

**Minutes of 1056th Meeting of the
Town Planning Board held on 11.4.2014**

Present

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

Chairman

Mr Stanley Y.F. Wong

Vice-Chairman

Mr Roger K.H. Luk

Professor S.C. Wong

Professor P.P. Ho

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Julia M.K. Lau

Mr Laurence L.J. Li

Ms Anita W.T. Ma

Dr W.K. Yau

Professor K.C. Chau

Mr H.W. Cheung

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Mr Lincoln L.H. Huang

Mr H.F. Leung

Mr Stephen H.B. Yau

Mr F.C. Chan

Dr Eugene K.K. Chan

Mr Francis T.K. Ip

Mr David Y.T. Lui

Mr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Director of Lands

Ms Bernadette H.H. Linn

Principal Assistant Secretary (Transport)

Transport and Housing Bureau

Miss Winnie M.W. Wong

Assistant Director (2), Home Affairs Department

Mr Eric K.S. Hui

Principal Environmental Protection Officer (Strategic Assessment),

Environmental Protection Department

Mr H.M. Wong

Deputy Director of Planning/District

Miss Ophelia Y.S. Wong

Secretary

Absent with Apologies

Mr Clarence W.C. Leung

Ms Bonnie J.Y. Chan

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Ms Christina M. Lee

Director of Planning

Mr K.K. Ling

In Attendance

Assistant Director of Planning/Board
Ms Brenda K.Y. Au

Chief Town Planner/Town Planning Board
Ms Lily Y.M. Yam (a.m.)
Mr Louis K.H. Kau (p.m.)

Senior Town Planner/Town Planning Board
Mr J.J. Austin (a.m.)
Ms Doris S.Y. Ting (p.m.)

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1055th Meeting held on 28.3.2014

[The meeting was conducted in Cantonese.]

1. The minutes of the 1055th meeting held on 28.3.2014 were confirmed without amendments.

Agenda Item 2

[Open Meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

(i) **Abandonment of Town Planning Appeal**

Town Planning Appeal No. 7 of 2013 (7/13)

Appeal against Town Planning Board's decision to uphold the Metro Planning Committee's Decision to defer consideration of section 16 application in respect of the proposed flat, shop and services and minor relaxation of building height restriction at Nos. 25-29 Kok Cheung Street, Tai Kok Tsui, Kowloon

(Application No. A/K3/545)

2. The Secretary reported that the appeal had been abandoned by the appellant of his own accord. The subject appeal was received by the Appeal Board Panel (Town Planning) on 11.7.2013 against the decision of the Town Planning Board on 26.4.2013 to uphold the Metro Planning Committee's decision to defer consideration of a s.16 application (No. A/K3/545) for proposed flat, shop and services and minor relaxation of building height restriction in the "Residential (Group E)1" zone on the Mong Kok Outline Zoning Plan. On 21.3.2014, the appeal was abandoned by the appellant. On 25.3.2014, the Appeal Board Panel (Town Planning) formally confirmed that the appeal was abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals)

Regulations.

Appeal Statistics

3. The Secretary reported that as at 11.4.2014, 14 cases were yet to be heard by the Appeal Board Panel (Town Planning). Details of the appeal statistics were as follows:

Allowed	:	31
Dismissed	:	131
Abandoned/Withdrawn/Invalid	:	178
Yet to be Heard	:	14
Decision Outstanding	:	1
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Total	:	355

(ii) Amendments to the Confirmed Minutes of the 1045th Town Planning Board Meeting

4. The Secretary reported that some typographical errors in the confirmed minutes of the 1045th TPB meeting held for consideration of the representations and comments in respect of the Central District (Extension) Outline Zoning Plan No. S/H24/28 were found. The errors were mainly related to the date of the funding approval by the Finance Committee of the Legislative Council for building the Central Military Dock (CMD) and associated facilities, which should be “21.6.2002” instead of “5.6.2002”, as recorded in paragraphs 37 and 124 of the minutes on 18.12.2013 and in paragraph 27 of the minutes on 14.2.2014; the zoning description of the CMD site as recorded in paragraph 67(h) of the minutes on 14.2.2014 which should be ““Other Specified Uses” annotated “Military Use(1)”” instead of ““Other Specified Uses (1)” annotated “Military Use””; and two typographical errors in respect of the oral submission made by Ms Gladys Li (C2811), one of the words being “anti-aircraft” instead of “anti-crafter” and the other word being “applicable” instead of “implacable” as recorded in paragraphs 9(p) and 9(s) of the minutes on 2.12.2013 respectively. Members were requested to note that the typographical errors had already been rectified in the version of the minutes sent to all representers and commenters on 2.4.2014 and to Members on 9.4.2014.

[Mr Francis T.K. Ip and Dr Eugene K.K. Chan arrived to join the meeting at this point.]

Agenda Item 3

[Open Meeting]

Land Use Review of Kam Tin South and Pat Heung

(TPB Paper No. 9590)

[The meeting was conducted in Cantonese.]

5. The Secretary reported that a letter dated 11.4.2014 from Mr Lai Wai Hung, a member of the Yuen Long District Council, was received objecting to the Government's large scale residential development proposals for the Kam Tin South and Pat Heung area. The letter had been tabled for Members' reference.

Presentation Session

6. The following representatives of Planning Department (PlanD), the MTR Corporation Ltd. and the study consultants were invited to the meeting at this point:

Ms Maggie M.Y. Chin	-	District Planning Officer/Fanling, Sheung Shui & Yuen Long East (DPO/FS&YLE), PlanD
Mr C.K. Tsang	-	Senior Town Planner/Yuen Long East (2), PlanD
Mr Steve C. Yiu)	
Mr Edward K.B. Wong)	MTR Corporation Ltd.
Mr Dave K.W. Ng)	
Mr Dickson C.H. Hui	-	Llewelyn-Davies Hong Kong Ltd.
Mr Steven S.P. Ho	-	MVA Hong Kong Ltd.

7. The Chairman extended a welcome and invited the study team to brief Members on the Paper.

8. With the aid of a Powerpoint presentation, Ms Maggie Chin made the

following main points:

Background

- (a) the Chief Executive announced in the 2013 Policy Address that the Government would increase the supply of housing land in the short to medium term and take forward the planning for residential development at the West Rail Line (WRL) Kam Sheung Road Station (KSRS) and Pat Heung Maintenance Centre (PHMC);
- (b) in March 2014, with the assistance of the MTR Corporation Ltd., PlanD completed a comprehensive land use review (LUR) for the Kam Tin South and Pat Heung area. The overall objective of the LUR was to identify suitable sites within the area for public and private housing developments and supporting government, institution or community (GIC) facilities. Broad technical assessments had been carried out to confirm the feasibility of the development proposals and the supporting infrastructure required. The findings and recommendations of the LUR would serve as a basis for subsequent amendments of the Kam Tin South Outline Zoning Plan (OZP) to guide future developments;

Study Area

- (c) the study area (the Area) covered about 785 ha of land and was bounded by the Shek Kong Barracks and Ma Pau Ling in the east, Kam Tin Road in the north, Ho Hok Shan in the west and Tai Lam Country Park in the south. The Area was predominantly rural in character. KSRS and PHMC, with an area of about 41.2 ha, were located in the central part of Kam Tin South. Existing developments comprised low-rise rural settlements and a number of recognised villages such as Kat Hing Wai, Yuen Kong Tsuen, Tin Sam Tsuen, Cheung Po Tsuen, Ho Pui Tsuen, which were scattered in the floodplain of the Area. Rural industries, warehouses and open storage sites were mainly found along Tung Wui Road and Kam Sheung Road. Patches of active and inactive agricultural

land could be found in the central and southern parts of the Area. Further to the south and west, the hilly terrain adjoining Ho Hok Shan and Tai Lam Country Park provided a natural backdrop to the Area. A number of GIC facilities were located in the Area, including the Au Tau Water Treatment Works (ATWTW), electricity substation, primary school, kindergarten, child care centre, community hall and churches serving the local community;

Opportunities and Constraints

- (d) the key opportunities of the Area included the following;
- (i) *Improved Accessibility* – WRL had been in operation since 2003 with a railway station in Kam Tin South (i.e. KSRS) and PHMC was already in place. Together with Tsing Long Highway, the infrastructure provided a convenient connection between the northwestern New Territories and the urban area;
 - (ii) *Rail-based Development* – the development of KSRS was in line with the Government’s policy for rail-based development to facilitate the mass movement of people in an environmentally friendly mode of transport. There were opportunities to make better use of valuable land resources above or in proximity to the railway station;
 - (iii) *Early Supply of Housing Land* – the KSRS and PHMC sites required no private land resumption and hence could be implemented in a timely manner. Early implementation of new developments could help address the acute demand for housing land;
 - (iv) *Enhancing Kam Tin South Rural Township* – Kam Tin South and Pat Heung were one of the earliest residential settlements in Hong Kong. An appropriate amount of new development and effective use of land and infrastructure resources would help regenerate this rural area. Moreover, the proposed public and private housing developments

would provide impetus to transform the Area into a suburban township with a balanced housing mix; and

(v) *Improved Visual and Physical Conditions* – the existing WRL and Tsing Long Highway were major visual and physical constraints in the Area. With good urban design, appropriate development intensity and provision of appropriate community facilities and open space, the development proposal would act as a catalyst to gradually improve the visual and environmental quality of the Area;

(e) The key constraints of the Area included the following:

(i) *Infrastructural Constraints* – major roads in the Area such as Kam Sheung Road, Kam Tin Road, Kam Po Road and Kam Ho Road were expected to be subject to major capacity constraints. Road improvements would be necessary to accommodate population increase in the Area. Besides, Kam Tin South fell within the catchment of the Yuen Long Sewage Treatment Works (YLSTW) and the Kam Tin Sewage Pumping Station (KTSPS). The design capacity of YLSTW and KTSPS and the downstream trunk sewerage system would be a limitation to future developments in the Area. Each future development would be required to construct connection sewers to KTSPS;

(ii) *Environmental Constraints* – environmental constraints, especially the noise impact generated by WRL, PHMC, Shek Kong Airfield and the nearby major roads, as well as rural industrial uses, could adversely affect the development potential of individual sites. Moreover, the northwestern part of the Area fell within the consultation zone of ATWTW, which was a potentially hazardous installation;

(iii) *Airport Height Restrictions* – due to the presence of the Shek Kong Airfield, building height in the immediate vicinity of KSRS was

restricted to 69mPD, rising gradually to 135.6mPD beyond PHMC to the south. The height restriction would limit building heights in the Area and constrain the design flexibility of future developments;

- (iv) *Impacts on Existing Villages and Cultural Heritage* – existing developments in the Area comprised 14 recognised villages (including Kat Hing Wai, Yuen Kong Tsuen, Yuen Kong San Tsuen, Ma On Kong, Ho Pui, Tai Kek, Cheung Po, Tai Wo, Tin Sam Tsuen, Tin Sam San Tsuen, Shek Wu Tong, Tai Hong Tsuen, Tsz Tong Tsuen and Ng Ka Tsuen) and other rural settlements. A number of establishments with significant cultural heritage value were found including a few historic villages, traditional temples, ancestral halls and burial sites. Due regard would need to be given to these existing villages/rural settlements and culturally valuable establishments;
- (v) *Ecological Considerations* – the Kam Tin South area consisted of a number of ecological habitats including abandoned egretries, streams/abandoned meanders, and mitigation woodlands and wetlands. Any direct or indirect ecological impact, in particular the potential barrier impact of buildings on bird flight paths, should be avoided; and
- (vi) *Fragmented Land Ownership* – except for the KSRS and PHMC sites, the Area was under fragmented private land ownership. The proposed public housing development and the improvement of infrastructure and provision of GIC facilities to cater for the population growth would inevitably involve private land resumption. The full realisation of the development proposals would take time;

Land Use Proposals

- (f) the Kam Tin South and Pat Heung area was considered suitable for development into a suburban township;

Potential Development Sites

- (g) 14 potential development sites had been identified in the Area, covering an area of about 152 ha. The KSRS and PHMC sites (with a total area of about 41.2 ha) were designated for private residential development with a plot ratio of 3. Five sites (about 40 ha) in proximity to the KSRS were designated for medium-density public housing developments with a plot ratio of 3. The other residential sites (about 71 ha) were reserved for private residential use with plot ratios of 2.1, 1.5 and 0.8;
- (h) upon full development, the potential development sites would provide a total of about 33,701 flats for a total population of about 92,800 persons. About 16,900 public housing flats (accommodating about 51,700 persons) and 16,800 private housing flats (accommodating about 41,100 persons) could be provided. The proposed development parameters of the 14 potential development sites were summarised in the table on pages 7 and 8 of the Paper;

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

District Retail Centre

- (i) a district retail centre with a gross floor area (GFA) of about 40,000 m² would be provided. This district retail centre would be developed within or around the KSRS site and would be inter-linked to surrounding developments via a comprehensive pedestrian network. Retail facilities would also be provided in the PHMC site (about 3,000 m² GFA) and the public housing sites (about 6,000 m² GFA) to provide daily necessities to future residents;

GIC Facilities

- (j) various GIC facilities would be provided to serve the planned population

and local community. A site of about 1 ha had been reserved to accommodate a sports centre, a clinic and other GIC facilities. In addition, 5 primary schools, 3 secondary schools, 9 kindergartens, 4 post offices and 5 refuse collection facilities would be provided;

Open Space Provision

- (k) local open space (at a minimum of 1m² per person) would be provided within the development sites in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG). In addition, the proposed urban design framework suggested a green space network to promote a green and sustainable living environment. Landscape corridors in the form of 'green fingers' would be designed with intermittent 'garden' nodes within the network of green spaces, providing pedestrian linkages with direct and convenient access to KSRS and the neighbouring residential clusters. Subject to detailed design, cycling linkages would be provided along these linkages;

- (l) in view of the increase in population, the provision of district open space would be reviewed in a district-wide context subject to further study. There would be opportunity to provide a riverine park of about 7 ha along Kam Tin River, subject to detailed design. The riverine park, located about 600 metres away from KSRS, would be well connected by the proposed green corridors. It would serve as a green buffer between the Shek Kong Airfield and the proposed residential developments;

Development Concept and Urban Design/Landscape Framework

- (m) a comprehensive planning and urban design framework optimising opportunities offered by KSRS and the surrounding natural and landscape features had been formulated to create a quality and green living environment and socially integrated communities. The main features included the following:
 - (i) *Rail-based Transit-oriented Development* – taking advantage of the central location of KSRS at the centre of the Kam Tin South area,

major developments and population had been planned within walking distance (about 500 m to 600 m) from the railway station to maximise the use of rail transport. A higher development intensity (at a plot ratio of 3) had been assigned to sites at or close to KSRS to optimise housing supply. The majority of the new population would be concentrated around the railway station, minimising vehicular traffic. The development intensity would be gradually reduced to a plot ratio of 2.1, 1.5 and 0.8 for sites located further away from KSRS, in order to enhance integration with the surrounding village settlements;

- (ii) *Activity Node at KSRS* – a town centre accommodating a mix of residential, retail, leisure and community uses was planned around KSRS and the public transport interchange (PTI) in the central part of the Area to serve as a major activity node for Kam Tin South. A civic plaza would also be provided in the northern part of the KSRS site to provide an open space for local events and to serve as a gateway for future residents. The town centre would be well connected with the adjacent residential neighbourhood by a pedestrian walkway system and a cycle track network;
- (iii) *Balanced and Socially Integrated Community* – a balanced mix of housing land for private housing developments and public/subsidised housing (about 50:50) was proposed to provide a wide range of housing choice for different social sectors. Amongst the 14 potential development sites identified, five sites around KSRS would be reserved for public housing development. Sufficient commercial and community facilities would also be provided to serve both the new population and the existing rural community;
- (iv) *Building Height Profile* – adhering to the airport height restrictions of Shek Kong Airfield, the potential development sites under the LUR would be subject to a maximum building height ranging from 69mPD to 135.6mPD. A stepped building height profile with height reducing incrementally from the mountain ranges in the west to the

level of Kam Tin Valley had been recommended to encourage visual diversity and integration with the existing rural communities and natural resources;

- (v) *Green Space Network* – a comprehensively interlinked green space network was proposed to promote a green and sustainable living environment. A series of greenways with intermittent garden nodes within a network of open spaces providing pedestrian linkages were proposed. The network could be extended to connect with the proposed riverine park along the north-eastern fringe of the potential development sites, conserving the existing woodland and an abandoned meander;
- (vi) *Pedestrian, Cycling and Road Network* – connections between the KSRS and PHMC sites with other potential sites would be made through a series of pedestrian and cycle links. In addition to the reprovisioning of the original PTI at KSRS, an additional PTI adjacent to Kam Sheung Road was proposed to integrate with the pedestrian circulation and to serve the population in the eastern part of the Area; and
- (vii) *Enhancing Air Ventilation and Visual Corridors* – according to the Air Ventilation Assessment (AVA) – Expert Review carried out under the LUR, the prevailing wind of the Area was from the north-easterly/east-north-easterly/easterly direction on an annual basis and from the south and southeast during summer months. To facilitate air penetration, a number of wind corridors aligning with the prevailing wind directions were proposed. Other types of corridors including eco-corridors, local green space network and building separations would further enhance air penetration/dispersal. View corridors would also be provided for visual relief and visual linkage with the mountain backdrop;

