streams or filling of ponds which might cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment required permission from the Board; and

*Provision of Access Roads, Footpaths and Cycle Tracks*

(vii) according to the covering Notes of the draft OZP, the provision and maintenance or repair of footpath, cycle track and road works co-ordinated or implemented by Government was always permitted on land falling within the boundaries of the OZP. As advised by HyD, the project of “Widening of two Sections of Lin Ma Hang Road (Sections between Ping Yuen River and Ping Che Road and between Tsung Yuen Ha and Lin Ma Hang)” was currently at the stage of investigation. The investigation consultancy study commenced in August 2012 and was scheduled for completion in August 2013. It was anticipated that the road widening project would be able to improve the road conditions to cater for the traffic flow increases upon opening up of the Closed Area. According to the proposed road widening scheme which might be subject to revision, footpaths would be provided along the widening sections of the road. HyD indicated that the local villagers would be consulted upon completion of the investigation consultancy study; and

(e) as compared with the draft OZP No. S/NE-TKLN/C considered by the Board at its meeting on 26.4.2013, there was no change in the land use proposals under the current draft OZP No. S/NE-TKLN/D.

73. As DPO/STN had finished the presentation on the draft TKLN OZP, the Chairman invited questions from Members. Members had no question.

74. Members noted the comments from and responses to NDC, TKLNDRC and the Green Groups on the draft OZP No. S/NE-TKLN/C. After deliberation, the Board:

(a) agreed that the draft Ta Kwu Ling North OZP No. S/NE-TKLN/C (to be renumbered as S/NE-TKLN/1 upon gazetting) and its Notes (Attachments I and II of the Paper) were suitable for exhibition for

public inspection under section 5 of the Ordinance;

- (b) adopted the Explanatory Statement (Attachment III of the Paper) as an expression of the planning intentions and objectives of the Board for various land use zonings of the draft Ta Kwu Ling North OZP No. S/NE-TKLN/D; and
- (c) agreed that the Explanatory Statement was suitable for exhibition for public inspection together with the draft OZP and issued under the name of the Board.

#### Draft MKT OZP

75. With the aid of a Powerpoint presentation, Ms. Jacinta Woo made the following main points on the draft OZP No. S/NE-MKT/C as detailed in TPB Paper No. 9374:

#### Board's Decisions on 26.4.2013

- (a) on 26.4.2013, the Board gave preliminary consideration to the draft OZP No. S/NE-MKT/B and its decisions were summarised as follows:
  - (i) no change was proposed to the “V” zone of Muk Wu, Muk Wu Nga Yiu, Chow Tin Tsuen and Fung Wong Wu;
  - (ii) no change was proposed to the “V” zone of the wet agricultural land at northwestern part of Chow Tin Tsuen;
  - (iii) the area covered by the proposed columbarium, crematorium and funeral related facilities at Sandy Ridge was proposed to be rezoned to “Other Specified Uses” annotated “Cemetery, Columbarium, Crematorium and Funeral Uses”; and
  - (iv) a site at Kong Nga Po was proposed to be rezoned to

“Undetermined” pending completion of an engineering feasibility study commissioned by the Civil Engineering and Development Department to examine the development feasibility for residential use;

Comments from NDC and TKLNRC

- (b) NDC and TKLDRC were consulted on the draft OZP No. S/NE-MKT/B on 20.5.2013 and 24.5.2013 respectively. Both NDC and TKLDRC expressed no objection and generally agreed to the land use proposals of the draft OZP. The major comments received were summarised as follows:

*“V” Zone for Muk Wu*

- (i) TKLDRC proposed that the existing “V” zone for Muk Wu should be expanded in view of the anticipated increase in Small House demand upon opening up of the Closed Area; and

*Provision of Access Roads, Footpaths and Cycle Tracks*

- (ii) TKLDRC expressed concerns on insufficient provision of access roads, footpaths and cycle tracks in Ma Kam To area;

Comments from the Green Groups

- (c) a meeting between PlanD and the Green Groups (including WWF, KFBG, CA, GP and DHK) was held on 2.5.2013 to seek their views on the OZP No. S/NE-MKT/B. The major comments received were summarised as follows:

*Fung Shui Woodlands in Muk Wu*

- (i) WWF proposed to rezone the fung shui woodlands in Muk Wu from “GB” to “CA” in order to further conserve its ecological

value and protect it from encroachment of any future development the Green Groups; and

*Wet Agricultural Land*

- (ii) WWF proposed that the active wet agricultural land which was currently zoned “V” to the northwest of Chow Tin Tsuen should be rezoned to “GB” or “AGR”, considering that the land was still active in farming activities;

PlanD’s Responses

- (d) PlanD’s responses to the points raised by NDC, TKLDRC and the Green Groups as detailed in paragraph 4 of the Paper were summarised as follows:

*“V” Zone of Muk Wu*

- (i) no change was proposed to the existing “V” zone as its size was already equivalent to that of the ‘VE’ (i.e. 4.88 ha);

*Fung Shui Woodlands in Muk Wu*

- (ii) according to the FCA Study, the fung shui woodlands in Muk Wu was of low to moderate ecological value. Therefore, the current “GB” zoning was proposed to be retained;

*Wet Agricultural Land*

- (iii) according to the FCA Study, the wet agricultural land in Chow Tin Tsuen was of moderate ecological value and the boundary of the “V” zone had taken into account various factors such as the ‘VE’, local topography, settlement patterns, ecological importance of the areas and other site specific characteristics including vegetations, burial grounds and stream courses, etc. Therefore, the existing

“V” zone for the wet agricultural land was proposed to be retained;  
and

*Restrictions on Land Filling/Excavation in “REC” Zone*

(iv) according to the FCA Study, the area designated as “REC” zone was generally dominated by grassland and shrubland and was of relatively low ecological and landscape value. It was considered not necessary to impose control on land filling/excavation in development zones. However, diversion of streams or filling of pond might cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board was required for such activity; and

(e) as compared with the draft OZP No. S/NE-MKT/B considered by the Board at its meeting on 26.4.2013, there was no change in the land use proposals under the current draft OZP No. S/NE-MKT/C.

76. As DPO/STN had finished the presentation on the draft MKT OZP, the Chairman invited questions from Members.

77. The Vice-chairman enquired about the differences between “Unspecified Use” area and “Undermined” (“U”) zone. Ms. Jacinta Woo said that they were two terms used in DPA Plans and OZPs respectively. Generally speaking, they were similar in nature and any development or use falling within the “Unspecified Use” area or the “U” zone would require permission from the Board. The Secretary said that there was a historical perspective in the use of the two terms in the plan-making system. Owing to the urgency to establish interim planning control on an area, most of the land within a DPA Plan would be without any specified use, except for existing villages which would be zoned “V”, pending detailed analysis and studies at the OZP preparation stage. These areas would be designated as “Unspecified Use”. For an OZP, all land areas should be designated with appropriate land use zonings having taken into account the results of detailed analysis and studies. However, there were special circumstances that the zoning of an area could not be determined and further study would still be required, the area would be zoned “U” on

the OZP. This practice had long been established in the plan-making system.

78. In response to a Member's question about Table 1 of the Paper, Ms. Jacinta Woo said that the "Undetermined" zone had been included in the OZP but "Unspecified Use" area would no longer exist in the OZP.

79. Members noted the comments from and responses to NDC, TKLDRC and the Green Groups on the draft OZP No. S/NE-MKT/B. After deliberation, the Board:

- (a) agreed that the draft Man Kam To OZP No. S/NE-MKT/C (to be renumbered as S/NE-MKT/1 upon gazetting) and its Notes (Attachments I and II of the Paper) were suitable for exhibition for public inspection under section 5 of the Ordinance;
- (b) adopted the Explanatory Statement (Attachment III of the Paper) as an expression of the planning intentions and objectives of the Board for various land use zonings of the draft Man Kam To OZP No. S/NE-MKT/C; and
- (c) agreed that the Explanatory Statement was suitable for exhibition for public inspection together with the draft OZP and issued under the name of the Board.

