

**Minutes of 1060th Meeting of the  
Town Planning Board held on 6.6.2014**

**Present**

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

Chairman

Mr Stanley Y.F. Wong

Vice-Chairman

Professor S.C. Wong

Mr Roger K.H. Luk

Professor Eddie C.M. Hui

Mr Dominic K.K. Lam

Dr C.P. Lau

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Mr H.W. Cheung

Mr. Sunny L.K. Ho

Mr Stephen H.B. Yau

Ms Janice W.M. Lai

Dr W.K. Yau

Mr Lincoln Huang

Mr Laurence L.J. Li

Ms Christina M. Lee

Ms Anita W.T. Ma

Mr H.F. Leung

Mr David Y.T. Lui

Mr Francis T.K. Ip

Mr Frankie W.C. Yeung

Dr Eugene K.K. Chan

Mr Peter K.T. Yuen

Deputy Director of Environmental Protection  
Mr C.W. Tse

Director of Lands  
Ms Bernadette H.H. Linn

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

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

Director of Planning  
Mr K.K. Ling

Deputy Director of Planning/District  
Mr Raymond K.W. Lee

Secretary

**Absent with Apologies**

Dr Wilton W.T. Fok

Professor K.C. Chau

Mr Patrick Lau

Professor P.P. Ho

Ms Bonnie J.Y. Chan

Mr Ivan C.S. Fu

Mr F.C. Chan

**In Attendance**

Assistant Director of Planning/Board

Miss Fiona S.Y. Lung

Chief Town Planner/Town Planning Board

Mr Louis K.H. Kau (a.m.)

Ms Lily Y.M. Yam (p.m.)

Senior Town Planner/Town Planning Board

Mr Stephen K.S. Lee (a.m.)

Mr Raymond H.F. Au (p.m.)

### **Agenda Item 1**

[Open meeting]

#### Confirmation of Minutes of the 1059th Meeting held on 16.5.2014

[The meeting was conducted in Cantonese.]

1. The minutes of the 1059th meeting held on 16.5.2014 were confirmed without amendments.

### **Agenda Item 2**

[Open meeting]

#### Matters Arising

[The meeting was conducted in Cantonese]

- (i) Amendments to Confirmed Minutes of the 1053<sup>rd</sup> Town Planning Board (TPB) Meeting for the session held on 11.3.2014

2. The Secretary reported that on 16.5.2014, the Town Planning Board confirmed the minutes of the 1053<sup>rd</sup> TPB meeting held for consideration of the representations and comments in respect of the Draft Kowloon Tong Outline Zoning Plan No. S/K18/17. On 26.5.2014, an email was received from one of the representers' representatives, Townland Consultants Limited, pointing out a typographical error at paragraph 17 of the minutes for the session held on 11.3.2014 in that the words "Mr Peter K.T. Chan" should be "Mr L.C. Lam" and vice versa.

3. After checking the audio recordings, it was agreed that the typographical error should be rectified as follows:

~~"Mr Peter K.T. Chan~~ **Mr L.C. Lam** then read out a statement from ~~Mr L.C. Lam~~ **Mr Peter K.T. Chan**, the Chairman of the Lung Tong Area Committee, who said .....

4. A corresponding amendment should also be made to the list of representers'

representatives at paragraph 4 of the minutes by replacing “Mr Peter K.T. Chan” with “Mr L.C. Lam”.

5. The Secretary said that the revised minutes were tabled at the meeting for Members’ reference and would be sent to the representers. Members confirmed the revised minutes.

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

(ii) Judicial Review against the Decision of the Town Planning Board in respect of the Draft Central District (Extension) Outline Zoning Plan No. S/H24/8  
(HCAL 49/2014)

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#### The JR Application

6. The Secretary reported that on 8.5.2014, a Judicial Review (JR) was lodged by Designing Hong Kong Limited (the applicant) against the Board’s decision not to amend the draft Central District (Extension) Outline Zoning Plan (OZP) No. S/H24/8 in respect of the Central Military Dock (CMD) site. The Town Planning Board (the Board) was briefed on the case on 16.5.2014.

7. The draft OZP was gazetted on 15.2.2013 mainly to amend the zoning of a strip of the Central waterfront from “Open Space” to “Other Specified Uses” annotated “Military Use (1)” for the CMD site.

8. The applicant also sought an interim stay order for restraining the Board from submitting the draft OZP to the Chief Executive in Council (CE in C), pending the final determination of the JR proceedings.

#### Leave Hearings

9. On 19.5.2014 and 3.6.2014, the Court of First Instance considered the applications for leave and interim stay. After hearing both parties’ submissions, the Court reserved its decision on the leave application but allowed an interim stay of the submission of

the draft OZP to CE in C until its decision on the leave application. It was anticipated that the decision on leave might be available in about three to five weeks. Members agreed that the Secretary should represent the Board in all matters relating to the JR in the usual manner.

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

(iii) Abandonment of Town Planning Appeal

Town Planning Appeal No. 6 of 2013 (6/13)

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

(Application No. A/NE-TK/410)

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10. The Secretary reported that an appeal had been abandoned by the appellant of his own accord. Town Planning Appeal No. 6/2013 was received by the Appeal Board Panel (Town Planning) on 25.7.2013 against the decision of the Town Planning Board on 10.5.2013 to reject on review an application (No. A/NE-TK/410) for a proposed house (New Territories Exempted House - Small House) within the “Agriculture” and “Green Belt” zones on the Ting Kok Outline Zoning Plan (OZP). It was abandoned by the appellant on 13.5.2014 and 14.5.2014. On 14.5.2014, 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.

(iv) Appeal Statistics

11. The Secretary reported that as at 6.6.2014, 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	:	179
Yet to be Heard	:	14

Decision Outstanding	:	2
<b>Total</b>	:	<b>357</b>

**Cross-boundary Infrastructure & Development Section**

**Agenda Item 3**

[Open Meeting]

Planning and Engineering Study for Housing Sites in Yuen Long South – Investigation Preliminary Outline Development Plan and Stage Two Community Engagement (TPB Paper No. 9616)

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[The item was conducted in Cantonese.]

12. As Ove Arup & Partners Hong Kong Limited (ARUP) was the consultant of the Planning and Engineering Study for Housing Sites in Yuen Long South (YLS) – Investigation (the Study) and the Preliminary Outline Development Plan (PODP) of the Study had recommended the provision of about 15,800 public housing flats in YLS, the following Members had declared interests in this item:

- Mr Patrick H.T. Lau )
- Mr Dominic K.K. Lam ) having business dealings with ARUP
- Mr Ivan C.S. Fu )
  
- Professor S.C. Wong - being the Director of the Institution of Transport Studies of which some activities of the Institute were sponsored by ARUP
  
- Mr Stanley Y.F. Wong - being a Member of the Hong Kong Housing Authority (HKHA) and Chairman of the Subsidized Housing Committee of HKHA

13. Members noted that Mr Ivan C.S. Fu and Mr Patrick H.T. Lau had tendered their apologies for not being able to attend the meeting. As the item was only a briefing to

Members as part of the public engagement exercise and the above Members who had declared interests had no involvement in the Study, Members agreed that they could stay in the meeting.

Presentation Session

14. The following representatives from the Government and the consultant were invited to the meeting at this point:

Mr K.T. Yau	-	Chief Engineer/Cross-boundary Infrastructure & Development, PlanD (CE/CID, PlanD)
Ms Katy Fung	-	Senior Town Planner/ Cross-boundary Infrastructure & Development, PlanD (STP/CID, PlanD)
Mr Ip Wing Cheung	-	Chief Engineer/New Territories 1 (New Territories North & West, CEDD (CE/NT1 (NTN&W), CEDD)
Ms Theresa Yeung	]	
Mr Peter Chan	]	ARUP
Ms Shirley Chan	]	

15. The Chairman then invited the representatives of PlanD and the consultant to brief Members on the Study.

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

16. Mr K.T. Yau, CE/CID, briefed Members that the objective of the Study was to examine and optimise the development potential of the degraded brownfield land in YLS for housing and other uses with supporting infrastructure and community facilities and to improve the existing environment. The Stage 1 Community Engagement (CE) of the Study was concluded in June 2013 and a PODP had been prepared taking into account the public views collected and the findings of the preliminary technical assessments. The Stage 2 CE had commenced on 12.5.2014. A draft Recommended Outline Development Plan (RODP)



and the implementation programme of the potential development areas (PDAs) would be prepared after the Stage 2 CE.

17. With the aid of a Powerpoint presentation, Ms Theresa Yeung of the consultant made the following main points:

Major Comments of Stage 1 CE

- (a) the community generally supported the optimization of the development potential of degraded brownfield land for housing purpose and some requested that the development potential of abandoned agricultural land in the vicinity should also be explored;
- (b) consolidation of the open storage yards and rural industrial uses into multi-storey flatted factory buildings was also suggested. However, some of the existing operators requested status quo for their operational mode and some local residents opposed the development. There were also requests for retaining and rehabilitating the active agricultural land and the abandoned agricultural land respectively;
- (c) housing development in the PDAs was in general well received as it would improve the environment. The developments should nevertheless be in keeping with the surrounding environment and be commensurate with the planned infrastructural improvement works;
- (d) there were diverse views on the implementation mechanism and there should be reasonable compensation for the affected residents and business operators;

Overall Planning and Design Framework and Major Development Proposals

- (e) about 15,800 (60%) of public and 10,300 (40%) private housing units would be provided in PDAs with a total area of about 216 ha. Development intensity in three residential areas would decrease from a plot

ratio (PR) of 5 in the north near the Yuen Long New Town to 1 in the south adjoining the Tai Lam Country Park. The first population intake was anticipated to be in 2025 subject to the detailed technical assessments to be conducted in the next stage of the Study;

[Mr Clarence W.C. Leung and Dr W.K. Yau arrived to join the meeting at this point.]

- (f) an area of about 11 ha covering the active agricultural land and about 3 ha of secondary woodland and natural stream were proposed to be zoned “Agriculture” and “Green Belt” respectively. An area to the south of Yuen Long Highway would be reserved for rural industrial uses. About 15 ha of land would be for rural industrial uses while about 5 ha of land would be provided for open storage of bulky and heavy goods and machinery;
- (g) it was estimated that about 10,900 employment opportunities would be created within PDAs;

#### Road and Transportation Improvement Proposals

- (h) the proposed road and pedestrian networks within PDAs would be connected to the Yuen Long New Town and the proposed Hung Shui Kiu New Development Area (HSK NDA). Public transport would also be provided to connect PDAs to the Light Rail and West Rail stations;
- (i) the extent of road improvement works to the northern section of Kung Um Road and Kiu Hing Road would hinge on the scale of decking over of Yuen Long Nullah. Three options on revitalisation of the northern section of Yuen Long Nullah and the associated traffic improvement works were proposed for consultation;

#### Yuen Long Area 13 – Potential Housing Sites

- (j) to capitalise on the opportunities of the YLS development, three sites in Yuen Long Area 13 could be considered for implementation together with

the YLS developments to release their development potential for housing purpose (about 4,300 housing units could be provided). The housing type and details of implementation would be examined in the next stage of the Study; and

#### Stage 2 CE

- (k) stage 2 CE for two months from 12.5.2014 to 14.7.2014 had commenced. Relevant councils/committees and local interested/concern groups would be consulted.

#### Discussion Session

18. As the presentation by the representatives of PlanD and the consultant had been completed, the Chairman invited questions and comments from Members.

#### Traffic

19. The Vice-chairman noted that the existing traffic in Yuen Long was already very heavy. With multifold increase in population arising from the proposed residential developments in PDAs, the Study should carefully examine the possible traffic impacts. In response, Mr K.T. Yau said that a new road would be constructed to link up PDAs with Yuen Long Highway. Shuttle/feeder bus services to the West Rail and Light Rail stations would be provided and an environmentally friendly transport system connecting with the proposed HSK NDA would be explored. Junction improvement works, if any, would be recommended in the Traffic Impact Assessment. Mr Peter Chan of the consultant supplemented that an elevated public transit interchange (PTI) would be provided for interchange for the West Rail near the fringe of the Yuen Long Town Centre. With the new transportation infrastructure, the population growth in PDAs would not aggravate the traffic conditions of Yuen Long Town Centre.

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

#### Employment

20. The Chairman noted that about 10,900 employment opportunities would be created in PDAs. He asked about the nature of these employment opportunities and whether the fragmented landownership would impede the implementation of PDAs. Ms Theresa Yeung said that the employment opportunities created were related to rural industrial and open storage uses, retail business and government, institution and community uses. On landownership, Ms Katy Fung, STP/CID, PlanD, said that about 80% of land within PDAs were private land and Government land was mainly roads and areas for public utilities. Implementation issue would be examined in the next stage of the Study.

#### Existing Open Storage Uses

21. Four Members were concerned about issues relating to relocation of the current open storage uses in the area. They generally considered that open storage uses were important to Hong Kong's economy. The Study should examine how to relocate the existing operators in a comprehensive and innovative manner in the next stage of the Study. A Member said that it was necessary to (a) examine whether the existing operators would be given priority of relocation; (b) adopt an innovative approach in solving all relevant issues, such as land use and visual impact of the rural industries; and (c) work out the implementation mechanism.

22. Noting that there were proposals to put open storage uses into multi-storey buildings, a Member asked about the area and percentage of land in the PDAs that was currently occupied by open storage uses. In response, Mr K.T. Yau said that about 49% or 106 ha of land within PDAs were occupied by open storage uses. To optimize the use of land, about 5 ha of land were reserved for open storage of bulky goods and machinery whereas about 15 ha of land were designated for rural industrial uses in the PODP with the adoption of multi-storey buildings. Assuming the storage capacities of multi-storey buildings were four times that of storage on open ground, 15 ha of land would handle as much storage as that of 60 ha of open ground. Ms Theresa Yeung supplemented that taking into account the nature of the current open storage uses in the area, the future multi-storey buildings would be specially designed with high headroom, sufficient structural loadings, and ramp for heavy vehicles. Operators would be further consulted on the PODP and their views would be taken into account in formulating the draft RODP in the next stage. The

Member said that not every type of open storage uses could be accommodated in the multi-storey buildings.

[Dr Eugene K.K. Chan arrived to join the meeting at this point.]

### Options for Yuen Long Nullah

23. A Member asked about the criteria for decking over the open nullah and whether the extent of decking would depend on the water quality and odour emitted from the nullah. In response, Ms Theresa Yeung said that the decking over options would only be applicable to the northern part of the nullah. The southern part of the nullah as foraging ground for birds with ecological value would not be decked over. Mr K.T. Yau said that the different options of decking would result in different levels of revitalization of the nullah and different extent of widening of Kung Um Road, starting from the full decking over of nullah with limited revitalization opportunities and four traffic lanes under Option 1 to no decking over of nullah for full revitalization with two traffic lanes under Option 3. Ms Theresa Yeung supplemented that the odour of the nullah was not serious and the locals were more concerned about traffic improvement. The current Kung Um Road and Kiu Hing Road were sub-standard roads. Decking or partial decking over of the open nullah could provide space for road widening. Road widening under Option 3 would require land resumption.

24. In response to another Member's question on whether the estimated passenger car units (PCUs) before and after decking over the northern part of the nullah had been assessed and whether there would be reserved capacity under Option 3 for four traffic lanes, Mr K.T. Yau said that whether there were two or four traffic lanes for Kung Um Road would not have a significant impact on the traffic flow, as Kung Um Road was just a local road. The extent of decking might affect whether there would be enough space for roadside planting or cycle tracks. Mr Peter Chan supplemented that in terms of traffic flow, Kung Um Road did not need to be four lanes. The provision of four traffic lanes could allow priority lane(s) for public transport services during the peak hours to the proposed PTI in Yuen Long New Town. The provision of four traffic lanes would not facilitate further development in the area which would be subject to the capacity of the external traffic link - Yuen Long Highway.

25. Noting that the provision of a four-lane Kung Um Road would not bring about significant traffic improvement to the area, a Member considered it more desirable to preserve the nullah as far as possible. Although the locals might not see the benefits of the nullah in its present form, with revitalization and beautification, it would be an asset to the community. Two other Members echoed that open nullah was a unique character of rural New Territories and should be preserved as a local landmark. The nullah could be reverted to a river through revivification to help provide better living environment for residents. Ms Yeung said that with the full revitalization of the open nullah, the widening of Kung Um Road would involve resumption of some village structures of Tin Liu Tseun and Muk Kiu Tau Tsuen. The Chairman said land resumption would be subject to certain requirements being met. Public interest was one of the considerations. Another Member requested the Study team to be more innovative not only in relocating the open storage uses but also in revitalizing the open nullah. The nullah was not only a drainage facility for stormwater, and it could also be turned into a water feature with landscape value.

26. In response to a Member's question on the guiding principles for revitalizing nullah, Mr Peter Chan said that as a preliminary thinking, the concrete surface of the nullah would be replaced by natural covering and measures would be taken to curb discharge of pollutants into the nullah. During the dry seasons, replenishment of water to the nullah could be made possible by the treated water from a proposed sewage treatment plant.

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

27. Mr K.K. Ling, Director of Planning, said that YLS was in close proximity to the proposed HSK NDA to its northwest. As these development areas would proceed almost at the same time, the Study should be put in the context of HSK NDA as it was very likely that the NDA, instead of Yuen Long New Town, would provide support for government and community facilities for YLS. As for relocation of the open storage uses in the area, it had to be considered carefully and done in a sustainable manner. Flexibilities would be allowed in the land use proposals to increase the efficacy of land for open storage uses. The Yuen Long Nullah should not be decked over as far as possible, as it would be a good urban design element. The detailed proposal would be worked out in the next stage.

28. The Chairman concluded the discussion and requested the Study Team to take

note of Members' comments. He thanked the representatives of the government departments and the consultant for attending the meeting. They left the meeting at this point.

### **Sai Kung & Island District**

#### **Agenda Item 4**

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations to the Draft South Lantau Coast Outline Zoning Plan No. S/SLC/18

(TPB Paper No. 9609)

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[The hearing was conducted in Cantonese and English]

#### **Presentation and Question Session**

29. The Secretary reported that an email was received from Green Lantau Association, R2, on 2.6.2014 advising that they would not attend the hearing and that the provision of land for housing without a government population policy was unsustainable. A copy of the email had been tabled at the meeting for Members' reference.