- (n) the preliminary technical assessments undertaken for the LUR confirmed that the 14 potential development sites were technically feasible subject to upgrading of the existing road network and improvement of drainage, sewerage, water supply and public utility systems. A summary of the assessments conducted were as follows:
- (i) *Environmental* – major potential environmental considerations including noise impacts due to road traffic, railway and industrial operations, air quality impact due to vehicular emissions and chlorine storage risk at ATWTW had been assessed and no insurmountable environmental impacts were identified. Broad environmental enhancement measures had been recommended to ameliorate the potential environmental impacts, such as noise barriers, noise enclosures, building setbacks, use of balconies and architectural fins, re-orientation of sensitive façades, single aspect building design, noise tolerant buildings, etc.;
 - (ii) *Transport* – the traffic impact assessment (TIA) concluded that no insurmountable traffic impact was expected from the proposed development upon implementation of the recommended mitigation measures (including road widening and junction improvement works). The existing PTI, park-and-ride, and bicycle parking facilities would be reprovisioned at KSRS and further studies would be conducted on the need for an additional PTI in tandem with the population increase. The TIA also recommended enhancing the existing local cycle track along the southern side of Tung Wui Road connecting to the Northwest New Territories network by extending into the future developments;
 - (iii) *Sewerage and Drainage* – the sewerage impact assessment (SIA) recommended that sewage generated from the potential developments at KSRS, PHMC and the three public housing sites around KSRS should be conveyed to communal sewerage connecting to the KTSPS

for treatment and disposal at the YLSTW. For the remaining potential development sites, the SIA recommended that further studies on the need for establishing an additional sewage treatment plant in the Area should be conducted. Subject to the provision of an additional sewage treatment plant in the Area, no insurmountable sewerage problem was envisaged. The preliminary drainage impact assessment (DIA) concluded that no significant impact was envisaged under the ultimate development scenario with implementation of appropriate mitigation measures. No flooding problem had been identified at the potential development sites;

- (iv) *Utilities* – broad technical assessments confirmed that local water, electricity, gas and telecommunications systems should be upgraded to meet future demand. No insurmountable technical problem was identified with respect to the proposed upgrading of utility services;

- (v) *Air Ventilation* – according to the AVA, the KSRS and PHMC sites and the public housing sites were situated predominantly at the leeward side of the prevailing winds. The proposed wind corridors would facilitate effective penetration of the prevailing winds in the annual and summer periods and minimal air ventilation impact on the Area was envisaged. The air ventilation performance would be further improved by incorporating suitable wind enhancement measures at individual developments at the detailed design stage;

- (vi) *Landscape and Visual* – group tree surveys conducted at the KSRS, PHMC and public housing sites did not identify any registered Old and Valuable Tree. Significant landscape impact due to the land use proposals was not anticipated with implementation of suitable tree preservation and landscape mitigation measures. In terms of visual impact, the proposed developments would cause moderately adverse visual impacts. Nevertheless, the visual corridors reserved in the conceptual development schemes would enhance the visual permeability of the developments;

(vii) *Ecology* – the preliminary ecological assessment recommended that sites of conservation importance and ecological interest should be conserved, in particular, the preservation of the mitigation wetland, abandoned meanders and mitigation woodlands. Moreover, buffer distances should be allowed along Kam Tin River and channel KT15 and ecological corridors for bird flight paths should be provided at KSRS, PHMC and the public housing sites. Direct ecological impact due to the land use proposals was considered minimal; and

(viii) *Cultural Heritage* – no site of archaeological interest was identified within the potential development sites. All declared monuments and graded historic buildings within the potential sites should be retained and respected in the future developments. Prior consultation with the Antiquities and Monuments Office should be made for detailed design and developments to ensure compatibility with the historic buildings;

[Miss Winnie M.W. Wong arrived to join the meeting at this point.]

Further Studies

(o) the Civil Engineering and Development Department (CEDD) would undertake an engineering design study for 3 public housing sites near KSRS to identify the required site formation works, road works and other infrastructure. For the 2 remaining public housing and 7 private housing sites, an engineering feasibility study (EFS) would be carried out by CEDD to assess the infrastructural requirements. No major infrastructure improvement works would be required for the two housing developments at KSRS and PHMC;

Implementation

(p) to meet the pressing need for housing land supply, priority would be given

to develop the KSRS and PHMC sites, which required no private land resumption, and the 5 public housing sites proposed. These sites were currently shown as 'Railway' or zoned "AGR" and "Other Specified Uses" annotated "Rural Uses" on the Kam Tin South OZP. To facilitate the proposed residential developments, it was recommended that the KSRS and PHMC sites should be rezoned to "Comprehensive Development Area" ("CDA") while the 5 public housing sites would be designated with residential zonings, subject to further review;

- (q) for the remaining 7 sites identified for private residential development, their development should tie in with the provision of supporting GIC and infrastructure facilities. Detailed layout plans would need to be prepared in the EFS to facilitate the implementation of land/site formation, road layout and other engineering proposals. Zoning amendments to the rest of the Area would be carried out upon completion of the EFS; and

Next Steps

- (r) upon agreement on the findings of the LUR, the Yuen Long District Council (YLDC) would be consulted tentatively in the second quarter of 2014. The Kam Tin Rural Committee (KTRC), Pat Heung Rural Committee (PHRC) and local concern groups would be consulted on the LUR before/after the consultation with YLDC, depending on their meeting schedules.

[Ms Anita W.T. Ma and Ms Julia M.K. Lau arrived to join the meeting at this point.]

Discussion Session

- 9. Members had the following questions and comments:
 - (a) How to address the interface between the relatively high density of the proposed development sites and the existing village setting, and how to integrate the new developments with the cultural heritage of existing

villages such as Kat Hing Wai ?

- (b) Besides providing supporting facilities to meet the needs of the population generated by the potential development sites, had the Study taken into account the demand for retail, schools and other GIC facilities generated by cross-boundary visitors ?
- (c) Had the Study examined the employment opportunities to be created in the Area ? Could the commercial floorspace be increased in order to create more jobs which would reduce the need for future residents to commute to the urban areas for work and to provide shopping opportunities for the Mainland tourists ? Also, the proposed provision of only 2,000 job opportunities in the Area was of concern.
- (d) As the proposed development at the KSRS and PHMC sites would be above the podium, could some activities be planned for the street level to retain the street life ?
- (e) How to address the integration of three groups of people that would be in the Area, i.e. the local villagers/residents, visitors from other parts of Hong Kong and cross-boundary visitors ?

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

- (f) Were there any details on the transit-oriented development and also the integration of the railway with the residential development above ?
- (g) Given the rural setting of the Area, what would be the required scale of development to create the necessary critical mass for the proposed activity node to be sustainable ?
- (h) What were the criteria for determining the ratio of public to private housing to be developed in the Area ?

- (i) the Study should plan for urban farming and provide land for agricultural activities such as community-based agriculture, hobby farming and recreational farming. The views of the Agriculture, Fisheries and Conservation Department (AFCD) on the agricultural land in the Area should be highlighted;
- (j) the integration problem caused by the development of high-density development in close proximity to rural villages could be addressed by the provision of a buffer area such as a park between the two types of developments;
- (k) the Study should make better use of the existing historic and cultural resources in the Area by promoting cultural tourism;
- (l) the Study should take into account the latest public views against the development of segregated communities and should consider how to better integrate the existing community with the proposed new developments;
- (m) the podium linking the KSRS with the PHMC sites would likely be massive in scale, generating adverse visual impact; and
- (n) the Study should consider increasing the provision of facilities for the elderly which was generally lacking in Hong Kong.

10. In response to Members' questions and comments, Ms Maggie M.Y. Chin, Mr Steve C. Yiu and Mr Edward K.B. Wong made the following main points:

- (a) in order to enhance compatibility of the new developments with the existing villages, the current proposal was for developments with the highest intensity to be located at and around the KSRS site and for the development intensity of the remaining sites to gradually decrease towards the villages in the periphery of the Area. Further studies would be conducted and the issue of integration with the existing villages could be considered in greater detail at that stage;

- (b) the GIC and other supporting facilities currently proposed were mainly to serve the existing population and the future increase in population. Further studies would be conducted and liaison with the Education Bureau would be carried out at that stage to address the problem of cross-boundary children attending schools in the Area;
- (c) the commercial GFA proposed for KSRS (40,000m²), PHMC (3,000m²) and the public housing sites (6,000m²) would provide some employment opportunities for the future population. It was expected that about 2,000 to 3,000 job opportunities would be created. The retail study concluded that the KSRS site did not have the critical mass to attract adequate customers to sustain more retail GFA than that proposed. As the Area was close to the existing centres at Yuen Long and Lok Ma Chau, it was expected that the future population would travel mainly to these two centres for work and, hence, would unlikely cause adverse impact on commuter traffic to the main urban areas;
- (d) in terms of employment opportunities, the Area was close to the future Kwu Tung North New Development Area and the Lok Ma Chau Loop where over 20 hectares of land had been planned for research and development and business and technology park uses. In this regard, ample employment opportunities would be available in the future for residents of the Area;
- (e) in terms of integration, the design of the KSRS site would cater for the retail needs of both the local residents and cross-boundary visitors. An at-grade public piazza would also be provided at the KSRS site to serve as a focal point for the Area and to enhance street level activities;
- (f) space had been reserved within the KSRS site for the proposed Northern Link (NOL). It was expected that KSRS would serve as a transit station where people could interchange between railway lines. The concept of transit-oriented development was implemented by increasing the development intensity of the KSRS site, thus increasing the resident

population; providing a retail centre with 40,000m² GFA; encouraging place-making designs such as piazzas as public attractions; providing convenient pedestrian routes and cycling networks; and re-provisioning the existing park-and-ride facilities and public transport interchange facilities. The KSRS site would become a focal point for the future sub-urban township, attracting people in the Kam Tin South area to go there to shop and relax;

- (g) to improve the integration of the Area, a pedestrian walkway system and a cycle track system had been planned to allow easy and convenient access to different parts of the Area. Moreover, the existing feeder bus services to the various villages and the existing park-and-ride facility near the KSRS site would be maintained;
- (h) the currently proposed mix between public and private housing was at a ratio of 50:50. Nevertheless, the Hong Kong Housing Authority had yet to decide on the allocation of the public housing sites between flats for Home Ownership Scheme and public rental housing;
- (i) the existing agricultural land that would be affected mainly covered land proposed for public housing development. The existing sites for hobby farming in the Kam Tin South area would be retained. The Study Team would further liaise with AFCD on encouraging community-based farming and the locals would be consulted on this aspect;
- (j) to minimise the visual impact of the pedestrian deck linking the KSRS site and the PHMC site, the pedestrian deck would be carefully designed, making reference to examples such as the successful conversion of the disused overhead railway line in New York City into a linear park (the High Line Park); and
- (k) Members' comments and proposals regarding the development of cultural tourism in the Area and the provision of a buffer area between the high-density developments and rural villages would be considered in the

next stage of the Study; and

- (1) the proposal of a buffer area would be considered in greater detail at the next stage of the study. There was the possibility of developing the existing river channel close to the KSRS site into a buffer area and to develop heritage trails to link up the existing heritage sites in the vicinity.

11. The Chairman concluded the discussion and requested the Study Team to take note of Members' views. He thanked the representatives of PlanD, the MTR Corporation Ltd. and the study consultants for attending the meeting. They left the meeting at this point.

Agenda Item 4

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/TM-LTYT/249

Proposed Comprehensive Development (Flat, House, Village Office and Public Open Space) in "Comprehensive Development Area" and "Green Belt" Zones, Lots 837 RP, 839 S.A, 841, 1035 RP, 1037 RP, 2527 S.E and 2527 S.F in D.D. 130 and Adjoining Government Land, Lam Tei, Tuen Mun

(TPB Paper No. 9575)

[The hearing was conducted in Cantonese.]

12. As the applicants (Gain Million Development Ltd. and Fordmax Development Ltd.) were subsidiaries of Henderson Land Development Co. Ltd. (HLD), the following Members declared interests in this item:

Mr Dominic K.K. Lam)	
Mr Patrick H.T. Lau)	having current business dealings with HLD
Ms Janice W.M. Lai)	
Mr Ivan C. S. Fu)	
Mr Clarence W.C. Leung	-	being a Director of a Non-Government Organisation (NGO) that recently received a

- private donation from a family member of the Chairman of HLD
- Mr Roger K.H. Luk - being a member of the Council of the Chinese University of Hong Kong (CUHK) which received a donation from a family member of the Chairman of HLD
- Professor P.P. Ho) being employees of CUHK which received a donation from a family member of the Chairman of HLD
- Professor K.C. Chau)
- Dr W.K. Yau - being a Director of an NGO which received a donation from HLD
- Professor S.C. Wong) being employees of the University of Hong Kong (HKU) which received a donation from a family member of the Chairman of HLD
- Dr Wilton W.T. Fok)
- Mr H.F. Leung)

13. Members agreed that the interests of Mr Dominic K.K. Lam, Mr Patrick H.T. Lau, Ms Janice W.M. Lai and Mr Ivan C.S. Fu were direct. Members noted that Mr Dominic K.K. Lam, Mr Patrick H.T. Lau and Ms Janice W.M. Lai had tendered apologies for not attending the meeting, and agreed that Mr Ivan C.S. Fu should withdraw from the meeting.

14. As the donations made by the family member of the Chairman of HLD were to the respective organisations, Members agreed that the interests of Mr Clarence W.C. Leung, Mr Roger H.K. Luk, Professor P.P. Ho, Professor K.C. Chau, Dr W.K. Yau, Professor S.C. Wong, Dr Wilton W.T. Fok and Mr H. F. Leung were indirect and they should be allowed to stay at the meeting. Members also noted that Mr Clarence W.C. Leung had tendered apologies for not attending the meeting and Professor P.P. Ho and Dr W.K. Yau had not yet arrived.

[Mr Ivan C.S. Fu left the meeting temporarily at this point.]

Presentation and Question Session

15. The following representative from Planning Department (PlanD) and the

applicants' representatives were invited to the meeting at this point.

Mr W.S. Lau - District Planning Officer/Tuen Mun and Yuen Long West (DPO/TM&YLW), PlanD

Mr Kenneth To) Applicants' representatives

Ms Camille Lam)

16. The Chairman extended a welcome and explained the procedure of the review hearing. He then invited DPO/TM&YLW to brief Members on the background of the application.

17. With the aid of a Powerpoint presentation, Mr W.S. Lau made the following main points as detailed in the Paper:

- (a) the applicants sought planning permission for a proposed comprehensive development (flat, house, village office and public open space) at the application site which fell within an area mainly zoned "Comprehensive Development Area" ("CDA") and partly zoned "Green Belt" ("GB") on the Lam Tei and Yick Yuen Outline Zoning Plan (OZP);
- (b) the application was approved by the Rural and New Town Planning Committee (RNTPC) on 19.7.2013 subject to, inter alia, the following approval condition:
 - (g) the provision of vehicular and pedestrian access to Lot 1036 in D.D. 130 to the satisfaction of the Director of Lands or of the Board;
- (c) on 23.8.2013, the applicants applied for a review of the RNTPC decision to impose approval condition (g) on provision of vehicular and pedestrian access to Lot 1036 in D.D. 130 to the satisfaction of the Director of Lands or of the Board. They requested to amend the approval condition to "the provision of vehicular and/or pedestrian access to Lot 1036 in D.D. 130 to the satisfaction of the Director of Lands or of the Board";

- (d) the justifications provided by the applicants were summarised as follows;
- (i) Lot 1036 in D.D. 130, Tuen Mun (Lot 1036) was about 480 m² and occupied by the Fa Pao Committee which had been operating for decades without vehicular access. Aerial photos taken in 1996, 2004 and 2013 showed that Lot 1036 in D.D. 130 was only served by an existing footpath connecting to Fuk Hang Tsuen Lane. As measured on site, the existing footpath in front of Lot 1036 was only about 2m in width. The operation of the Fa Pao Committee did not require vehicular access;
 - (ii) the site was the subject of 11 previous planning approvals (application No. A/DPA/TM-LTY Y/111 and applications No. A/TM-LTY Y/101, 101-1, 109, 109-2, 119, 158, 158-2, 158-3, 158-4 and 249). According to the approved master layout plans (MLPs) of these planning approvals, no vehicular access to Lot 1036 had been proposed. The proposed access arrangements on the approved MLPs since application No. A/TM-LTY Y/119 were exactly the same, which was to reflect the existing access arrangement of Lot 1036;
 - (iii) the access arrangement of Lot 1036 was specifically discussed and thoroughly considered by RNTPC on 17.12.2004 when granting approval to application No. A/TM-LTY Y/119. The District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD)'s memo dated 14.9.2004 indicated that the detailed access arrangement for Lots 1036, 839, 837 RP in D.D. 130 would be devised and agreed later; he could not commit that the revised pedestrian access as shown in the MLP was acceptable to the Government; his observation was that only pedestrian access was available to Lot 1036 at that time and he did not consider it appropriate to provide vehicular access to Lot 1036. RNTPC Paper No. A/TM-LTY Y/119 also stated that the relevant condition had been modified to "provision of pedestrian access to Lot 1036" to address the comments of DLO/TM, LandsD.