#### Draft MTL OZP

80. With the aid of a Powerpoint presentation, Ms. Jacinta Woo made the following main points on the draft OZP No. S/NE-MTL/D as detailed in TPB Paper No. 9375:

#### Background

- (a) the second stage of the reduction of the FCA, covering the section between Lok Ma Chau Boundary Control Point to Ng Tung River, had been implemented on 10.6.2013. The second stage had released more



than 710 hectares of land from the FCA. As the FCA was reduced, the closed road restriction within the excised area was also lifted. The northern part of the Ma Tso Lung and Hoo Hok Wai area fell within this portion of the then FCA;

Board's Decisions on 26.4.2013

- (b) on 26.4.2013, the Board gave preliminary consideration to the draft OZP No. S/NE-MTL/C and its decisions were summarised as follows:
- (i) no change was proposed to the “V” zone of the recognised village of Liu Pok as its size was already equivalent to that of the ‘VE’;
  - (ii) the contiguous wetland complex in Hoo Hok Wai which formed an integral part of the Deep Bay Wetland ecosystem was proposed to be zoned “CA(1)”, while the remaining part of the area was proposed to be zoned “GB”;
  - (iii) the “AGR” and “GB” zonings for Ma Tso Lung Stream and its riparian area would be retained, which were designated according to the ecological value; and
  - (iv) two sites which were currently used by the Hong Kong Police Force as Tak Yuet Lau Police Post and Tai Shek Mo Observation Post would be rezoned from “GB” to “G/IC”;

Comments from NDC and SSDRC

- (c) NDC and SSDRC were consulted on the draft OZP No. S/NE-MTL/C on 20.5.2013 and 21.5.2013 respectively. The major comments received were summarised as follows:

*Expansion of “V” Zone*

- (i) SSDRC considered that the “V” zone and ‘VE’ boundaries should be enlarged in view of the increase in population in the villages upon opening up of the Closed Area;
- (ii) both NDC and SSDRC raised objection to the absence of the proposal of “V” zone expansion of Liu Pok under the draft OZP and the designation of Hoo Hok Wai for nature conservation;

*Zoning of Hoo Hok Wai*

- (iii) NDC considered that “AGR” and “GB” zonings for Hoo Hok Wai would allow more developments in future; and

*Lack of Infrastructure and Road Facilities*

- (iv) SSDRC expressed their concern on the lack of provision of infrastructure such as roads and car parking spaces in Ma Tso Lung and Hoo Hok Wai area;

Comments from the Green Groups

- (d) a meeting between PlanD and the Green Groups (including WWF, KFBG, CA, GP and DHK) was held on 2.5.2013 to seek their views on the OZP No. S/NE-MTL/C. The major comments received were summarised as follows:

*Zoning for Hoo Hok Wai*

- (i) the proposed “CA(1)” zone for the extensive fish ponds and freshwater marshes in Hoo Hok Wai was widely supported by the Green Groups; and

*Ma Tso Lung Stream and Its Riparian Area*

- (ii) WWF suggested that “CA” zone would be a more appropriate zoning than the existing “AGR” to reflect the ecological importance of the Ma Tso Lung Stream and its riparian area;

PlanD’s Responses

- (e) PlanD’s responses to the points raised by NDC, SSDRC and the Green Groups as detailed in paragraph 4 of the Paper were summarised as follows:

*“V” Zone Boundary of Liu Pok*

- (i) no change was to be proposed to the existing “V” zone boundary of Liu Pok as its size was already equivalent to that of ‘VE’ (about 6.34 ha);

*Ma Tso Lung Stream and Its Riparian Area*

- (ii) regarding the proposal to rezone the riparian area of Ma Tso Lung Stream from “AGR” and “GB” zones to “CA”, it should be noted the proposed “AGR” and “GB” zoning had already been agreed by the Board on 26.4.2013. The stream was a narrow partially-channelised stream and its ecological value was constrained by stream modification and its riparian area was predominately covered by weeds and shrubs. Furthermore, under the remarks of “AGR” and “GB” zones, permission from the Board was required for diversion of streams, filling of land/pond or excavation of land (under the remarks of “GB” zone only) which might cause adverse drainage and environmental impacts on the adjacent areas. There had been no significant change in planning circumstances;

*Conservation of Hoo Hok Wai*

- (iii) in response to the comment that “AGR” or “GB” zone would be a more suitable zoning for Hoo Hok Wai, it should be noted that the proposed “CA(1)” was fundamentally based on the results and professional findings of the FCA Study and the Ecological Field Survey for Hoo Hok Wai completed in 2013 (commissioned by PlanD and consultation with AFCD) which had concluded that the fish ponds and freshwater marshes occupying majority of the Hoo Hok Wai area had high ecological value and thus they should be given a high degree of protection through designation of appropriate zonings. After balancing the need for development and the importance of nature conservation, it was considered that the “CA(1)” zoning would provide sufficient protection to the natural habitats that possess significant ecological values from land use planning point of view;
  
- (iv) according to site investigations, some of the fish ponds were still actively practicing fish pond culture/farming activities, therefore, it was important to conserve such activities and “Agricultural Use (Fish Pond Culture Only)” was always permitted under the “CA(1)” zone; and

*Lack of Infrastructure and Road Facilities*

- (v) according to the covering Notes of the draft OZP, the provision and maintenance or repair of footpath, cycle track and road works co-ordinated or implemented by Government was always permitted on land falling within the boundaries of the draft OZP; and
  
- (f) as compared with the draft OZP No. S/NE-MTL/C considered by the Board at its meeting on 26.4.2013, there was no change in the land use proposal under the current draft OZP No. S/NE-MTL/D.

81. As DPO/STN had finished the presentation on the draft MTL OZP, the Chairman invited questions from Members.

82. The Vice-chairman enquired why small patches of land at the edge of the 'CA(1)' zone in Hoo Hok Wai were zoned "GB". Ms. Jacinta Woo said that the "CA(1)" zone was delineated based on the results and recommendations of the FCA Study and the Ecological Field Survey for Hoo Hok Wai and area of high ecological value was zoned "CA(1)". The small areas of "GB" zone were mainly grassland or agricultural land, or adjoining land zoned "GB" in the San Tin OZP. It should be noted that in terms of planning control, "CA(1)" zone was more restrictive than "GB" zone. According to the Notes of the "CA(1)" zone, only 'Agricultural Use (Fish Pond Culture Only)' was always permitted while on land zoned "GB", general agricultural uses were always permitted.

83. A Member asked whether the ecological value of Hoo Hok Wai would be affected by pollution from the nearby Shenzhen River. Ms. Jacinta Woo said that the Final Report on Ecological Field Survey of Hoo Hok Wai (at Annex of the TPB Paper 9329 at Attachment V of the Paper) had concluded that the fish ponds and freshwater marshes which occupied a major part of Hoo Hok Wai area had high ecological value. Regarding the water pollution problem, Deep Bay was subject to water quality control and according to DEP, polluted water could not be discharged into the concerned area.