30. The Chairman said that the representations would be considered collectively in one group and the deliberation session would be held after the presentation and question session.

31. The following representative from the Planning Department (PlanD) and the representer were invited to the meeting:

Mr Ivan M.K. Chung - District Planning Officer/Sai Kung & Islands, PlanD (DPO/SKIs, PlanD)

#### **R3 (Mr Clive Noffke)**

Mr Clive Noffke - Representer

32. The Chairman extended a welcome and explained the procedure of the hearing. He then invited the representative of PlanD to brief Members on the background of the representations.

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

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

#### The OZP

- (a) on 29.11.2013, the draft South Lantau Coast Outline Zoning Plan (OZP) No. S/SLC/18, incorporating an amendment to rezone a site to the north of Cheung Sha Government Holiday Bungalows from “Residential (Group C)” (“R(C)”) to “Residential (Group C)1” (“R(C)1”) (Amendment Item A) with an increase in plot ratio (PR) from 0.4 to 0.8, site coverage (SC) from 25% to 40% and building height (BH) from 2 storeys to 3 storeys (including carport), was exhibited for public inspection under section 7 of the Town Planning Ordinance (the Ordinance). Upon expiry of the two-month exhibition period, a total of three representations (R1 to R3) were received. On 14.2.2014, the representations were published for three weeks for public comments. No comment on the representations was received;

#### The Representations

- (b) the representation R1 was withdrawn on 30.5.2014 while representations R2 and R3 were submitted by Green Lantau Association and Mr Clive Noffke respectively opposing the amendment;

#### The Proposals from Representers

- (c) R2 did not propose any zoning amendment while R3 proposed to reject the “R(C)1” zone;



### Grounds of Representations

- (d) R2 and R3 opposed the amendment to the OZP on the following grounds:
- (i) the continuing expansion of land resources for housing and other economic development needs was primarily caused by an absence of demographic policies;
  - (ii) the demographic increases had exacerbated the already serious issues like soil, water, air, noise, light and waste pollution. This would result in incessantly conversion of more ecologically valuable areas at the expense of already shrinking local natural habitats;
  - (iii) the highest density of development in South Lantau under the “R(C)” zoning was PR of 0.4, SC of 25% and BH of 2 storeys. The amendment would double the residential intensity of the site;
  - (iv) South Lantau had no sewage discharge facilities and road improvement works. South Lantau would be one of the few remaining rural areas in Hong Kong which was accessible to the general public for recreation and amenity, and should not be degraded by intensive development; and
  - (v) the amendment would serve as a precedent for conversion of other plots of land in South Lantau and other areas to the same PR;

### Background

- (e) the Chief Executive in the 2013 Policy Address had announced various measures to increase the housing land supply in the short, medium and long terms to tackle the housing problem. One of the measures was to appropriately increase the development intensity of unleased or unallocated residential sites;

- (f) a site on government land at Cheung Sha, South Lantau (the Site) (with an area of 0.53 ha) had been identified as having potential for increasing the development intensity. The Site was originally zoned “R(C)” subject to a PR of 0.4, SC of 25% and BH of 2 storeys (7.6m). To optimize the utilization of scarce land resources and meet the pressing housing demand in the territory, the Site had been rezoned to “R(C)1”. It was estimated that the Site could produce about 60 flats subject to detailed design and setting-out of boundary;

#### Planning Considerations and Assessments

- (g) the Site was sloping in topography and covered by natural vegetation. It was accessible by an access road leading to South Lantau Road. It fell within a larger “R(C)” zone comprising low-rise low-density residential developments, including the 2-storey Wayfoong Holiday Houses to its east and 1-storey Cheung Sha Government Holiday Bungalows to its south. To the further east and south-west of the Site were Cheung Sha Sheung Tsuen and Cheung Sha Ha Tsuen respectively currently zoned “Village Type Development” (“V”) with village houses of 3 storeys in height;
- (h) Generally, the Site was surrounded by areas of low-rise residential developments in “R(C)” zone with PR of about 0.4 and BH of 1 to 2- storey high (about 7m) and Small Houses of (3 storeys) in “V” zone;

#### Public Consultation

- (i) The Islands District Council (IsDC) and South Lantau Rural Committee (SLRC) were consulted on 16.12.2013 and 10.12.2013 respectively on the amendment. Both had no adverse comments on the amendment;

[Mr Eric K.S. Hui left the meeting temporarily at this point.]

#### Responses to Grounds of Representations

Housing Need and Land Supply

- (j) the Government was committed to expanding land resources for Hong Kong through a multi-pronged approach to build up land reserve with a view to meeting housing, social and economic development needs. The Chief Executive in the 2013 Policy Address had announced various measures to increase the housing land supply in the short, medium and long terms to tackle the housing problem. One of the measures was to appropriately increase the development intensity of unleased or unallocated residential sites generally by 20% for medium-density areas and 100% for low-density areas;
- (k) the increase in development intensity would better utilize the design capacity of the existing infrastructure;

Impact on the Natural Environment

- (l) the Site had been zoned for residential use since 1980. No ecologically sensitive areas would be affected. There was no change to the planning intention of the Site for low-rise low-density residential development under the “R(C)1” zoning, as well as the planning intention to preserve the rural character and natural landscape resources and habitats of the South Lantau area;

Infrastructure Provision

- (m) the Site was currently accessible from South Lantau Road. The rezoning would involve an increase of about 30 flats subject to detailed design. No adverse traffic impact was envisaged. South Lantau was at present subject to closed road permit system to control the vehicular traffic in the area. The Commissioner for Transport had no adverse comment on the rezoning from a traffic engineering point of view;
- (n) as advised by the Director of Drainage Services, a public sewerage system

was planned to be constructed in South Lantau, including the Cheung Sha area, under the project “Outlying Islands Sewerage Stage 2–South Lantau Sewerage Works”. The future developer would be required under the lease conditions to make its own provision for sewage treatment on site. As to the drainage aspect, the future developer was also required to carry out a Drainage Impact Assessment under the lease conditions due to the change of runoff caused by the development;

- (o) as advised by the Director of Water Supplies, the water demand due to the increase in flats/population on the Site could be catered for by the Cheung Sha Water Treatment Works (CSWTW). The existing water mains might be affected and the future developer would be required to undertake any necessary diversion works. Further increase in development intensity on other “R(C)” sites in Cheung Sha, however, would call for upgrading of the CSWTW or transfer of fresh water from adjacent works at Silver Mine Bay or other replacement facilities to cater for the additional demand. Any such proposal would be considered carefully taking into account the above;

#### Setting of Precedent

- (p) any proposal to increase development intensity in South Lantau would be carefully considered taking into account the relevant factors mentioned above as well as the individual merits of a development or redevelopment proposal. The subject rezoning would not set a precedent for rezoning of other sites; and

#### PlanD’s Views

- (q) PlanD did not support the representations No. R2 and R3 and R3’s proposal to reject the “R(C)1” zoning and considered that the OZP should not be amended to meet the representations.

34. The Chairman then invited the representer to elaborate on his representation.

R3 – Mr Clive Noffke

35. Mr Clive Noffke made the following main points:
- (a) he had lived in Hong Kong for almost 40 years and had been engaged in environmental protection on Lantau since retirement;
  - (b) the current amendment to the OZP was not just a technical amendment for a single small site of about 0.5 ha. There were 57 ha of land on South Lantau zoned “R(C)” and two other “R(C)” sites pending land disposal. The current amendment of doubling the development intensity of an “R(C)” site would open a floodgate for the 57 ha of “R(C)” zone on South Lantau for doubling their development density upon application;
  - (c) South Lantau was an area of outstanding beauty. People were paying for “R(C)” development at a PR of 0.4. It was stated in the Explanatory Statement of the OZP for the “R(C)” zone that “these restrictions are primarily to reflect the existing rural and natural character of the South Lantau Coast and to avoid overtaxing the limited road capacity and infrastructure in the area”. The limited road capacity remained exactly the same and there was no main sewerage. Paragraph 4.4.7 of the Paper stated that a public sewerage system was planned to be constructed in South Lantau. There was no current plan to construct the main sewerage in South Lantau. Sewage had to be disposed of on site. When the development was at a PR of 0.4 and SC of 25%, there was still 75% of site area for construction of septic tank or sewage treatment facilities. When the development intensity was doubled, the area for such construction was much reduced. When rain came, effluents of septic tanks would from time to time be washed downstream to pollute the Cheung Sha Beach;
  - (d) PlanD was proposing 60 units for a site of 0.53 ha. The average unit size was 760 sq. ft. South Lantau was not a commuter district. People would have to take a long and expensive journey to work. Hence, the smallest units in most recent developments in Cheung Sha were 1,500 sq ft. They

were occupied by pilots or people who worked in the airport or rich retirees. With a minimum unit size of 1,500 sq. ft. and a site area of 0.53 ha, only 30 units would be produced;

[Mr Eric K.S. Hui returned to join the meeting at this point.]

- (e) 60 out of the 90 units of the “Leyburn Villa” on South Lantau were vacant. Some of them had remained vacant for 35 years. When there was no demand, the amendment would not help meet the housing demand by providing more units in South Lantau;
- (f) paragraph 4.4.3 of the Paper stated that the Chief Executive in the 2013 Policy Address had announced a measure to increase the development intensity of unleased and unallocated residential sites by 100% for low-density areas. The actual wording in the 2013 Policy Address was “the Development Bureau was working with the PlanD and other departments to increase the development density of unleased or unallocated residential sites as far as allowable in planning terms”. Except for the north of Hong Kong Island and Kowloon Peninsula which were more densely populated, the Government considered it feasible to generally increase the maximum domestic PR currently permitted in other density zones in the territory, which included South Lantau, by about 20% as appropriate. It could not be traced where the 100% came from; and
- (g) the current amendment would defeat the planning intent for South Lantau which was one of the nicest areas in Hong Kong. The development density of some special areas such as the Peak and Mai Po would not be double and Lantau was also a special area. The proposal to double the development density of the Site had no merit at all and the Town Planning Board (the Board) was not given the necessary information to make the decision.

36. As the presentations were completed, the Chairman invited questions from Members.

37. The Chairman asked since there was no public sewerage in South Lantau, how it could be ensured that the septic tanks and sewage treatment facilities for the future development would not cause pollution to the area. In response, Mr Ivan Chung said that the sewage treatment requirements would be stipulated in the land sale conditions. The future developer had to provide sewage treatment facilities to the satisfaction of the relevant Government departments. Besides, during the building plan submission stage, it was necessary to demonstrate that the sewage treatment facilities had met the requirements of relevant departments before the Building Authority (BA) would approve the plans. With the aid of a visualizer, Mr Chung showed a public sewerage plan prepared by the Drainage Services Department (DSD) which was to serve the villages and residential developments in South Lantau for Members' reference. He said that DSD had not advised that the plan had been abandoned. In response to the Chairman's enquiry, Mr C.W. Tse, Deputy Director of Environmental Protection, supplemented that sewage treatment facilities would be subject to approval by BA in the building plan submission stage. Licence was also required for sewage treatment facilities. The licensee had to comply with the requirements as stipulated in the licence. For septic tanks, their design and construction had to comply with the guidelines promulgated by the Government. If there was pollution from the sewage treatment facilities, persons responsible for the pollution would be subject to enforcement and prosecution actions under the Water Pollution Control Ordinance (WPCO). Mr Noffke had serious doubts whether it would be possible to identify the source of pollution and hence enforcement under the WPCO would not be possible. The only effective way to stop pollution was not to let it happen in the first place.

38. In response to a Member's question on the basis for doubling the development density of the Site, Mr Chung said that after the Chief Executive had announced the policy of increasing housing supply, the Legislative Council (LegCo) was briefed on the multi-pronged approach to increase land supply in the short, medium and long term. According to the paper submitted by the Development Bureau and the Transport and Housing Bureau to LegCo in January 2014, the maximum domestic PR for developments in Density Zones 2 and 3 of New Town could be increased by 20% while that for Density Zone 4 (low density zone) could be increased by 100%. The development restrictions for the "R(C)1" zone had taken into account this policy directive. Even with such an increase in the development density, the resultant development with a maximum building height of 3-storeys would still

be keeping in with the low-rise and low-density developments in the area and would not cause adverse environmental, sewerage and drainage impacts.

39. In response to two Members' questions on whether there was demand for housing in the area in view of the high vacancy rate of the existing developments as claimed by the representer, Mr Chung said that in the past two years, two "R(C)" sites had been disposed of for private residential development. A Member asked about the development intensity of the two sites sold and why the subject site, which had been zoned for residential use for some years, had not been disposed of. The Chairman said that there were changes in the Government's land sale policy in recent years and land disposal by auction was only resumed by the Government in the last two years. Mr Chung said the two sites, which were disposed of in 2011 and 2013 respectively, had a PR of 0.4.

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

40. A Member noted that there was vegetation on the Site and asked if the development would involve tree felling. Another Member asked whether there would be any traffic impacts. Mr Chung said that the Site had all along been zoned for residential use and was accessible from South Lantau Road. Car parking spaces in accordance with the Transport Department (TD)'s requirement would be provided by the developers and TD had no adverse comments on the proposed development. Regarding tree felling, Mr Chung said that relevant lease conditions on greening ratio and tree preservation would be imposed.

41. In response to a Member's question on whether any plan to increase the development density in other areas in Cheung Sha, Pui O and Tong Fuk, Mr Chung said that there was no plan to increase the development density of the area across the board. Should there be proposed increase in the development intensity in future, they would be submitted to the Town Planning Board (the Board) for consideration.

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



### Deliberation

43. The Chairman said that it was the Government's policy to optimise the use of land. It had been reviewed early this year that for low density zone, development density could be increased by 100%. Even with the increased development intensity, the resultant development of a 3-storey building on the Site would still be compatible with the rural setting and the increase of 30 more flats would not have adverse traffic impacts.

44. The Vice-chairman and two other members also noted that the increase in development intensity in the "R(C)1" zone was commensurate with the infrastructural provisions in the area and the proposed increase of 30 units was insignificant.

45. Members decided not to uphold representations R2 and R3. Members then went through the suggested reasons for not upholding the representations as detailed in paragraph 6.2 of the Paper and considered that the reasons were appropriate.

46. After deliberation, Members decided not to uphold the representations R2 and R3 for the following reasons:

- “(a) to optimise the utilization of scarce land resources and meet the pressing housing demand in the territory, the Site has been identified as having potential for increasing the development intensity. The increase in development intensity would better utilize the design capacity of the existing infrastructure; and
- (b) the rezoning of the Site from “R(C)” to “R(C)1” with an increase in plot ratio, site coverage and building height will not generate any adverse impact on the surrounding environment and infrastructure provision. It will not set a precedent for rezoning of other sites in South Lantau.”

### Agenda Item 5

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments to the Draft Mui Wo Fringe Outline Zoning Plan No. S/I-MWF/9

(TPB Paper No. 9592)

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[The hearing was conducted in Cantonese and English]

47. As the representations were concerned with a proposed Home Ownership Scheme (HOS) of the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA), the following Members had declared interests in this item:

- 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 Tender Committee of HKHA
  
- Mr H.F. Leung - having business dealings with the Housing Department
  
- Ms Bernadette H.H. Linn - being a Member of HKHA  
(as Director of Lands)
  
- Mr Eric K.S. Hui - being a Representative of the Director of  
(as Assistant Director (2), Home Affairs who was a Member of the  
Home Affairs Department) Strategic Planning Committee of HKHA
  
- Mr K.K. Ling - being a Member of the Strategic Planning  
(as Director of Planning) Committee/Building Committee of HKHA

48. As the interests of the above Members were direct and substantial, Members agreed that they should withdraw from the meeting. Mr Stanley Y.F. Wong, Ms Juila M.K. Lau, Mr H.F. Leung, Ms Bernadette H.H. Linn, Mr Eric K.S. Hui and Mr K.K. Ling left the meeting temporarily at this point.

[Ms Anita W.T. Ma and Dr W.K. Yau left the meeting at this point.]

Presentation and Question Session

49. The Chairman said that the representations would be considered collectively in one group and the deliberation session would be held after the presentation and question session of representations and comments.

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

51. The following representative from the Planning Department (PlanD), representers and commenter and their representatives were invited to the meeting:

Mr Ivan M.K. Chung - District Planning Officer/Sai Kung & Islands, PlanD (DPO/SKIs, PlanD)

Mr Gary T.S. Lui - Town Planner/ Sai Kung & Islands, PlanD (TP/SKIs, PlanD)

R1 (Ms Wendy Chui,  
Resident Representative of  
Chung Hau (South) )

Ms Wendy Chui - Representer

R2 (Kadoorie Farm & Botanic  
Garden)

Dr Chiu Sein Tuck ] Representer's Representatives

Mr Tony Nip ]

R3 (Mr Kevin Yuen King  
Hang)

Mr Kevin Yuen King Hang - Representer

R4 (Mr Clive Noffke, Green  
Lantau Association)

Mr Clive Noffke - Representer

R6 (Living Islands  
Movement)

Mr Robert Bunker ]  
Dr Merrin Pearse ] Representer's Representatives  
Mr John Schofield ]

R14 (Dr Merrin Pearse)

Dr Merrin Pearse - Representer

R24 (Mr Robert Bunker)

Mr Robert Bunker - Representer

R31 (Mrs Angharad  
Hampshire)

Mrs Angharad Hampshire - Representer

C6 (Village Office of Tai Tei  
Tong)

Mr Wong Siu Keung - Commenter's Representative

52. The Chairman extended a welcome and explained the procedure of the hearing. He then invited the representative of PlanD to brief Members on the background of the representations.