In this regard, there was no apparent justification to revert the Board's previous decision;

- (iv) the introduction of a new vehicular access to Lot 1036 would require an additional ingress/egress point on Fuk Hang Tsuen Road or Fuk Hang Tsuen Lane. The additional ingress/egress point might be only about 20m away from the junction of Fuk Hang Tsuen Road or Fuk Hang Tsuen Lane which was highly unsatisfactory from the traffic planning perspective and might arouse safety concern. There was implementation difficulty as the provision of a vehicular access to Lot 1036 would require corresponding amendments to the approved MLP. There would also be substantial delay to the development programme of the site and hence housing supply; and
- (v) the proposed amendment to approval condition (g) was only textual and did not materially alter the content of the approval condition. It would allow flexibility for the Board and/or DLO/TM, LandsD to further consider an appropriate access arrangement for Lot 1036 when processing the submission in compliance with the approval condition at the detailed design stage;
- (e) the site was the subject of 6 approved applications with MLPs for a proposed comprehensive residential development (excluding applications for Class B amendments). For the first 3 applications (No. A/DPA/TM-LTYYY/111, A/TM-LTYYY/101 and A/TM-LTYYY/109 approved in 1996, 2002 and 2003 respectively), the access to Lot 1036 was indicated only as a right-of-way. An approval condition on the provision of vehicular and pedestrian access to Lot 1036 was first imposed by RNTPC for application No. A/TM-LTYYY/101 on 27.9.2002, taking into account the comments of DLO/TM, LandsD that the right-of-way for both vehicular and pedestrians should be clearly shown on the MLP and open for the use of the owner(s) of Lot 1036;
- (f) when application No. A/TM-LTYYY/119 was approved in 2004, the access

to Lot 1036 was indicated as a pedestrian access. As there was no objection to or adverse comment on the pedestrian access from Government departments, the approval condition was amended, requiring the provision of a pedestrian access to Lot 1036 only. At that time, DLO/TM, LandsD stated that the detailed access arrangement for Lot 1036 would be examined later during the land exchange stage. The applicant had been advised accordingly;

- (g) when application No. A/TM-LTYT/158 and the current application No. A/TM-LTYT/249 were approved on 14.9.2007 and 19.7.2013 respectively, DLO/TM, LandsD maintained the view that details of the proposed vehicular/pedestrian access within the site to adjoining land would be examined at the land exchange stage. In this regard, an approval condition on the provision of vehicular and pedestrian access to Lot 1036 was imposed;
- (h) departmental comments – DLO/TM, LandsD reiterated that the applicants' proposal on the provision of access within the site to adjoining private land owned by other parties and enclosed by the site would be examined and considered during the processing of the land exchange application;
- (g) public comments – during the statutory public inspection period for the s.17 review application, 5 public comments were received. Two of the public comments objected to the application, one commenter reserved his right to object to the application, one commenter requested for a proper arrangement related to an ancient grave at the site, and one commenter indicated no comment on the application. The objections were mainly on environmental, traffic and 'fung shui' grounds; and
- (j) PlanD's views – PlanD had no objection to the application based on the assessments as stated in paragraph 8 of the Paper, which were summarised below:

- (i) Lot 1036 in D.D. 130 was currently occupied by the Fa Pao Committee which was centrally located within the site. It had access to Fuk Hang Tsuen Lane via a paved track with a width of about 2m to 3m. The track had apparently been used as pedestrian access;

- (ii) the approval condition on the 'provision of vehicular and pedestrian access to Lot 1036' was first imposed by RNTPC in 2002 under application No. A/TM-LTYT/101. The requirement was later changed to the 'provision of pedestrian access to Lot 1036' in 2004 under application No. A/TM-LTYT/119 to reflect the pedestrian access shown on the relevant MLP. Nevertheless, DLO/TM, LandsD had all along commented that the detailed provision of access to Lot 1036 would need to be further considered at the land exchange stage. For the review application, DLO/TM, LandsD reiterated that the applicants' proposal on the provision of access within the site to adjoining private land owned by other parties and enclosed by the site (including Lot 1036) would be examined and considered during the processing of the land exchange application. As the details of the access arrangement would be sorted out at the land exchange stage and the revised approval condition (g) proposed by the applicants, i.e. "the provision of vehicular and/or pedestrian access to Lot 1036 in D.D. 130 to the satisfaction of the Director of Lands or of the Town Planning Board", would provide sufficient flexibility to cater for the eventual arrangement, the review application was considered acceptable; and

- (iii) the 5 public comments received were not directly related to the access arrangement to Lot 1036 which was the subject of the review application. To address the local concerns on the proposed development, the applicants had been advised to liaise with the locals.

18. The Chairman then invited the applicants' representatives to elaborate on the

application.

19. With the aid of a Powerpoint presentation, Mr Kenneth To made the following main points:

- (a) the subject of the review was mainly to amend the wording of approval condition (g) from “and” to “and/or”, i.e. to request for an option to comply with the approval condition. The proposed amendment to the wording would not cause any material change to the approval condition;
- (b) no vehicular access was proposed in the application to serve Lot 1036;
- (c) the current requirement of approval condition (g) was unreasonable as there was no existing vehicular access, no stakeholder required the vehicular access and the provision of a vehicular access could cause safety and maintenance problems;
- (d) the existing access to Lot 1036 was a 2m wide pedestrian access. The site had never been provided with any vehicular access;
- (e) in the 6 previous and current planning applications submitted for the site, none of the stakeholders had requested for the provision of vehicular access to Lot 1036;
- (f) DLO/TM, LandsD had indicated in 2004 that the provision of a vehicular access to Lot 1036 was not appropriate;
- (g) the provision of a vehicular access to Lot 1036 would generate safety problems as the new ingress/egress point would only be about 10 metres away from the junction of Fuk Hang Tsuen Road/Fuk Hang Tsuen Lane and vehicles might need to back-out from the lot to Fuk Hang Tsuen Lane; and
- (h) the vehicular access would also generate maintenance problems as the management responsibilities for the future vehicular access was unclear.

20. At this juncture, the Chairman requested Mr To to focus his presentation on the issue which was of concern as the background information in his presentation had already been provided in the Paper.

21. Mr Kenneth To then finished his presentation and said that the applicants' proposal to change the wording of approval condition (g) from 'and' to 'and/or' would provide more flexibility and avoid causing delay to the implementation of the proposed development approved by the Board.

22. As the applicants' representatives had finished their presentation, the Chairman invited questions from Members.

23. In response to a Member's enquiry, Mr Kenneth To said that the applicant had only proposed to maintain the existing pedestrian access to Lot 1036 and the design of the approved MLP had only catered for a pedestrian access to Lot 1036.

24. A Member enquired whether any stakeholder had requested for the provision of a vehicular access. In response, Mr W.S. Lau said that DLO/TM, LandsD had previously requested the applicant to state clearly whether the right of way for Lot 1036 indicated on the MLP was for pedestrian or vehicular access. Upon the applicant's clarification that the access was only a pedestrian access, DLO/TM, LandsD agreed that the access arrangement could be sorted out at the land exchange stage.

[Mr P.P. Ho arrived to join the meeting at this point.]

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

Deliberation Session

26. A Member considered that favourable consideration could be given to the application as the revised approval condition (g) proposed by the applicants would provide sufficient flexibility to cater for the eventual access arrangement that would be sorted out at the land exchange stage.

27. After deliberation, the Board decided to approve the application on review by amending approval condition (g) as follows:

“(g) the provision of vehicular and/or pedestrian access to Lot 1036 in D.D. 130 to the satisfaction of the Director of Lands or of the Board.”

28. The other approval conditions pertinent to the application would remain unchanged.

29. The meeting took a break of 5 minutes.

[Dr Wilton W.T. Fok left the meeting at this point.]

[Mr Ivan C.S. Fu returned to join the meeting at this point.]

Agenda Item 5

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/H11/104

Proposed Hotel in “Residential (Group A)” Zone, 48 Caine Road, Mid-levels, Hong Kong

(TPB Paper No. 9573)

[The hearing was conducted in Cantonese and English.]

30. The following Members declared interests in this item:

Mr Ivan C.S. Fu - having current business dealings with the applicant’s consultant

- Professor S.C. Wong - being the Director of the Institute of Transport Studies of the University of Hong Kong which received sponsorships from CKM Asia Ltd., a consultant for the applicant
- Mr Lincoln L.H. Huang - owning properties on Conduit Road and Robinson Road

31. As the sponsorship made by the applicant's consultant was only to the institute where Professor S.C. Wong was working, Members agreed that his interest was indirect and he should be allowed to stay at the meeting. As Mr Ivan C.S. Fu had no direct involvement in this application, Members agreed that his interests were indirect and he should be allowed to stay at the meeting.

32. As Mr Lincoln L.H. Huang's property on Robinson Road had direct views on the application site, Members agreed that his interest was direct and he should withdraw from the meeting.

[Mr Lincoln L.H. Huang left the meeting temporarily at this point.]

Presentation and Question Session

33. The following representatives from Planning Department (PlanD) and the applicant's representatives were invited to the meeting at this point.

- Ms Ginger K.Y. Kiang - District Planning Officer/Hong Kong (DPO/HK),
PlanD
- Mr K.S. Ng - Senior Town Planner/ Hong Kong (5), PlanD
- Mr Ian Brownlee)
Mr Benson Poon) Applicants' representatives
Mr Kim Chin)
Mr Toby Chan)

34. The Chairman extended a welcome and explained the procedure of the review

hearing. He then invited DPO/HK to brief Members on the background of the application.

35. With the aid of a Powerpoint presentation, Mr K.S. Ng made the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for hotel development at the application site which fell within an area zoned “Residential (Group A)” (“R(A)”) on the Mid-Levels West Outline Zoning Plan (OZP);
- (b) the application was rejected by the Metro Planning Committee (MPC) on 13.12.2013 for the following reasons:
 - (i) the application site was not conducive to hotel development due to the narrowness of Caine Road and the special traffic management measure implemented;
 - (ii) there was insufficient planning merit to justify the hotel development;
 - (iii) the application site was located in an area intended for high-density residential development. Given the current shortfall in housing supply, the site should be developed for its zoned use. The proposed hotel development would result in reduction in sites for residential developments and affect the supply of housing land in meeting the pressing housing demand in the territory; and
 - (iv) the approval of the application would set an undesirable precedent for similar applications in the area and the cumulative effect of which would aggravate the shortfall in the supply of housing land;
- (c) the justifications provided by the applicant in support of the review application were summarised as follows;

- (i) the proposed hotel use was not inconsistent with the planning intention of the “R(A)” zone where hotel was considered a possible compatible use, but included in Column 2 so that the possible impact could be assessed. PlanD considered that the “proposed hotel scheme was not incompatible with the surrounding developments in terms of land use”. The scale and size of the proposed hotel fully complied with the plot ratio and building height restriction in the OZP, the Buildings Ordinance, and the Government lease of the application site;
- (ii) the location was suitable for a hotel development as it was next to the Central-Mid-levels Escalator (CME), providing a direct link to the Central Business District, SoHo and the Lan Kwai Fong entertainment area. This would reduce reliance on vehicular transport by hotel guests. The location was within walking distance to the MTR and public transport in Central;
- (iii) the relevant Government departments had no adverse comment on the s.16 application and the proposed hotel was considered acceptable from a technical and practical standpoint. There was no technical justification to support rejection reason (a), and nothing to show that Caine Road was narrow or that there was an actual problem arising from the width of the road. There was also no factual or technical basis for the conclusion given in rejection reason (a) that the traffic management measures implemented on Caine Road made the site particularly unsuitable for a hotel development. The traffic management measures should have similar implication for any use on Caine Road, including a residential development, which had been taken into consideration;
- (iv) the proposed hotel was in line with the 2014 Policy Address by providing more hotel accommodation to support the anticipated increase in tourist numbers. The application site had a small area of only 277.7m² and would only be able to accommodate about 44 units

of residential flats. The scale of the potential residential development at this site was insignificant to the housing supply in Hong Kong. The Government already had in place other mechanisms through redevelopment and the sale of land to provide private residential flats to the market. The loss of 44 units was not a cogent reason for rejecting this application;

- (v) there was no published policy for the Board to justify a broad approach to reject all hotel developments in “R(A)” zones. Paragraph 79 of the minutes of the MPC recorded that “while the supply of housing land in meeting housing demand would be given due consideration, each planning application for hotel development in residential zone would still be considered on its own merits, rather than to reject as a rule on housing supply considerations”. Inadequate consideration was given to the particular merits of this application and the insignificant impact that approval of this hotel would have on the housing supply in the broad context;
- (vi) the approval of the application would not set an undesirable precedent in the area as it had distinctive characteristics not replicated by other sites, such as its small size being not suited to large tour groups, its compatibility with the generally mixed residential/retail characteristics of Caine Road, and its location on a district distributor road and beside the CME. In addition, the Board had previously approved 11 hotel applications in the “R(A)” zones in the Central and Western District, one of which (application No. A/H3/369) was located within 200m of the application site. Future hotel applications should be considered on their own merits and approval of this application should not be seen as a reason to approve any future hotel applications within the “R(A)” zone of this OZP; and
- (vii) the proposed hotel development had planning benefits to the surrounding neighbourhood by redeveloping an existing run-down and unoccupied tenement building, revitalising the area with shop use,

providing local job opportunities, and widening the footpath to allow more convenient passage of pedestrians in front of the site along Caine Road;

- (d) departmental comments – relevant Government departments had no objection to or no adverse comment on the application;
- (e) public comments – during the statutory public inspection period, a total of 49 comments were received, of which 28 were objections, 4 were in support and 17 were comments (12 in favour of and 5 not in favour of the application). The main grounds of objection to the application included the proposal's high development intensity and incompatibility with the surrounding; the adverse traffic impacts to Caine Road and impact on pedestrian safety; the setting of a bad precedent; and the adverse visual, air ventilation and environmental impacts. The main grounds for supporting the application included the easy accessibility of the site which was suitable for hotel development; generation of tourists and stimulation to the local economy; enabling redevelopment of the existing dilapidated building and improvements to the area; opportunity to revitalise the area; and the hotel proposal could better utilise valuable land resources; and
- (f) PlanD's views – PlanD did not support the application based on the assessments as stated in paragraph 6 of the Paper, which were summarised below:
 - (i) the site was located at Caine Road and its immediate neighbourhood was predominantly residential in nature with commercial uses on the ground floor. The proposed hotel development was not incompatible with the surrounding developments in terms of land use. Planning intention and land use compatibility grounds were not rejection reasons;
 - (ii) the relevant Government departments consulted had no in-principle objection to or adverse comments on the proposed hotel

development;

- (iii) Caine Road was a dual two-lane road with a width of about 6m. The section of Caine Road westbound was restricted to the use of buses, private light buses and authorised vehicles only from 7 am to 7 pm from Monday to Friday and 7 am to 1 pm on Saturday. Transport Department (TD) had advised that there was an accessibility problem in particular along the westbound lane during daytime on weekdays and the applicant should not anticipate the relaxation of the prohibited zone to taxis/hired cars. Although there was a loading/unloading bay nearby for public loading/unloading purpose, it could not be used by the tourists visiting the proposed hotel during the restricted time periods. TD had also remarked that there was no guarantee of loading/unloading space on public roads in the vicinity of the site. It was in view of TD's advice that MPC considered the site to be not suitable for hotel development due to the narrowness of Caine Road and the special traffic management measures;

- (iv) while the applicant had claimed that the proposed hotel was in line with the 2014 Policy Address, there was also a strong commitment in the 2014 Policy Address to increase housing supply and the target was to provide a total of 470,000 units in the coming ten years. The site was zoned "R(A)", which was intended primarily for high-density residential developments. The retention of the site for residential development was in line with the planning intention of the site and could help meet the pressing housing demand of the community;

- (v) the deliberations of MPC had pointed out clearly that while the supply of housing land in meeting housing demand would be given due consideration, each planning application for hotel development in the residential zone would still be considered on its own merits and would not be rejected as a rule. MPC rejected the application

for four reasons, housing land supply being only one of the reasons;

- (vi) despite the relatively small size of the site, it was still capable of residential development. On the other hand, there was no strong justification for a hotel at the application site and no particular planning merit was provided to justify the proposed hotel development. Without a strong justification for a change from residential use to hotel use, the approval of the application would set an undesirable precedent for similar applications in the area, and the cumulative effect would aggravate the shortfall in the supply of housing land;
- (vii) no similar hotel application had been approved along Caine Road. While there were 15 approved hotel applications involving 10 sites in the Sai Ying Pun and Sheung Wan area, these sites had a different planning context and were subject to different traffic conditions. Application No. A/H3/369, which was mentioned by the applicant, was for conversion of a commercial/office building into a hotel (guesthouse) and was approved by MPC on 17.3.2006. The site was located at Hollywood Road which was not subject to the same traffic condition and traffic management measures as at Caine Road;
- (viii) in view of the current shortage of housing land in meeting the pressing housing demand of the community, it was decided by the Board in 2013 that applications for non-residential uses (such as hotel in predominantly residential areas) that were without strong justifications would not be supported. In this regard, four applications (No. A/H3/411, A/H3/412, A/H3/414 and A/H3/418) for hotel development within the "R(A)" zone on the Sai Ying Pun & Sheung Wan OZP considered since then were rejected by the Board. One of the rejection reasons was that the proposal would affect the supply of housing land in meeting the pressing housing demand over the territory. Within this period, only two hotel applications (A/H3/408 and A/H3/417) at Connaught Road West

and Des Voeux Road West within “R(A)” zone were approved. Both applications were for conversion of existing commercial buildings to hotel use;

- (ix) while the applicant had claimed that the proposed hotel development could bring planning benefits to the neighbourhood by redeveloping a run-down and unoccupied tenement building, revitalising the area with shop use and widening of footpath, these benefits could also be achieved by means of a new residential development at the site;
- (x) notwithstanding the applicant’s proposal to provide a set-back of 3m to 5m along Caine Road, TD had a long-term plan of widening the section of Caine Road fronting the application site. The set-back of the site boundary along Caine Road for road widening purpose would be required irrespective of the type of development on site. Recently, a set of building plans for the subject site was submitted for a proposed commercial/residential development at the application site to the Building Authority for approval. A set-back of about 2.5m to 5m along Caine Road was provided for future road widening. Greening could also be provided as part of the residential development; and
- (xi) the Central and Western District Council had raised grave concerns on the potential adverse traffic impacts generated by new hotel developments in the district. Other public comments raised concerns on the traffic, environmental and visual impacts of the proposed hotel development.

36. The Chairman then invited the applicant’s representatives to elaborate on the application.

37. With the aid of a Powerpoint presentation, Mr Ian Brownlee made the following main points:

- (a) the application site was relatively small and the proposed hotel would only provide 3,331m² GFA in a 22-storey hotel with 88 rooms;
- (b) the reception hall and main entrance for the hotel would be located on 1/F which was directly accessible to CME;
- (c) the relevant Government departments had no objection to the application and the Commissioner for Tourism supported the application as the proposal would increase the number of hotel rooms and broaden the range of accommodation for visitors;
- (d) as the special traffic management measures implemented on Caine Road was applicable to the application site no matter whether it was for residential use or hotel use, and TD had no objection to the hotel proposal, it was unreasonable of the Board to reject the application on that ground;
- (e) as the application site was located in an area with a mixed use character with easy access to CME, it was suitable for hotel development. The “R(A)” zoning of the site provided flexibility for a hotel development as commercial uses were permitted as of right on the lowest three floors of a building and were permissible above the lowest three floors upon application to the Board;
- (f) the decision of Town Planning Appeal No. 15 of 2011 (Appeal No. 15/2011) for a proposed hotel development within the “R(A)” zone at Yat Fu Lane, Kennedy Town was relevant as the Appeal Board considered that a hotel was in line with the planning intention of the “R(A)” zone and hotel was a permissible use subject to obtaining planning permission from the Board;
- (g) the provision of a set-back at the site was not a mandatory requirement. However, even though the applicant had offered on a voluntary basis to provide the set-back in exchange of bonus GFA, the proposals were not accepted by the Buildings Department (BD);

- (h) PlanD's claim that the building set-back and greenery at the street level could still be achieved for a residential development at the site was incorrect as the applicant could submit building plans to BD for a composite development on the site without any building set-back at 100% site coverage;
- (i) the proposed hotel development would provide adequate incentive in terms of additional GFA when compared with a residential development for the applicant to set-back the site without the need to claim bonus GFA. Moreover, the provision of the set-back and greenery at the street level would be enforceable as approval conditions to the planning permission for the hotel development; and
- (j) the decision of Appeal No. 15/2011 also stated that the fall-back situation was a relevant consideration for a planning application, i.e. the use that the site would be put to if the planning application was rejected. In this case, the fall-back situation would be a composite development on the site without any set-back at 100% site coverage.