84. Members noted the comments from and responses to NDC, SSDRC and the Green Groups on the draft OZP No. S/NE-MTL/C. After deliberation, the Board:

- (a) agreed that the draft Ma Tso Lung and Hoo Hok Wai OZP No. S/NE-MTL/D (to be renumbered as S/NE-MTL/1 upon gazetting) and its Notes (Attachments I and II of the Paper) were suitable for exhibition for public inspection under section 5 of the Ordinance;
- (b) adopted the Explanatory Statement (Attachment III of the Paper) as an expression of the planning intentions and objectives of the Board for various land use zonings of the draft Ma Tso Lung and Hoo Hok Wai OZP No. S/NE-MTL/D; and

- (c) agreed that the Explanatory Statement was suitable for exhibition for public inspection together with the draft OZP and issued under the name of the Board.

85. The Chairman thanked the representatives of PlanD for attending the meeting. They left the meeting at this point.

### **Agenda Item 9**

[Open Meeting]

Preliminary Consideration of the Draft Hoi Ha Outline Zoning Plan NO. S/NE-HH/C  
(TPB Paper No. 9368)

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[The meeting was conducted in Cantonese.]

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

- |                 |  |
|-----------------|--|
| Ms. Jacinta Woo | - District Planning Officer/Shu Tin, Tai Po and North (DPO/STN), PlanD |
| Mr. David Ng    | - Senior Town Planner/New Plans (STP/NP), PlanD                        |

87. The Chairman extended a welcome and invited the representatives of PlanD to brief Members on the Paper.

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

#### **Background**

- (a) on 30.9.2010, the draft Hoi Ha Development Permission Area (DPA) Plan No. DPA/NE-HH/1 was exhibited for public inspection under section 5 of

the Town Planning Ordinance (the Ordinance). Pursuant to section 20(5) of the Ordinance, the Hoi Ha DPA Plan was effective only for a period of three years until 30.9.2013. As such, an Outline Zoning Plan (OZP) had to be prepared to replace the DPA Plan in order to maintain statutory planning control over the Hoi Ha area (the Area) upon expiry of the DPA Plan;

- (b) on 11.1.2013, under the power delegated by the Chief Executive (CE), the Secretary for Development (SDEV) directed the Town Planning Board (the Board), under section 3(1)(a) of the Ordinance, to prepare an OZP to cover the Area;
- (c) on 6.5.2013, under the power delegated by the CE, the SDEV directed the Board, under section 3(1)(a) of the Ordinance, to revise the planning scheme boundary of the proposed OZP by excluding the areas of the DPA Plan lying within the Hoi Ha Wan (HHW) Marine Park, which was protected under the Marine Parks Ordinance (Cap. 476), so as to provide certainty and avoid duplication of controlling authorities;

#### The Planning Scheme Area

- (d) the Area, covering a total area of about 8.45 ha (according to the revised scheme boundary), was located at the northern coast of Sai Kung peninsula, and accessible by vehicle via Hoi Ha Road. It was encircled by the Sai Kung West (SKW) Country Park on three sides, with its northern side opening towards the scenic HHW, which was a designated Marine Park as well as a Site of Special Scientific Interest (SSSI);
- (e) the Area abutting the HHW Marine Park, along the northern coast of the Area, consisted of sandy beaches, sand dunes, rock outcrops and sea side vegetations including mangroves. Dense native woodlands, including a *Fung Shui* Woodland, spread on the hill slopes in the eastern and western parts of the Area, as well as its western end;

- (f) Hoi Ha Village was the only recognised village in the Area, with about 30 houses. About 24% were private land, comprising mainly the central Area and flat lands. According to the 2011 Census, the total population of the Area was about 110 persons;
- (g) the houses in Hoi Ha Village were mostly three-storey, occupied, and in fair or good condition. Provision stores could be found on the ground floor of some of the houses, and the HHW Marine Park Warden Post of the Agriculture, Fisheries and Conservation Department (AFCD) occupied the ground floor of one of these houses, providing guiding tours for tourists during weekend;
- (h) the Hoi Ha Site of Archaeological Interest, the Hoi Ha Trackway and the Hoi Ha Lime Kilns were heritage features in the Area;
- (i) existing government, institution and community facilities included a permanent flushing toilet and a refuse collection point at the western part of the Area;
- (j) the Tolo Adventure Centre was a water sports recreation centre located in the western part of the Area. It had been operated by a religious organisation to provide water sports training facilities and overnight accommodation for teenagers for more than 20 years. According to the Lands Department, the site covered an area of about 250 m<sup>2</sup> and the two existing structures were under Short Term Tenancy (STT) on the basis of a 5-year but annually renewable;
- (k) the woodlands on the hillsides to the east and south of the Hoi Ha Village, as well as a woodland at the western end of the Area were quite natural in character and, with a variety of protected plant species and animal species of conservation concern, those woodlands were ecologically-linked with the wide stretch of vegetation in the SKW Country Park;
- (l) coastal area abutting the HHW Marine Park consisted of sandy beaches,



rocky features, estuarine, mangroves, mangrove-associated plants, backshore vegetation, shrubs and vegetated slopes. The estuarine mangrove and rocky stream near HHW Marine Park were considered a type of significant landscape resource of this area;

- (m) amid the SKW Country Park, the Area had high scenic and landscape value which complemented the natural landscape of the surrounding SKW Country Park and HHW Marine Park;
- (n) according to the Director of Agriculture, Fisheries and Conservation (DAFC), protected plant species including *Aquilaria sinensis* (土沉香), *Pavetta hongkongensis* (香港大沙葉), and *Neottopteris nidus* (巢蕨), notable plant species including *Morinda cochinchinensis* (大果巴戟) and *Sargentodoxa cuneata* (大血藤) and a number of fauna species of conservation concern, including *Thoressa monastyrskyi* (黑斑陀弄蝶) (a rare butterfly species found only in Sai Kung), *Troides aeacus* (金裳鳳蝶) (a rare butterfly species with conservation concern), *Troides helena* (裳鳳蝶) (an uncommon and protected butterfly species) and the Chinese Pangolin (穿山甲) (an endangered and protected species with restricted distribution), had been recorded in the Area or in its vicinity;

#### Issues Arising from Consideration of the DPA Plan

- (o) during the two-month plan exhibition period, a total of 18 representations were received. The local villagers suggested that the coastal area of the Area should be zoned “Coastal Protection Area” (“CPA”) (“CPA”) to provide a protection buffer for the HHW Marine Park/SSSI. The area to the east of the village cluster and an area extending to the western end of the DPA should be zoned “Village Type Development” (“V”) to provide sufficient land to meet the future demand for Small House development. Slope areas at the western end and southern tip of the DPA as well as on both sides of Hoi Ha Road should be zoned “Green Belt” (“GB”) to provide protection buffer for the SKW Country Park;

- (p) the environmental and local concern groups suggested that the coastal area should be zoned “CPA” as it formed an integral part of the marine ecosystem and should be protected. The woodlands in the eastern and western portions of the Area should be zoned “CA” as these woodlands harboured valuable habitats for the native fauna and flora species. Areas to the south and southeast of the existing village should be zoned for future village expansion;

#### The Board’s Decisions and Instructions

- (q) on 8.4.2011, while the Board decided not to meet the representations and not to propose any amendment to the draft DPA Plan, it was agreed that there was a need to strike a balance between environmental conservation and sustainable development of the Area which would be taken into account in the preparation of the OZP;

#### Development Proposals Received in the Course of Preparation of the OZP

- (r) since the gazettal of the draft DPA Plan on 30.9.2010, and in the course of preparing the OZP, two planning proposals and 37 planning applications had been received;
- (s) the proposal submitted by the Village Representative (VR) of Hoi Ha Village proposed that the areas to the east and west of the existing village should be zoned “V” for Small House development;
- (t) another proposal submitted by The Friends of Hoi Ha (FOHH) (a environmental and local concern group) proposed that the coastal area should be zoned “CPA” to protect HHW Marine Park, the woodland should be zoned “CA”, the “V” zone should only include existing village and its adjacent area, and the septic tank and soakaway system should be not allowed within 150m of HHW Marine Park/SSSI and within 30m of a stream;