53. With the aid of a Powerpoint presentation, Mr Ivan M.K. Chung made the following main points as detailed in the Paper:

### The OZP

- (a) on 18.10.2013, the draft Mui Wo Fringe Outline Zoning Plan No. S/I-MWF/9 (the OZP), incorporating amendments to rezone a site at the western end of Ngan Kwong Wan Road (Site A) from “Government, Institution or Community” (“G/IC”) to “Residential (Group A)” (“R(A)”) (Amendment Item A) with a maximum plot ratio (PR) restriction of 3.6 and a maximum building height (BH) restriction of 55mPD to facilitate a proposed HOS development and a site to the west of Ngan Wan Estate (Site B) from “G/IC” to “Undetermined” (“U”) (Amendment Item B), was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). Upon expiry of the two-month exhibition period on 18.12.2013, 37 representations (R1 to R37) were received. On 17.1.2014, the Town Planning Board (the Board) published the representations for three weeks for comments. Upon expiry of the publication period on 7.2.2014, a total of 21 comments (C1 to C21) were received;

### The Representations

- (b) among the 37 representations received, one representation (R1) supported Amendment Item A. While R1 and R3 opposed Amendment Item B, there were 33 representations (R4, R6 to R37) opposing both Amendment Items A and B. The remaining two representations, i.e. R2 and R5, only provided comments on the OZP;
- (c) R1 was submitted by the resident representative of Chung Hau (South) village. Among the adverse representations, R3 was submitted by the owners’ representative of the private land in the “U” zone. The remaining 33 adverse representations were submitted by a member of Green Lantau Association (R4), Living Islands Movement (R6), Wang Tong Community Society (R7) and 30 individuals. These adverse representations were made in several standard forms/letters. The representations providing comments

on the OZP were submitted by Kadoorie Farm & Botanic Garden Corporation (R2) and another member of Green Lantau Association (R5);

Grounds of Supportive Representation

- (d) R1 supported Amendment Item A because the proposed HOS development:
  - (i) could benefit the livelihood and local economy of Lantau Island;
  - (ii) could serve those people in need; and
  - (iii) would be welcomed by the public due to the short travelling time between Mui Wo and Central (i.e. about 25 minutes);

Grounds of Adverse Representations

- (e) R1 opposed Amendment Item B as it was considered that the land resources in Mui Wo should be better utilised for housing development and the planning process should be expedited for increasing housing supply;
- (f) R3 opposed Amendment Item B because the abandoned fishponds at Site B were considered having no significant ecological value. The private land at Site B could either be resumed for HOS development or used for private residential development to alleviate the acute housing demand in Hong Kong;
- (g) the remaining representations, i.e. R4 and R6 to R37, opposed both Amendment Items A and B. Their grounds of representations were summarised below:

*Need for HOS development*

- (i) there was no assessment on the demand for and economic impact of the proposed HOS development in Mui Wo. The proposed HOS

development was likely to fail as the district lacked employment opportunities and the commuting costs to the urban areas were high;

*Impact of the proposed HOS development*

- (ii) the scale of the proposed HOS development was not compatible with the surrounding low-rise and low-density developments in Mui Wo. Its buildings were too dense and would create significant environmental, visual and glare impacts (R6 to R18, R20, R23, R24, R30 and R32). The maximum PR of 3.6 for the proposed HOS development was unreasonable (R11 to R17);
- (iii) the proposed HOS development would almost double the population of Mui Wo. The infrastructure, community facilities and public services in Mui Wo could not support the increased population from the proposed HOS development (R4, R6 to R10, R19 to R30 and R34);

*Insufficient Public Consultation*

- (iv) there was no or inadequate public consultation on the proposed HOS development and the OZP (R6 to R14, R16 to R18, R20 to R22, R24, R25, R28 to R33 and R35 to R37) and there should be public consultation on the design of the HOS development (R6 and R7);

*Inappropriate “U” zone designation*

- (v) the “U” zone for the fishponds might encourage further degradation and illegal filling of the fishponds and wetland area (R6 to R17 and R23), and the reason for rezoning Site B to “U” was not clear (R26 only);

*Representations providing comments on the OZP*

- (h) R2 and R5 only provided comments on the OZP. Their comments were summarised below:

there were concerns about the adverse landscape impacts of the HOS development on the rural setting of the Mui Wo area, and potential overloading of the existing public transportation networks and the sewerage treatment capacity. Any filling of ponds involved in the future development of the “U” zone would also lead to loss of potential wildlife habitats and cause adverse ecological impacts on the adjacent wetlands and the surrounding local environment;

### Representers' Proposals

#### *Rezoning proposals for the “U” zone*

- (i) some representers proposed to rezone the “U” zone as follows:
- (i) to rezone Site B from “U” to “R(A)” to be commensurate with the policy initiative to increase housing land supply (R3); and
  - (ii) to rezone Site B from “U” to “Agriculture” (“AGR”) (R6), “Green Belt” (“GB”) or “Conservation Area” (“CA”) (R8 and R9) and “Recreation” (“REC”) (R6 and R18) to conserve the area as a wetland park for birdlife and recreation use;

#### *Land use review of the Site and its adjacent areas*

- (j) some representers proposed to review the zoning of the Site and its adjacent areas, the future development of which could be a mix of wetland park, agricultural use and some low-density housing (R6, R11 to R17);

#### *Restore the zoning of the Site*



- (k) to restore the original “G/IC” zoning as the amendments would have impact on the current population (R34);

*Restrictions on maximum BH and PR for the HOS development*

- (l) there were proposals to reduce the BH and PR of the proposed HOS development to the BH of the existing building (R5 and R18), or 10 to 12 storeys (R11 to R17) and PR of 2.4 (R6) / 1.0 (R11 to R15) respectively;

Comments on Representations

- (m) all the 21 comments received, in which seven by a member of Islands District Council (IsDC), members of Mui Wo Rural Committee (MWRC) and members of local residents’ organisations and 14 by local residents’ organisations, supported Amendment Item A but opposed Amendment Item B;
- (n) the comments supported Amendment Item A because there was strong demand for flats in Mui Wo. The proposed HOS development would improve the viability of business and transport services in Mui Wo. Some commenters considered that the BH of the HOS development was compatible with the surroundings and there were sufficient government, institution or community (GIC) facilities in Mui Wo to serve the increased population. All commenters proposed to have more residential development in Mui Wo to meet the housing demand in Hong Kong and enhance the vibrancy of Mui Wo;

Responses to Grounds of Representations and Representers’ Proposals

- (o) The representation supporting Amendment Item A was noted. The responses to the adverse representations and representers’ proposals were summarised below:

*Need for HOS Development*

- (i) land suitable for development in Hong Kong was scarce and there was a need for optimising the use of land available to meet the pressing demand for housing land;
- (ii) Site A was originally reserved for sports ground development. The Director of Leisure and Cultural Services (DLCS) had advised that there was no programme for the sports ground development and had no objection to releasing Site A. As there were no other requests for GIC facilities on the site, it was considered appropriate to rezone Site A to meet the urgent community need for housing;

*Impacts of the proposed HOS Development*

- (iii) the proposed development parameters were compatible with the land use character of the surrounding area;
- (iv) the PR of 3.6 proposed for the HOS development was in line with that recommended for rural township (including Mui Wo) in the Hong Kong Planning Standards and Guidelines (HKPSG). The maximum PR restriction of 3.6 and maximum BH restriction of 55mPD (16 storeys) were generally compatible with the development intensity of Ngan Wan Estate (with maximum PR of about 2.2 and BH of 47.5mPD/13 storeys) to the immediate east of Site A and that of another proposed HOS development to the east of Ngan Wan Estate (with maximum PR of 3.6 and BH of 49mPD/14 storeys);
- (v) as to the landscape and visual impacts, HD had conducted preliminary visual assessments and the photomontages prepared by HD indicated that in broad terms, the future development at Site A would be generally compatible with the existing development in the surrounding areas. Besides, the proposed HOS scheme had incorporated several design features including setting back from the riverfront area to help mitigate the visual bulk from the riverside, descending building height from

south to north to create a more interesting skyline, as well as maximising the building separation for better air ventilation;

- (vi) HD had conducted technical assessments for the proposed HOS development on sewerage, drainage and water supplies aspects. No insurmountable problems were anticipated as confirmed by Government departments concerned that the capacities of the infrastructure were sufficient to cater for the proposed HOS development. Besides, Traffic Impact Assessment (TIA) had been conducted by HD and no insurmountable problem on the traffic aspect was anticipated;

*Insufficient Public Consultation*

- (vii) consultation with IsDC on the proposed HOS development was conducted on 24.6.2013. Consultations on the OZP amendments with IsDC and MWRC were also conducted before and after gazettal of the OZP. Besides, the statutory plan-making process, which involved the exhibition of the OZP for public inspection and the hearing of representations and comments received, was itself a public consultation process under the Ordinance. Members of the public could submit representations on the OZP to the Board during the 2-month public inspection period. The Board would consider the representations according to the provisions under the Ordinance;

[Mr H.W. Cheung and Dr Eugene K.K. Chan left the meeting temporarily at this point.]

*Inappropriate "U" zone designation*

- (viii) the potential for housing development on Site B was constrained by the limited infrastructural capacities in Mui Wo. In the absence of supporting technical assessments, Site B was proposed to be rezoned to "U" at this stage. The potential for additional residential development in Mui Wo would be subject to further studies and technical assessments. The proposal to rezone Site B from "U" to "R(A)" for

residential use was therefore not supported at this stage;

(ix) Site B comprised formed land, abandoned farmland/fishponds having similar landscape character with a large piece of grassland to the south of Site B. The Director of Agriculture, Fisheries and Conservation (DAFC) advised that the farmland/fishponds were disturbed to a certain extent by human activities (such as dumping). The ecological value of Site B was generally not considered to be high. As such, rezoning of Site B from “U” to “AGR”, “CA” or “GB” was not justified. As mentioned above, the long-term use of Site B and the wider area would be subject to further study. The proposals to rezone Site B from “U” to recreational and other uses were also not supported at this stage;

(x) any filling of land/pond, including that to effect a change of use permitted under the OZP (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works) would require planning permission from the Board. Any illegal filling of land/pond within the “U” zone was subject to planning enforcement actions in accordance with the Ordinance; and

#### PlanD’s Views

(p) the support of R1(Part) to Amendment A was noted. PlanD did not support representations No. R1(Part) to R37 and considered that the OZP should not be amended to meet the representations.

54. The Chairman then invited the representers to elaborate on their representations.

#### R1 – Ms Wendy Chui

55. Ms Wendy Chui made the following main points:

(a) she was born and raised in Tai O and had witnessed the changes of Lantau over the past years;

- (b) in the past, there were a lot of public facilities including schools, library and swimming pools in Mui Wo and schools in Mui Wo were always in full enrolment. With the increase in transportation costs, locals who needed to commute to the urban areas for work and school began to move out but expatriates began to move in. As people moving out outnumbered the people moving in, there was an overall decrease in population. At present, about one third of the population in Mui Wo were foreigners;
  
- (c) currently, there were about 5,000 people living in Mui Wo. There was a need to bring in more population to improve the patronage of the public transport with a view to lowering the ferry and bus fares, and to help actualize the “Leisure Historic Rural Township” concept under the “Facelift of Mui Wo” (MWF) of turning Mui Wo into a delightful and relaxing place for local residents and visitors;

[Dr Eugene K.K. Chan returned to join the meeting at this point.]

- (d) there was also a need to bring in more HOS to Mui Wo so that people moving out of Mui Wo could afford to come back to live and to bring about a more balanced population mix, making the reopening of the New Territories Heung Yee Kuk Southern District Secondary School (the Southern District Secondary School) possible to meet the needs of the residents.

[Mr H.W. Cheung returned to join the meeting at this point.]

#### R2 – Kadoorie Farm & Botanic Garden

56. Mr Tony Nip with the aid of documents and plan shown on a visualizer made the following main points:

- (a) while understanding that there was a need to increase housing land supply

in Hong Kong, he wondered if housing development in the rural area would be able to help alleviate the housing shortage problem and whether this would lead to future rezoning for similar developments in the area; and

- (b) he had no dispute to what DAFC said in the RNTPC Paper No. 9/13 for the Proposed Amendments to the Approved Mui Wo Fringe OZP No. S/I-MWF/8 that the ecological value of the fishponds in the “U” zone under Amendment Item B were low-moderate. However, according to the Environmental Impact Assessment study of the project “Drainage Improvement in Southern Lantau” in 2005, the ecological value of the abandoned agricultural land which had been turned into wetland was moderate-high. A tiny part of this wetland was included in the “U” zone. He also said that most of the streams in the area were of moderate-high ecological value. Future planning and assessment of the “U” zone should take the ecological value of the wetland and streams into consideration and the proposed uses should not cause adverse impacts on the wetland, particularly the wetland in Luk Tei Tong;

### R3 – Mr Kevin Yuen King Hang

57. Mr Kevin Yuen King Hang made the following main points:

- (a) the reason for his proposal to rezone “U” to “R(A)” was that the planned population of Mui Wo, as stated in the HKHA’s submission, was 7,400. The figure was much less than the population of Cheung Chau and Discovery Bay, which were 22,700 and 12,700 respectively. The low population level had resulted in high public transportation cost in Mui Wo. For any development of the rural township, it was necessary to strike a balance between development and conservation. As there had been drainage improvement works and there were developments in the surrounding areas, the “U” zone should be considered for residential development to bring benefits to the community; and
- (b) to avoid unnecessary delay, a schedule should be made available for the

Board to consider the future land use of the “U” zone.

### R6 – Living Islands Movement

58. With the aid of a Powerpoint presentation, Mr Robert Bunker, Dr Merrin Pearse and Mr John Schofield made the following main points:

#### Background

- (a) Living Islands Movement (LIM) had worked on the MWF Plan for a number of years. Mui Wo needed a clear overall plan to keep this interesting rural community vibrant and diverse rather than a one-off proposal;
- (b) LIM strongly supported sustainable development and the use of vacant government lots in Mui Wo for housing provided that they were compatible with the rural township. The proposed HOS was not in-line with the principles of sustainable development and it would set a precedent for future private housing developments. There were ways to develop HOS appropriately and in a scale compatible with the Mui Wo community;

#### Unbalanced Development

- (c) the population figure of 4,250 persons provided by PlanD was only the planned population living mainly in the villages in the Mui Wo Fringe area outside the town centre;
- (d) if including the Mui Wo Central area, the current population in Mui Wo was about 5,000 persons, approximately 60% of which lived in village houses, 14% in private residential units near the ferry pier area and 26% in public rental housing. It would be increased to 7,600 in 2017 with a 150% increase in the population of public housing after the completion of the two proposed HOS. About 43% of the total population would be in public housing;

- (e) the increase in population would cause a lot of strains on infrastructure. Too much emphasis on public housing was not a balanced approach to growth and would not necessarily be conducive to healthy development of the local economy;
- (f) it was noted that all public housings were bunched together in a small area segregating from the rest of the community. This would give rise to the risk of creating a “Tin Shui Wai” in Mui Wo;
- (g) the source of demand for the HOS flats was unknown and there were no employment opportunities in Mui Wo. The oversized HOS blocks would set precedent leading to further unsustainable high-rise developments which would undermine the rural township character. What really needed in Mui Wo was the MWF, like those for Sai Kung Town and Tai O, to regenerate the ferry pier and downtown areas;

#### Social and Educational Issues

- (h) the planned population of Mui Wo should be 7,600. The public facilities provided had to meet the need of Mui Wo as a whole. Mui Wo was also a service centre for the rest of South Lantau including Pui O, Cheung Sha and Tong Fuk. People came to Mui Wo for shopping, to use the library, the sports centre, etc. The primary school in Mui Wo had no room for expansion. Without reopening of the Southern District Secondary School, students had to travel 50 to 60 minutes to the nearest secondary school in the Islands District;

#### Transport Issues

- (i) the travelling time of 25 minutes from Mui Wo to Central was not true because it would take 15 minutes for people to walk from the HOS site to the pier and then another 15 minutes from the pier at Central to the Mass Transit Railway (MTR) station. Subject to the type of ferries people took



(travelling time of 30 minutes and 50 minutes for fast ferry and slow ferry respectively), it would take 60 to 80 minutes for people to get from the HOS site to Central;

- (j) it might also not be true that the ferry fare would go down with an increase in population as claimed by some representers earlier. Taking Cheung Chau and Discovery Bay, both having a larger population than Mui Wo, as examples, their ferry fares were comparable to that of Mui Wo;
- (k) bus services to Tung Chung took about 50 to 60 minutes. The buses were usually full and the fare was expensive. Taxi service in Mui Wo was inadequate;
- (l) prospective HOS buyers would not want to live in Mui Wo because there was no work and the transportation services were too expensive and inconvenient. For a family of four, travelling daily to Central would cost \$5,600 a month. The Paper stating that there was no insurmountable problem on the traffic aspect was doubtful;
- (m) since there was a lack of public transport services, more people would need to rely on cars for access and there were not enough parking spaces in Mui Wo. If there was an increase in 1,800 persons, it would aggravate the current parking problem;

#### Breaching Planning Standards

- (n) the proposed HOS at a PR of 3.6 and a BH of 16 to 18 storeys breached the HKPSG, in which a maximum PR of 3.6 and a BH of 12 storeys were stipulated only for the commercial centres of Rural Townships;
- (o) the HOS site was on the edge of Mui Wo outside the centre. It should be subject to the same development density of PR 2.2 as that of the existing public housing estate, or even PR 0.75 for Rural Residential Density Zone 3;

### Visual Impacts and Design Issues

- (p) the HOS was located at the countryside which was suitable for sensible, well-designed, low to medium-rise housing but not high-rise New Town style developments. The building blocks with a height of 50 to 55mPD would dominate the surrounding areas and breach skylines from most perspectives;
- (q) the photomontages attached to the TPB Paper were misleading and they were not made available until the Paper was issued. On the photomontage viewing from River Silver, the two highest building blocks were hidden and the photomontage viewing from Hong Kong Olympic Trail was considered not very useful because very few people would be coming through the trail looking at the buildings from that perspective. Views taken from ground level and sensitive receivers showed very different picture. The proposed buildings were visually intrusive;
- (r) the exterior lighting of the HOS blocks at night would cause significant glare impact to the surrounding area. Mui Wo did not need a light show as that in the central waterfront of Hong Kong;

### Lack of Public Consultation

- (s) as details of the housing project had not been made available earlier enough for the public to make comments, it appeared to be a terrible rush to conclude the project, particularly when compared with MWF which only got very little achieved since its commencement in 2006;
- (t) it was disappointing that relevant departments did not want to interact with them to learn about the ideas they had on the proposal. Although the original proposal by HKHA with a PR of slightly less than 3.6 was relatively less unreasonable, under political pressure from certain small group of IsDC, the development had to be upsized. The community was

not well represented by IsDC;

#### Summary for Amendment A

- (u) the proposed HOS was wrong on every aspect. There were not enough community facilities to handle a 40% increase in population. The cost and inconvenience of public transport services were not acceptable to the prospective buyers of the HOS flats;
- (v) the housing project was against the objective of MWF of turning Mui Wo into a vibrant township. The proposed HOS was totally incompatible with the rural surroundings of Mui Wo;
- (w) the proposed HOS exceeded the maximum PR of 2.1 and BH of no more than 6 storeys stipulated in HKPSG for Rural Residential Density Zone 2;
- (x) the community should have been involved in the design of the project for comments and ideas;

#### Amendment B: "U" Zone Issues

- (y) the wetland was of moderate to high ecological value. There were reedbeds, mangroves, pond and pools and hundreds of egrets nested in the area;
- (z) the objection would be withdrawn if infill would be prohibited, fishponds be maintained and PlanD would commit to undertake land-use review of the "U", REC" and "O" zones in Mui Wo Fringe area as soon as practicable to reduce uncertainty and planning blight;

#### Conclusion

- (aa) to get Mui Wo development back on a sustainable path as a thriving rural township, MWF should be put back on track to regenerate and upgrade the

centre, the many derelict sites on Mui Wo should be redeveloped and the Ngan Kwong Wan Road East development should be of the right size and made available for sale to all.