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

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

- (a) the special traffic management measures on Caine Road were applicable irrespective of the type of development to be built on the application site;
- (b) the operation of a hotel along a street with limited width or with traffic management measures should not be a problem as several existing hotels were subject to similar constraints or restrictions, including:
 - (i) Shama Causeway Bay Hotel – a hotel with 110 rooms at Russell Street where vehicular access was restricted to taxis only from 12

noon to 12 midnight daily;

- (ii) Hotel Bonaparte by Rhombus – a hotel with 82 rooms at Morrison Hill Road where drop-off along the road was prohibited and the nearest pick-up/drop-off point was 50 metres away;
 - (iii) Stanley Oriental Hotel – a hotel with 9 rooms at Stanley Main Street where access was prohibited on Fridays from 7 pm to 11 pm and on Saturdays and public holidays from 11 am to 11 pm;
 - (iv) Stanford Hillview Hotel – a hotel with 177 rooms at Observatory Road where access was restricted to vehicles not exceeding 5.5 tonnes. Hotel coaches would need to pick-up/drop-off hotel guests at Kimberley Street 100 m away;
 - (v) Tai O Heritage Hotel – a hotel with 13 rooms on Lantau Island without vehicular access and the nearest drop-off point for hotel guests was at the Tai O Bus Terminus 1.3 km away; and
 - (vi) Newton Inn Hotel – a hotel with 297 rooms at Chun Yeung Street with no direct access as Chun Yeung Street was occupied by hawker stalls and pedestrians during the day and the closest drop-off point was at North Point Road or Java Road 200 m to 300 m away;
- (c) there were also examples of hotels on streets with limited width or with traffic management measures that had been granted planning permission, including the following:
- (i) hotel at 8-12 Hennessy Road – proposals for a hotel with 68 rooms (A/H5/368) and 88 rooms (A/H5/391) were approved by the Board in 2008 and 2011 respectively. Drop-off along Hennessy Road was restricted and the closest drop-off point was 100 m away;
 - (ii) hotel at 27 Lugard Road – a hotel with 17 rooms (A/H14/75) that

was approved with access restricted to electric cars. Hotel guests could otherwise walk to the Peak tram station which was 900 metres away; and

- (iii) hotel at 10-12 Yat Fu Lane – a hotel with 50 rooms that was approved by the Town Planning Appeal Board. Yat Fu Lane was narrower than Caine Road and was not accessible by medium goods vehicles or coaches. The closest drop-off point was at Queen's Road West about 100 m away;
- (d) for the proposed hotel at the application site, there were 5 possible drop-off points to serve hotel guests including a lay-by on Caine Road eastbound about 180 metres to the west; a lay-by on Caine Road eastbound about 130 m to the east; a lay-by on Elgin Street about 100 m away; a lay-by on Caine Road westbound about 50 m to the east; and a lay-by on Caine Road westbound adjacent to the application site. In this regard, the traffic arrangement for the proposed hotel was comparable to the 6 existing hotels and 3 approved hotels mentioned above;
- (e) the Hong Kong Police Force (HKPF) and TD had no objection to the proposed hotel development; and
- (f) the merits of the proposed hotel development included the following:
 - (i) the widening of the existing footpath at Caine Road outside the application site from about 1.47 m to 3.22 m in the west and 5 metres in the east; and
 - (ii) enabling the proposed Caine Road Westbound Lay-by, which had been partly implemented, to be completed as per TD's Drawing HT4473.

39. Mr Ian Brownlee continued with his presentation and made the following main points:

- (a) the Board had not considered any documents or published any guidelines to justify a broad approach of rejecting hotel developments in “R(A)” zones;
- (b) other steps were being taken by the Government to significantly increase housing supply. As the development of the site for hotel use would result in the loss of only 44 flats, it was not a cogent reason for the application to be rejected on the ground of adverse impact on housing supply;
- (c) the Board should not give too much weight to the Government’s policy on housing which had not gone through the statutory process. There was nothing in the OZP to justify the rejection of the application on the basis of provision of housing, particularly as the amount of housing that would be foregone was insignificant and alternatives were being explored to provide housing in large quantities;
- (d) if the Government’s policy was to be taken into account, the Board should consider the policy to expand Hong Kong’s receiving capacity for tourists set out in the 2014 Policy Address and the policy to cater for overnight business travellers as the prime target as set out in the 2014-15 Budget;
- (e) the proposed hotel would cater for business travellers as it had easy access to the Central Business District by CME and visitors could access the airport railway and other tourist facilities in Central on foot, without adding burden to Caine Road;
- (f) if the Board did not want residential sites to be developed into hotels, it should amend the OZP accordingly and should not achieve this objective by way of the planning permission system;
- (g) the planning intention of the “R(A)” zone allowed for the provision of

hotels as 'Hotel' was a use under Column 2 of the Notes and was not incompatible in terms of land use; and

- (h) approving the application would not set a precedent due to the uniqueness of the site including its location along Caine Road which was a high street; its direct access to CME; and the provision of a set-back which was of significant public benefit.

40. As the applicant's representatives had finished their presentation, the Chairman invited questions from Members.

Provision of the Set-back

41. The Chairman enquired whether the Government could require the owner of the lot to provide a set-back for a proposed residential development on the site. In response, Ms Ginger Kiang said that according to the advice of TD, there was a long-term plan to widen Caine Road and any proposed development along the road should follow the set-back requirements shown in TD's Drawing HT4473. One of the reasons for the Building Authority's rejection of the building plans submitted by the applicant was that the applicant needed to clarify with TD whether the proposed set-back was in line with Drawing HT4473. Mr Ian Brownlee disagreed and said that there was no statutory requirement for the lot owner to provide the set-back and the proposed set-back could only be implemented on a voluntary basis. Mr Brownlee further said that the building plans were rejected due to a dispute between the applicant and the relevant Government departments on the extent of the road widening/improvement works required. While the applicant was prepared to provide the set-back within their lot, the Government departments wanted the works to be extended to cover an existing public staircase and for which the applicant was required to improve. If no agreement was reached between the concerned parties, the set-back would not materialise. On the other hand, as the proposed hotel development could be developed to a higher plot ratio with more GFA than that of a residential development, the applicant was prepared to provide the set-back without making a claim for bonus plot ratio.

42. In response to a Member's enquiry, Ms Ginger Kiang presented TD's Drawing

HT4473 on the visualiser and said that the set-back proposed by the applicant in the building plan submission was in line with the set-back requirement given in the drawing. In response to the same Member's further enquiry, Mr Kim Chin said that sites along Caine Road without any vehicular ingress/egress could use the lay-by for picking-up/dropping-off. The lay-by could also be used as a bus bay for passengers to board/alight without affecting the flow of traffic. Mr Chin continued to say that upon providing the set-back at the site, the existing footpath would be widened from about 1.2 metres to 3 metres.

43. In response to a Member's further enquiry about the proposed set-back, Mr Ian Brownlee said that the proposed set-back for the provision of the lay-by would not materialise unless the Government was prepared to resume the land required for the lay-by. However, if planning approval was granted for the proposed hotel development with an approval condition requiring the set-back of the site and provision of the lay-by, the implementation of the lay-by there would be guaranteed. Mr Toby Chan supplemented that although building plans for a composite development with a proposed set-back had been submitted by the applicant to BD, there was nothing to prevent the applicant from submitting buildings plans for a composite development without any set-backs at 100% site coverage to BD for approval. In response to a Member's enquiry on whether TD could enforce the set-back requirements in accordance with Drawing HT4473, Mr Ian Brownlee said that the provision of a set-back was normally carried out with the agreement of lot owners and TD had never mandatorily required the implementation of such set-back.

44. In response to a Member's enquiry on the dispute between the applicant and the relevant Government departments on the provision of the set-back, Mr Ian Brownlee said that the Government departments wanted the applicant to rebuild the public staircase currently lying on Government land which would be affected by the implementation of the lay-by.

45. In response to a Member's enquiry on whether BD had the power to reject building plans if the set-back was not provided to the satisfaction of TD, Ms Ginger Kiang said that one of the reasons given by BD for disapproving the building plans submitted by the applicant was concerned with the road widening requirement and the

set-back as shown on the building plans. Mr Ian Brownlee, however, reiterated the point that BD would not normally reject the building plans even though the set-back requirement was not met.

Traffic Management and Accessibility

46. The Vice-Chairman enquired whether the traffic condition on Caine Road was such that no additional traffic was acceptable and whether the lay-by close to the application site was available for use by the proposed hotel. In response, Ms Ginger Kiang said that Caine Road was currently subject to a special traffic management measure which restricted private cars and taxis from using the westbound lane during certain hours of the day. In this regard, the lay-by adjacent to the application site could not be used by hotel guests for pick-up/drop-off during the restricted hours. Although TD had no objection to the TIA submitted by the applicant, TD's view was that the proposed hotel had an accessibility problem due to the traffic management measure and the site might not be suitable for hotel use. TD also indicated that the traffic condition on Caine Road would be monitored and the existing lay-bys might be deleted upon review. Mr Ian Brownlee, however, pointed out that in paragraph 4.2.3 of the Paper, TD only warned the applicant to be aware of the accessibility problem and there was no guarantee of loading/unloading space on public roads in the vicinity. Mr Kim Chin supplemented that vehicles using the westbound lane of Caine Road during the restricted hours needed to obtain a permit from TD. In this regard, taxis bringing hotel guests were not expected to use the lay-by adjacent to the hotel during the restricted hours but would drop-off the hotel guests at the two eastbound lay-bys in the vicinity of the proposed hotel. Mr Chin further said that TD had no comments on the TIA and the use of the lay-bys in the vicinity as suggested in the TIA.

47. In response to a Member's question about possible changes in the traffic management measures along Caine Road and the availability of the lay-by in future, Mr Ian Brownlee said that the applicant would dedicate part of the site to the public to enable the implementation of the proposed lay-by. As regards possible changes to the traffic management measures, Mr Brownlee considered that should the application be approved, TD would need to consider and assess the traffic management measures taking into account the proposed hotel development at the application site. In response to the same

Member's further enquiry, Mr Brownlee said that the proposed hotel would be a boutique hotel with a limited amount of visitors and limited traffic generation. As the site was located next to CME, the applicant was confident that most hotel guests would use CME for access to the hotel.

48. Making reference to the existing hotels with traffic management measures given in the applicant's presentation, the Chairman enquired whether the accessibility problems facing these sites were comparable to the application site as the traffic management measures at Caine Road were very restrictive. In response, Ms Ginger Kiang said that the hotel at Russell Street was either zoned "Other Specified Uses" annotated "Mixed Use" ("OU(MU)") or "Commercial" ("C") rather than "R(A)" and the traffic restrictions were not as restrictive since taxis were allowed to access Russell Street. Mr Ian Brownlee, however, pointed out that taxis were allowed to access the eastbound lane of Caine Road. He added that the hotels quoted in the applicant's presentation were merely practical examples to demonstrate that hotels could function with drop-off points located in the neighbouring streets.

49. A Member enquired about the difference in traffic impact between a hotel development and a residential development. In response, Mr Kim Chin said that the additional traffic generated by the proposed hotel with 88 rooms compared with a residential development with 44 flats was 4 private car units (pcus) in the morning peak hour and 6 pcus in the evening peak hour. In this regard, the difference in traffic impact was insignificant.

[Mr H.F. Leung arrived to join the meeting at this point.]

50. The Chairman enquired on how the facilities provided by the hotel would affect the traffic as compared with residential development at the site which was permitted as of right. Mr Ian Brownlee responded that the lower three floors would be mainly used for shops, cafes and the hotel reception. He said that the hotel reception was located on the first floor directly facing CME as it was anticipated that the majority of guests going to the hotel would come by way of CME.

51. Noting that the proposed hotel development required planning permission and was not a use that was permitted as of right, a Member considered that it was legitimate for the Board to weigh the proposed development against the Government's policy or community consensus to increase housing supply. In response, Mr Ian Brownlee said that as 'Hotel' use was provided under Column 2 of the Notes of the "R(A)" zone, it was a permissible use provided that the use did not generate adverse impact. If the Board wanted to implement the Government's policy to increase housing supply and not to allow hotel developments within the "R(A)" zone, the Board should do so by amending the Notes of the OZP accordingly. He added that besides increasing housing supply, it was also the Government's policy to increase the supply of hotels. In this regard, as the site was at the fringe of the Central Business District, it should be put to hotel use as the loss of 44 flats was insignificant in view of the other measures being implemented to provide large quantities of housing in areas such as Kam Tin South and Pat Heung.

52. A Member enquired whether planning applications submitted under Column 2 of the Notes should be considered on the basis of 'no adverse impact' only as suggested by the applicant or whether the planning merits of the proposal should also be taken into account. In response, Ms Ginger Kiang said that planning applications should be considered on the basis of both the planning merits of the proposal and the impacts likely to be generated by the proposal. Mr Ian Brownlee disagreed and, referring to the decision of the Appeal Board on 15/2011, said that the Board should compare the proposed use of the site under application and the fall-back situation and, if the impacts were similar, the application should be approved.

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

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

Deliberation Session

54. As increasing housing supply was of utmost importance to the Government and the community at large, Members considered this policy should be given due weight despite the applicant's argument that the proposal would meet the Government's policy on hotel provision. Members noted that the need to maintain housing land supply had been adopted by the Board as one of the reasons for rejecting applications for hotel development in the "R(A)" zone.

55. A Member considered that unless there was an over-riding planning merit for the hotel development, the application site should be retained for housing purpose. In the subject application, the only planning merit was the set-back of the site for the provision of the lay-by and for future road widening. While the applicant claimed that they could obtain BD's approval for a composite development without providing the set-back, the Member considered it quite unlikely for such building plans to be approved, given TD's road widening requirements. A Member supplemented that if the set-back or road widening requirements were statutory requirements, BD would definitely disapprove the building plans if such requirements were not met.

56. A Member said that the suitability of the site for hotel use should be considered in view of the traffic management measures that were applicable to Caine Road. Compared with residential use, a hotel at the application site would generate more people carrying luggages using the eastbound lane of Caine Road for pick-up/drop-off, causing adverse traffic impact. The Member also considered that there was insufficient planning merit to support the application, particularly because the set-back proposed by the applicant was in fact a requirement that had to be met even if the application was rejected. This view was shared by some other Members.

57. The Vice-Chairman was disappointed that TD did not raise objection to the application which would likely generate adverse traffic impact on Caine Road. He requested PlanD to liaise with TD and ensure that in future, TD's comments on similar applications should be clear and unambiguous.

58. The Secretary informed the Board that the examples of hotels with access

restrictions quoted by the applicant's representatives in their presentation were not comparable to the subject application as those sites were mostly zoned "OU(MU)" or "C" rather than "R(A)" and each case had its own particular circumstances.

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

- “(a) Caine Road is a dual two-lane road with a width of about 6m, and its westbound section is subject to traffic management measures during the daytime on weekdays and 7 am to 1 pm on Saturday. Therefore, the application site is not conducive to hotel development due to the narrowness of Caine Road and the special traffic management measure implemented;
- (b) there is insufficient planning merit to justify the hotel development;
- (c) the application site is located in an area intended for high-density residential development. Given the current shortfall in housing supply, the site should be developed for its zoned use. The proposed hotel development would result in reduction of sites for residential developments and affect the supply of housing land in meeting the pressing demand in the territory; and
- (d) the approval of the application would set an undesirable precedent for similar applications in the area and the cumulative effect of which would aggravate the shortfall in the supply of housing land.”

[Mr Lincoln L.H. Huang returned to join the meeting at this point.]

Agenda Item 6

[Open Meeting (Presentation and Question Session only)]

Request for Deferment of Review of Application No. A/H3/418

Proposed Hotel in “Residential (Group A) 7” Zone, 291 – 295 Queen’s Road West, Sai Ying Pun, Hong Kong

(TPB Paper No. 9568)

[The hearing was conducted in Cantonese.]

60. The following Members declared interests in this item:

- Professor P.P. Ho - his spouse owning properties at Third Street and Kui Yan Lane
- Mr Clarence W.C. Leung - his mother owning a flat in Sai Ying Pun
- Mr Roger K.H. Luk - being a Council Member of St. Paul's College since 1992

61. As the applicant had requested for deferment of consideration of the review and the concerned properties were some distance away from the application site or the interests were indirect or remote, the above Members were allowed to stay in the meeting and participate in the discussion.

62. The Secretary reported that on 12.3.2014, the applicant requested the Board to defer making a decision on the review application for a period of three months so as to allow time for the preparation of justifications in support of the review application. This was the first request for deferral by the applicant for the review application.

63. Members noted that the justifications for deferment met the criteria set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications (TPB PG-No. 33) in that more time was required for the applicant to prepare documentation for the review, the deferment period was not indefinite and the deferment would not affect the interests of other relevant parties.

64. After deliberation, the Board agreed to defer a decision on the review application as requested by the applicant pending the submission of further information by the applicant. The Board also agreed that the review application should be submitted for its consideration within three months upon receipt of further submission from the applicant. The Board also agreed to advise the applicant that the Board had allowed a period of two months for the preparation of submission of further information instead of

the three months requested by the applicant and that no further deferment would be allowed unless under very special circumstances.