- (u) so far, there had been 37 planning applications at the Area, with 29 for New Territories Exempted Houses (NTEH) (Small House) (including one application for NTEH (Small House) to be considered by the Board on 5.7.2013), 3 for rebuilding of NTEH (non-Small House), 5 for water recreation centre cum holiday camp, and one for restaurant. Amongst these, 6 planning applications for Small House developments and 2 NTEHs (non-Small Houses) development had been approved with conditions. Other Small House applications had mostly been withdrawn, or rejected by the Board. Other applications for rebuilding of NTEH (non-Small House), for water recreation centre cum holiday camp, or for restaurant use, had all been withdrawn by the applicants;

#### Land Use Planning Considerations

##### *Environmental and Conservation Considerations*

- (v) according to DAFC, the coastal area consisted of mangroves, mangrove-associated plants and backshore vegetation, and the “CPA” zone was considered appropriate from nature conservation perspectives to serve as a buffer between the village area and the HHW Marine Park. Hence, the coastal area along the HHW Marine Park was proposed to be zoned “CPA” to protect and retain the coastlines and the sensitive coastal environment;
  
- (w) according to DAFC, the native woodlands located in the eastern and southern parts of the Area, and at the western end of the Area, consisted of relatively undisturbed, native woodland which were ecologically-linked with the wide stretch of vegetation in the SKW Country Park. Besides, protected plant species including *Aquilaria sinensis* (土沉香), *Pavetta hongkongensis* (香港大沙葉), and *Neottopteris nidus* (巢蕨), and notable plant species including *Morinda cochinchinensis* (大果巴戟) and *Sargentodoxa cuneata* (大血藤) had been recorded in these woodlands. A number of animal species of conservation concern had also been

recorded in the Area or in its vicinity, including *Thoressa monastyrskyi* (黑斑陀弄蝶), *Troides aeacus* (金裳鳳蝶), *Troides helena* (裳鳳蝶) and the Chinese Pangolin (穿山甲). Hence, these areas were proposed to be zoned “CA” to protect and retain the existing natural landscape, ecological or topographical features for conservation, educational and research purposes and to separate sensitive natural environment such Country Park from the adverse effects of development;

- (x) the Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD) advised that the rocky stream along the northwestern edge of the Area and the estuarine were considered a type of significant landscape resource of this area that should not be negatively affected. DAFC advised that the stream was largely natural with a moderate diversity of freshwater and brackish fish, and its estuarine area supported mangroves and a moderate diversity of coastal fauna. In view of the above, it was recommended that the area to the south of the rocky stream be designated as “GB” to serve as a buffer between village development and the stream;

#### Land for Village Development

- (y) Hoi Ha Village was the only recognised village in the Area and its village ‘environs’ (‘VE’) covered an area of about 3.01 ha (2.92 ha within the area). Hoi Ha Village was mainly concentrated on the lower hillslope in the central part of the Area. Land within the ‘VE’, which occupied mainly the eastern and central parts of the area, comprised not only an existing village cluster and ruin structures of Hoi Ha Village, but also some hilly slopes and fung shui wood within its eastern and southern portions, as well as some fallow agricultural land in its western portion;
- (z) the latest information on the 10-year forecast for Small House demand had been obtained from the District Lands Officer/Tai Po (DLO/TP). DLO/TP had advised that according to the VR of Hoi Ha Village, the 10-year forecast for Small House demand (2013-2022) for Hoi Ha area

was 84 (the previous figure in 2010 was 85). DLO/TP also advised that the number of outstanding Small House applications was 15. However, 5 of these 15 applications had received planning approval from the Board. Based on PlanD's preliminary estimate, the total land required for meeting the Small House demand of 94 was about 2.35 ha;

- (aa) with reference to the Small House demand and 'VE' for the recognised village as enumerated above, PlanD had analysed the conditions of the area within 'VE' taking account of the existing village cluster, environmental conditions and natural terrain and topography of the area. Throughout the plan-making process, relevant departments' comments had been duly taken into account in the delineation of the "V" zone for the existing village cluster and potential areas for village expansion;
- (bb) considering the HHW Marine Park in the north, the undisturbed native woodlands with fung shui woodland in the east, south and west, and the major rocky stream with significant landscape resource, an incremental approach for designation of a "V" zone for Small House development had been adopted with an aim to consolidating Small House development at suitable locations so as to avoid undesirable disturbances to the natural environment, taking into account the required land for meeting the Small House development. Thus, about 2.50 ha of land mainly comprising the existing village settlements with its surrounding areas had been reserved for Small House development, including an area to the west of the village cluster consisting of, according to AFCD, relatively disturbed, young woodland on abandoned agricultural land. Within the proposed "V" zone, about 1.50 ha of land was available (or equivalent to about 60 Small House sites);
- (cc) although there was insufficient land to meet the 10-year Small House demand (deficit of about 0.85 ha of land or equivalent to about 34 Small House sites), the demand figure had not been verified. Besides, planning application provided another means for the villagers to apply for Small House development within the proposed "GB" zone and each case could

be considered by the Board on its individual merits;

[Professor P.P. Ho left the meeting at this point.]

#### Planning Intention

- (dd) the general planning intention for the Area was to conserve its natural landscape and conservation value, to protect its natural and rural character, its cultural heritage, and to make provision for future Small House development for the indigenous village of Hoi Ha;

#### Land Use Zonings

##### *“Village Type Development” (“V”) (2.50ha)*

- (ee) the planning intention of this zone was to designate both existing recognised villages and areas of land considered suitable for village expansion. The boundaries of the “V” zone were drawn up having regard to the village ‘environs’, the number of outstanding Small House applications, Small House demand forecast, local topography and site constraints;

##### *Coastal Protection Area (“CPA”) (0.98 ha)*

- (ff) this zone was intended to protect and retain the coastlines and the sensitive coastal environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological significance, with a minimum of built development. There was a general presumption against development in this zone;
- (gg) “CPA” zone was designated for the coastal area abutting the HHW Marine Park. It consisted of sandy beaches, rock features, estuarine, mangroves, mangrove-associated plants, backshore vegetation, shrubs and vegetated slopes. The “CPA” zone served as a buffer between the village area and the HHW Marine Park, sheltering disturbance from nearby developments;

- (hh) new residential development was not permitted under this zone. Redevelopment of existing houses might be permitted on application to the Board. Diversion of streams, filling of land/pond or excavation of land within this zone required permission from the Board;

*“Conservation Area” (“CA”) (3.97ha)*

- (ii) this zone was intended to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such Country Park from the adverse effects of development. There was a general presumption against development in this zone;
- (jj) the “CA” zoning covered the native woodlands on the hillsides behind (east and south) of the Hoi Ha Village, and on the gentle slope at the western end of the Area. These woodlands were quite natural in character and were ecologically-linked with the wide stretch of vegetation in the SKW Country Park. There was a variety of protected plant species and animal species of conservation concern;
- (kk) there was a strip of land for traditional burial ground at the southern part of the hillslopes within this zone. To respect the local ritual and tradition, burial activities within this zone were generally tolerated;
- (ll) new residential development was not permitted under this zone. Redevelopment of existing houses might be permitted on application to the Board. Diversion of streams, filling of land/pond or excavation of land within this zone required permission from the Board;

*“Green Belt” (“GB”) (0.74ha)*

- (mm) the planning intention of this zone 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.