R14 – Dr Merrin Pearse

59. Dr Merrin Pearse made the following main points:

- (a) being a land surveyor, he had been involved in projects around the world and was aware how bad projects built inappropriately would leave local community segregated;
- (b) there was a plan for different themes in Lantau. North Lantau was appropriate for work and shopping as well as a hub for tourism around the airport in the Tung Chung area. The entertainment and adventure areas of Disneyland were in the eastern end including Tsing Yi for outdoor activities in a family and controlled environment. South Lantau was a wilderness recreation zone for people to do walking, hiking and photographing butterflies, etc;
- (c) the East Lantau Metropolis was proposed to be the third central business hub of Hong Kong. People working in the East Lantau Metropolis needed recreational space and space for time-out from their hectic work life;
- (d) it was an opportunity for Mui Wo to carry out some community sustainable housing projects. Mui Wo might choose to have allotments being arranged by people coming back for their twilight years in the HOS. Taking the British allotment as an example, people could interact with nature. It also provided a way of training up the young and the community as they could learn from the elders. The kind of people who would be coming to Mui Wo more often were those who wanted to do outdoor activities. That was the environment that housing in Mui Wo should be trying to promote or support so as to attract people who were excited about the outdoor activities. If persons who were able to buy the HOS flats as

appropriately designed were outdoor persons, they would protect the flora and fauna and enjoy whatever out there in nature; and

- (e) the holistic plan for the whole of the Mui Wo valley should take into account the potential developments which were taken place in Tung Chung, the potential East Lantau Metropolis and the expanding Discovery Bay (DB). People might come to Mui Wo in weekends for outdoor dining that was more casual and interactive than what they could have already enjoyed in DB. The large amount of vacant buildings could be converted to outdoor education facilities or even an outdoor-based education school. Proper implementation of MWF would set a good example for the other parts of Hong Kong of how a wonderful community could be designed and created.

R31 – Mrs Angharad Hampshire

60. Mrs Angharad Hampshire made the following main points:

- (a) she lived in Mui Wo and objected to the amendments. She was not opposing public housing but there was an absence of a comprehensive approach;
- (b) the proposed HOS together with another housing site on Ngan Kwong Wan Road would increase the population of Mui Wo by 40%. TD should have a proper plan on public transport services to handle the foreseeable demand. At the moment, buses were full, taxis were difficult to catch and the ferry services were infrequent;
- (c) there were very little employment opportunities in Mui Wo and South Lantau. People had to commute to Tung Chung or Central for work. Travelling costs were expensive and whether it could be affordable to the prospective HOS buyers was in doubt;
- (d) schooling was another issue. Education facilities in Mui Wo served all the

communities along South Lantau Road. There seemed to be no plan to accommodate the future educational needs nor to reopen the former Southern District Secondary School to cater for the demand;

[Dr C. P. Lau left the meeting at this point.]

- (e) the proposed HOS blocks would dwarf the other buildings in the area. The scale of the HOS development was not in keeping with the rural setting;
- (f) for Amendment Item B, people needed space for recreation. The best use of land resources was not always to develop high-rise buildings. Both people and wildlife needed open space;
- (g) while it was agreed that more public housing in Hong Kong would be required, apart from building new housing blocks, the disused buildings in Mui Wo could be renovated for residential purpose.

61. As the presentations of the representative of PlanD, representers and their representatives were completed, the Chairman invited questions from Members.

62. In response to the Chairman's questions on when the photomontages of the HOS blocks were made available for public inspection and whether the two highest blocks as pointed out by R6 were left out in the photomontage, Mr Ivan Chung said that the same photomontages were attached to the RNTPC Paper No. 9/13 which had been made available for public inspection when the paper was considered by RNTPC on 27.9.2013 and uploaded to the Board's website shortly afterwards. As the photomontage referred to by R6 was taken from River Silver Rest Garden, the two highest blocks were screened off by the blocks in front due to the viewing angle. However, these blocks were clearly shown on other photomontages.

63. The Chairman and a Member asked whether the density guidelines in HKPSG had been breached by proposing a PR of 3.6 for the HOS. In response, Mr Chung said that, with the relevant extract from HKPSG on a visualizer, the PR of 3.6 for the proposed HOS

conformed to that in HKPSG, where the commercial centre of rural township could be regarded as the town centre. Being located within a 10 to 15 minutes' walk from the ferry pier, the HOS site was considered to be at the centre of Mui Wo rural township. Findings of relevant technical assessments also showed that the proposed development at a PR of 3.6 would not have adverse impacts on the infrastructural provisions, including sewage treatment and water supplies.

64. In response to a question raised by the Chairman, Dr Merrin Pearse said that the photomontage for illustrating the glare impact of the proposed HOS development was made by cropping an existing building in the area and putting it at the approximate location of the HOS site. The lighting as shown on the photomontage was the existing lighting of the building and there was no colour enhancement.

[Ms Janice W.M. Lai left the meeting at this point.]

65. The Chairman asked R1 whether the public transport services in Mui Wo could cope with the increase in population as raised by some representers. Ms Wendy Chui, village representative of Chung Hau (South), said that Mui Wo used to be the gateway of Lantau that handled a large number of visitors to Mui Wo. The ferry and bus companies could adjust the frequency of their services to meet the demand flexibly. The provision of public transport services should not be a problem.

[Mr H.W. Cheung left the meeting temporarily at this point.]

66. In response to the Chairman's question on whether there was conflict between the MWF and Amendment Item A, Mr Chung said that MWF was proposed under the Concept Plan for Lantau for improvement works in Mui Wo. Under Phase 1 works of the MWF, a waterfront promenade and a cycle track near the ferry pier would be constructed and signage improvement works along footpath would also be undertaken. The improvement works under the MWF would not be affected by the Amendment Item A.

67. Noting that schooling was another concern raised by the representers, a Member asked whether there were sufficient schools in Mui Wo to meet the demand. Another Member also added that students of Mui Wo might need to travel two to three hours to

school. Mr Chung said that as confirmed by the Education Bureau (EDB), the existing primary school places in Mui Wo could adequately satisfy the demand of the planned population. As for secondary school places, the provision was assessed on a wider regional/district basis. Although there was no secondary school in Mui Wo, secondary schools in the Islands District, including those in Tung Chung, could provide sufficient school places for students from Mui Wo.

68. In response to two Members' questions on transportation cost and employment opportunity, Ms Wendy Chui said that the high ferry fare was due to low patronage. With an increase in population and hence the patronage of the ferry service, it was anticipated that the ferry fare could be reduced. Residents of Mui Wo mainly worked in the construction and service industries in the past, but it was now convenient for people to go to work in Tung Chung and the other areas in Hong Kong.

69. In response to the Chairman's question, Mrs Angharad Hampshire said that one of the disused buildings was a vacant secondary school in the town centre and near the ferry pier. Another vacant building was on Rural Committee Road. Mr Chung said that the secondary school mentioned might be the former Southern District Secondary School. A Member also considered that derelict buildings could be properly used.

70. As Members had no further question on the representations, the Chairman invited the commenter to elaborate on his comment.

#### C6 – Mr Wong Siu Keung

71. Mr Wong Siu Keung made the following main points:

- (a) with the completion of the proposed HOS, the demand for car parking spaces would increase. The vehicle parking problems in Mui Wo needed to be addressed;
- (b) more community facilities, such as medical and health care, recreational and shopping facilities, needed to be provided;



- (c) land should be zoned “Village Type Development” to cater for the Small House development; and
- (d) the so-called wetland was only abandoned agricultural land. It would not be fair if these land could not be developed;

72. As presentation by the commenter had been completed, the Chairman invited questions from Members.

73. In response to the Chairman’s question on whether he was in support of the amendments or not, Mr Wong said that he supported Amendment Item A.

74. The Chairman asked whether the demand for car parking had been taken into account in the planning for the area. In response, Mr Chung said that car parking spaces within the proposed HOS would be provided in accordance with HKPSG. TD had been consulted and they had no objection to the proposed HOS development.

75. A Member noted that the proposed HOS development at a PR of 3.6 and a BH of 16 storeys was higher than those in the town centre. He asked if there were plans to increase the development density of Mui Wo as a whole. If affirmative, whether the infrastructure of the area could support such an increase. In response, Mr Chung said that the proposed increase in development intensity was only for Amendment Item A. Although Site A was on Mui Wo Fringe OZP, it was adjoining Mui Wo town centre and a PR of 3.6 was appropriate. As stated in paragraph 5.6.9 of the Paper that the potential for additional residential developments in Mui Wo would be subject to further studies and technical assessments, future increase in development intensity, if any, would need to be commensurate with the infrastructural provisions.

76. In response to a Member’s question on whether the “U” zone could be used temporarily for car parking purpose, Mr Chung said that if the landowner could provide justifications for the use, he/she could submit a section 16 application to the Board for consideration. Upon receipt of the application, it would be circulated to relevant departments to assess whether the applied use could be supported in planning and other technical grounds.

77. As Members had no further question to raise, the Chairman said that the hearing procedure had been completed and the Board would deliberate on the representations in the absence of the representers, the commenters and their representatives and would inform them of its decision in due course. The Chairman thanked the representers, the commenter and their representatives and PlanD's representatives for attending the hearing. They all left the meeting at this point.

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

### Deliberation

[Mr H.W. Cheung returned to join the meeting at this point.]

79. To recapitulate, the Chairman said that to the east of Ngan Wan Estate, there was another proposed HOS development with a PR of 3.6, a building height of 49mPD and 14 storeys. As such, the HOS development on Site A was compatible with the surrounding developments. The photomontages attached to the TPB paper were exactly the same as those in the RNTPC paper considered by the RNTPC in September 2013, which had already been made available for public inspection. The infrastructure, including the drainage and water supplies facilities were sufficient to meet the future demand and the public transport services would be able to cope with the increase in population. Planning assessment had been made to make sure that there would not be any shortfall in GIC provisions. EDB would also monitor the future population changes in Mui Wo to ensure adequate education facilities would be provided. Although there was comment on insufficient consultation in respect of both Amendment Items A and B, Members should note that IsDC had been consulted, the plan-making procedures had been followed and the representers and commenters had been invited to make their oral presentations. The Chairman invited Members to consider the representations and comments, taking into consideration all written submissions and oral presentations at the meeting.

80. A Member said that the proposed HOS development was quite bulky as the adjoining Ngan Wan Estate was developed within a PR of 2.2 and a maximum height of 13 storeys. Unless it was the intention that Mui Wo as a whole would be intensified to a

similar scale in future, the Member wondered whether some area of the adjacent “U” zone could be incorporated into Amendment Item A so as to lower the intensity of the HOS development while maintaining the same number of flats. In response, the Chairman said that to optimise the use of land to meet the housing demand, if there was upgrading of infrastructural provision in future, the “U” zone might be considered for development. To use part of the “U” zone and adopt a lower development intensity for the enlarged site might have implications on the development potential of the “U” zone in future. In addition, a proposed HOS development in close proximity to Site A to the immediate east of Ngan Wan Estate was also planned for a PR of 3.6.

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

81. Three Members considered that the proposed development was in line with the overall development of Lantau. There would be further development of the airport and the Hong Kong-Zhuhai-Macao Bridge would also be in place. The proposed HOS development would not only revitalize the local economy of Mui Wo but might also facilitate the future developments of Tung Chung. Members considered that there were still opportunities in Mui Wo for low-density developments to cater for the different needs of people. Another Member supplemented that while Mui Wo was used to be a gateway of Lantau, there was a shift of focus to Tung Chung. A mix of residents, including the future HOS residents, would provide an opportunity to create a synergy for better development of the area.

82. A Member considered that the concerns of some representers on housing, traffic and schooling were genuine. The Government should try to explain more to them about the proposed developments in Mui Wo so as to build community consensus. The Chairman said that the provision of school in Mui Wo for local students was a clear concern raised by the residents and it should be conveyed to EDB for consideration. Members agreed. Regarding the comments made by some about the dominance of expatriates, the Chairman stressed that the land use proposal under discussion was based on the needs of Hong Kong people as a whole and those of the population living in Mui Wo.

83. Regarding Amendment Items B on the “U” zone, the Chairman said that on one side, there was a request for development while on the other side, a request for preserving the

fish ponds and wetland. Since the current infrastructural provision might not be able to support further development in Mui Wo, it was appropriate to zone the area “U” in the interim. Any development, including pond filling, within the “U” zone would require planning approval from the Board. When planning application was submitted, relevant Government departments, including Agriculture, Fisheries and Conservation Department, would be consulted. This would be able to address the concerns raised by the representers.

84. After deliberation, the Board noted the support of R1 (Part) on Amendment A.

85. Members decided not to uphold representations R1(Part) on Amendment B and R2 to R37. Members then went through the suggested reasons for not upholding the representations as detailed in paragraph 7.1 of the Paper and considered that the reasons were appropriate.

86. After deliberation, Members decided not to uphold representations R1(Part) on Amendment B and R2 to R37 for the following reasons:

- “(a) land suitable for development in Hong Kong is scarce and there is a need for optimising the use of land available to meet the pressing demand for housing land. The site at the western end of Ngan Kwong Wan Road (Amendment Site A) is no longer required for sports ground development nor other Government, institution or community (GIC) facilities. It is therefore suitable for rezoning Amendment Site A for residential development to meet the urgent community need for housing (R6 to R10, R24, R25, R30 and R32);
- (b) the plot ratio (PR) of 3.6 for the Home Ownership Scheme (HOS) development at the site under Amendment Item A is in line with that recommended domestic plot ratio for rural township (including Mui Wo) in the Hong Kong Planning Standards and Guidelines. The maximum PR of 3.6 and maximum building height restriction of 55mPD are generally compatible with the land use character of the surrounding areas. Technical assessments on traffic, environmental, visual, infrastructure capacity, landscape and air ventilation aspects have been conducted by

the Housing Department and no insurmountable problem arising from the proposed HOS development is anticipated (R2, R4 to R30, R32 and R34);

- (c) the provision of open space and GIC facilities is sufficient to meet the future population of Mui Wo town. There is no need to reserve the site under Amendment Item A for GIC use (R4, R6 to R10, R19 to R22, R27 to R30 and R34);
- (d) the statutory plan-making process, which involves the exhibition of Outline Zoning Plan for public inspection and the hearing of representations and comments received, is itself a public consultation process under the Town Planning Ordinance. Members of the public can submit representations on the draft OZP to the Board during the 2-month public inspection period. The Board will consider the representations according to the provisions under the Ordinance (R6 to R14, R16 to R18, R20 to R22, R24, R25, R28 to R33 and R35 to R37);
- (e) the potential for housing development on the “Undetermined” (“U”) zone is constrained by the limited infrastructural capacities in Mui Wo. In the absence of supporting technical assessments, the Site therefore has been rezoned to “U” at this stage. The potential for additional residential development in Mui Wo would be subject to further studies and technical assessments (R1(Part) and R3);
- (f) the “Undetermined” (“U”) zone comprises formed land, abandoned farmland/fishponds having similar landscape character with the large piece of grassland to its south. The farmland/fishponds are disturbed to a certain extent by human activities (such as dumping). As the ecological value of the “U” zone is generally not considered to be high, the proposals to rezone the “U” zone for conservation related zonings are not justified. The long-term use of the “U” zone and the wider area would be subject to further studies and technical assessments (R6 to R18, R23 and R26); and

- (g) any illegal filling of land/pond within the “Undetermined” (“U”) zone is subject to planning enforcement actions in accordance with the Ordinance (R2, R6 to R17 and R23).”

87. The meeting was adjourned for lunch break at 1:05 p.m.

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

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

Mr Thomas Chow Chairman

Mr Stanley Y.F. Wong Vice-Chairman

Mr Roger K.H. Luk

Professor S.C. Wong

Ms Julia M.K. Lau

Mr Laurence L.J. Li

Mr Sunny L.K. Ho

Mr Lincoln L.H. Huang

Ms Christina M. Lee

Mr H.F. Leung

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

Principal Assistant Secretary (Transport)

Transport and Housing Bureau

Miss Winnie M.W. Wong

Director of Lands  
Ms Bernadette H.H. Linn

Deputy Director of Environmental Protection  
Mr C.W. Tse

Director of Planning  
Mr K.K. Ling



Tsuen Wan and West Kowloon District

**Agenda Item 6**

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comment in respect of the Draft Chuen Lung and Ha Fa Shan Development Permission Area Plan No. DPA/TW-CLHFS/1 (TPB Paper No. 9641)

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[The meeting was conducted in Cantonese.]