Agenda Item 7

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/NE-TKL/459

Proposed Filling of Land (about 23cm to 25cm in depth) for Construction of a Vehicular Access Road ancillary to permitted Agricultural Use in “Agriculture” Zone, Lots 1932 S.B RP (Part) and 1932 S.B ss.1 RP (Part) in D.D. 76, Pak Tin New Village, Ta Kwu Ling

(TPB Paper No. 9574)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

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

- | | | |
|-------------------|---|--|
| Mr C.K. Soh | - | District Planning Officer/Shu Tin, Tai Po and North (DPO/STN), PlanD |
| Miss Tsoi Sin Man |) | |
| Mr Tsoi Yan Chak |) | Applicant’s representatives |
| Mr Mok Man Fung |) | |

66. The Chairman extended a welcome and explained the procedure of the review hearing. He then invited DPO/STN to brief Members on the background of the application.

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

- (a) the applicant sought planning permission for proposed filling of land for

construction of a vehicular access road ancillary to permitted agricultural use on the adjacent agricultural land on the application site which fell within an area zoned “Agriculture” (“AGR”) on the Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP);

(b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 13.12.2013 for the following reasons:

(i) the proposed filling of land for construction of a vehicular access road ancillary to agricultural use was not in line with the planning intention of the “AGR” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The applicant had failed to demonstrate in the submission that the proposed land filling was essential for genuine agricultural purpose;

(ii) the applicant had failed to demonstrate in the submission that the proposed development would not cause adverse traffic and landscape impacts on the surrounding areas; and

(iii) the approval of the application would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such application would result in general degradation of the environment of the area and adverse traffic and landscape impacts on the surrounding areas;

(c) the justifications provided by the applicant in support of the review application were summarised as follows;

(i) agricultural activities had taken place at the site and its immediate vicinity with a long history. The application was intended to revert fallow arable land for rehabilitation and cultivation, which was in line

with the planning intention of the “AGR” zone. The applicant had also consulted the Agriculture, Fisheries and Conservation Department (AFCD) for comments and information on agricultural rehabilitation. The site was only for private use and would not be open to the public;

- (ii) as the site and its immediate vicinity had been left fallow for several years, the applicant had cleared the on-site vegetation and weeds to prepare for rehabilitation. Trees were preserved and landscape resources within the site were well-protected. The comments of Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) regarding the “Destroy First, Build Later” activities of the application was not valid. The applicant would conserve the environment and landscape resources through the implementation of the proposed layout plan of the agricultural use ancillary to the site;
- (iii) during the construction of fencing for the agricultural use in the vicinity of the site, heavy vehicles were unable to access the site and were trapped by the muddy road. The current paving on the site was just for temporary purpose to avoid these situations;
- (iv) as the land intended for agricultural rehabilitation had a site area of more than 60,000 ft², it was necessary to develop the proposed vehicular access for the transportation of agricultural equipment and products;
- (v) the proposed vehicular access had a width of 10 ft (about 3.05 m) and was 10 inches (25.4 cm) above the ground, which was only accessible to light vehicles. As the proposed vehicular access was only for agricultural transportation, the utilisation rate of the road was expected to be low and no car parking, loading and unloading spaces, and vehicular manoeuvring space would be provided. The proposed vehicular access was only for private use, and would not encroach

onto any nearby villages, pedestrian walkways and public areas. The comments from the Commissioner for Transport (C for T) were considered to be invalid;

- (vi) to address the concern of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) about flooding on the site, the applicant had prepared a preliminary drainage proposal which was accepted by DSD; and
 - (vii) the proposed agricultural use on fallow arable land owned by the applicant should not be considered as a type of illegal use of agricultural land. Besides, the proposed development would unlikely cause adverse impacts on the surrounding area;
- (d) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) considered that the farmland under concern was ideal for crop cultivation. Although the applicant had submitted a layout plan to show how the farmland would be used, it was noted that the application site had been paved with debris and it was not common for a local farm of similar scale to require a road with such a footprint to support its daily operation. As the construction of the road would irreversibly destroy the farmland, the application was not supported from an agricultural development point of view. C for T did not support the review application as the applicant had not indicated the ingress/egress point, the car parking and loading/unloading layout and the vehicular manoeuvring space within the application site. Moreover, the applicant had not provided information related to the type of transportation vehicles and the estimated number of vehicle trips to and from the application site. CTP/UD&L, PlanD had reservation on the application from a landscape planning point of view. While the applicant claimed that no trees had been felled since their purchase of the land, it was found that vegetation and farmland within the application site had been removed and replaced by fill materials when comparing the aerial photo taken in 2013 and his recent site visit. Disturbance to the existing landscape character and

resources had taken place. Approval of the application would likely encourage unauthorised land filling in the area, leading to further deterioration of rural landscape resources;

- (e) public comments – during the statutory public inspection period, two public comments were received from Kadoorie Farm & Botanic Garden Corporation (KFBG) and a villager of Pak Tin New Village objecting to the application on the grounds that the proposed development was not in line with the planning intention of the “AGR” zone; agricultural land in Hong Kong should not be further reduced; the site was currently covered with construction materials and any intensification of that use would degrade the soil quality and reduce the potential for agricultural use of the site; the applicant had adopted a ‘destroy first, build later’ approach; vehicular access was not necessary for agricultural use; the proposed development would pose danger to the children and elderly people nearby and affect the tranquil rural environment; and the proposal would cause adverse traffic, drainage and environmental impacts on the surrounding areas; and

- (f) PlanD’s views – PlanD did not support the application based on the assessments as stated in paragraph 7 of the Paper, which were summarised below:
 - (i) a site inspection conducted on 17.3.2014 found that the site where the proposed vehicular access road was situated had been paved with construction waste and debris, and the land in its vicinity had also been laid with similar fill materials. DAFC commented that the construction of road would irreversibly destroy the farmland, and it was uncommon for a local farm of this scale to require a road of such a footprint to support its daily operation. Apart from the layout plan of an organic farm, no additional information of substance had been provided to demonstrate the necessity of the proposed road in supporting the agricultural development. In this regard, DAFC did not support the application from an agricultural

development point of view;

- (ii) while the applicant claimed that no trees had been felled since their purchase of the land, CTP/UD&L, PlanD pointed out that vegetation within the site had been removed and replaced by fill materials, when comparing the aerial photo taken in 2013 and his recent site visit. Disturbances to the existing landscape character and resources had taken place. In this regard, he had reservation on the application and advised that approval of the application would likely encourage unauthorised land filling in the area leading to further deterioration of rural landscape resources;
- (iii) C for T commented that the applicant had not submitted the required information including the ingress/egress point, the type of transportation vehicles, the estimated number of daily and hourly vehicle trips, etc. or the relevant technical assessment to demonstrate that the proposed development would not result in unacceptable traffic impact on the surrounding area;
- (iv) there was no similar application for filling of land in the Ta Kwu Ling area. The approval of the application would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in general degradation of the environment of the area and adverse traffic and landscape impacts on the surrounding area;
- (v) there had been no material change in planning circumstances for the site and its surroundings since the rejection of the subject application which warranted a departure from RNTPC’s previous decision; and
- (vi) there were adverse local objections conveyed by DO(N) and adverse public comments received from KFBG and a villager of Pak Tin New Village.

68. The Chairman then invited the applicant's representatives to elaborate on the application.

69. Miss Tsoi Sin Man made the following main points:

- (a) the applicant's proposal was to carry out agricultural rehabilitation at the application site. The intention was to carry out organic farming and sheep rearing and to develop fish ponds and green houses;
- (b) the site had been used for farming in the last 50 years and agricultural use had only been abandoned in recent years;
- (c) the applicant bought part of the application site (about 2,800m²) in 2009 and the remaining part of the site in March 2013 for the purpose of setting up an organic farm. It was not the applicant's intention to use the application site as a tipping area for construction waste;
- (d) the application site would not be open to the public and would not be used for commercial activities;
- (e) the applicant had only cleared the site of rubbish and vegetation in order to prepare the land for agricultural use. No trees had been felled;
- (f) a fence wall was being built for security reasons and an access road passing through the site had to be built to facilitate the construction of the fence wall. The construction waste and debris currently found on site was mainly to serve as a temporary road for construction vehicles to pass through;
- (g) as the farm was about 6,000m² in size, a road leading to different parts of the farm was required to transport farming equipment, fertilisers and produce. The proposed road would be 10 ft in width and a few inches in depth and could only support light goods vehicles;

- (h) as the proposed road was an internal road within the application site for private use, it was considered unnecessary to provide car parking spaces, loading/unloading bays and turning points. The road would not have any adverse traffic impact on the surrounding area;
- (i) the applicant was aware of the drainage problems at the application site and the drainage system would be improved; and
- (j) the proposed agricultural rehabilitation would improve the general landscape of Pak Tin New Village and would not cause any adverse environmental impact.

70. Mr Tsoi Yan Chak made the following main points:

- (a) he was disappointed that the relevant Government departments did not examine the application from the long-term perspective of agricultural rehabilitation;
- (b) the road was required in order to rehabilitate the existing fallow agricultural land into an organic farm;
- (c) about 80% of existing agricultural land in Hong Kong had been abandoned because agricultural use was not profitable. The applicant was willing to rehabilitate the farmland and develop an organic farm even though the farm might operate at a loss;
- (d) the proposed organic farm would create employment opportunities, provide agricultural products that were produced locally and continue the traditions of farming;
- (e) the proposed organic farm was about 6,000m² in size, which was equivalent to 6 standard sports ground. A road was therefore necessary as a means of transport within the farm. Contrary to DAFC's claim that a road within a farm was uncommon, there were roads within the KFBG site. Besides, the

site coverage of the road was less than 1/300th of the overall site; and

- (f) the proposed organic farm would not cause adverse traffic and landscape impact but would bring about positive impacts by turning a vacant piece of land into active agricultural use;

71. Miss Tsoi Sin Man continued with the presentation and made the following main points:

- (a) the applicant had no intention to develop the site for open storage or other activities and it was a false accusation that the applicant was adopting the 'destroy first, build later' approach;
- (b) the provision of a road within the proposed organic farm would also facilitate the local villagers as the applicant could make the road available in times of emergency; and
- (c) the accusation that the applicant had cleared the site of all vegetation and trees was untrue as the applicant had only cleared the wild grass within the site in order to commence farming activities at the site.

72. Mr Tsoi Yan Chak then concluded the presentation and requested the Board to give favourable consideration to the application for the construction of a vehicular access road to serve the proposed organic farm.

73. As the applicant's representatives had finished their presentation, the Chairman invited questions from Members.

74. The Chairman enquired whether the proposed organic farm was to be operated as a private farm or a commercial enterprise. In response, Miss Tsoi Sin Man said that while the farm was owned by a company, the farming activities would be conducted by the directors of the company and their family members. Nevertheless, workers would be employed to assist in the daily operations of the organic farm.

75. In response to the Vice-Chairman's enquiry, Miss Tsoi Sin Man said that the proposed operation would include greenhouses for organic farming, cultivation of fruit trees, provision of fish ponds for fish farming and the provision of green pastures for sheep-rearing. Some cottages would also be provided as staff quarters for the workers.

76. The Vice-Chairman enquired about the need for constructing a concrete road within the farm. In response, Miss Tsoi Sin Man said that while a road might not be necessary for a small farm, the large size of the farm required the provision of internal roads to facilitate the transportation of goods and materials. The proposed road would also serve as a parking area for private cars as parking spaces were not available along Sha Tau Kok Road. A concrete road was considered necessary as bunds around the perimeter of the fields were impassable during the rainy season.

77. The Vice-Chairman enquired whether the applicant had previous experience in operating an organic farm. In response, Mr Mok Man Fung said that his family had been operating a large farm in Zhanjiang in the Mainland and had regularly transported the agricultural produce from their farm to Hong Kong for the enjoyment of their family and friends. The main purpose of setting up an organic farm in Hong Kong was to produce farm products for the enjoyment of his family and friends. The farm was not expected to make any money and he had already invested more than \$3 million in the farm project. Indeed, it would be operated at a loss. In response to the Chairman's enquiry, Mr Mok clarified that the farm was not a commercial enterprise and hence profit/loss was not a consideration.

78. In response to the Chairman, Mr C.K. Soh said that the construction of a concrete fence wall and the filling of land with debris had already constituted an unauthorised development on the land. In response, Miss Tsoi Sin Man said that the proposed fence wall had been approved by the Buildings Department. She, however, did not have the approval document with her. The concrete fence wall was necessary as there had been previous incidences of theft of agricultural products on the farm. As for the road, she said that construction waste and debris had been used mainly as a temporary measure to allow construction vehicles to pass through the site in order to facilitate the construction of the concrete fence wall.

79. A Member noted that a 6,000m² farm was less than half the size of a standard sports ground rather than 6 sports grounds as claimed by the applicant. The Member also enquired about the location of the farm structure for the storage of farm equipment and whether the farm structure could be located closer to the entrance of the site to avoid the need for the construction of a road that was 60 metres in length. In response, Miss Tsoi Sin Man said that the farm had a circumference of 340 metres and a diameter of over 100 metres. There were some cottages at the part of the site furthest away from Sha Tau Kok Road which were to be used as staff quarters and as farm structures for the storage of equipment and materials. Mr Mok Man Fung supplemented that the proposed road was necessary to provide convenient access to the farm structures.

[Professor S.C. Wong left the meeting at this point.]

80. A Member enquired whether the proposed road was needed mainly for the purpose of setting up the farm and hence was only temporary in nature. In response, Miss Tsoi Sin Man said that the road was also required by the farmers on a daily basis for the transportation of farm products and equipment. However, the ingress/egress of vehicles to Sha Tau Kok Road would be infrequent. Mr Mok Man Fung supplemented that the proposed concrete road would be safer and more convenient for the workers especially during the rainy season.

81. Ms Bernadette H.H. Linn said that the applicant would need to submit an application to the Lands Department for erecting structures on site for the purpose of operating staff quarters, but it was quite unlikely that such an application would be approved for a site to be used for agricultural purposes. In response, Miss Tsoi Sin Man said that the cottage structures in the area were existing structures and some of those structures were already occupied by other farmers.

82. In response to the Chairman's enquiry, Mr Mok Man Fung said that while his farm in the Mainland produced a large amount of agricultural products, these products could only be delivered to Hong Kong on a weekly or bi-weekly basis. However, the proposed organic farm in Hong Kong would be able to produce a wide variety of agricultural products which could be delivered to his family and friends on a daily basis.

83. In response to Ms Bernadette H.H. Linn's enquiry on the scale of operation of the proposed farm, Miss Tsoi Sin Man reiterated that the farm would not be open to the public and would only be used as a private farm. However, given the large size of the farm, some workers would be required to assist in its daily operations and the provision of a concrete road was necessary to facilitate the operation of the farm.

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

[Dr W.K. Yau and Mr Stephen H.B. Yau left the meeting at this point.]

Deliberation Session

85. A Member considered that while organic farming was supported, it was doubtful whether there was a genuine need for building a concrete road within the proposed organic farm. Indeed, the operation of the proposed organic farm would unlikely be affected even if the proposed road was not permitted.

86. Members generally agreed that the proposed construction of a vehicular road was not in line with the planning intention of the "AGR" zone.

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

- “(a) the proposed filling of land for construction of a vehicular access road ancillary to agricultural use is not in line with the planning intention of the “AGR” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The applicant has failed to demonstrate in the

submission that the proposed land filling is essential for genuine agricultural propose;

- (b) the applicant has failed to demonstrate in the submission that the proposed development would not cause adverse traffic and landscape impacts on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such application would result in general degradation of the environment of the area and adverse traffic and landscape impacts on the surrounding areas.

88. The meeting was adjourned for lunch break at 1:40 p.m..

- End of a.m. session -

89. The meeting was resumed at 2:45 p.m.

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

Mr Thomas T.M. Chow

Chairman

Mr Stanley Y.F. Wong

Vice-Chairman

Mr Roger K.H. Luk

Dr C.P. Lau

Ms Julia M.K. Lau

Mr H.W. Cheung

Mr Ivan C.S. Fu

Mr Sunny L.P. Ho

Mr Lincoln L.H. Huang

Mr H.F. Leung

Mr F.C. Chan

Dr Eugene K.K. Chan

Mr Francis T.K. Ip

Mr David Y.T. Lui

Mr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Director of Lands

Ms Bernadette H.H. Linn

Principal Assistant Secretary (Transport 3)

Transport and Housing Bureau

Miss Winnie M.W. Wong

Assistant Director (2)

Home Affairs Department

Mr Eric K.S. Hui

Principal Environmental Protection Officer (Strategic Assessment)
Environmental Protection Department
Mr H.M. Wong

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

Secretary

Sha Tin, Tai Po and North District

Agenda Item 9

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/NE-LT/492

Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone,
Government Land in D.D. 19, She Shan Tsuen, Lam Tsuen, Tai Po

(TPB Paper No. 9569)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

91. The following representative of the Planning Department (PlanD), the applicant and the applicant’s representative were invited to the meeting at this point:

Mr C.K. Soh	-	District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), PlanD
Mr Chan Chi Keung	-	Applicant
Mr Chan Pak Yau	-	Applicant’s representative

92. The Chairman extended a welcome and explained the procedure of the review hearing. He then invited DPO/STN to brief Members on the review application.