- (nn) the “GB” covered mainly the area adjacent to the rocky stream that flows along the northwestern boundary of the Area, which was mostly abandoned agricultural lands either on gentle slope overgrown with trees forming a young but disturbed woodland, or on low-lying area overgrown with grass and weeds. The “GB” zone would serve as a buffer between village development and the stream;
- (oo) there was a strip of land for traditional burial ground at the southern part of the hillslopes within this zone. To respect the local ritual and tradition, burial activities within this zone were generally tolerated;
- (pp) there was a general presumption against development within this zone. Development in this zone would be strictly controlled. Development proposals would be considered by the Board on individual merits. Diversion of streams, filling of land or excavation of land within this zone required permission from the Board;

*“Government, Institution or Community” (“G/IC”) (0.01 ha)*

- (qq) the planning intention of this zone was primarily for the provision of GIC facilities serving the needs of the local residents and a wider district, region or the territory;
- (rr) the “G/IC” zone was to reflect the existing single storey permanent flushing toilet and a single storey refuse collection point at the western part of the Area;

*“Other Specified Uses” annotated “Water Sports Recreation Centre” (“OU(WSRC)”) (0.03 ha)*

- (ss) this zone was intended primarily to reflect the existing use of the land at the western part of the area currently occupied by a water sports recreation centre (the “Tolo Adventure Centre”) to the north of Hoi Ha Road;



Consultation

- (tt) government bureaux and departments had been consulted on the draft OZP No. S/NE-HH/C and their comments had been incorporated, as appropriate; and
- (uu) subject to the agreement of the Board, the draft OZP No. S/NE-HH/C would be submitted to the Tai Po District Council (TPDC) and Sai Kung North Rural Committee (SKNRC) for consideration. Comments from the TPDC and SKNRC would be submitted to the Board for further consideration prior to the publication of the draft OZP under section 5 of the Ordinance.

89. Mr. David Ng informed Members that comments were received from a local resident and an environmental concern group on the Hoi Ha OZP on 27.6.2013. Their comments together with other comments to be received at consultation with TPDC and SKNRC would be submitted to the Board in due course.

90. As the representatives of PlanD had finished the presentation on the draft Hoi Ha OZP, the Chairman invited questions from Members.

91. The Chairman noted that according to the 10-year Small House demand forecast, only about 64% of the Small House demand could be met by the available land within "V" zone under the current OZP. The Chairman enquired whether there was scope to expand the "V" zone by extending the northwestern boundary of the "V" zone into the "GB" zone. Ms. Jacinta Woo, DPO/STN, said that the "V" zone was generally delineated following the natural features. Considering the HHW Marine Park in the north, the undistributed native woodlands with fung shui woodland in the east, south and west, and the major rocky stream with significant landscape resource (requiring a buffer zone of 20m wide), an incremental approach for designation of the "V" zone for Small House development had been adopted. According to DLO/TP, the number of outstanding Small House application was 15 and five of them had received planning approvals from the Board. The outstanding demand for Small Houses could be met for the time being. While there was insufficient land to meet the 10-year Small House demand (a deficit of

about 0.85 ha or 34 Small House sites), the situation would be kept under monitoring. On the other hand, villagers could apply for planning applications for Small House development within the proposed “GB” zone and each case could be considered by the Board on its individual merits.

92. The Chairman pointed out that a consistent approach should be adopted in delineating the “V” zone boundary. Reference should also be made to the 10-year Small House demand forecast and not just the number of outstanding applications.

93. The Chairman asked how the boundary between the “V” zone and the “GB” zone was delineated on the OZP. By referring to the aerial photo and site photos shown in the slides of the Powerpoint, Ms. Jacinta Woo said that the boundary of the northwestern part of the “V” zone was drawn to exclude the abandoned wet agricultural land with ecological value. For the western end of the “V” zone, a minimum of 20m wide buffer from the rocky stream had been allowed in accordance with the advice of CTP/UD&L.

94. Apart from the abandoned wet agricultural land and the 20m wide buffer, the Chairman invited Members’ views on the boundary of the “V” zone. A Member considered that the current proposal was not unacceptable provided that the “V” zone boundary was drawn up by making reference to topographical features, natural features or paddy field boundaries. It was important to strike a balance between conservation and the needs for development. However, noting that the 10-year demand for Small House development could not be fully met, this Member said that strong justifications should be provided to support the current proposal.

95. Ms. Jacinta Woo said that since there were no specific natural features that could help delineate the middle part of the northwestern boundary of the “V” zone as revealed in the aerial photo or site photos, a further site visit might need to be conducted to obtain more information about the conditions of the site in order to refine the boundary of the “V” zone in greater details.

96. The Secretary asked whether there was sufficient time for PlanD to conduct a further site visit and then report back to the Board before consultation with TPDC,

SKNRC and the Green Groups. In response, Ms. Jacinta Woo said that the OZP had to be gazetted no later than 30.9.2013 before the expiry of the DPA Plan. In this regard, the current draft OZP had to be submitted to TPDC for consideration at its meeting on 10.7.2013.

97. Upon the Secretary's invitation, Mr. David Ng further clarified the rationale for defining the northwestern boundary of the "V" zone in greater details. Mr. Ng said that the "V" zone boundary had basically allowed a 20m wide buffer from the rocky stream and had excluded the abandoned wet agricultural land that had ecological value. Apart from the above, it had generally followed the paddy field boundaries. DAFC had no particular comments on the current proposal.

98. A Member asked about the conservation value of the wet agricultural land. Mr. David Ng said that the abandoned wet agricultural land could be a breeding and foraging ground for various fauna and flora, including butterfly and dragonfly species.

99. A Member considered that the general principles presented by Mr. David Ng were reasonable and acceptable. This Member supported using the above principles in delineating the "V" zone boundary in the subject case. Another Member shared the same view and said that if the principles could be strictly adhered to, the boundaries of the "V" zone and "GB" zone could be well justified.

100. Noting the urgency to submit the draft OZP for consultation with TPDC and others, the Secretary asked Members to consider whether the three principles in delineating the "V" zone as discussed were acceptable, i.e. the abandoned wet agricultural land be excluded from the "V" zone, a 20m wide buffer from the rocky stream be allowed and the existing topographical features and paddy field boundaries be followed. If Members considered them acceptable, PlanD could be requested to adjust the "V" zone boundary following more closely the agreed principles before consultation with TPDC and others. Members agreed to request PlanD to amend the "V" zone boundary in accordance with the above principles.

101. After deliberation, the Board:
- (a) adopted the updated Explanatory Statement as an expression of the planning intension and objectives of the Board for various land use zonings of the draft Hoi Ha Outline Zoning Plan No. S/NE-HH/C; and
  - (b) agreed that the draft Hoi Ha Outline Zoning Plan No. S/NE-HH/C together with its Notes and Explanatory Statement at Appendices I to III of the Paper were suitable for submission to the Tai Po District Council and Sai Kung North Rural Committee for consultation.
102. The Chairman thanked the representatives of PlanD for attending the meeting. They left the meeting at this point.
103. The meeting was adjourned for lunch break at 12:25 p.m.

104. The meeting was resumed at 2:15 p.m.

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

Mr. Stanley Y.F. Wong Vice-chairman

Professor S.C. Wong

Mr. Clarence W.C. Leung

Mr. Roger K.H. Luk

Dr. W.K. Yau

Professor K.C. Chau

Mr. H.W. Cheung

Mr. Ivan C.S. Fu

Mr. Sunny L.K. Ho

Ms. Christina M. Lee

Mr. H.F. Leung

Mr. Stephen H.B. Yau

Deputy Director of Environmental Protection

Mr. C.W. Tse

Principal Assistant Secretary for Transport and Housing

Miss Winnie M.W. Wong

Deputy Director of Lands

Mr. Jeff Y.T. Lam

Director of Planning  
Mr. K.K. Ling

Kowloon District

**Agenda Item 10**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/K9/255

Proposed Private Club in "Other Specified Uses" annotated "Business" zone, Unit F, 10/F, Phase 1, Kaiser Estate, 41 Man Yue Street, Hung Hom, Kowloon  
(TPB Paper No. 9382)

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[The meeting was conducted in Cantonese and English.]