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

Mr H.F Leung - being a Council Member of Ho Koon Nature Education cum Astronomical Centre (R19)

Mr Frankie W.C. Yeung - being a member of the Hong Kong Gun Club which was one of the representation sites (R18)

89. Members agreed that the interests of Mr H.F. Leung and Mr Frankie W.C. Yeung were direct and they should be invited to leave the meeting for this item. Mr H.F. Leung and Mr Frankie W.C. Yeung left the meeting temporarily at this point.

Presentation and Question Session

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

Planning Department

Mr Wilson W.S. Chan - District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), PlanD

Mr K.T. Ng - Senior Town Planner/ Tsuen Wan  
(STP/TW), PlanD

Ms Kaman K.M. Kan - Town Planner/Tsuen Wan (TP/TW1),  
PlanD

R6 – World Wide Fund for Nature Hong Kong (WWF(HK))

Mr Andrew Chan ] Representers' representatives  
Mr Tobi Lau ]

R8 – Kadoorie Farm & Botanic Garden Corporation (KFBGC)

Mr Tony Nip ] Representers' representative

R13 – Deacon T.K. Chiu represented by Toco Planning Consultants Limited

R14 – Tat Fung Enterprises Co. Limited represented by Toco Planning  
Consultants Limited

R15 – Deacon T.K. Chiu

R16 and C1 – Tat Fung Enterprises Co. Limited

Mr Ricky Li ]  
Mr Chan Tat Choi ] Representers' and commenter's  
Mr Daniel Wei ] representatives  
Mr Eddie Chan ]  
Ms Wendy Yung ]

R19 – Ho Koon Nature Education cum Astronomical Centre  
(HKNEAC)

Mr Wong Chi Chun - Representers' representative

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

Chairman then invited the representatives of PlanD to brief Members on the representations and comment.

92. With the aid of a Powerpoint presentation, Mr K.T. Ng, STP/TW, made the following main points as detailed in the Paper:

#### Background

- (a) on 20.3.2013, under the power delegated by the Chief Executive, the Secretary for Development directed the Town Planning Board (the Board), under section 3(1)(b) of the Town Planning Ordinance (the Ordinance), to prepare a draft plan designating Chuen Lung and Ha Fa Shan as a Development Permission Area (DPA). The preparation of the draft DPA Plan was a stopgap measure which provided planning guidance and development control over the Chuen Lung and Ha Fa Shan area (the Area) and enabled enforcement actions to be taken against any unauthorised development (UD);
- (b) on 20.12.2013, the draft Chuen Lung and Ha Fa Shan DPA Plan No. DPA/TW-CLHFS/1 (the DPA Plan) was exhibited for public inspection under section 5 of the Ordinance;
- (c) during the two-month exhibition period, a total of 19 representations were received. On 28.2.2014, the representations were published for public comments and in the first three weeks of the publication period, one comment was received;
- (d) on 2.5.2014, the Board decided to consider all the representations and the comment collectively in one group by the full Board in view of their similarity and the inter-related nature regarding the concern on the ecological value of the Area and the “Unspecified Use” designation;

#### The Representations

- (e) of the 19 representations, eight representations (R1 to R3, R9 to R12 and R18) were submitted by private individuals, six representations (R4 to R8 and R19) were submitted by Green Groups (Designing Hong Kong Limited, The Hong Kong Bird Watching Society, WWF(HK), The Conservancy Association, KFBGC and HKNEAC), four representations (R13 to R16) were submitted by private landowners and one representation (R17) was submitted by the Village Representatives (VRs) of Ha Fa Shan Village (HFSV);

[Ms Christina M. Lee arrived and Miss Winnie M.W. Wong and Mr K.K. Ling returned to join the meeting at this point.]

#### Grounds of Representations

##### Supportive Representations (R1 to R7)

- (f) seven representations supported the draft DPA Plan (R4 to R7) or the “Village Type Development” (“V”) zone (R1 to R3). The major grounds of the representations as detailed in paragraph 2.2 of the Paper were summarised as follows:

##### *High ecological value*

- (i) the Area had high ecological value that was worthy of conservation. R1 to R3 and R5 to R7 opined that the natural streams including their riparian areas, woodlands, agricultural land were important habitats for rare species. In addition to the five rare species recorded by the Agriculture, Fisheries and Conservation Department (AFCD), most of the representers had recorded other rare flora and fauna species in different habitats in the Area;

##### *High landscape and geological value*

- (ii) R4, R6 and R7 considered that the landscape value of the Area was high and worthy of protection. R4 was also of the view that the Area had high geological value;

*Landfilling in Ma Tong*

- (iii) R7 had grave concerns that the landfilling in Ma Tong would be regarded as existing use and its adverse environmental impacts on the surroundings would continue;

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

*Protection of WGGs*

- (iv) R5 considered that there were some rare species in the natural streams and there was a need to protect the water gathering grounds (WGGs);

*“V” zone boundaries and Small House developments*

- (v) R1 to R3 and R7 had concerns on the expansion of the “V” zone boundaries in light of the high ecological value of the natural streams near the “V” zones; and
- (vi) R4 and R6 raised environmental concern on Small House development;

*Adverse Representations* (R9 to R16 and R19)

- (g) nine representations opposed the draft DPA Plan (R10 to R12) or the “Unspecified Use” designation (R9, R13 to R16 and R19). The major grounds of the representations were summarised as follows:

*High ecological value*

- (i) R9 to R11 and R19 opposed the draft DPA Plan or the “Unspecified Use” designation since there were rare species in the natural streams in the Area which were worthy of conservation. In addition, the habitats particularly the natural streams in the Area were places for intensive biology and geography field studies;

*“Unspecified Use” designation*

- (ii) the natural streams in the Area, which were designated as “Unspecified Use”, would be affected by future developments due to the resultant soil erosion and environmental pollution (R9);
- (iii) R13 to R16 were of the view that the “Unspecified Use” designation would restrict the development potential of the private lots owned by them. R13 and R14 especially emphasised on the impacts on the potential for residential use; and

*Objection to any development*

- (iv) R12 objected to any development in the Area;

*Representations Neither Supportive Nor Adverse* (R8, R17 and R18)

- (h) three representers which neither supported nor opposed the draft DPA Plan. The major grounds of the representations were summarised as follows:

*High ecological value*

- (i) R8 was concerned about the conservation of the rare orchid species found in the natural streams in the Area and the effluent discharge of restaurants and the subsequent impact on the natural streams. R8 quoted that only 37% of the village houses were connected to public sewers. R18 also had concerns on the rare species in the natural streams near the Hong Kong Gun Club (HKGC); and

*“Unspecified Use” designation*

- (ii) R17 was worried that HFSV, designated as “Unspecified Use” on the draft DPA Plan, would not be zoned “V” when HFSV was accepted as a recognised village in future. R17 also wished to have prior consultation and provision of more roads and community facilities when preparing the outline zoning plan (OZP) for the Area;
- (i) the major grounds of the representations not directly related to the draft DPA Plan were summarised as follows:

*Repairing licensed/squatter structures*

- (i) R17 requested relaxing the standards for repairing the licensed/squatter structures for domestic use in HFSV; and

*Environmental/health/safety concerns on the HKGC*

- (ii) R18 considered that the area impacted by the HKGC was widely distributed and there was a potential hazard to human health and the rare species in the natural streams. Safety risk to the general public was also a concern;

Representers’ Proposals

- (j) the proposals put forth by the representations were summarised below:

*Conservation zonings*

- (i) to designate conservation zonings for various areas in the Area, such as “Conservation Area” (“CA”) zone for secondary woodlands/forests (R1 to R3, R6 to R8), grassland, shrubland, plantation forests, agricultural fields and grave areas in Ha Fa Shan (R1 to R3), ‘fung shui’ woodlands and wet agricultural land (R7), natural streams and the riparian/adjacent areas (R4, R6, R7 to R9), riparian areas of 30 metres on both sides of the natural streams (R4 and R6) and two specified areas in Ma Tong and Chuen Lung (R19); as well as “Site of Special Scientific Interest” (“SSSI”) zone for the natural streams and their adjacent areas (R9), the Area (R12) and the two specified areas in Ma Tong and Chuen Lung (R19);
- (ii) to zone the non-indigenous village areas (R1 to R3) and all active agricultural land (R6) as “Green Belt” (“GB”);
- (iii) to designate a heritage zoning for the Tsang Ancestral Hall in Chuen Lung Village (CLV)(R4);

*Country park designation*

- (iv) to incorporate the Area into the country parks (R4);

*Protection of WGGs*

- (v) to prepare a feasible and practical plan to protect the water quality within the WGGs (R8);



*“V” zone boundaries, designation and Notes of “V” zone*

- (vi) to limit the “V” zone boundaries (R5);
- (vii) to move ‘House (New Territories Exempted House (NTEH) only)’ and ‘House’ from Column 1 to Column 2 of the “V” zone and to facilitate the development of restaurant use in the Area (R4);
- (viii) not to zone the Chuen Lung Village Expansion Area (VEA) as “V” in light of the environmental impacts on the natural streams as a consequence of more Small House developments (R8);

*Residential zoning*

- (ix) to zone the private lots owned by the representers to “Residential (Group C)” (“R(C)”) with plot ratios (PRs) ranging from 0.4 to 0.75 (R13 and R14); and

*Zoning boundary of the HKGC*

- (x) the boundary of the HKGC should be clarified, regularised and reflected on the OZP (R18);
- (k) the proposals put forth by R4 which were not directly related to the draft DPA Plan were summarised as follows:

*Preparation of village layout plan*

a clear village layout should be prepared to guide the future village development. In addition, stringent controls should also be imposed on Small House developments;

### The Comment

- (l) the commenter C1 was the representer of R16 and claimed that C1 was related to R14 and R16. Nonetheless, C1 did not provide any comments on R14 and R16 but expressed the view that the draft DPA Plan denied the existing permitted club and hotel uses at Tsuen Wan Town Lot (TWTL) 389 and proposed to include club and hotel uses in the Column 1 of the “Unspecified Use” area of the draft DPA Plan to reflect the existing use of TWTL 389;

### Planning Considerations and Assessments

#### *The Representation Sites and their Surrounding Areas*

- (m) the representation sites of R4 to R8, R10 to R12 covered the whole Area which was located at the north-western fringe of the Tsuen Wan New Town (TWNT) and bounded to the east by the Tai Mo Shan Country Park (TMSCP) and to the west by the Tai Lam Country Park (TLCP). Only Chuen Lung was accessible via Route Twisk while Ha Fa Shan could only be accessed by foot through the Water Supplies Department (WSD)’s restricted maintenance access from Route Twisk or footpath from Chai Wan Kok in TWNT. The Area consisted of woodlands, shrublands and stream valleys with active agricultural activities. Besides, it was rural in character with village settlements and rural industrial activities. The major developments were concentrated in Chuen Lung including the CLV which was the only recognised village in the Area whereas Ha Fa Shan was primarily covered with vegetation except for a few scattered settlements, such as HFSV. The Area fell within the Upper and Lower Indirect WGGs. Catchwaters and natural streams passed through the Area. Five rare fauna species with high ecological value had been recorded in the Area by AFCD. In addition, the Area was classified with high landscape value under the “Landscape Value Mapping of Hong Kong” completed by PlanD in

2005;

- (n) the representation sites of R1 to R3 were the “V” zones on the draft DPA Plan. The “V” zone for CLV consisted of village houses and the Tsang Ancestral Hall. In the “V” zone for the Chuen Lung VEA, there were a hobby farm, rural workshops and building structures;
- (o) the representation sites of R9 were the rivers/streams in the Area. The major natural streamcourses ran from the upper terrains in the northeastern and northwestern parts of the Area, passed through CLV and Ma Tong respectively and then joined at Kiu Tau. Another major natural streamcourse came from the mountains on the west of the Area down to Ha Fa Shan;
- (p) the representation sites of R13 to R16 were the private lots owned by the representers. The lots were either vacant, vegetated or agricultural land under Block Government Lease. The lots under R13 and R14 were concentrated in Ma Tong which had been the subject of landfilling before the gazettal of the draft DPA Plan whereas the lots under R15 and R16 were scattered in the Area;
- (q) the representation site of R17 could not be identified as HFSV had no village ‘environs’ (‘VE’) and the relevant licensed/squatter structures were scattered in Ha Fa Shan;
- (r) the representation site of R18 was the part of HKGC (held under TWTL399 with the lease renewal being processed) which fell within the DPA. About half of the HKGC fell within the adjoining TLCP. Nearly all building structures erected and the shooting facilities of the HKGC were inside the boundary of the draft DPA Plan;
- (s) the representation sites of R19 were two specified areas in Chuen Lung and Ma Tong where R19 claimed that intensive biology and

geography field studies were conducted. The area in Chuen Lung was immediately bounded by the “V” zones and consisted of dense vegetation and active agricultural land as well as a natural stream. The area in Ma Tong covered another natural stream, vegetated land and was the representation sites of R13 and R14;

#### *Planning Intention*

- (t) the general planning intention of the Area was to protect the natural habitats and the rural landscape which complemented the overall natural environment and the landscape beauty of the surrounding TLCP and TMSCP, and to prevent haphazard developments in the Area. The planning intention was also to reflect the existing recognised CLV;
- (u) except for about 2.79 hectares of land zoned “V” on the draft DPA Plan, the remaining area (207.16 hectares) was designated as “Unspecified Use” pending detailed analysis and studies to establish the appropriate land use zonings in the course of preparation of the OZP;
- (v) the planning intention of the “V” zone was to reflect the existing recognised village and to provide land considered suitable for village expansion. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. It was also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructure and services;

#### *Land Administration*

- (w) the majority of land in the Area was Government land (about 87.3%). The remaining 12.7% were private land which was primarily agricultural lots under Block Government Leases. Building lots

were mainly concentrated in Chuen Lung. The private lots under R13 to R16 were agricultural land except for four lots, i.e. Lots 800, 801, 804 and 809 in D.D. 360 under R15 which were building lots;

Consultation with the Tsuen Wan District Council (TWDC) and the Tsuen Wan Rural Committee (TWRC)

(x) during the two-month exhibition period, the draft DPA Plan was presented to TWRC and TWDC on 20.1.2014 and 28.1.2014 respectively. The major views of TWRC and TWDC were summarised as follows:

- (i) TWRC generally supported the draft DPA Plan. With respect to the boundaries of the “V” zones, there had been controversies over the existing ‘VE’ of CLV and the “V” zone should be enlarged to include Sun Hoi Tin. In addition, new road(s) should be provided to resolve the local serious traffic congestion problems. Regarding HFSV, there were worries that the development right of the HFSV would be affected as the HFSV was designated as “Unspecified Use” area. In addition, the relaxation of the materials standards for repairing the licensed/squatter structures in the HFSV was requested; and
- (ii) TWDC generally supported the draft DPA Plan and provided views similar to those of TWRC. Besides, concerns were raised regarding ecological conservation in the Area, the development control in the WGGs and more consultation with TWRC, VRs and other different stakeholders;

Responses to the Representations

(y) the supportive representations (R1 to R7) were noted. The major responses to the concerns of supportive representations (R1 to R7)

and representations which were neither supportive nor adverse (R8, R17 and R18) as well as the grounds of the adverse representations (R9 to R16 and R19) were summarised as follows:

Concerns of supportive representations and representations which were neither supportive nor adverse (R1 to R8, R17 and R18)

*High ecological value (R1 to R8 and R18)*

- (i) the information relating to the rare species and ecological value of the Area provided in the representations (R1 to R3, R5, R6 and R8) were noted;
- (ii) the general planning intention of the Area was to protect the natural habitats and prevent haphazard developments in the Area. The DPA Plan was an interim plan which would be replaced by an OZP within three years. In the preparation of the OZP, land use zonings for the Area would be comprehensively reviewed subject to a more detailed analysis of the land use pattern, infrastructural provisions, ecological value and local need. Relevant stakeholders including green groups, TWDC and TWRC would be consulted (R8 and R18);

*High geological value (R4)*

- (iii) the Head of Geotechnical Engineering Office, Civil Engineering and Development Department advised that the geology of the Area was considered common in Hong Kong;

*Landfilling in Ma Tong (R7)*

- (iv) the gazetting of the draft DPA Plan enabled enforcement actions to be taken against any UD under the Ordinance by

the Planning Authority. Should there be any further UD including filling and excavation of land in Ma Tong or other areas in the Area, the Planning Authority could take enforcement and prosecution actions as appropriate;

*Protection of WGGs (R5 and R8)*

- (v) the Director of Water Supplies (D of WS) agreed that restriction on development, maintaining woodland habitats, conservation of ecology and natural environment, and retaining riparian area of the natural streams were crucial and efficient means to protect the WGGs from pollution;

*“V” zone boundaries and Small House developments (R1 to R4, R6 to R8)*

- (vi) the draft DPA Plan was an interim plan which provided stopgap measures to provide planning guidance and facilitate development control within the Area. The boundaries of the “V” zone would be further reviewed during the course of the OZP preparation to take account of the results of relevant assessment/studies on various aspects including Small House demand and developments, the review of Small House Policy, traffic, infrastructure, conservation value, environmental setting and landscape character. Relevant stakeholders’ views would be taken into account where appropriate;
- (vii) as advised by the District Lands Officer/Tsuen Wan & Kwai Tsing of Lands Department (DLO/TW&KT, LandsD), under the Small House Policy, any Small House development and NTEH redevelopment required approval from the Government and should comply with all the Government requirements. In particular, comments from the Director of Environmental Protection (DEP) and D of WS would be

sought to ensure that the surrounding environment would not be adversely affected;

- (viii) DEP advised that septic tanks were required for Small House developments as a stopgap measure and the design of septic tank should follow the Environmental Protection Department (EPD)'s Practice Note for Professional Person (ProPECC PN) 5/93 "Drainage Plans subject to Comment by the EPD". There was existing public sewerage near Chuen Lung along Route Twisk and the planned village sewerage to serve the "V" zones would be provided. According to the latest statistics in December 2013, the rate of sewer connection reached 89%. As for the discharge from the restaurants in CLV, it was regulated through a discharge licence issued under the Water Pollution Control Ordinance;