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

- (a) the applicant sought planning permission to build a house (New Territories Exempted House (NTEH) – Small House) on the application site (the Site) which fell within an area zoned “Agriculture” (“AGR”) on the Approved Lam Tsuen Outline Zoning Plan (OZP) No. S/NE-LT/11;
- (b) the Rural and New Town Planning Committee (RNTPC) of the Board rejected the application on 13.12.2013 and the reasons were:

- (i) the proposed development was not in line with the planning intention of the “AGR” zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The “AGR” zone was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission for a departure from the planning intention; and
 - (ii) the applicant failed to demonstrate that the proposed development would not cause adverse landscape impact on the surrounding areas.
- (c) the Site was a piece of government land covered by shrubs and banana trees. It was located within the village ‘environs’ (‘VE’) of She Shan Tsuen and was accessible via a footpath. The surrounding areas were predominantly rural in character with village houses, agricultural land and woodland trees. The village houses in She Shan Tsuen were about 15m to the southeast. An area zoned “Site of Special Scientific Interest” (“SSSI”) was situated to the immediate east of the Site;
- (d) the justification put forth by the applicant in support of the review application was that the s.16 application was rejected based on a number of reasons which did not match the actual situation;
- (e) previous application – there was no previous application for Small House development at the Site;
- (f) similar applications – there were eight similar applications for Small House developments in the vicinity of the Site and within the same “AGR” zone. Five of the applications were approved and three were rejected. Applications No. A/NE-LT/379, 380, 391, 414 and 484 were approved with conditions by RNTPC mainly on the considerations that

the proposed Small Houses complied with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories (Interim Criteria) in that the application sites fell entirely within the 'VE' or more than 50% of the footprints of the proposed Small Houses fell within the "Village Type Development" ("V") zone; there was a general shortage of land to meet the demand for Small House development in the "V" zone; and the proposed development would be able to be connected to the planned sewerage system in the area. Applications No. A/NE-LT/397, 490 and 493 (about 240m from the Site) were rejected by RNTPC mainly on the grounds that the applications were not in line with the planning intention of "AGR" zone; they were not in line with the Interim Criteria in that more than 50% of each of the sites was outside both the "V" zone and 'VE' and the applicants failed to demonstrate that the proposed developments could be connected to the planned sewerage system and would not create adverse impact on the water quality in water gathering ground (WGG);

- (g) departmental comments – the departmental comments were summarised in paragraph 5 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural and nature conservation points of view. There were active agricultural activities in the vicinity, and the Site itself had high potential for rehabilitation of agricultural activities. Besides, the Site was located in close proximity to the She Shan Fung Shui Woodland "SSSI" which was designated to protect the woodland therein. Development of the subject Small House would affect the woodland. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD had strong reservation on the application from the landscape planning perspective as there would be no separation or buffer between the mature trees within the "SSSI" and the proposed Small House. The actual works area of the proposed Small House might extend beyond the application boundary and affect the woodland in the "SSSI". Approval of the application might encourage similar applications along the edge of the "SSSI" within the "AGR" zone. The Commissioner for Transport (C for T) had reservation

on the application as such type of development should be confined within the “V” zone as far as possible. Although the additional traffic generated by the proposed development was not expected to be significant, such type of development outside the “V” zone, if permitted, would set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. Nevertheless, as the application only involved the development of a Small House, it could be tolerated unless the application was rejected on other grounds. Other relevant government departments consulted maintained their views of having no objection to or no adverse comments on the application;

- (h) public comments – during the statutory publication period at the s.17 review stage, no public comment was received. At the s.16 application stage, two public comments from villagers of She Shan Tsuen and a member of the public were received. The villagers objected to the application mainly because the proposed development would cause adverse “fung shui” impact whereas the member of the public objected to the application mainly because the proposed development would cause adverse ecological impact on the “SSSI” and the approval of any development on agricultural land might set a precedent for “destroy first, built later” practice. No local objection/view was received by the District Officer (Tai Po); and
- (i) PlanD’s views – PlanD did not support the review application based on the planning considerations and assessments as set out in paragraph 7 of the Paper and summarised below:
 - (i) in the review application, the applicant had not provided any justifications to demonstrate that the proposed development would not cause adverse landscape impact on the surrounding areas. The Site was a piece of government land in proximity to the immediate west of She Shan Fung Shui Woodland “SSSI” where mature trees were found. DAFC did not support the application

as the proposed Small House development would affect the woodland. CTP/UD&L, PlanD also maintained her strong reservation on the application as there would be no separation or buffer between the mature trees within the “SSSI” and the proposed Small House, and the actual works area of the proposed Small House might extend beyond the application boundary and affect the woodland in the “SSSI”. In this regard, the application was not in line with the Interim Criteria. Approval of the application might also encourage similar applications along the edge of the “SSSI” within the “AGR” zone; and

- (ii) as there had been no material change in planning circumstances for the Site and its surrounding areas since the rejection of the application, there was no planning justification to warrant a departure from RNTPC’s previous decision.

94. The Chairman then invited the applicant and/or his representative to elaborate on the review application.

95. Mr Chan Pak Yau made the following main points:

- (a) he was a former Village Representative of She Shan Village. The ‘so-called’ fung shui woodland of She Shan Village was no longer existed with the development of a number of Small Houses in She Shan. Therefore, the objection raised by 10 local villagers on grounds of adverse fung shui was not valid. Moreover, the 10 local villagers only constituted a very small proportion of the whole village population amounting to about 300 to 400 people;
- (b) lot 699 s.E in close proximity to the Site was approved for Small House development;
- (c) the applicant, who was a good young man, was required to take care of his parents and his father had suffered from stroke. Moreover, his

application for public housing had been rejected several times. It was hoped that the Board could give sympathetic consideration to the application to allow the applicant to build a Small House at the Site such that his family could have a better living environment;

- (d) the Site was currently overgrown with weeds and grasses. Approval of the application would help improve the landscape of the area; and
- (e) the local villagers had never raised objection to other Small House applications on 'fung shui' ground in the past. Two letters were displayed on the visualiser to support his argument that the area in the vicinity of the Site was not a fung shui woodland.

96. As the presentations from PlanD's representative and the applicant's representative had been completed, the Chairman invited questions from Members.

[Miss Winnie M.W. Wong and Mr Frankie W.C. Yeung returned to join the meeting at this point.]

97. The Chairman requested DPO/STN to provide Members with more information on the approved similar applications in the vicinity of the Site.

98. In response, Mr C.K. Soh said that there were three approved Small House applications in the vicinity of the Site. They were approved by RNTPC mainly on consideration that more than 50% of the footprint of each of the proposed Small Houses fell within the 'VE' of the village; there was insufficient land within the "V" zone of the village to cater for the Small House demand; and the proposed Small House developments were not adjacent to mature woodland or well-vegetated slopes and would not cause adverse landscape and drainage impacts on the surrounding areas. For the current application, since the Site was adjacent to "SSSI" where mature woodland was located therein, there was concern that the proposed Small House development would affect the "SSSI" and have adverse landscape impact on the area. In this regard, DAFC and CTP/UD&L of PlanD objected to or had strong reservation on the application.

99. As the applicant and his representative had no further comment to make and Members had no further question, the Chairman informed them that the hearing procedure for the review had been completed and the Board would deliberate on the application in their absence and inform the applicant of the Board's decision in due course. The Chairman thanked the applicant and his representative and DPO/STN for attending the hearing. They all left the meeting at this point.

Deliberation Session

100. The Chairman said that as shown on Plan R-3 of the Paper, the Site was located to the immediate west of the "SSSI" where mature woodland was found. The consideration of the current application would be different from that for the three approved similar applications.

101. Members noted that there had been no major change in the planning circumstances since the previous consideration of the application by RNTPC and the applicant had not provided sufficient justification or evidence to demonstrate that the proposed Small House development on the Site would not have adverse impact on the mature woodland in the adjacent "SSSI". Members agreed to maintain RNTPC's decision to reject the application.

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

- “(a) the proposed development is not in line with the planning intention of the “AGR” zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The “AGR” zone is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention; and
- (b) the applicant fails to demonstrate that the proposed development would

not cause adverse landscape impact on the surrounding areas.”

Agenda Item 8

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/ST/816

Columbarium with Ancillary Storage in “Government, Institution or Community” zone, Government Land adjoining Chi Ha Yuen, No. 186 Pai Tau Village, To Fung Shan, Sha Tin (TPB Paper No. 9578)

[The hearing was conducted in Cantonese.]

103. The following Members had declared interests in this item:

Mr Clarence W.C. Leung	-	his spouse owning a flat in Fo Tan
Professor Eddie C.M. Hui	-	owning a flat at City One Sha Tin
Professor K.C. Chau	-	owning a flat at Royal Ascot
Ms Christina M. Lee	-	his spouse owning a flat in Tai Wai

104. As the relevant properties were located distant from the application site, Members agreed that the above Members’ interests were remote. Members also noted that Mr Leung and Ms Lee had tendered apologies for not being able to attend the meeting and Professor Hui and Professor Chau had already left the meeting.

Presentation and Question Session

105. The following Government’s representatives and the applicant’s representatives were invited to the meeting at this point:

Mr C.K. Soh	-	District Planning Officer/Shan Tin, Tai Po and North, Planning Department (DPO/STN, PlanD)
Mr K.C. Ho	-	Senior Engineer/Shatin, Transport Department (SE/Shatin, TD)

Ms Yiu Mei Fong]	
Mr Chan Tat Choi]	
Mr Robin Li]	
Ms Lee Wai Kan]	Applicant's representatives
Mr Lo Shing Kin]	
Mr Daniel Wei]	
Mr Lee Ho Ching]	
Ms Kwok Wai San]	
Mr Anthony Wong]	

[Dr C.P. Lau and Mr Eric K.S. Hui arrived to join the meeting at this point.]

106. The Chairman extended a welcome and thanked the applicant's representatives for their understanding on the need to postpone the review hearing to the afternoon session due to the long discussions on some items in the morning session. He then explained the procedure of the review hearing and invited DPO/STN to brief Members on the review application.

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

- (a) the applicant sought planning permission to regularise the existing columbarium use with a total of 3,338 niches at a piece of government land adjoining the main monastery of Chi Ha Yuen (CHY). The application site (the Site) fell within an area zoned "Government, Institution or Community" ("G/IC") on the approved Sha Tin OZP No. S/ST/28 at the time the planning application was submitted. The zoning remained unchanged on the current draft Sha Tin OZP No. S/ST/29;
- (b) the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) rejected the application on 8.11.2013 and the reasons were:
 - (i) the traffic impact assessment submitted by the applicant had failed

to demonstrate that the columbarium would have no adverse pedestrian and vehicular traffic impact on the surrounding areas; and

- (ii) the approval of the application would set an undesirable precedent for similar applications for the development of columbarium use. The cumulative impact of approving such similar applications would lead to proliferation of columbarium use and a general degradation of the traffic conditions of the area;
- (c) the Site (about 518.83m²) was located within the village 'environs' of four recognised villages and was currently occupied by three columbarium buildings and one storage structure. It was not served by any vehicular access and was accessible via an existing footpath leading from Pai Tau Street and Mass Transit Railway (MTR) Sha Tin Station;
- (d) the surrounding areas of the Site were predominantly sloping areas covered by dense vegetation with clusters of religious institutions and columbaria as well as sporadic domestic structures. A stream to the immediate northeast was running from the northwest to southeast direction;
- (e) the proposed columbarium development comprised three columbarium buildings and one small storage building, each of one storey, with a maximum gross floor area (GFA) of 185.54m² (equivalent to plot ratio of 0.358 (about)), a maximum site coverage of 35.8%, and maximum building height of 2m (for storage structure) and 4m (for columbarium structures). The total number of niches was 3,338, of which about 2,012 were occupied;
- (f) previous application – the Site was the subject of a previous rezoning application (No. Y/ST/13) submitted by the same applicant. The applicant had proposed to rezone the Site from "Village Type Development" ("V") to "G/IC(1)" to continue the columbarium use on site for storing a total of 3,338 urns. The development parameters

(number of urns, site area, maximum building height, GFA and site coverage) of the rezoning application were the same as those of the present planning application. The rezoning application had been partially agreed by RNTPC on 10.2.2012 to rezone the Site from “V” to “G/IC” with ‘Columbarium’ included as a Column 2 use to ensure the submission of detailed technical assessments and mitigation measures for the Board’s consideration at the application stage;

- (g) similar application – there was no similar application in the vicinity of the Site;
- (h) the justifications put forth by the applicant in support of the review application were summarised as follows:
 - (i) the columbarium had been mainly reserved for the deceased followers and many of them were monks or spinsters with no descendents. Very small number of visitors at festival periods were observed;
 - (ii) the Site had been the subject of the rezoning application No. Y/ST/13 from “V” to “G/IC(1)” to regularise the existing operation of the three single-storey columbarium buildings. TD had no in-principle objection to the application from the traffic viewpoint;
 - (iii) on the revised Traffic Impact Assessment (TIA) submitted as part of the review application, additional traffic improvement measures, namely (i) phasing of sale by a maximum of 300 niches per year; (ii) visit-by-appointment system to be implemented to limit a maximum of 100 visitors per hour during festival days; (iii) sending out notices to the existing 2,012 niches owners to advise and encourage them and their accompanying visitors to visit on non-festival days; and (iv) signing of a legally-binding contract by potential purchasers for the existing vacant 1,326 niches to confirm that they would not visit during Ching Ming and Chung Yeung

Festivals until the traffic situation and facilities were improved in future were proposed to minimise potential traffic impact;

- (iv) the revised TIA demonstrated that the proposed development would have insignificant impact on traffic conditions and the existing traffic and crowd control arrangement near Pai Tau Village;
- (v) in consideration of the unique background, location and nature of the proposed development, approval of this application would not set an undesirable precedent to any similar applications;
- (i) departmental comments – the departmental comments were summarised in paragraph 5 of the Paper and summarised as follows:
 - (i) the District Lands Officer/Shia Tin, Lands Department (DLO/ST, LandsD) advised that the Site stood on unleased government land. As the applicant's responses to the rejection reasons were mainly related to the traffic and planning aspects, he had no comment from land administrative point of view;
 - (ii) the Director of Environmental Protection (DEP) had no comment on the review application and considered that as the applicant had committed to permanent discontinuation of the use of toilet 1 and the existing septic tank underneath this toilet would be modified into a sewage holding tank for the storage of effluent during festive period, an approval condition was required to ensure the appointment of an independent Authorized Person (AP) to certify the viability of the design, construction and implementation of the sewage holding tank and pumping system;
 - (iii) the Commissioner for Transport (C for T) did not support the review application because he could not verify the practicality of the proposed measures of "visit-by-appointment" booking system

and legally-binding contract to stop grave-sweepers to visit the site during Ching Ming and Chung Yeung Festivals. The applicant claimed that the traffic impact imposed by the development was insignificant as the columbarium would mainly be for its deceased monks, spinsters and followers with no descendants and negligible grave-sweepers. However, he could not verify whether the above statement was true or not from the traffic engineering perspective. The applicant proposed a tidal flow arrangement to be included in the existing crowd control arrangement. However, no details had been given. Adequate car parking spaces, loading/unloading facilities should be provided by the development to cater for their operational need during normal days and special festival days. The feasibility of the proposed “Widening of the Pedestrian Ramp connecting MTR Sha Tin Station and Pai Tau Street” and “an additional 4m wide footpath with ramps” was doubtful and should be further verified. The background pedestrian flows at Pai Tau Street and cumulative effect on pedestrian flows attracted to the nearby columbaria during festival days would affect the TIA. The applicant had to provide traffic data and justification to verify the cumulative effect on pedestrian flows during festival days; and the approval of the application would set an undesirable precedent for similar applications for the development of columbarium use;

- (iv) other departments had no comment on the review application and maintained their previous views at the s.16 application stage;

- (j) public comments – during the statutory publication period at the s.17 review stage, five public comments from the Chairman of Sha Tin Rural Committee, two local villagers of Pai Tau, a Sha Tin District Councillor and Designing Hong Kong Limited were received objecting to the application. The main grounds of objection were that the approval of the application would attract even more traffic to the area; the development under application would lead to environmental degradation and poor air quality as brought about by a large amount of pedestrian flows into the

area; Pai Tau Village was an indigenous village and a large amount of columbaria would affect the tranquillity of the Pai Tau area; the area was in lack of vehicular access and emergency vehicular access and there were safety concerns on the narrow footpath which would cause inconvenience to other users; and a holistic plan should be prepared in advance especially as other columbaria would be potentially situated in the same area. The cumulative impact would worsen the traffic and the shortage of parking spaces in Sha Tin especially during grave-sweeping festivals. During the statutory publication period of the further information of the review application, two public comments from the same villagers were received and their grounds of objection were similar to those stated above;

- (k) PlanD's views – PlanD did not support the review application based on the planning considerations and assessments as set out in paragraph 7 of the Paper and summarised below:
 - (i) the application was subsequent to the previous rezoning application No. Y/ST/13 of the Site which was partially agreed by the Committee on 10.2.2012 in that 'Columbarium' use was included in Column 2 instead of Column 1 as requested by the applicant such that detailed technical assessments would need to be submitted for RNTPC/the Board's consideration. The development parameters of the current application were the same as those proposed in the previous rezoning application;
 - (ii) the Site was situated in a rural setting and its surrounding areas were predominantly covered by dense vegetation and religious institutions and columbaria. The Site itself was distant away from the major village settlements and residential developments. In terms of land use compatibility, the subject columbarium was considered not incompatible with the surrounding uses. Concerned Government departments, except TD, had no adverse comment on the application;

- (iii) the applicant had submitted a revised TIA proposing new management measures including sale of 300 niches per year, visit-by-appointment up to 100 visitors per hour, advising the niches owners to visit on non-festival days, and requiring new purchaser to sign a legally-binding contract to confirm no visit during Ching Ming and Chung Yeung Festivals. TD doubted the enforceability of the proposed mitigation measures. If the measures could not be implemented successfully, the additional visitors generated by the proposed development would impose loading on the crowd control and special traffic arrangements conducted by the Police during the special festival days;
- (iv) the applicant also failed to address TD's concerns with regard to providing adequate car parking spaces and loading/unloading facilities to cater for their operational needs during normal days and special festival days, and providing data and justifications to verify the cumulative effect on pedestrian flows attracted to the nearby columbaria during festival days. TD remained doubtful on the feasibility of widening the pedestrian ramp connecting MTR Sha Tin Station and Pai Tau Street, which was a critical point of the pedestrian flow. In conclusion, the revised TIA submitted by the applicant failed to address TD's concerns;
- (v) there was no change in planning circumstances of the Site and its surrounding areas since the rejection of the previous application that would merit a departure from the previous decision of RNTPC; and
- (vi) there were public comments objecting to the review application concerning the cumulative impacts on both pedestrian and road traffic in particular during grave-sweeping festivals, the shortage of parking spaces, and degradation of the environment and ambience of Pai Tau Village.