106. The following representatives from the Planning Department (PlanD) and Fire Services Department (FSD), and the applicant's representatives were invited to the meeting at this point:

Miss Fiona Lung	- District Planning Officer/Kowloon, PlanD
Ms. Sau Ha Lam	- Senior Town Planner/Kowloon, PlanD
Mr. Wai Kin Fai	) Senior Division Officer (New Projects), FSD
Mr. Cheung Chun Hung	) Senior Station Officer (New Projects), FSD
Mr Ronak Patel	]
Mr Chris Tang	]
Mr Chris Lam	]
Mr Vasant Kumar Jethva	]
Mr Dipan Patel	] Applicant's Representatives
Mr C. Kumarappan	]
Mr Sanjay Kalathiya	]
Mr Dinesh Gupta	]
Mr Paresh Dhameliya	]

107. The Vice-chairman extended a welcome and explained the procedures of the review hearing. He then invited DPO/K to brief Members on the application.

108. 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 to use the subject premises for private club. The subject premises, with total floor area of about 300 sq.m., was within an industrial building, Kaiser Estate Phase 1 that fell within an area zoned “Other Specified Uses” annotated “Business” (“OU(B)”) on the approved Hung Hom Outline Zoning Plan (OZP) No. S/K9/24;
- (b) according to the applicant, the proposed club was intended to be used by 15 to 20 families that were members of the Bochasanwasi Shri Akshar Purushottam Swaminarayan Sanstha, Hong Kong Limited (BAPS) for private gathering for preservation of the Hindu culture and tradition by encouraging arts, crafts, language and literature. The development proposal (Drawing R-1 in the Paper) showed that there would be a multi-purpose room, two children’s rooms, pantry and lavatories in the proposed private club;
- (c) the application premises was built as a workshop within an industrial building under the approved general building plans (GBP) and was currently vacant. The subject building was a 15-storey industrial building that were mainly used for office, warehouse, jewellery showroom and workshop with some retail shops on the ground floor. Apart from the application premises, there were five units on the 10<sup>th</sup> floor of the industrial building, two of those units were used as office, one was used as warehouse, one was used as jewellery workshop with office and one was used as office with showroom;
- (d) on 8.2.2013, the Metro Planning Committee (the MPC) of the Town Planning Board (the Board) rejected the application and the reason was:
  - the proposed private club was considered not acceptable in an



industrial building from the fire safety point of view;

- (e) on 26.3.2013, the Board received the applicant's application for a review under s.17(1) of the Ordinance. The justifications put forth by the applicant in support of the review application were detailed in the applicant's letter received by the Board on 26.3.2013 and further information of 3.6.2013 and 13.6.2013 (Annexes D to F of the Paper). They were summarized as follows:
- (i) the proposed club would not be open to the general public. The majority of regular members of the proposed club were diamond merchants and jewellers, who made frequent visits to the subject building and the surrounding buildings, and were very familiar with the building and fully aware of and prepared to face any fire safety risk;
  - (ii) approximately 50 members of the club would use the facility for a few hours mainly on Saturdays and Sundays. Gatherings on Saturday afternoon would not coincide with usage of other business tenants operating on weekdays;
  - (iii) only 50 to 60 regular members would be using the private club at any given meeting. During the gatherings, each individual required an average of 20 sq.ft. to perform rituals. Based on this, the meeting room in the proposed private club could only accommodate up to 75 individuals, which would not exceed the maximum capacity of 92 people allowed in the application premises. In the past few years, the applicant had held similar gatherings in the Headquarters of the Scout Association of Hong Kong;
  - (iv) the applicant was prepared to conduct a complete safety briefing prior to any gatherings to ensure that all members were prepared for and aware of evacuation and fire safety

procedures. Such safety briefing would be prepared in consultation with their fire consultants and would be presented to the FSD for comment;

- (v) the applicant would follow all the rules and regulations laid down by the FSD, and ensure that adequate fire resisting construction, and means of escape and access would be provided; and
  - (vi) as only 15 to 20 families would occupy the application premises on limited time of Saturday afternoons, the applicant believed that the concern raised in the public comment about adverse impact on hygiene and nuisance to nearby residents was without merit because there would not be any significant effect on the shared sewer pipe;
- (f) departmental comments - comments from relevant government departments were detailed in section 5 of the Paper. The main comments were:
- (i) Director of Fire Services (D of FS) maintained his previous view of objecting to the application as the proposed private club use was incompatible within an industrial building. D of FS pointed out that the nature/identity of the club members specified in the review application (i.e. majority of regular members being frequent visitors to the application building for their business) and the previous section 16 application (i.e. members being occasion visitors only and not regular workers in the industrial building) were contradictory. The proposed management measures (i.e. fire drill and fire safety briefing) were incompetent to address the undue fire risks posed on people inside the clubhouse within an industrial building especially during the course of club activities and services. Visitors would be exposed to risks which they would neither

be aware of nor prepared to face;

- (ii) Chief Building Surveyor/Kowloon, Buildings Department (CBS/K, BD) had reservation on the review application. CBS/K, BD indicated that the Board might consider the compatibility between the proposed private club and the industrial undertakings within the industrial building; suitability and safety of allowing children using the children's rooms in the private club to patron the industrial building; and whether the provision of services and facilities in the private club would draw in unfamiliar members and their guests to the industrial building;
  - (iii) Chief Officer (Licensing Authority), Home Affairs Department (CO(LA) of HAD) maintained his advice that the application premises was not suitable as a club-house use due to the high potential risk of fire. The Office of the Licensing Authority (OLA) would normally not issue Certificate of Compliance for club-houses situated in an industrial building (except for those club-houses on the G/F); and
  - (iv) other Government departments consulted maintained their previous views of having no adverse comment or no objection to the planning application;
- (g) previous application – there was no previous application on the application premises;
  - (h) similar application – there was no similar application for private club use at the subject building and other buildings within the “OU(B)” zone in Hung Hom;
  - (i) public comments – no public comment was received on the review application. One public comment from the nearby Incorporated

Owners (IO) of Loong King Mansion located to the west of the subject building was received during the section 16 stage. The comment objected to the application mainly for the reason that the proposed private club would aggravate the choking problem on the already damaged sewer pipe currently shared by the subject building and Loong King Mansion, and would result in adverse impact on hygiene and nuisance to the nearby residents;

- (j) 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) the proposed private club was not compatible with the uses in the industrial building which were mainly used for offices, warehouses, workshops and showrooms;
  - (ii) D of FS advised that the proposed management measures (i.e. fire drill and fire safety briefing) could not address the undue fire risks posed on people inside the private club within an industrial building;
  - (iii) CO(LA), HAD advised that the application premises located on the 10/F was not suitable for use as club-house due to high potential fire risk; and
  - (iv) in view of the objection/concern raised by concerned departments from fire safety point of view as highlighted above and that the applicant's proposed management measures could not adequately address concerns raised by the relevant departments, the proposed private club in the industrial building was considered not acceptable.

109. The Vice-chairman then invited the applicant's representatives to elaborate on the review application. With the aid of a powerpoint presentation, Mr.