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

*Grounds of adverse representations (R9 to R16 and R19)*

*High ecological value (R9 to R11 and R19)*

- (ix) the information about the rare species and ecological value of the Area provided in the representations (R9 to R11 and R19) and the intensive use of the Area for biological and geography field studies (R9 to R11 and R19) were noted. The Director of Agriculture, Fisheries and Conservation (DAFC) advised that the conservation status of the rare species mentioned by R9 to R11 and R19 was generally in order;

*"Unspecified Use" designation (R9, R13 to R17)*

- (x) according to the Notes of the draft DPA Plan, for area designated as "Unspecified Use", any use or development



other than those always permitted should require the permission from the Board under section 16 of the Ordinance. The planning submission should be supported with relevant technical impact assessments (R9);

- (xi) the DPA Plan was an interim plan which would be replaced by an OZP within three years. In the preparation of the OZP, land use zonings for the Area would be comprehensively reviewed subject to a more detailed analysis of the land use pattern, infrastructural provisions, ecological values, local need and protection of WGGs (R9, R13 to R17);

*Objection to any development (R12)*

- (xii) the general planning intention of the Area was to protect the natural habitats and the rural landscape which complemented the overall natural environment and the landscape beauty of the surrounding TLCP and TMSCP, and to prevent haphazard developments in the Area. The preparation of the draft DPA Plan was a stopgap measure which provided planning guidance and development control over the Area and to enable enforcement actions to be taken against any UD. Land use zonings for the Area would be comprehensively reviewed subject to a more detailed analysis during the preparation of the OZP;

*Grounds of representations not directly related to the Draft DPA Plan*

*Repairing licensed/squatter structures (R17)*

- (xiii) DLO/TW&KT advised that there was no restriction on the use of materials for repairing domestic structures under Government Land Licence. For surveyed squatter structures built on Government land, the repairing materials were

governed by the prevailing Squatter Control Policy. The Squatter Control Unit of LandsD advised that any application involving change in the repairing materials would not be considered;

*Environmental/health/safety concerns on the HKGC (R18)*

- (xiv) DEP advised that there was prevailing handling practice that used lead bullets/shots and empty bullet cartridges were collected by the HKGC for proper disposal/recycling. DEP had kept liaising with the HKGC to ensure the above practice was strictly followed. As such, water and land contamination by lead bullets/shots and cartridges was envisaged to be minimal. In accordance with the inspections at the HKGC by DEP, no discharge from the shooting range was observed. Testing results of water samples nearby watercourse did not indicate signs of lead contamination. The Director of Health had no particular comment on the potential human health risk of the HKGC; and
- (xv) on safety aspect, DLO/TW&KT advised that Special Condition (23) of the lease stipulated the requirements on safety measures for the HKGC to follow;

Responses to Representers' Proposals

- (z) the responses to the representers' proposals (R1 to R9, R12 to R14, R18 and R19) were summarised as follows:

*Conservation zonings (R1 to R12 and R19)*

- (i) from a nature conservation perspective, DAFC considered that the natural streams in the Area were generally of good condition with conservation value. However, DAFC had no

plan to designate the natural streams or any area in the Area as “SSSI”. For woodlands, DAFC generally supported the “CA” zoning for ‘fung shui’ woodlands subject to further studies. The Chief Town Planner/Urban Design & Landscape, PlanD agreed that “CA” zone might be considered for undeveloped and undisturbed secondary woodland area from the landscape point of view. In any event, any proposed conservation zonings including “CA”, “SSSI” and “GB” should be designated in accordance with the Hong Kong Planning Standards and Guidelines. During the course of the OZP preparation, appropriate conservation zonings and boundaries would be further considered for the Area subject to detailed analysis and studies;

- (ii) the Director of Leisure and Cultural Services advised that the Government had other existing mechanism to protect the Tsang Ancestral Hall. The designation of heritage zoning for conservation of the Tsang Ancestral Hall was not necessary;

*Country park designation (R4)*

- (iii) the Area was not a country park enclave. Country park designation was under the jurisdiction of the Country and Marine Parks Authority governed by the Country Parks Ordinance (Cap. 208) which was outside the purview of the Board;
- (iv) DAFC advised that the incorporation of an area in a country park should be assessed against established principles and criteria which included conservation value, landscape and aesthetic value, recreation potential, size, proximity to existing country parks, land status and existing land use. Currently, DAFC had no plan to include the Area into country

parks having considered that the existing land uses of the Area appeared incompatible with country park environment;

*Protection of WGGs (R8)*

- (v) WSD had existing policies, measures and requirements to control the activities and developments and to protect the water quality in the WGGs;

*“V” zones boundaries, designation and Notes of “V” zone (R4, R5 and R8)*

- (vi) CLV was a recognised village and the Chuen Lung VEA was covered by an adopted Layout Plan No. L/TW-CL/1. The planning intention of the “V” zone would be defeated if NTEH was put under Column 2 of the Notes of the “V” zone and the “V” zone for the Chuen Lung VEA was deleted;
- (vii) DLO/TW&KT considered that Small House developments in private land within “V” zone were permissible and in view of the pressing demand for Small House sites, he had reservation on R4’s proposal to move ‘House (NTEH only)’ from Column 1 to Column 2 of the “V” zone;
- (viii) ‘House (not elsewhere specified)’ was already a Column 2 use under the “V” zone;
- (ix) the boundaries of the “V” zone would be further reviewed and refined during the preparation of the OZP to take account of the results of relevant assessment/studies on various aspects;
- (x) according to the Notes of the “V” zone, ‘Eating Place’ (which included restaurant) on ground floor of a NTEH was a Column 1 use and always permitted. For ‘Eating Place’ not

on the ground floor of a NTEH within the “V” zone, it might be permitted with or without conditions on application to the Board;

*“R(C)” zone designation (R13 and R14)*

- (xi) the subject lots were all within the Upper Indirect WGG. The proposed “R(C)” zoning for the lots might or might not be permitted depending on the assessment of the impact on the WGG. During the course of the preparation of the OZP, detailed analysis and assessment of the land use proposals for these lots by taking account of all other relevant aspects including infrastructural provisions, protection of WGGs, etc. would be carried out. It was not appropriate at this stage to consider designating “R(C)” zone for the subject lots on the draft DPA Plan; and

*Zoning boundary of the HKGC (R18)*

- (xii) the HKGC was governed by a private recreational lease. According to DLO/TW&KT, the boundary of HKGC had taken into account the comments from the concerned departments, in particular the necessary fulfillment of the licensing safety requirements of the Commissioner of Police to enlarge the safety buffer zone of the shooting ranges. The Secretary for Home Affairs had advised that the lease was to be renewed under the Government’s policy and DLO/TW&KT was now processing the renewal application. The boundary of HKGC would be subject to further departmental consideration. During the course of OZP preparation, DLO/TW&KT would be consulted regarding the boundary of HKGC before the zoning designation for the HKGC;

- (aa) the responses to R4' proposals which were not directly related to the draft DPA Plan were summarised as follows:

*Preparation of village layout plan (R4)*

the "V" zone for the Chuen Lung VEA was already covered by an adopted Layout Plan No. L/TW-CL/1. For the "V" zone of CLV, the preparation of village layout plans (VLPs) would generally depend on a number of factors such as the implementation prospect of the VLPs, manpower and priority of works within PlanD. The draft DPA Plan had just been completed. An OZP with specific land use zonings should be prepared before a layout plan could be contemplated. As the boundary of the "V" zone of CLV would be further reviewed during the course of the OZP preparation, the need for preparation of a new VLP for the "V" zone of CLV to be covered by the OZP would be considered as appropriate;

Response to Comment

- (bb) the draft DPA Plan was an interim plan which provided stopgap measures to provide planning guidance and to facilitate development control within the Area. Due to the urgency to establish planning control under the draft DPA Plan, the Area, except land within the "V" zone, had been designated as "Unspecified Use" pending detailed analysis and studies to establish the appropriate land uses in the course of preparation of the OZP. The "Unspecified Use" area on the draft DPA Plan covered a land area of 207.16 hectares and TWTL 389 was only a small part of it. It was considered not appropriate to include club and hotel uses in Column 1 of the "Unspecified Use" area. Detailed analysis and assessment of the land use proposals for TWTL 389 would be carried out during the preparation of the OZP;

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

PlanD's Views

- (cc) the supportive views of representations No. R1 to R7 and the views of R8, R17 and R18 were noted; and
- (dd) PlanD did not support the adverse representations No. R9 to R16 and R19 as well as the proposals from representers No. R1 to R9, R12 to R14, R18 and R19.

93. The Chairman then invited the representatives of the representers and commenter to elaborate on the representations.

R6 – WWF(HK)

94. With the aid of a Powerpoint presentation, Mr Andrew Chan made the following main points:

- (a) the general planning intention of the draft DPA Plan to protect the natural habitats and the rural landscape and to prevent haphazard developments in the Area was supported;
- (b) the following proposals were recommended for the future OZP:
  - (i) there were a number of freshwater streams in the Area. In general, the streams were in natural state with their adjacent areas covered by dense vegetation. Species of conservation interest such as Hong Kong Newt (*Paramesotriton honkongensis*)(香港瘰螈) had been recorded in the streams. In order to minimise potential human impact on the natural streams, the streams and their riparian areas of 30 metres on both sides should be zoned as “CA”;

- (ii) the secondary woodlands in Ha Fa Shan and Tit Lo Shing were important landscape resources in the Area. They also served as ecological linkages with the surrounding country parks. Those woodland areas should also be zoned as “CA”; and
  - (iii) Chuen Lung was one of the five sites in Hong Kong where the rare species of Yellow Coster (*Acraea issoria*) (苧麻珍蝶) had been recorded. The host plant of Yellow Coster, *Boehneria nivea* (苧麻), was closely associated with agricultural activities. Noting that dumping activities had previously been recorded in Chuen Lung, it was proposed to designate the active agricultural land in the Area as “GB” or even “CA” to guard against unauthorised landfilling activities; and
- (c) according to a site visit conducted on 7.1.2014, suspected sewage discharge to streams through U-channel from a restaurant in CLV had been found. As commercial uses such as ‘Eating Place’ were always permitted on the ground floor of NTEHs within the “V” zone, the potential impacts on the stream habitats as well as the delineation of “V” zone boundary should be carefully assessed in order to avoid pollution of the streams.

#### R8 – KFBGC

95. With the aid of a Powerpoint presentation, Mr Tony Nip made the following main points:

- (a) there were several streams in the Area which were large in size. The streams were generally in natural condition despite their water quality had to some extent been affected by developments in the Area;



- (b) rare fauna species with high ecological value had been recorded in and along the streams. They included Hong Kong Newt, Yellow Coster, Hong Kong Cascade Frog (*Amolops hongkongensis*)(香港湍蛙), Predaceous chub (*Parazacco spilurus*)(異鱸) and Red Muntjac (*Muntiacus muntjak*) (赤麂). Moreover, native orchids, i.e. *Liparis stricklandiana* (扇唇羊耳蒜) and *Liparis viridiflora* (長莖羊耳蒜), were found in the upper reaches of one of the streams and TMSCP, while the lower sections of the stream were potential habitats for these orchid species. In the light of the above, all the streams and their riparian zones should be properly protected;
- (c) the landscape value of the Area was high and should be preserved. The Area was classified with high landscape value under PlanD's "Landscape Value Mapping of Hong Kong". Ha Fa Shan was located along a popular hiking trail leading to Yuen Tsuen Ancient Trail, while Chuen Lung was predominantly occupied by a rural setting where active farming activities could be found;
- (d) the "V" zone boundary of CLV and the Chuen Lung VEA were not supported as there were streams currently flowing through or close to the areas zoned "V". There were concerns that developments within the "V" zone would cause pollution to the streams and the WGGs downstream;
- (e) a few restaurants were already operating in the villages where cutlery, dishes and kitchen utensils were washed immediately next to the stormwater U-channels. As 'Eating Place' was always permitted on the ground floor of NTEHs within the "V" zone, there was concern that effluent from the restaurants would be discharged to the streams and would adversely affect the water quality;
- (f) it was unclear whether the Area was served by existing public sewers.

As the Area fell within the Upper and Lower Indirect WGGs, it was worried that the village developments, which relied on septic tanks for sewage treatment, would adversely affect the water quality of the WGGs. While the Government had plans to connect the village houses to public sewers under the Drainage Services Department (DSD)'s Project on Sewerage Works for Ha Fa Shan, Kiu Tau Village, Wang Lung and Ma Tong, the project was scheduled to commence in 2018 for completion by 2023 which would be well after the publication of the first OZP for the Area in 2017. The planned public sewerage works would not be timely in place to serve the Chuen Lung VEA to avoid pollution of the natural streams and the WGGs;

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

- (g) even in areas where public sewerage network was in place, not all village houses were connected to public sewers. A case study of two villages in Yuen Long, where public sewerage works were completed in 2000 and 2005, revealed that the connection rate of village houses in 2010 was as low as zero. The reasons for not connecting to public sewers included insufficient land within the private lot for construction of terminal manholes; villagers considered it unfair to make sewer connection at their own expenses; and branch sewers and tapping points were located far away from the lot boundaries of the village houses;
- (h) the Board was responsible for designating a practical and feasible plan to effectively protect the species of conservation importance and to ensure that the water quality within the WGGs was free from foreseeable pollution impact and safe for human consumption; and
- (i) it was proposed to reduce the size of the "V" zone of CLV and to delete the Chuen Lung VEA which was physically separated from the existing village cluster. All the streams and their riparian zones as

well as the woodland habitats in the Area should be zoned as “CA”.

R13 – Deacon T.K. Chiu represented by Toco Planning Consultants Limited

R14 – Tat Fung Enterprises Co. Limited represented by Toco Planning Consultants Limited

R15 – Deacon T.K. Chiu

R16 and C1 – Tat Fung Enterprises Co. Limited

96. With the aid of a visualiser, Mr Ricky Li made the following main points:
- (a) the representers were the owners of various private lots in the Area. The concerned land was bought by the representers in the 1960s and 1970s and the representers previously had recreational development proposals such as Tong City and Sung City on the land. Those proposals were later shelved due to the lack of transport and other supporting facilities;
  - (b) the representers had been examining the feasible development options on the concerned land. The current proposal was to develop the land for a low-density residential development. To take forward the proposal, a team of consultants had been lined up to conduct studies and technical assessments in support of the proposed development. As the concerned land was designated as “Unspecified Use” on the draft DPA Plan, a planning application for the proposed development would be submitted for the consideration of the Board in due course; and
  - (c) the concerned land had been the subject of landfilling activities by some unknown people in 2013. While the representers had been vigilant in cleaning up the dumps and fencing off the land to protect the environment, developing the land for residential use was considered as the most effective means to deter further landfilling activities.

97. Mr Chan Tat Choi made the following main points:

- (a) Chuen Lung was at an accessible location close to Tsuen Wan, Kam Tin, Yuen Long and Tuen Mun and had become a popular spot for tourists and hikers in recent years. Taking into account the geographical location and recreational potential of the Chuen Lung and in the light of the shortage of developable land in Hong Kong, it was considered that Chuen Lung could be developed into a rural township with a diversity of land uses to meet the different needs of Hong Kong people. Such proposal would not only optimise the development potential of land resources but also help conserving the natural environment; and
- (b) before the publication of the draft DPA Plan, a team of professionals had already been formed to assess the development potential of the landholding of the representers. The current proposal was to develop the subject land for private residential development with PRs ranging from 0.4 to 0.75, providing 10 to 12 houses. According to the preliminary assessments, the proposed residential development would not entail insurmountable traffic, environmental and visual impacts on the surrounding areas. The proposed residential development would be compatible with the surroundings and could help improve the visual amenities of the area. It would also prevent undesirable landfilling activities that had previously occurred at the site.

R19 – HKNEAC

98. Mr Wong Chi Chun made the following main points:

- (a) he was a biology teacher at HKNEAC which was a subsidised education institution located near Chuen Lung. HKNEAC had been providing free astronomy, biology and geography courses to primary

and secondary students. More than 10,000 students were received by HKNEAC per year;

- (b) HKNEAC had been intensively engaged in biology and geography field studies, particularly in the natural habitats of the freshwater streams in the Area. During 2012 to 2013, HKNEAC conducted field studies for over 6,500 students;

[Mr Francis T.K. Ip left the meeting at this point.]

- (c) the ecology of the freshwater streams in the Area was extremely diverse. A number of rare species, including Hong Kong Newt, Hong Kong Cascade Frog, *Nanhaipotamon hongkongense* (香港南海溪蟹) and the short-lived *Ephemeroptera* (蜉蝣), could be found along the streams;
- (d) the designation of “Unspecified Use” areas on the draft DPA Plan was insufficient to protect the natural habitats in the Area. In particular, the effluent discharge from the existing restaurants in Chuen Lung had posed a pollution threat to the stream habitats. In the light of the high biodiversity of organisms, the rural landscape and natural streams and the importance of ‘fung shui’ woodland as an integral part of the stream ecosystem, the streams and their adjacent areas in Ma Tong and Chuen Lung should be rezoned to “CA” or “SSSI”; and
- (e) the watercress fields and terraced fields in the Area were of high landscape and conservation values. Any intensive village development and large-scale residential development would not be compatible with the rural character of the Area.

[Mr Laurence L.J. Li arrived at the meeting at this point.]

99. As the representatives of the representers and commenter had finished their presentations, the Chairman invited questions from Members.

100. The Vice-chairman enquired about the location of HFSV. He also asked the representatives of PlanD whether the process of designating “V” zone on the draft DPA Plan had been explained to the VRs of HFSV (R17). In response, Mr Wilson W.S. Chan, DPO/TWK, said that HFSV comprised a number of licensed/squatter structures scattering in Ha Fa Shan in the southwestern part of the Area. Although R17 claimed that HFSV was a village with a history of over 200 years, HFSV was not a recognised village as per the ‘List of New Territories Small House Policy Recognized Village’ (the List) adopted by LandsD and hence it had no ‘VE’. As such, HFSV was designated as “Unspecified Use” on the draft DPA Plan. While R17 would endeavour to incorporate HFSV into the List, PlanD had explained to R17 that whether HFSV would be zoned “V” on the future OZP was subject to its status under the List at the prevailing time. LandsD and the relevant stakeholders would be further consulted on this issue during the preparation of the OZP.