108. The Chairman then invited the applicant's representatives to elaborate on the application.

109. Ms Yiu Mei Fong made the following main points:

- (a) she was the manager trustee of CHY;
- (b) CHY had been established for nearly 90 years and its members mainly comprised of the aged and the homeless. The number of members had once reached about 1,000 at its peak;
- (c) the monk-in-charge of CHY had promised to provide its members food and clothing when they were alive and burial facilities when they died;
- (d) with a view to fulfilling this commitment, the monk-in-charge of CHY, with the support of Mr Denis Campbell Bray, the then District Officer, decided to construct a columbarium with 3,338 niches to cater for the demand of its members who were mainly the deceased monks, nuns and other followers (mostly spinsters);
- (e) out of the total 3,338 niches, 2,012 were occupied, of which 15% was used by deceased monks, 55% by deceased nuns and spinsters, 20% by the relatives of the members and the remaining 10% by members of the general public who had certain connections with CHY. The niches in CHY were not widely advertised for profit-making purpose and the niches sold were non-transferable to avoid speculation;
- (f) she urged the Board to grant planning permission to enable CHY to sell 150 niches annually to generate income for the daily operation of CHY, provide funding for the management, maintenance and improvement of the existing facilities and for charity donations. The revenue generated from the sale of niches was not for personal interest;
- (g) CHY had suspended the sale of niches since the submission of the

planning application. During this interim period, CHY had to rely on its own savings to carry out some basic maintenance of the existing obsolete facilities;

- (h) given the remote location of CHY and the more competitive prices of other columbaria in the vicinity, the plan to have an annual sale of 150 niches might not be fully realised;
- (i) the columbarium use at CHY would not generate adverse traffic impact as most of its visitors went to the Site by public transport or on foot. Moreover, the existing occupied niches attracted very few visitors. Based on her recent on-site survey during the Ching Ming Festival, very few visitors were observed as many of the niches were visited by the same groups of visitors. Hence, the number of visitors generated by the columbarium would not pose significant impact on the pedestrian traffic;

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

- (j) CHY was located on the hilltop commanding a panoramic view of the Sha Tin New Town and Castle Peak. It was situated in a rural setting with very beautiful scenery. The former District Officer who visited CHY frequently to enjoy its scenic view had once proposed to construct a road for CHY to improve its accessibility. However, the offer was declined by the then monk-in-charge who preferred to maintain the tranquillity and ambience of the religious institution; and
- (k) she invited Members to visit CHY in their spare time so as to enjoy its beautiful scenery.

110. With the aid of some documents and photos, Mr Chan Tat Choi made the following main points:

- (a) the development proposal of the current application was the same as that of the previous s.12A application No. Y/ST/13 submitted by the same applicant, for rezoning the Site to “G/IC(1)” with ‘Columbarium’ use

included under Column 1 for regularisation of its existing columbarium with 3,338 niches. According to the RNTPC Paper on the s.12A application, since the columbarium use had been in existence for a long time and its scale of operation was small with only few visitors, concerned Government departments including TD and PlanD had no adverse comment on the rezoning application. In view of DEP's concern on the adverse sewerage impact, RNTPC decided to partially agreed the s.12A application by rezoning the Site from "V" to "G/IC" with 'Columbarium' included as a Column 2 use to ensure the implementation of appropriate mitigation measures to address the environmental and sewerage impacts;

- (b) although the development proposal of the current application was the same as that of the previous s.12A application and there was no increase in the number of niches, a TIA was conducted by the applicant in support of the application. Besides, the applicant had also proposed some mitigation measures to address the concerns on the environmental and sewerage impacts raised in the previous s.12A application and these measures were acceptable to DEP;
- (c) given that the development proposal was the same and TD had no in-principle objection to the previous s.12A application, it was unreasonable for TD to raise objection to the current application on the grounds that the columbarium use on the Site would have adverse traffic impact on the area, in particular on the pedestrian ramp connecting MTR Sha Tin Station and Pai Tau Street. A consistent approach should be taken by the Government in considering the applications;
- (d) the columbarium of CHY had existed for more than 40 years and only a small number of visitors were observed during his site visit. Due to the lack of sufficient funding, the existing facilities within CHY were in dilapidated condition. As only about 1,200 niches would be sold at a rate of 150 niches per year and most of the visitors or followers of CHY would access the Site on foot, the columbarium at the Site should not cause adverse traffic impact on the local area. The revenue generated

from the sale of niches would help CHY to improve its existing obsolete facilities;

- (e) CHY was the only establishment amongst other religious institutions within the same “V” zone at Tao Fung Shan that had obtained the necessary approval from RNTPC for rezoning the Site from “V” to “G/IC” to facilitate the columbarium development. Should other religious institutions intend to provide columbarium facility, prior rezoning approval was required. Given that the Site was at a remote uphill location and the columbarium was small in scale, the approval of the application would not set an undesirable precedent for other columbaria in the vicinity; and
- (f) the Board was urged to give a sympathetic consideration to the application such that CHY could continue to generate income for the maintenance and improvement of the existing facilities to better serve the community.

111. As the presentations from PlanD’s representative and the applicant’s representatives had been completed, the Chairman invited questions from Members.

112. The Chairman requested DPO/STN to clarify if the total number of niches under the current application was 3,338. Mr C.K. Soh confirmed that the columbarium under application had a total of 3,338 niches, of which 2,012 niches were already in use as indicated by the applicant.

Sale of Niches

113. On the understanding that the columbarium had mainly been reserved for the deceased monks, spinsters and followers of CHY in the past 40 years and CHY would now like to put the remaining 1,326 niches for sale in the open market at a rate of 150 niches per year, the Vice-chairman asked whether there was a change in the operation mode of the columbarium and whether the niches would be sold at market price. Moreover, while he understood TD’s concerns on the feasibility of the traffic management measures proposed by the applicant, such as the ‘visit-by-appointment’ booking system and the signing of legally-binding contract prohibiting the grave-sweepers

to visit the columbarium at Ching Ming and Chung Yeung Festivals, he requested TD to elaborate on whether the columbarium with only about 1,326 new niches to be sold in phases would have very significant adverse traffic impact on the area.

[Mr Sunny L.K. Ho left the meeting at this point.]

114. Ms Yiu Mei Fong said that most members of CHY had passed away over the years, and there were now surplus niches for sale to the general public. The sale of niches had been temporarily suspended pending the granting of the necessary planning approval. While the price for the cheapest niches would be less than \$20,000 each, there was no guarantee that all the 150 niches could be sold out every year since CHY was at a relatively remote location only accessible on foot whereas other columbaria at more convenient locations in the area offered lower prices to attract potential buyers. Hence, it was anticipated that the niches in CHY would mainly be sold through referral by followers or other members of the public. The revenue generated would be used for the daily operation of CHY, management and maintenance of its existing facilities and meeting its obligations for charity donations.

115. Mr Chan Tat Choi supplemented that it was the genuine intention of the consultant team to assist CHY in improving its obsolete facilities and access so as to enhance the attractiveness of its columbarium. The approval of the application, which would regularise the existing columbarium in CHY, would definitely increase the attractiveness of CHY to potential buyers. The sale of niches would enable CHY to carry out the much needed maintenance and improvement of the existing facilities. Regarding the potential traffic impact generated by the columbarium, he said that based on his several site visits to CHY, the number of visitors to the columbarium during the festival days were at most slightly more than 100 people. According to the traffic assessment carried out by the traffic consultant, the number of visitors that would be generated by the currently vacant niches would be about 1 person per minute when in use. In view of the above, the traffic impact generated by the columbarium was negligible.

Traffic Impact

116. On the Vice-chairman's question on the potential traffic impact of the

columbarium, the Chairman invited TD's representative to elaborate on TD's views on the traffic impact of the columbarium use on the Site at the s.12A application stage and the current planning application stage.

117. With the aid of some Powerpoint slides, Mr K.C. Ho, SE(Shatin), TD, made the following main points:

- (a) after the approval of the s.12A application, a number of similar rezoning applications for columbarium use in the vicinity of the Site, including the applications submitted by Sai Lam Temple proposing about 12,000 niches and Buddhist Wai Chuen Monastery for 2,500 niches, were received. These columbaria together with other existing and proposed columbaria in the area such as Po Fook Hill were mainly served by the 3m wide pedestrian ramp connecting the MTR Sha Tin Station and Pai Tau Street. Po Fook Hill, which had a total of 100,000 niches with about 80,000 niches occupied, had attracted the largest number of visitors to the area during Ching Ming and Chung Yeung Festivals and their shadow periods. Special traffic arrangements and crowd control measures had to be implemented by concerned departments to minimise the adverse impacts on the local transport network and pedestrian flows;
- (b) while the number of visitors generated by each individual columbarium was not significant, the cumulative impact of all these columbaria in the area was very substantial;
- (c) TD did not object to the s.12A application submitted by CHY since sufficient mechanism was in place for TD to monitor the potential impact on transport network and pedestrian flows through the planning application system. The applicant was required to conduct a TIA or traffic review taking into account other existing/proposed columbaria and to demonstrate that the cumulative impact generated by the existing columbaria in the area would not cause significant adverse impact on the local traffic and pedestrian network;

- (d) TD considered that the existing pedestrian ramp connecting the MTR Sha Tin Station and Pai Tau Street was overloaded and had already exceeded its design capacity on festival days. Based on TD's regular surveys, the number of persons using the pedestrian ramp was about 6,890 to 7,000 persons per hour in the afternoon peak of a normal day. According to the figures provided by the Police, the total number of persons that had used the pedestrian ramp on 5.4.2014 (i.e. Ching Ming Festival) was about 35,982 persons. The pedestrian ramp was critical as it was the only pedestrian facility connecting the MTR Sha Tin Station with the public transport interchange (PTI) at Pai Tau Street. As such, TD was very concerned about the crowd control measures during the festival days as two-way pedestrian traffic had to be maintained on the pedestrian ramp, and they had all along been working closely with the Police to ensure smooth pedestrian flows;
- (e) the applicant had proposed to widen the ramp to 4m at the applicant's own cost with a view to addressing TD's concern on the inadequate capacity of the existing pedestrian ramp. However, the proposal was considered not technically feasible as it would be objected to by the local villagers of Pai Tau Village who had also raised objection to the construction of a footbridge connecting the MTR Sha Tin Station and Sha Tin Government Offices previously proposed by the Government; and
- (f) the applicant was required to demonstrate to TD's satisfaction that the proposed traffic management and crowd control measures, such as prohibiting the grave-sweepers to visit the Site during Ching Ming and Chung Yeung Festivals, were feasible and enforceable. As the applicant had failed to demonstrate that the columbarium development at the Site would not have adverse impacts on the traffic and pedestrian circulation in the area, TD could not render support to the application at this stage.

118. Regarding the concern on adverse traffic impact generated by the columbarium at the Site, Mr Robin Lee, the traffic consultant of the applicant, made the following main points:

- (a) the TIA carried out for the Site was based on the assumption that the proposed 'visit-by-appointment' booking system and signing of legally-binding contract were not in place;
- (b) the potential impact of the columbarium on the pedestrian circulation/flows of the area was assessed by applying the trip generation rates of other existing columbaria in the vicinity including Po Fook Hill to the 1,368 vacant niches on the Site. The columbarium on the Site would only attract about 119 persons per hour, which was equivalent to less than 2 persons per minute;
- (c) on-site pedestrian counts were carried out to ascertain the number of people using the pedestrian ramp on festival days over the past few years. It was revealed that the fluctuation in the total number of pedestrians using the ramp was more than 120 persons per hour; and
- (d) in view of the above, it was anticipated that the columbarium use on the Site should not have significant impact on the pedestrian flow of the area.

Feasibility of Proposed Crowd Control Measures

119. Noting that the applicant had proposed to send out notices to the owners of the existing niches encouraging them to visit on non-festival days and a legally-binding contract would be signed with each of the potential purchasers requiring them to visit on non-festival days, the Chairman requested the applicant to clarify how such measures could be effectively enforced and what remedial action would be taken against non-compliance in future.

120. Mr Chan Tat Choi said that it would be difficult for the applicant to demonstrate to the satisfaction of the Board that these measures were feasible at the moment. The applicant should be given an opportunity to demonstrate the feasibility of the said measures through the imposition of relevant approval conditions. The proposed measure to prohibit the owners of the niches from visiting the Site during the festival days

would only be applicable to the new buyers. Any person who did not comply with the contractual agreement would be warned and appropriate provision enabling the cancellation of the contract by CHY would be included in the agreement to ensure compliance by the future purchasers.

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

Deliberation Session

122. A Member opined that Po Fook Hill, with the provision of 100,000 niches of which about 80,000 niches were occupied, was the major columbarium causing the traffic and pedestrian congestion in the area during the festival days. It might not be fair for CHY, which was located uphill with a much smaller number of niches, to bear the consequences and be responsible for resolving the problem generated by other columbaria in the area.

123. The Chairman clarified that the columbarium development at Po Fook Hill was an establishment formally approved by concerned departments and its scale of development had been justified by various technical assessments whereas the subject columbarium at CHY was unauthorised and would require regularisation. As such, the application had to be carefully considered to ensure that the existing traffic condition and pedestrian circulation in the area would not be worsened to an unacceptable level.

124. A Member considered that the problem might be addressed if the columbarium at the Site would be closed on Ching Ming and Chung Yeung Festivals. This Member asked whether it was possible for the Board to approve the application subject to imposing an approval condition requiring the closure of the columbarium on the festival days albeit such mitigation measure was not proposed by the applicant in his submission. The Chairman said that under normal circumstances, the applicant should propose mitigation measures to address the Government departments' concerns. The

imposition of an approval condition, which might not be implementable by the applicant, might not be appropriate.

125. The Secretary said that as set out in paragraph 3(iv) of the Paper, the applicant had stated that potential purchasers of the vacant niches would be required to sign a legally-binding contract to confirm that they would not visit the columbarium during Ching Ming and Chung Yeung Festivals until the traffic situation and facilities were improved in future. Similar crowd management measures had been proposed by the applicants of some other columbarium applications in the past. However, concerned departments including TD and the Police were doubtful on the practicability and enforceability of such measures. For the subject application, it might be difficult for the applicant to enforce the proposed measure of prohibiting the grave-sweepers from visiting the columbarium on festival days. The Chairman added and Members agreed that the applicant had failed to demonstrate to the Board's satisfaction the enforceability of such proposal in the questioning session.

126. A Member considered that the measure relating to the signing of a legally-binding contract with the potential buyers was difficult to enforce and more problems might be created if the owners of niches did not comply with the agreement and insisted on visiting the columbarium on festival days. The approval of the application would create an undesirable precedent for other similar applications.

127. Having regard to the great demand for columbarium facility in the territory, the Vice-chairman considered that such facility should be more conveniently located and supported by adequate public transport facilities. The Site, which was located in an area well served by public transport with MTR Station, taxi stand, bus and minibus terminus, was considered a suitable location for columbarium use. Visitors to the Site would likely use public transport facilities instead of private cars during the festival days. While TD's main concern was related to the pedestrian flow and crowd control problems during the festival days, he was sympathetic to the application as it was a common practice for concerned departments to implement appropriate crowd control measures at the public columbaria during Ching Ming and Chung Yeung Festivals, and the number of visitors generated by the columbarium under application would not be substantial based on the applicant's TIA. The existing pedestrian flow and crowd control problems in the area

should not be insurmountable. Nevertheless, he also had concern that the approval of the application without addressing the problems satisfactorily would set an undesirable precedent for other similar applications in the area, the cumulative impact of approving such applications would have adverse impact on the existing traffic and pedestrian circulation in the area.

128. Another Member shared the views of the Vice-chairman that there was a great demand for columbarium facility and the Site was not unsuitable for columbarium use in terms of land use compatibility. This Member was also sympathetic to the application in that TD had previously raised no objection to the proposal at the s.12A application stage. TD's current concern was mainly on the cumulative adverse impact on the traffic and pedestrian flows generated by other columbarium proposals submitted after the s.12A application. Nevertheless, the expert advice of the concerned departments should be taken into account in considering the application. Should the technical problems relating to the traffic and crowd control aspects not be satisfactorily resolved, it would not be appropriate to approve the application. Given that Po Fook Hill, which was only accessible via Pai Tau Street, was the main trip generator during the festival days, the Government should explore the possibility of providing an alternative access. This would help relieve the existing traffic and pedestrian congestion of the local area on festival days and could facilitate the provision of more columbarium facilities in this area.

129. A Member considered that the current application was for regularisation of the columbarium development on the Site comprising 3,338 niches, of which 2,012 niches had already been occupied. The major justification provided by the applicant to support the application was that the selling of the remaining 1,326 vacant niches was required to generate revenue for the daily operation, maintenance and management of the existing facilities within CHY. The financial situation of the applicant was not a relevant planning consideration for the Board.

130. The Chairman drew Members' attention to the fact that the subject application was for the regularisation of the columbarium use within CHY with a total of 3,338 niches including the already occupied 2,012 niches.

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

131. While sympathetic to the application, another Member said that the application could not be approved at this stage as the information and technical assessment submitted by the applicant had failed to satisfactorily address TD's concern on the adverse impact on the pedestrian circulation generated by the columbarium. This Member further suggested that TD should be requested to explore the possibility of carrying out some pedestrian traffic improvement measures in the area, as in the case for other columbaria near Tsing Shan Tsuen in Tuen Mun where TD had agreed to carry out some road improvement works at Yeung Tsing Road. Upon the satisfactory resolution of the problem, more columbaria could be allowed in this area.

132. As TD did not support the application on the grounds that the applicant had failed to demonstrate that the columbarium would have no adverse traffic impact and the practicability of the crowd control measures proposed by the applicant was doubtful, Members considered that the application could not be approved. Members also agreed that TD should be requested to explore the possibility of carrying out some improvement measures to improve the pedestrian flows in the area, particularly during the Ching Ming and Chung Yeung Festivals.