Ronak Patel (the applicant's representative) made the following main points:

- (a) the BAPS was a membership based spiritual organisation dedicated to preserving Hindu culture and beliefs through personal meditation. BAPS was based primarily in India and the United States and members of the faith were very limited in Hong Kong. Members of BAPS had to follow certain rules such as being vegetarian and forgoing alcohol. Such stringent requirements would limit the growth of its membership. The proposed club facility would only cater for a very small group of families;
- (b) members of the BAPS faith began holding regular spiritual gatherings in 2009. Currently, the membership was limited to approximately 15 to 20 families. Of those families, there was an approximate attendance rate of 70% (i.e. between 50 to 60 individuals) at a regular gathering. This was lower than the permitted occupancy of 92 for the application premises. Since 2009, the attendance rate at gatherings had never reached 80%;
- (c) BAPS activities were currently held in rental premises at the Headquarters of the Scout Association of Hong Kong. For the past four years, BAPS had rented space that had an occupancy level of about 70 for their gatherings. They had not rented any space with higher capacities. This showed that there had been no growth in their membership and future growth in the BAPS membership was not anticipated;
- (d) there were constraints in using rented premises for their gatherings as they were unable to have images for meditation, which was a key component for their spiritual activities. The lack of a permanent meeting place for their gatherings was undesirable;
- (e) the private club would be compatible within the industrial building as the other units were occupied by showroom and art studio uses

instead of industrial uses;

- (f) the BAPS spiritual services gathering would only be held on every Saturday for approximately two hours in the afternoon/evening. There would be no activities conducted on workdays. When the gatherings were held on Saturday afternoons, the building would essentially not be in use;
- (g) the proposed premises did not allow for any large gathering of members. For example, each individual would require a space of approximately 20 sq.ft. for performing certain rituals during the gatherings. The meeting hall had an area of approximately 1533 sq.ft, which could hold a maximum of 77 individuals to perform the rituals together. Hence, the space was designed for the 60 individuals who regularly attended the gatherings and would not support larger gatherings of outsiders;

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

- (h) BAPS strictly followed the procedures required by law to ensure fire safety. BAPS would not be cooking at the premises or utilising any open flame or candlelight. The proposed private club was in full compliance with the Code of Conduct for Fire Resisting Construction, in which a fire sprinkler system, fire fighting equipment and an alarm system were provided;
- (i) BAPS would incorporate additional signage and safety information as recommended by their fire consultants. They would place additional portable fire fighting equipment throughout the application premises. There would be display signs showing the route of escape in three languages. Emergency lighting would be installed in the application premises. Additionally, there would be safety briefing held before any spiritual gathering and members would also perform a fire drill and practice proper exit procedures every month or every five or six

weeks. An evacuation plan would also be placed in each room; and

- (j) all children in the application premises would be required to attend the safety briefing and they would be accompanied by adults. In case of emergencies, the children would be assisted by adults.

110. Mr. Chris Lam, the applicant's fire consultant, made the following main points:

- (a) they had recommended the applicant to improve the fire services installation (FSI) in the application premises. Those included increasing the number and effectiveness of automatic sprinklers; increasing emergency lighting and signs showing the route of escape; installation of fire alarm systems that would directly connect to the management office of the building; use of FSD approved inflammable material for fittings and furniture; and addition of portable fire extinguishers;
- (b) the application premises had an independent exit and people in the premises could evacuate within short time in emergencies;
- (c) with regard to the concerns about attracting visitors, it was pointed out that industrial undertakings would also attract people who were not familiar with the building (such as for delivery) to enter industrial buildings;
- (d) the BAPS was membership based and would not attract visitors to the application premises. In addition, the applicant would conduct safety briefings to their members before every gathering and their members should become familiar with the building and means of escape during emergencies; and
- (e) the pantry proposed in the application premises would be used in similar manner as pantries in office buildings. They would not cook inside the application premises.

111. As the presentations were completed, the Vice-chairman invited questions from Members.

112. A Member asked DPO/K whether there were precedents of private club approved in industrial buildings. In response, Miss Fiona Lung (DPO/K) said that there was no previous planning approvals for private club on upper floors of industrial buildings within the Hung Hom district and she was not aware of other similar approvals in other districts. She said that for an industrial building which had undergone wholesale conversion, 'private club' was an always permitted use as provided under Schedule I of the Notes of the "OU(B)" zone.

113. The Vice-chairman and another Member asked the representatives of FSD to explain their fire safety concerns and whether the applicant's proposals to improve the FSI in the application premises had addressed their concerns. In response, Mr. Wai Kin Fai (Senior Division Officer (New Projects), FSD) said that their main concern was that the private club, being a 'non-industrial' use, was not compatible with other industrial undertakings within the industrial building. He said that this was in accordance with the principles set out in the "Town Planning Board Guidelines for Use/Development within Industrial Zone (TPB PG-No.25D)". The applicant's proposals for FSI improvements within the application premises were noted. However, FSD would not respond to those specific proposals at the planning application stage. Those details could be assessed at a later stage when the GBP or application for club-house licence were submitted. He also explained that from the fire safety perspective, 'visitors' to the industrial building meant people visiting the building on an occasional basis. It did not mean 'non-members' of BAPS as referred to by the applicant's representatives.

114. The Vice-chairman said that the applicant emphasized the limited scale of their private club, including its small membership and short time of operation, during the presentation. He asked the representatives of FSD whether the scale of the private club was a factor in considering the compatibility of the private club use in the industrial building or that any private club use would be considered incompatible within an industrial building from fire safety perspective. In response, Mr. Wai Kin



Fai said that their main concern was on the use, i.e. private club, being an incompatible use within an industrial building.

115. A Member referred to the comment of CO(LA), HAD in paragraph 5.2.3 of the paper and asked whether private club would only be permitted in buildings after conversion to non-industrial uses. In response, Miss Fiona Lung said that according to CO(LA), HAD, OLA would not normally issue Certificate of Compliance for club-houses situated in an industrial building (except on the G/F), unless the Building Authority (BA) had granted prior approval of the change of use of the premises specifically from industrial to club-house use. She said that BA's approval would in turn be dependent on whether FSD was satisfied that the fire safety requirements had been complied with. If the subject building had undergone wholesale conversion for non-industrial use, such as for a commercial/office building, Schedule I of the Notes of the "OU(B)" zone would be applicable and 'private club' was an always permitted use. However, if the building was an industrial or industrial /office building, Schedule II of the Notes would be applicable and 'private club' was a Column 2 use that required planning permission from the Board.

116. A Member asked the representative of FSD to be more specific about his responses as to whether the applicant's proposed FSI had addressed FSD's concern. In response, Mr. Wai Kin Fai said that the private club was not a compatible use in the industrial building and this fundamental incompatibility issue could not be resolved by enhancement of the FSI within the application premises. In any case, details of the FSI would only be assessed at GBP stage.

117. Two other Members asked FSD to explain their specific concerns in considering the private club to be an incompatible use at the application site. In response, Mr. Wai Kin Fai said that industrial buildings were more susceptible to severe fire risks due to their industrial operations and storage of inflammable goods and materials. Hence, if incompatible non-industrial use, such as private club, was allowed in the industrial building, it would subject the visitors to higher fire risk as compared to a private club in other buildings. A Member further asked whether FSD meant that they would object to any proposal for private club use within industrial building, irrespective of the FSI being proposed. Mr. Wai King Fai said that FSD

objected to the private club use because it was considered as an incompatible use from fire safety perspective and the FSIs proposed would not alter their stance.