101. The Chairman asked whether the use of septic tanks for village houses was acceptable in the Area which fell within the WGGs. Mr Wilson W.S. Chan said that there was existing public sewerage near Chuen Lung along Route Twisk. In addition, there were planned sewerage works to serve the village areas under DSD’s Project on Sewerage Works for Ha Fa Shan, Kiu Tau Village, Wang Lung and Ma Tong. Prior to the implementation of and connection to public sewers, septic tanks were required for Small House developments as an interim measure. The design of septic tank should follow the EPD’s ProPECC PN 5/93 “Drainage Plans subject to Comment by EPD”. Mr Chan continued to say that WSD had existing policies, measures and requirements to control the activities and developments and to protect the water quality in the WGGs. New developments in CLV and the Chuen Lung VEA, which fell within the Upper Indirect WGG, might or might not be permitted depending on the impact assessment on the WGG. LandsD when processing the Small House applications would consult the relevant government departments including WSD to ensure that the proposed development would not generate any adverse impact on the WGGs. For proposed developments within the Lower Indirect WGG, they would not be permitted as the risk of pollution to the WGGs was higher.

102. The Chairman enquired about the background of “V” zone designation for the Chuen Lung VEA. In response, Mr Wilson W.S. Chan said that CLV was the only recognised village in the Area and its existing village cluster was located mainly to the north of a stream (i.e. northern part of the “VE”). In order to avoid the natural terrain and disturbance to the extensive dense vegetation, the agricultural fields and the areas with high landscape value on the southern side of the stream (i.e. the southern part of the “VE”), a site outside the ‘VE’ in the southeast of CLV was proposed as the VEA and its Layout Plan (No. L/TW-CL/1) was adopted in 1994 to meet the future Small House demand. The VEA was zoned “V” on the draft DPA Plan.

103. As Members had no further questions, and the representatives of the representers and commenter had nothing to add, the Chairman said that the hearing procedures had been completed, and that the Board would deliberate on the representations in their absence and would inform them of the Board’s decision in due course. The Chairman thanked the representatives of representers, commenter and PlanD for attending the hearing. They all left the meeting at this point.

#### Deliberation Session

104. Members generally noted that the preparation of the DPA Plan provided a stopgap measure to effect planning control over the Chuen Lung area.

105. Members also noted and agreed to the following responses to the grounds of representations as suggested by PlanD:

#### “Unspecified Use” designation

- (i) owing to the urgency to establish planning control under the DPA plan, apart from the areas zoned “V” for the recognised village of Cheung lung and its VEA, majority of the Area had been designated as “Unspecified Use”. Detailed land use zonings would be worked out during the OZP preparation stage. In the interim, any development proposal within the “Unspecified Use” area could be submitted to the Board for consideration under section 16 of the

Ordinance. Each application would be considered on individual merits;

Ecological value

- (ii) the supportive views on the DPA Plan and the information about the rare species and ecological value of the Area were noted. Due consideration would be given to the importance of the rich variety of flora and fauna within the Area at the OZP preparation stage;

“V” zone boundary

- (iii) the boundaries of the “V” zones were drawn up provisionally around the existing village cluster and the proposed Chuen Lung VEA as shown on the Layout Plan No. L/TW-CL/1 having regard to the existing village houses and building structures, approved Small House applications, the ‘VE’ and the existing site conditions. In addition, areas of difficult terrain, dense and mature vegetation, large pieces of active agricultural land and the natural stream with high flooding risk were avoided as far as possible. In the course of the preparation of OZP, detailed analysis and studies to establish the appropriate land uses would be conducted;

Incorporating the Area into Country Park

- (iv) country park designation was under the jurisdiction of the Country and Marine Parks Authority governed by the Country Parks Ordinance (Cap. 208) which was outside the purview of the Board; and

Protection of WGGs

- (v) WSD had existing policies, measures and requirements to control the activities and developments and to protect the water quality in the WGGs.

106. After further deliberation, Members agreed to note the supportive views of representations No. R1 to R7 and the views of R8, R17 and R18.



107. Members decided not to uphold representations No. R9 to R16 and R19 and that no amendment should be made to the DPA Plan to meet the proposals of representers No. R1 to R9, R12 to R14, R18 and R19. Members then went through the advice and responses to the representers, and the reasons for not upholding the representations and not to amend the draft DPA Plan to meet the representations as detailed in paragraphs 7.2 to 7.5 of the Paper and considered that they should be suitably amended.

#### Representations No. R1 to R7

108. After further deliberation, the Board decided to note the supportive views of Representations No. R1 to R7 and advise the representers of the following:

- “(a) the draft DPA Plan is intended to protect the natural habitats and prevent haphazard developments in the Area. It is an interim plan which will be replaced by an Outline Zoning Plan (OZP) within 3 years. In the preparation of the OZP, land use zonings for the Area will be comprehensively reviewed subject to a more detailed analysis of the land use pattern, infrastructural provisions, ecological value, protection of water gathering grounds (WGGs), local needs, etc. Relevant stakeholders including green groups, the Tsuen Wan District Council and the Tsuen Wan Rural Committee will be consulted (R1 to R7);

#### *Unauthorised developments*

- (b) the gazetting of the draft DPA Plan enables enforcement actions to be taken against any unauthorised development under the Town Planning Ordinance (the Ordinance) by the Planning Authority. Should there be any unauthorised development within the area covered by the draft DPA Plan, the Planning Authority will take enforcement and prosecution actions (R7); and

#### *Small House developments*

- (c) Small House developments in “V” zones are governed by the Small House Policy under which all the Government requirements shall be complied with such that no adverse environmental impact would be caused. Septic tanks are required for Small House developments as a stopgap measure before the planned sewerage system serving the “V” zones will be provided. The design of the septic tanks should follow Environmental Protection Department (EPD)’s ProPECC PN 5/93 “*Drainage Plans subject to Comment by the EPD*” (R4 and R6).”

109. The Board also decided not to amend the draft DPA Plan to meet the proposals of Representations No. R1 to R7 for the following reasons:

*Conservation Zonings*

- “(a) while the conservation of the habitats of rare species in the Area is generally supported, the details of the designation of appropriate conservation zonings need to be carefully studied in the course of OZP preparation to ensure that a balance between nature conservation and development should be struck. The detailed zoning boundaries and restrictions will be worked out during the course of the OZP preparation taking into account relevant assessments/studies (R1 to R7);

*Country park designation*

- (b) the Area is not a country park enclave. The designation of the Area as Country Park is under the jurisdiction of the Country and Marine Parks Authority governed by the Country Parks Ordinance (Cap. 208) which is outside the purview of the Board (R4);

*“V” zone boundaries, designation and Notes of “V” zones*

- (c) the planning intention of the “V” zone is to reflect the existing recognised village and to provide land considered suitable for village expansion. The boundaries of the “V” zones are drawn up provisionally around the existing village cluster and the proposed Chuen Lung Village Expansion Area (VEA) as shown on the Layout Plan No. L/TW-CL/1 having regard to the existing village houses and building structures, approved Small House applications, the village ‘environs’ and the existing site conditions. In addition, areas of difficult terrain, dense and mature vegetation, large pieces of active agricultural land and the natural stream with high flooding risk were avoided as far as possible. The boundaries of the “V” zones will be further reviewed during the course of the OZP preparation (R1 to R5 and R7);
  
- (d) ‘House (not elsewhere specified)’ is already a Column 2 use under the “V” zone. The planning intention of the “V” zone will be defeated if ‘House (New Territories Exempted House (NTEH) only)’ is moved from Column 1 to Column 2 of the Notes of the “V” zone (R4); and
  
- (e) according to the Notes of the “V” zone, ‘Eating Place’ (which includes restaurant) on ground floor of a NTEH is a Column 1 use and always permitted. ‘Eating Place’ on the upper floor of a NTEH within the “V” zone is a Column 2 use that may be permitted with or without conditions on application to the Board (R4).”

110. The Board also agreed to provide the following responses to the proposals of Representation No. R4 that were not directly related to the DPA Plan:

***Preparation of village layout plan***

“the “V” zone for the Chuen Lung VEA is already covered by an adopted Layout Plan No. L/TW-CL/1. For the “V” zone of the Chuen Lung Village (CLV), the preparation of a village layout plan (VLP) will

generally depend on a number of factors such as the implementation prospect of the VLPs, manpower and priority of works within PlanD. The draft DPA Plan has just been completed. An OZP with specific land use zonings should be prepared before a layout plan could be contemplated. As the boundary of the “V” zone will be further reviewed during the course of the OZP preparation, the need for preparation of a new VLP for the “V” zone of the CLV to be covered by the OZP will then be considered as appropriate.”

Representations No. R8, R17 and R18

111. After further deliberation, the Board decided to note the views of Representations No. R8, R17 and R18 and advise the representers on the following:

“(a) the draft DPA Plan is intended to protect the natural habitats and prevent haphazard developments in the Area. It is an interim plan which will be replaced by an Outline Zoning Plan (OZP) within 3 years. In the preparation of the OZP, land use zonings for the Area will be comprehensively reviewed subject to a more detailed analysis of the land use pattern, infrastructural provisions, ecological value, protection of water gathering grounds (WGGs), local needs, etc. Relevant stakeholders including green groups, the Tsuen Wan District Council and the Tsuen Wan Rural Committee will be consulted (R8, R17 and R18); and

*Small House developments*

(b) Small House developments in “V” zones are governed by the Small House Policy under which all the Government requirements shall be complied with such that no adverse environmental impact would be caused. Septic tanks are required for Small House developments as a stopgap measure before the planned sewerage system serving the “V” zones will be provided. The design of the septic tanks should follow Environmental Protection Department (EPD)’s ProPECC PN 5/93 “*Drainage Plans subject to Comment by the EPD*” (R8).”

112. The Board also decided not to amend the draft DPA Plan to meet the proposals of Representations No. R8 and R18 for the following reasons:

*Conservation Zonings*

- “(a) while the conservation of the habitats of rare species in the Area is generally supported, the details of the designation of appropriate conservation zonings need to be carefully studied in the course of OZP preparation to ensure that a balance between nature conservation and development should be struck. The detailed zoning boundaries and restrictions will be worked out during the course of the OZP preparation taking into account relevant assessments/studies (R8);

*Protection of WGGs*

- (b) the protection of the WGGs from pollution will be duly considered in the course of OZP preparation. Meanwhile, the Water Supplies Department has existing policies, measures and requirements to protect the water quality in the WGGs (R8);

*“V” zone boundaries, designation and Notes of “V” zones*

- (c) the planning intention of the “V” zone is to reflect the existing recognised village and to provide land considered suitable for village expansion. The boundaries of the “V” zones are drawn up provisionally around the existing village cluster and the proposed Chuen Lung Village Expansion Area (VEA) as shown on the Layout Plan No. L/TW-CL/1 having regard to the existing village houses and building structures, approved Small House applications, the ‘village environs’ and the existing site conditions. In addition, areas of difficult terrain, dense and mature vegetation, large pieces of active agricultural land and the natural stream with high flooding risk

were avoided as far as possible. The boundaries of the “V” zones will be further reviewed during the course of the OZP preparation (R8); and

*Zoning boundary of the HKGC*

- (d) the lease renewal application of the HKGC is being processed under the Government’s policy and the lot boundary of the HKGC will be subject to further consideration. During the course of OZP preparation, LandsD will be consulted before deciding on the zoning boundary for the HKGC site (R18).”

113. The Board also agreed to provide the following responses to the grounds of Representations No. R17 and R18 that were not directly related to the DPA Plan:

*Materials for repairing licensed/squatter structures*

- “(a) according to the Government’s policy, there is no restriction on the use of materials for repairing domestic structures under the Government Land Licence while application for repair involving change in the materials for surveyed squatter structures on Government land would not be considered (R17); and

*The Hong Kong Gun Club*

- (b) there is prevailing handling practice of proper disposal/recycling of used lead bullets and cartridges to minimise water and land contamination. The requirements of safety measures for the HKGC site are governed by the lease (R18).”

Representations No. R9 to R16 and R19

114. After further deliberation, Members decided not to uphold Representations No. R9 to R16 and R19 and not to amend the draft DPA Plan to meet the proposals of the representations for the following reasons:

- “(a) the draft DPA Plan is intended to protect the natural habitats and prevent haphazard developments in the Area. It is an interim plan which will be replaced by an Outline Zoning Plan (OZP) within 3 years. In the preparation of the OZP, land use zonings for the Area will be comprehensively reviewed subject to a more detailed analysis of the land use pattern, infrastructural provisions, ecological value, protection of water gathering grounds (WGGs), local needs, etc. Relevant stakeholders including green groups, the Tsuen Wan District Council and the Tsuen Wan Rural Committee will be consulted (R9 to R16 and R19);

***“Unspecified Use” designation***

- (b) according to the Notes of the draft DPA Plan, for areas designated as “Unspecified Use”, any use or development other than those always permitted shall require the permission from the Town Planning Board (the Board) under section 16 of the Ordinance. The planning submission should be supported with relevant technical impact assessments (R9);

***Conservation Zonings***

- (c) while the conservation of the habitats of rare species in the Area is generally supported, the details of the designation of appropriate conservation zonings need to be carefully studied in the course of OZP preparation to ensure that a balance between nature conservation and development should be struck. The detailed zoning boundaries and restrictions will be worked out during the course of the OZP preparation taking into account relevant assessments/studies (R9 to R12 and R19); and

***Residential (Group C) (“R(C)”) zone designation***

- (d) detailed land use assessments for the Area taking account of various aspects will be undertaken during the OZP preparation. Therefore, it is not appropriate at this stage to consider designating “R(C)” zone on the draft DPA Plan (R13 and R14).”

Comment No. C1

115. The Board agreed to provide the following responses to Comment No. C1:

“The draft DPA Plan is an interim plan which provides stopgap measures to provide planning guidance and to facilitate development control within the Area. Detailed analysis and assessment of the land use proposals for the Area including TWTL 389 will be carried out during the preparation of the OZP. It is considered not appropriate to include club and hotel uses in Column 1 of the “Unspecified Use” area.”

116. As the attendees of agenda items 7 and 8 had not yet arrived, Members agreed to proceed with item 9 first.

[Mr H.F. Leung and Mr Frankie W.C. Yeung returned to join the meeting and Mr Sunny L.K. Ho left the meeting at this point.]

Tuen Mun & Yuen Long West District

**Agenda Item 9**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-HT/884

Temporary Warehouse for Storage of Mock-up Room of the Housing Development under Home Ownership Scheme and Public Housing for a Period of 3 Years in “Agriculture” zone, Lot 384 RP in D.D. 128 and Adjoining Government Land, Ha Tsuen, Yuen Long

(TPB Paper No. 9625)

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[The meeting was conducted in Cantonese.]



117. Ms Janice W.M. Lai had declared interests in this item as her spouse was a shareholder of a company owning two pieces of land in D.D. 124 and D.D. 125, Ha Tsuen. Members considered that as the said land would not be affected by the application, Ms Lai's interests were remote and she should be allowed to stay in the meeting. Members noted that Ms Lai had already left the meeting.

118. Mr W.S. Lau, District Planning Officer/Tuen Mun & Yuen Long West, Planning Department (DPO/TM&YLW, PlanD) was invited to the meeting at this point.

119. The Chairman extended a welcome and said that the applicant had indicated that he would not attend the meeting. As sufficient notice had been given to the applicant, Members agreed to proceed with the hearing in the absence of the applicant. He then invited DPO/TM&YLW to brief Members on the review application.