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

- “(a) the traffic impact assessment submitted by the applicant has failed to demonstrate that the proposed columbarium would have no adverse pedestrian and vehicular traffic impact on the surrounding areas; and
- (b) the approval of the application would set an undesirable precedent for similar applications for the development of columbarium use. The cumulative impact of approving such similar applications would lead to proliferation of columbarium use and a general degradation of the traffic conditions of the area.”

[Dr C.P. Lau and Dr Eugene K.K. Chan left the meeting at this point.]

Agenda Item 10

[Open Meeting]

Preliminary Consideration of the Draft Mau Ping Outline Zoning Plan No. S/ST-MP/B
(TPB Paper No. 9596)

[The meeting was conducted in Cantonese.]

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

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

135. The Chairman extended a welcome and invited DPO/STN to brief Members on the background of the Paper.

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

Need for the Outline Zoning Plan (OZP)

- (a) on 26.8.2011, the draft Mau Ping Development Permission Area (DPA) Plan No. DPA/ST-MP/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). On 26.6.2012, the Chief Executive in Council (CE in C), under section 9(1)(a) of the Ordinance, approved the draft Mau Ping DPA Plan, which was subsequently renumbered as DPA/ST-MP/2. Pursuant to section 20(5) of the Ordinance, the Mau Ping DPA Plan was effective only for a period of three years until 26.8.2014;

Planning Scheme Area

- (b) the Planning Scheme Area (the Area), covering a total area of about 45 ha, was an upland valley surrounded by the Ma On Shan Country Park, and about mid-way between Sai Kung to the southeast and Ma On Shan to the northwest. It straddled the Ma On Shan mountain range at about 300m above sea level, with diverse and uneven terrains including a stream-flowing valley, slopes, ridges and spurs. Most of the Area was covered by woodlands, with some clusters of house ruins and abandoned agricultural land along the valley;
- (c) the Area was not served by any vehicular access, and was only accessible by footpaths. A pristine natural stream, covered with luxuriant vegetation, flowed through the Area from south to north down to Mui Tsz Lam. The native woodland was known to support populations of rare plant and fauna species of conservation interest;

Existing Land Uses

- (d) the Area was part of the Mui Tsz Lam and Mau Ping Priority Site for Enhanced Conservation under the New Nature Conservation Policy, and was within the upper indirect water gathering ground (WGG). It was of significant ecological and conservation importance. The Mau Ping Site of Special Scientific Interest (SSSI) was near the Area to the north. The Pak Kong - Mui Tsz Lam Trackway, which was a site of archaeological interest, traversed the Area connecting Ma On Shan and Sai Kung;
- (e) most of the area in Mau Ping was naturally vegetated. About 75% of the Area was government land. Two recognised villages, namely Mau Ping and Wong Chuk Shan, mostly in ruins, were located in the southern and middle parts of the Area. A burial ground was located on the north-eastern side of the Area;

Issues Arising from the Consideration of the DPA Plan

- (f) during the exhibition period of the draft DPA Plan, a total of six representations were received. The major land use proposals made by the representers were recapitulated below:
- (i) green groups including Kadoorie Farm & Botanic Garden Corporation (KFBG) suggested that conservation zonings such as “Conservation Area” (“CA”) should be designated to reflect the ecological value of the Area, to prevent any potential impact of development on the water quality and hydrology of stream and its associated wildlife, and to protect the Mau Ping SSSI and its adjacent areas; and
 - (ii) the Sha Tin Rural Committee (STRC) stated that the “Village Type Development” (“V”) zones were too small and it was unfair to the indigenous villagers. They suggested that all private land be zoned “V” for Small House development;
- (g) on 9.3.2012, the Board decided not to propose any amendment to the draft DPA Plan to meet the representations. The DPA Plan was an interim plan which would be replaced by an OZP within three years. It was agreed that detailed land use zonings would be worked out during the OZP preparation stage taking account of the results of relevant assessments on various aspects including development need, conservation value, the environment, infrastructure, landscape character, etc. in consultation with relevant stakeholders;

Development Proposals Received in the Course of Preparation of the Plan

- (h) since the gazettal of the draft DPA Plan on 26.8.2011, no planning applications had been received;
- (i) in the course of the preparation of the draft OZP, a proposal from KFBG

was received which suggested that the whole Area should be covered by “CA” zoning or even “Site of Special Scientific Interest” (“SSSI”), as the Area was predominantly covered with mature secondary woodland, plant diversity was high, and many rare plant species were found. The views conveyed in this proposal had been taken into account in the preparation of the OZP;

Land Use Planning Considerations

Natural Environment

- (j) the native woodlands in the Area were natural in character and were ecologically linked with the Ma On Shan Country Park, and protected plant species as well as a number of insect/animal species of conservation interest had been recorded in the Area. The natural stream with its tributaries running through the Area was of pristine water quality and supported a number of species of conservation interest. The ecological and conservation importance of the Area was due largely to the native woodland harbouring large populations of rare plants. The Mau Ping *Fung Shui* Wood was in good condition and plant species of conservation interest were found with the Area. Protected or notable plant species and a number of fauna species of conservation concern such as *Camellia crapnelliana* (紅皮糙果茶), *Neottopteris nidus* (巢蕨) and *Ailanthus fordii* (常綠臭椿) had been recorded in the Area;
- (k) the Mau Ping SSSI for the protection of the *Camellia crapnelliana* (紅皮糙果茶) was located just to the north of the Area. Trees of this species were now also found in the northern part of the Area, and AFCD was in the process of extending the SSSI to include the new-growth area of the species;
- (l) Mau Ping was of high landscape value and similar to the Ma On Shan Country Park. The rich and mature woodland extended throughout the hillside and covered the house ruins. In delineating the “V” zone, the significant landscape resources of Mau Ping should be conserved and

sufficient landscape buffer zone should be provided to the Mau Ping SSSI;

Land for Village Development

- (m) Mau Ping and Wong Chuk Shan were the two recognized villages in the Area. In 2011 Census, there was no population in the Area. The indigenous villagers of the two villages had moved to Sai Kung decades ago, and settled in Mau Ping New Village (MPNV) and Wong Chuk Shan New Village (WCSNV). The District Lands Officer/Sai Kung advised that MPNV and WCSNV had their own village ‘environs’ (‘VE’) and his Office had all along been processing Small House applications from the villagers. The District Lands Officer/Sha Tin advised that since Mau Ping and Wong Chuk Shan also had their own ‘VEs’, his office still had to process the Small House applications submitted by the villagers. There was, however, no outstanding Small House application for the two villages, and since no Village Representatives were elected in the two villages, there were no 10-year Small House demand forecast figures;
- (n) noting the requests and concerns of STRC and green groups as mentioned in paragraph 48(f) above, PlanD proceeded to analyse the site conditions of the area within ‘VE’ taking account of the ecological conditions of the Area, particularly those within the *fung shui* woodland and the northern part of the Area, the pristine stream, secondary woodlands and WGGs as well as natural terrain of the area;
- (o) as there were no Small House demand forecasts for the two villages, PlanD had adopted a prudent approach when drawing up the “V” zones taking into account factors such as the ‘VE’, the local topography, site constraints, the existing settlement patterns, the lot status (e.g., building lots), etc. within the Area. Areas of difficult terrain, dense vegetation, stream course and burial ground had been avoided as far as possible. Thus, about 0.81 ha of land mainly comprising the building lots within the existing village settlements had been reserved for Small House development. Within the proposed “V” zones, about 0.28 ha of land was

available (or equivalent to about 10 Small House sites);

Planning Intention

- (p) the general planning intention of the Area was to protect its high conservation and landscape value which complemented the overall naturalness and the landscape beauty of the surrounding Ma On Shan Country Park. The planning intention was also to reflect the existing recognized villages of Mau Ping and Wong Chuk Shan;

Land Use Zonings

“Village Type Development” (“V”): Total Area 0.81ha

- (q) the planning intention of this zone was to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone was primarily intended for development of Small Houses by indigenous villagers;
- (r) the boundaries of the “V” zone were drawn up having regard to the ‘VEs’ of Mau Ping and Wong Chuk Shan, the number of outstanding Small House applications (if any), Small House demand forecast (if any), local topography and site constraints;

“Conservation Area” (“CA”): Total Area 5.57 ha

- (s) this zoning 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 as Country Park from the adverse effects of development. There was a general presumption against development in this zone;
- (t) the “CA” zoning covered the Mau Ping *Fung Shui* Wood behind the Mau Ping San Uk. It was in good condition and a number of species with conservation interest had been recorded therein. The zoning also covered the northern part of the Area where the protected tree species

Camellia crapnelliana (紅皮糙果茶) was found. AFCD had proposed to extend the boundary of the Mau Ping SSSI southward to also cover the northern part of the Area, so as to better protect the rare tree species;

“Green Belt” (“GB”): Total Area 38.88 ha

- (u) 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;
- (v) the areas, comprising mainly natural vegetation, woodland, hillside shrubland and grassland, fallow agricultural land, natural streams, and a traditional burial ground, could serve as a buffer between any future Small House developments and the conservation area, as well as the Country Park. They would also help conserve the high landscape and rural setting of the Area;

Consultation

- (w) the draft OZP together with its Notes and Explanatory Statement (ES) and the Planning Report had been circulated to the relevant Government bureaux and departments for comments and the comments received had been incorporated as appropriate; and
- (x) subject to the agreement of the Board, the draft OZP No. S/ST-MP/B would be submitted to the Sha Tin District Council (STDC) and the STRC for consultation and their comments would be submitted to the Board for consideration prior to the publication of the draft OZP under section 5 of the Ordinance.

137. As the presentation from the representative of PlanD had been completed, the Chairman invited questions and comments from Members. Members had no question.

138. After deliberation, Members agreed that:

- (a) the draft Mau Ping OZP No. S/ST-MP/B (Appendix I of the Paper) together with its Notes (Appendix II of the Paper) were suitable for consultation with the STDC and STRC;
- (b) the ES (Appendix III of the Paper) was suitable to serve as an expression of the planning intentions and objectives of the Board for various land use zonings of the draft Mau Ping OZP No. S/ST-MP/B and the ES should be issued under the name of the Board; and
- (c) the ES was suitable for consultation with the STDC and the STRC together with the draft OZP.

Procedural Matters

Agenda Item 11

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Sha Tin Outline Zoning Plan No. S/ST/29
(TPB Paper No. 9597)

[The meeting was conducted in Cantonese.]

139. As the representations and comments to the draft Sha Tin Outline Zoning Plan (OZP) No. S/ST/29 were mostly related to a site for public housing development by the Housing Department, which was the executive arm of the Hong Kong Housing Authority (HKHA), the following Members had declared interest in this item:

- Mr Stanley Y.F. Wong - being a member of HKHA and Chairman of the Subsidized Housing Committee of HKHA
- Ms Julia M.K. Lau - being a member of the Commercial

Properties Committee and the Tender Committee of HKHA

Mr Dominic K.K. Lam]	
Mr H.F. Leung]	had current business dealings with HKHA
Ms Janice W.M. Lai]	
Mr K.K. Ling <i>as Director of Planning</i>	-	being a member of the Strategic Planning Committee and the Building Committee of HKHA
Ms Bernadette H.H. Linn <i>as Director of Lands</i>	-	being a member of HKHA
Miss Winnie M.W. Wong <i>as Principal Assistant Secretary (Transport), Transport and Housing Bureau</i>	-	being the representative of the Secretary for Transport and Housing who is a member of the Strategic Planning Committee of HKHA
Mr Eric K.S. Hui <i>as Assistant Director, Home Affairs Department</i>	-	being a representative of the Director of Home Affairs who is a member of the Strategic Planning Committee of HKHA
Mr Clarence W.C. Leung	-	his spouse owning a flat in Fo Tan
Professor Eddie C.M. Hui	-	owning a flat in City One Sha Tin
Professor K.C. Chau	-	owning a flat in Royal Ascot

140. Members agreed that the interests of Mr Stanley Y.F. Wong, Ms Julia M.K. Lau, Mr Dominic K.K. Lam, Mr H.F. Leung, Ms Janice W.M. Lai, Mr K.K. Ling, Mr Bernadette H.H. Linn, Miss Winnie M.W. Wong and Mr Eric K.S. Hui were direct. As the properties of Mr Clarence W.C. Leung's spouse, Professor Eddie C.M. Hui and Professor K.C. Chau were not in proximity to the representation site of the OZP, Members also agreed that their interests were remote. Members noted that Mr Ling, Ms Lai, Mr Lam and Mr Clarence W.C. Leung had tendered apologies for not being able to attend the meeting and Ms Lau, Professor Hui and Professor Chau had already left the meeting. As the item was procedural in nature, the other Members who had declared interests should be allowed to stay in the meeting.

141. The Secretary introduced the Paper. On 17.11.2013, the draft Sha Tin

Outline Zoning Plan No. S/ST/29 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 1,391 representations were received. On 21.2.2014, the representations were published for three weeks for public comments and a total of 11 comments were received.

142. The representations could be divided into the four groups:

- (i) the first group (R1 to R3) supported the rezoning of the representation site for PRH and proposed that the OZP should be amended as soon as possible; the loss of open space should be compensated; and the plot ratio 5 of the proposed PRH should be maintained;
- (ii) the second group (R4 to R314) was mainly the residents of the existing Shek Mun Estate. They opposed the rezoning of the representation site for PRH and proposed that the development intensity and building height of the PRH should be reduced; and more space should be used for park, sports ground and ventilation;
- (iii) the third group (R315 to R1390) was mainly the parents, teachers and students of the adjacent International Christian School (ICS) (基督教國際學校). They opposed the rezoning of the representation site and proposed that the Government should allow ICS to continue its use of part of the representation site as sports field, which was under short term tenancy on renewable basis; a replacement site should be given to ICS if the sports field was to be taken away; and a sports centre should be built; and
- (iv) the last representation (R1391) was submitted by the Hong Kong & China Gas Company Limited who did not object to the rezoning but requested that a risk assessment to evaluate the potential risk of the gas facilities in the vicinity should be conducted.

143. The comments could be divided into two groups:

- (i) the first group (C1 to C2) opposed the PRH development as there was a lack of community facilities in the area; and
- (ii) the second group (C3 to C11) opined that the representation site should not be changed to residential use and supported retaining the representation site for ICS's use as sports field.

144. Since the proposed amendments to the Plan had attracted much public interest, it was recommended that the representations and comments should be considered by the full Board. The hearing could be accommodated in the Board's regular meeting and a separate hearing session would not be necessary. As the subjects of the representations and comments were of similar nature and mainly related to the proposed PRH development in Shek Mun, it was suggested that the representations and comments be considered collectively.

145. After deliberation, the Board agreed to the proposed hearing arrangement for the consideration of representations and comments as detailed in paragraph 3 of the Paper.

Agenda Item 12

[Open Meeting]

Submission of the Draft Sha Tau Kok Outline Zoning Plan No. S/NE-STK/1A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance
(TPB Paper No. 9621)

[The meeting was conducted in Cantonese.]

146. The Secretary briefly introduced the Paper. On 19.7.2013, the draft Sha Tau Kok Outline Zoning Plan (OZP) No. S/NE-STK/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 15 representations were received. On 11.10.2013, the representations were published for public comments and in the first three weeks of the publication period, one comment was received.

147. On 28.2.2014, after giving consideration to the representations and comment, the Board decided not to propose any amendment to the draft OZP to meet any representation. Since the representation consideration process had been completed, the OZP was now ready for submission to the Chief Executive in Council (CE in C) for approval under section 8 of the Ordinance.

148. After deliberation, the Board agreed:

- (a) that the draft Sha Tau Kok OZP No. S/NE-STK/1A and its Notes at Annexes I and II of the Paper respectively were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) to endorse the updated Explanatory Statement (ES) for the draft Sha Tau Kok OZP No. S/NE-STK/1A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and
- (c) that the updated ES was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 13

[Open Meeting]

Submission of the Draft Lin Ma Hang Outline Zoning Plan No. S/NE-LMH/1A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance (TPB Paper No. 9622)

[The meeting was conducted in Cantonese.]

149. The Secretary briefly introduced the Paper. On 19.7.2013, the draft Lin Ma Hang Outline Zoning Plan (OZP) No. S/NE-LMH/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month

exhibition period, a total of four representations were received. On 11.10.2013, the representations were published for public comments and in the first three weeks of the publication period, 128 comments were received.

150. On 28.2.2014, after giving consideration to the representations and comments, the Board decided not to propose any amendment to the draft OZP to meet any representation. Since the representation consideration process had been completed, the OZP was now ready for submission to the Chief Executive in Council (CE in C) for approval under section 8 of the Ordinance.

151. After deliberation, the Board agreed:

- (a) that the draft Lin Ma Hang OZP No. S/NE-LMH/1A and its Notes at Annexes I and II of the Paper respectively were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) to endorse the updated Explanatory Statement (ES) for the draft Lin Ma Hang OZP No. S/NE-LMH/1A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and
- (c) that the updated ES was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 14

[Open Meeting]

Submission of the Draft Man Kam To Outline Zoning Plan No. S/NE-MKT/1A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance
(TPB Paper No. 9623)

[The meeting was conducted in Cantonese.]

152. The Secretary briefly introduced the Paper. On 19.7.2013, the draft Man Kam To Outline Zoning Plan (OZP) No. S/NE-MKT/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of three representations were received. On 11.10.2013, the representations were published for public comments and in the first three weeks of the publication period, one comment was received.

153. On 28.2.2014, after giving consideration to the representations and comment, the Board decided not to propose any amendment to the draft OZP to meet any representation. Since the representation consideration process had been completed, the OZP was now ready for submission to the Chief Executive in Council (CE in C) for approval under section 8 of the Ordinance.

154. After deliberation, the Board agreed:

- (a) that the draft Man Kam To OZP No. S/NE-MKT/1A and its Notes at Annexes I and II of the Paper respectively were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) to endorse the updated Explanatory Statement (ES) for the draft Man Kam To OZP No. S/NE-MKT/1A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and
- (c) that the updated ES was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 15

[Closed Meeting]

155. This item was recorded under confidential cover.

Agenda Item 16

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

156. There being no other business, the meeting was closed at 4:20 p.m.