118. A Member asked the applicant's representative whether children would be using the private club and whether non-members would be invited to attend the gathering in the private club. In response, Mr. Ronak Patel said that families with older children (aged between 5 to 12) and only BAPS members would participate in the gatherings. In response to the Member's further question, Mr. Wai Kin Fai said that children would require assistance from adults for escape during emergencies and as such more assistance was required from firemen during rescue and evacuation. In response to another question from this Member, Mr. Wai Kin Fai said that as compared to workers who visited the building on a daily basis, occasional visitors would not be as familiar with the means of escape during emergencies and it would pose more difficulties when there was a fire.

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

119. A Member asked FSD, from their experience, whether industrial buildings had a higher fire risk as compared to other types of buildings; and whether fire that broke out in industrial buildings had been more severe. Mr. Wai Kin Fai said that industrial buildings had higher fire risk as compared to other types of buildings such as office buildings. The severity and chances of casualties / fatalities were also higher. In the past, the more severe fire incidents happened in industrial buildings and the fire would sustain for longer time due to more inflammable raw materials and goods stored in industrial buildings.

120. In response to a Member's question about the relevant application procedures required for the proposed private club, Miss Fiona Lung said that 'private club' was a Column 2 use under the "OU(B)" zone and required planning permission from the Board. If planning permission was obtained, the applicant would have to submit GBP for the 'private club' use as the application premises was currently approved for 'workshop' use on the GBP. The applicant would also need to obtain a club-house licence from OLA. She said that the applicant was seeking the Board's permission for a private club in the application premises. However, Members might

wish to note that there was no means to control the membership number and operations of the private club use through the statutory planning mechanism.

121. In response to a Member's question, Miss Fiona Lung said that land use compatibility was dependent on different factors. In the current case, the private club was considered incompatible in the industrial building in terms of fire safety requirement. In other cases, incompatibility of a proposed use might pertain to other matters such as air pollution or noise impact.

122. A Member asked whether fire drill for users of the whole building had previously been arranged. Mr. Ronak Patel and Mr. Chris Lam both said that as the applicant had not moved into the building, they did not know whether such fire drills had been held in the past. However, the applicant would hold fire drills for their members in future. In response to the Vice-chairman's question, Mr. Wai Kin Fai said that there was no statutory requirement for building owners to conduct fire drill for users of any type of buildings. However, there was statutory requirement for building owners to perform annual inspection of FSI for all types of buildings.

123. The Vice-chairman said that in commenting on previous planning applications, FSD had held the view of objecting to 'non-industrial' uses within industrial buildings that would attract visitors unfamiliar with the building from fire safety perspective. The representative of FSD had also indicated that it was not dependent on the scale of the private club being proposed.

124. Mr. Ronak Patel made the following concluding remarks:

- (a) about 80% to 90% of the units in the subject building was occupied by non-industrial uses, including offices, showrooms and jewellery shops. Hence, the proposed private club would be compatible with other uses on the same floor or on other floors of the building;
- (b) although industrial buildings might be more prone to fire risk, there was not a lot of industrial uses within the subject building. The proposed private club should not bring about additional fire risk to

- its users;
- (c) only spiritual gatherings would be held in the private club. Children attending the gatherings would be under the supervision and assistance of adults;
  - (d) industrial operations would attract visitors, such as delivery persons, who might be subject to fire risk;
  - (e) the application premises were located at a corner site, and there would only be neighbouring use on one side of the premises. In addition, their gatherings would take place during weekends when activities in the other premises on the same floor or on other floors of the building were not in operation; and
  - (f) six examples of religious centres in industrial buildings were quoted in their submission dated 3.6.2013. This showed that there were precedents similar to the proposed private club under application.

125. A Member asked the applicant's representatives whether the examples of religious centres in industrial buildings they quoted had obtained planning permissions from the Board. In response, Mr. Ronak Patel said that they were not able to confirm in this regard. The Secretary said that the Secretariat would check whether those quoted examples had obtained planning permission.

[Post-meeting note: According to the Secretariat's records, the examples quoted by the applicant had not obtained planning permissions for private club use.]

126. Mr. Chris Tang said that the Chinese name of Kaiser Estate (凱旋工商中心) seemed to imply that it was an industrial / office rather than a pure industrial building. In response, Miss Fiona Lung showed the occupation permit of the subject building and said that the building was approved for various industrial uses on different floors, including workshops, factories, stores and offices (only on the 13/F).

She also showed a table showing the existing uses observed in the subject building which showed a mix of workshops, showrooms, warehouses, studios, offices on different floors of the building.

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

#### Deliberation

128. The Vice-chairman asked Members to deliberate on the review application, taking account of the applicant's written submissions and the presentations at the hearing. A Member said that FSD held a clear stance that they considered the proposed private club to be incompatible with other industrial undertakings in the industrial building due to potential fire risk. According to FSD, industrial buildings were more prone to fire risks due to the storage of more inflammable materials and goods and according to past experience, fire outbreak in industrial buildings were more severe and had led to more casualties. Hence, FSD held a view that people who visited the industrial building on occasional basis, as compared to workers who visited the building on a daily basis, would be less familiar with the means of escape in the building and would be susceptible to higher fire risks during emergencies. Noting FSD's views, this Member considered that the proposed private club was not a suitable use in the application premises and the planning application should be rejected on fire safety reasons.

129. The same Member continued to say that although the applicant had pointed out that some uses within the subject building had changed to 'non-industrial' uses, the Board should not assess the suitability of the proposed private club use based on the existing uses in the industrial building. The Board should consider the potential fire risk of the uses that were permitted in the industrial building (i.e.

including industrial uses). This Member pointed out that FSD considered that the management measures proposed by the applicant could not reduce the fire risk to users of the application premises nor address the compatibility problem. Two other Members agreed with the above views and considered that the planning application should be rejected on fire safety reasons.

130. Another Member agreed that the application should be rejected. It was pointed out that the Board had in the past rejected other non-industrial uses (such as studios and rehearsal venues for arts and culture) that would accommodate less people than the proposed private club. Hence, there was no special circumstances to approve the planning application. The Member said that the applicant indicated that their gatherings were currently held in the Headquarters of the Scout Association of Hong Kong, which was designed for holding functions, the private club use at that building would not pose additional fire risks on other users nor vice versa. However, in the subject industrial building, even though the applicant was willing to improve the FSIs in the application premises, it had no control on the fire risks that would be imposed by other users in the building on their proposed private club use.

131. As requested by the Vice-chairman, the Secretary said that no planning application had been approved for private club within industrial buildings in recent years and the examples quoted by the applicant should not have obtained planning permissions. She said that when the Notes of the “OU(B)” zone was being drawn up, FSD’s stance at that time was not so definitive that ‘private club’ should not be allowed in industrial buildings and hence ‘private club’ was included as a Column 2 use that was subject to consideration by the Board on a case-by-case basis. In view of FSD’s latest position, it was necessary to review the Master Schedule of Notes for Schedule II of the “OU(B)” zone, in consultation with FSD, to see if ‘private club’ or other ‘non-industrial’ uses that might similarly attract visitors to an industrial building would need to be removed from Column 2 of the Notes i.e. they would no longer be permissible uses in industrial or industrial/office buildings. In response to the Vice-chairman and another Member’s questions, the Secretary said that ancillary uses or eating places in the lower floors separated from the industrial portion by a buffer floor were always permitted uses in industrial or industrial/office buildings.

132. The Vice-chairman concluded that Members considered that the planning application should be rejected on fire safety grounds. Members agreed.

133. After deliberation, the Board decided to reject the application on review. Members then went through the reason for rejection of the review application as stated in paragraph 8.1 of the Paper and considered that it was appropriate. The reason was:

- the proposed private club was considered not acceptable in an industrial building from the fire safety point of view.

#### **Agenda Item 14**

[Open Meeting]

#### **Any Other Business**

[The meeting was conducted in Cantonese.]

134. There being no other business, the meeting closed at 3:45pm.