120. With the aid of a PowerPoint presentation, Mr W.S. Lau, DPO/TM&YLW, presented the application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission to use the application site (the Site) for temporary warehouse for storage of mock-up room of housing development under Home Ownership Scheme and public housing for a period of 3 years. The Site fell within an area zoned "Agriculture" ("AGR") on the approved Ha Tsuen Outline Zoning Plan (OZP) No. S/YL-HT/10;
- (b) on 7.2.2014, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) rejected the application for the following reasons:
  - (i) the development was not in line with the planning intention of the "AGR" zone, which was intended primarily to retain

and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong justification in the submission to merit a departure from such planning intention, even on a temporary basis;

- (ii) the development was not compatible with the rural neighbourhood and the surrounding residential dwellings;
  - (iii) there were adverse departmental comments and the development would have adverse drainage, landscape and environmental impacts on the surrounding areas; and
  - (iv) approval of the application would set an undesirable precedent for applications for other developments within the “AGR” zone, the cumulative effect of which would result in a general degradation of the environment of the “AGR” zone;
- (c) on 12.3.2014, the applicant applied for a review of the RNTPC’s decision to reject the application. The applicant had not submitted any written representation in support of the review;
- (d) the Site had been subject to planning enforcement action against an unauthorised development (UD) involving storage use. Enforcement Notice was issued on 27.6.2013 requiring the concerned parties to discontinue the UD. Since the requirements of the statutory notice had not been complied with upon expiry of the notice, prosecution action against the concerned parties was in progress;
- (e) departmental comments – comments from the relevant Government departments were detailed in paragraph 4 of the Paper and summarised below:

- (i) the District Lands Officer/Yuen Long, Lands Department, advised that no structure was allowed to be erected on the private land within the Site without prior approval of the Government. No permission had been given for the proposed use and/or the occupation of the Government land (about 603m<sup>2</sup>) on the Site and no application for Short Term Wavier and Short Term Tenancy were received as far as the application was concerned. Should planning approval be given, the lot owner would need to apply to his office to permit structure to be erected to regularise any irregularities on the Site;
- (ii) the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) advised that the applicant was required to indicate the location of the proposed 400mm U-channel in the drainage proposal and provide further substantiation and supporting information on the impact of the development on the overland flow from adjacent areas;
- (iii) the Commissioner for Transport (C for T) advised that the application would unlikely generate significant adverse traffic impact on Deep Bay Road but the applicant did not submit sufficient traffic data to back-up his application;
- (iv) the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the Site and along the access road (Deep Bay Road) (the closest being about 55m away) and environmental nuisance was expected;
- (v) the Director of Agriculture, Fisheries and Conservation (DAFC) advised that the Site was close to the “Coastal

Protection Area (“CPA”) zone and a watercourse flowing towards the “CPA” zone and Deep Bay. Some ponds/wetlands were also located in vicinity of the Site. The site runoff or effluent discharge might result in potential pollution to the nearby environment;

- (vi) the Chief Town Planner/Urban Design & Landscape (CTP/UD&L), PlanD objected to the application from the landscape planning point of view. The Site was situated in an area of rural landscape character but disturbed by open storage use. Although tree planting was proposed along the site boundary, the proposed use was not compatible with the surrounding rural landscape character. In addition, disturbance to existing landscape resource had taken place. Approval of the application would likely encourage more open storage use in the area leading to further deterioration of the rural landscape character; and
  - (vii) other relevant government departments had no objection to or no adverse comment on the application;
- (f) previous applications – the application site was the subject of three previous applications (No. A/YL-HT/414, 458 and 471). Application No. A/YL-HT/414 covering a much larger site of about 52 hectares for a temporary racing circuit within the “AGR” and “Green Belt” (“GB”) zones for a period of 3 years was rejected by RNTPC on 29.7.2005. Applications No. A/YL-HT/458 and 471 for temporary warehouse uses were rejected by the RNTPC/Board on 1.9.2006 and 30.3.2007 respectively on the grounds that the development was not in line with the planning intention of the “AGR” zone, insufficient information to demonstrate that the development would not have adverse environmental and traffic impacts on the surrounding areas, and approval of the application would set an undesirable precedent for similar applications within

the “AGR” zone;

- (g) similar application – there was one similar application within the “AGR” zone along Deep Bay Road. Application No. A/YL-HT/856 for temporary open storage of construction materials and warehouse use was rejected by the Board upon review on 15.11.2013 for the reasons that the development was not in line with the planning intention of the “AGR” zone, the development was not in line with the TPB Guidelines PG-No. 13E for Application for Open Storage and Port Back-up Uses in that no previous approval had been granted for the site, there were adverse departmental comments, and approval of these applications would set an undesirable precedent;
- (h) public comment – during the statutory publication period at the section 17 review stage, no public comment was received. At the section 16 application stage, there was one public comment objecting to the application for the reasons that the application was not in line with the planning intention of the “AGR” zone, there was no environmental, traffic, drainage, sewage assessments provided, the amount of farmland was diminishing drastically in Hong Kong and threatened Hong Kong’s food security and homogenised Hong Kong culture and economy, and the approval of the application would set an undesirable precedent; and
- (i) PlanD’s view – PlanD did not support the review application based on the planning considerations and assessments set out in paragraph 6 of the Paper, which were summarised below:
  - (i) the Site was zoned “AGR” which was intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

The applicant had not provided any strong planning justification in the submission to merit a departure from the planning intention of the “AGR” zone, even on a temporary basis;

- (ii) the Site was located in a tranquil rural neighbourhood, and surrounded by abandoned farmland and fishponds. There were isolated residential dwellings in the vicinity of the Site and the area to the north of Deep Bay Road was predominated by fishponds and unused land under the “CPA” zoning. The applied use was incompatible with the rural neighbourhood and the nearby residential dwellings. CTP/UD&L objected to the application from the landscape planning perspective as the proposed development was incompatible with the surrounding landscape character, and would incur adverse impact on the existing landscape character and resources;
- (iii) DEP did not support the application as there were environmentally sensitive uses in the vicinity of the site (the closest being about 55m away) and along the access road (Deep Bay Road) and environmental nuisance was expected. DAFC was concerned about the potential water pollution to nearby environment. In addition, CE/MN, DSD considered that the submitted drainage proposal had not demonstrated that the development would not overload the existing drainage system;
- (iv) the RNTPC/Board had not approved any application for warehouse/temporary storage/open storage uses within the subject “AGR” zone. Approval of the application would set an undesirable precedent and encourage other applications for similar development within the subject “AGR” zone. The cumulative effect of approving such

similar applications would result in a general degradation of the environment of the area; and

- (v) the applicant had not submitted any written representation to support the review application. There had been no major change in the planning circumstances of the case since the rejection of the application by the RNTPC.

121. As the presentation from the representative of PlanD had been completed, the Chairman invited questions from Members. As Members had no question, the Chairman thanked DPO/TM&YLW for attending the meeting. He left the meeting at this point.

#### Deliberation

122. Members generally noted that no strong planning justification had been provided in the submission to merit a departure from the planning intention of the “AGR” zone, even on a temporary basis. The applicant had not submitted any written representation to support the review application and there had been no major change in the planning circumstances of the case since the rejection of the application by the RNTPC. After discussion, Members agreed that the application for review should be rejected.

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

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

agricultural purposes. There is no strong justification in the submission to merit a departure from such planning intention, even on a temporary basis;

- (b) the development is not compatible with the rural neighbourhood and the surrounding residential dwellings;
- (c) there are adverse departmental comments and the development would have adverse drainage, landscape and environmental impacts on the surrounding areas; and
- (d) approval of the application will set an undesirable precedent for applications for other developments within the “AGR” zone, the cumulative effect of which will result in a general degradation of the environment of the “AGR” zone.”

Sha Tin, Tai Po and North District

**Agenda Items 7 and 8**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/NE-TK/495

Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lots 1024 S.C, 1025 S.B and 1028 S.A in D.D. 29, Ting Kok, Tai Po

Review of Application No. A/NE-TK/496

Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lots 1024 S.D and 1028 S.B in D.D. 29, Ting Kok, Tai Po

(TPB Paper No. 9628 and 9629)

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[The meeting was conducted in Cantonese.]

124. As the two applications for the same use were submitted by the same consultants and the two application sites were located in close proximity, members agreed that the two applications could be considered together.



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

- Mr Stanley Y.F. Wong - co-owning with spouse a flat and two car-parks at Deerhill Bay
- Mr H.W. Cheung - owning a flat at Heung Sze Wui Street
- Dr W.K. Yau - owning a flat and a shop at Kwong Fuk Road, and a house and three pieces of land at Cheung Shue Tan Village
- Mr Frankie W.C. Yeung - his company owning a flat at On Chee Road, Tai Po

126. As the properties of Mr Stanley Y.F. Wong, Mr H.W. Cheung, Dr W.K. Yau and Mr Frankie W.C. Yeung's company in Tai Po were far away from the application sites, Members agreed that their interests were remote and the above Members should be allowed to stay in the meeting. Members noted that Mr H.W. Cheung had already left the meeting and Dr W.K. Yau had tendered apologies for not being able to attend the meeting.

127. The following representative from the Planning Department (PlanD), the applicant of Application No. A/NE-TK/495 and the applicants' representatives were invited to the meeting at this point:

- Mr C.K. Soh - District Planning Officer/Sha Tin, Tai Po and North (DPO/STN), PlanD
- Mr Lam, Justin Chun Nam - Applicant of Application No. A/NE-TK/495
- Ms Betty Ho ]

Mr Lam Kwok Wai,	]	
Tommy		
Mr Wong Choi Ping	]	Applicants' representatives
Mr Cheng Pui Kan	]	
Ms Wong Kam Ping, Apple	]	

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

129. With the aid of a PowerPoint presentation, Mr C.K. Soh, DPO/STN, presented the applications and covered the following main points as detailed in the Paper:

- (a) the applicants sought planning permission to build a house (New Territories Exempted House (NTEH) – Small House) on each of the application sites (the Sites) which fell within an area zoned “Agriculture” (“AGR”) on the approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/17;
- (b) on 7.2.2014, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) rejected the applications for the following reasons:
  - (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) approval of the application would set an undesirable precedent for similar applications at the subject “AGR” zone, resulting in village expansion to the south of Ting Kok Road, leading to disturbance to landscape resources in the surrounding area and degradation of the existing agricultural/recreational landscape character.
- (c) on 14.3.2014, the applicants applied for review of the planning applications under section 17(1) of the Town Planning Ordinance (the Ordinance). The justifications put forth by the applicants in support of the review applications were highlighted in paragraph 3 of the Paper and summarised below:
- (i) the applications complied with the “Interim Criteria for Consideration of Application for NTEH/Small House in New Territories” (Interim Criteria) in that more than 50% of the footprint of each of the proposed Small Houses fell within the village ‘environs’ (‘VE’) and there was a shortage of land in meeting the demand for Small House development in “Village Type Development” (“V”) zone;
  - (ii) approving the applications would help meet the housing demand of the indigenous village and relieve the burden on the shortage of housing land in Hong Kong;
  - (iii) the Sites were located within Ting Kok Village and adjacent to the “V” zone. The proposed Small Houses were compatible with the surrounding village environment;
  - (iv) the Sites were the only available land that the applicants could buy for building the Small House developments. There was inadequate land within the “V” zone for Small House development. Many vacant land were used as road, car parking etc. Besides, some landowners did not want to

sell their land. Ting Kok Village was fully developed;

- (v) agricultural activities had long been ceased at the Sites which had been paved and used as a temporary barbecue site as approved by the RNTPC since 2007. As agriculture activities in the area had been ceased, the planning intention of “AGR” was no longer applicable;
  - (vi) the proposed Small Houses would not set an undesirable precedent. The Sites were currently paved and used as barbecue site with no landscape resources in the surrounding area. Compared with the approved barbecue site, the proposed Small Houses would be more compatible with the rural character. Approval of the applications would enhance the rural character and turn the existing temporary use into orderly development to improve the environmental quality;
  - (vii) the concerns of PlanD regarding the extensive village expansion to the south of Ting Kok Road was overstated as Ting Kok Tau Village was not a recognised village and only a small portion of land fell within the ‘VE’ of Ting Kok; and
  - (viii) the review applications were supported by the locals including the Indigenous Inhabitant Representatives (IIRs) and Resident Representative of Ting Kok;
- (d) departmental comments – comments from the relevant Government departments were detailed in paragraph 4 of the Paper and summarised below:
- (i) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from the

agricultural point of view. The Sites were located within “AGR” zone and had high potential for rehabilitation of agricultural activities;

- (ii) the Commissioner for Transport had reservation on the applications. Although additional traffic generated by the proposed developments were not expected to be significant, such type of development outside “V” zone, if permitted, would set an undesirable precedent case for similar applications in the future and the resulting cumulative adverse traffic impact could be substantial. Notwithstanding the above, as the subject applications only involve development of one Small House on each site, they could be tolerated unless it was rejected on other grounds;
- (iii) the Chief Town Planner/Urban Design and Landscape, (CTP/UD&L), PlanD objected to the applications from the landscape planning point of view. Although there was no landscape resources within the application boundaries, approval of the applications would set an undesirable precedent and encourage similar Small House applications at the subject “AGR” zone, resulting in village expansion to the south of Ting Kok Road, leading to disturbance to landscape resources in the surrounding area and degradation of the existing agricultural/recreational landscape character; and
- (iv) other relevant government departments had no objection to or no adverse comment on the applications;
- (e) previous applications – there was no previous application for Small House development at the Sites. The Sites were covered by five previous applications (No. A/NE-TK/235, 281, 360, 456 and 494) for temporary barbecue site and car park uses approved with

conditions by the RNTPC on 27.7.2007, 24.7.2009, 17.6.2011, 19.7.2013 and 25.4.2014 respectively;

- (f) similar application – there was no similar application for Small House development within the same “AGR” zone in the vicinity of the Sites;
- (g) public comments – during the statutory publication period at the section 17 review stage, eight public comments were received. Two public comments submitted by Designing Hong Kong Limited and Kadoorie Farm & Botanic Garden Corporation respectively objected to the applications mainly on the grounds that the proposed developments were not in line with the planning intention of the “AGR” zone, adverse ecological impact on the surrounding area would be caused and setting an undesirable precedent for similar applications; the “AGR” zone was ecologically linked to the nearby “Coastal Protection Area” (“CPA”) and “Site of Special Scientific Interest” (“SSSI”) zones along the shore; no environmental, traffic, drainage and sewerage assessments had been provided; and the applicants failed to confirm that there was appropriate access and parking. The six public comments submitted by the Vice-Chairman of Tai Po District Council (TPDC), Vice-Chairman of Tai Po Rural Committee (TPRC), one Village Representative (VR) and three IIRs of Ting Kok Village respectively supported the applications mainly for reasons that there was insufficient land within the “V” zone of Ting Kok Village for Small House development and most of the Small House applications within both “AGR” zone and ‘VE’ in Tai Po Heung had been approved; the Sites were about 200m from the “CPA” zone and further away from the “SSSI” zone; the existing barbecue spot at the Sites was a nuisance; and the concern on the extensive village expansion to the south of Ting Kok Road was overstated as Ting Kok Tau Village was not a recognised village; and

- (h) PlanD's view - PlanD did not support the review applications based on the planning considerations and assessments set out in paragraph 6 of the Paper, which were summarised below:
- (i) the proposed Small House developments were 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. Although the applicants had stated that the agricultural activities had long been ceased at the Sites which had been paved and were currently being used as part of a temporary barbecue site, DAFC maintained his view of not supporting the applications as the Sites had high potential for rehabilitation of agricultural activities;
  - (ii) although there was insufficient land available within the "V" zone of Ting Kok Village (about 3.39 hectares of land or equivalent to about 135 Small House sites) to meet the outstanding Small House applications and 10-year demand forecast (about 6.85 hectares of land or equivalent to about 274 Small House sites), land was still available within Ting Kok Village for Small House development. It was more appropriate to concentrate the proposed Small Houses close to the existing village cluster located to the north of Ting Kok Road for orderly development pattern, efficient use of land and provision of infrastructures and services;
  - (iii) the District Lands Officer/Tai Po of Lands Department (DLO/TP, LandsD) confirmed that Ting Kok Tau Village was not a recognised village. However, the area falling within the 'VE' of Ting Kok Village and the subject "AGR" zone to the south of Ting Kok Road had an area of about 0.577 hectare, capable of accommodating about 22 Small House sites. No planning application for Small House development

had been approved by the RNTPC in this part of the “AGR” zone. Approval of the applications would set an undesirable precedent and encourage similar Small House applications to proliferate in the subject part of the “AGR” zone, resulting in village expansion to the south of Ting Kok Road and leading to disturbance to landscape resources in the surrounding area and degradation of the existing agricultural landscape character. In this regard, CTP/UD&L, PlanD maintained her objection to the applications; and

- (iv) as there had been no material change in planning circumstances for the Sites and their surrounding areas since the rejection of the applications, there was no strong planning justification to warrant a departure from the RNTPC’s previous decisions.

130. The Chairman then invited the applicant of Application No. A/NE-TK/495 and the applicants’ representatives to elaborate on the review applications.

131. With the aid of a Powerpoint presentation, Ms Betty Ho, the applicants’ representative, made the following main points:

- (a) although the planning intention of the “AGR” zone was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and DAFC considered that the Sites had high potential for rehabilitation of agricultural activities, agricultural activities had long been ceased at the Sites which had been paved and were currently being used as part of a temporary barbecue site;
- (b) the Sites were covered by five previous applications for temporary barbecue site approved with conditions by the RNTPC since 2007. The latest approved application No. A/NE-TK/494 for temporary barbecue site and car park, with an area of about one hectare, was



approved with conditions by the RNTPC in April 2014. It was noteworthy that all the five applications were approved even though there was objection from AFCD;

- (c) as the landowners had no intention to use their land for agricultural purpose, the planning intention of the “AGR” zone would not be implementable;
- (d) according to the RNTPC Paper No. A/NE-TK/494, environmental complaints against the barbecue site covering the Sites were received by EPD in 2012. Although the complaints were not substantiated, EPD advised that the operation of temporary barbecue site should follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”. This implied that barbecue site was a potential source of environmental nuisance. On the other hand, DEP had no objection to the subject planning applications for Small House developments;
- (e) the applications complied with the Interim Criteria in that more than 50% of the footprint of each of the proposed Small Houses fell within the ‘VE’ of Ting Kok Village and there was a shortage of land in meeting the demand for Small House development in the “V” zone;
- (f) PlanD had previously advised at the section 16 stage that there was a recognised village of Ting Kok Tau in the southwestern part of the subject “AGR” zone. As such, there were concerns that the proliferation of village developments to the south of Ting Kok Road would cause adverse impact on the nearby “CPA” and “SSSI” zones. As DLO/TP confirmed that Ting Kok Tau Village was not a recognised village, the above concern was overstated at the section 16 application stage;

- (g) the Sites were located close to Ting Kok Road, the existing village cluster of Ting Kok Village and the “V” zone. The proposed Small Houses were compatible with the surrounding village environment;
- (h) Ting Kok Village was fully developed. There was inadequate land within the “V” zone for Small House development. Despite PlanD’s estimation that about 3.39 hectares of land was still available within the “V” zone, many vacant land had already been occupied by roads, car parks, village facilities and amenity areas, or was under Government ownership. Besides, those villagers who owned private land within the “V” zone would have reserved the land for their decedents to build Small Houses. The Sites were the only available land that the applicants could purchase for building Small Houses within the ‘VE’;
- (i) the proposed Small Houses would not set an undesirable precedent for other applications for Small House development in the whole “AGR” zone. Only the area which fell within the ‘VE’ of Ting Kok Village might be eligible for Small House development. According to PlanD, the area falling within the ‘VE’ of Ting Kok Village and the subject “AGR” zone to the south of Ting Kok Road had an area of about 0.577 hectare, capable of accommodating about 22 Small House sites. Therefore, if the applications were approved, at most 22 Small Houses could be built in the subject “AGR” zone subject to the approval by the Board. Compared with the approved barbecue site, Small Houses were more compatible with the rural character and caused less environmental nuisances; and
- (j) most of the concerned government departments had no objection to or no adverse comment on the applications. Moreover, the applications were supported by the Vice-Chairman of TPDC, Vice-Chairman of TPRC, and the VR and IIRs of Ting Kok

Village.

132. Mr Lam Kwok Wai, Tommy, the applicants' representative, made the following main points:

- (a) he was the father and uncle of the applicant of Applications No. A/NE-TK/495 and No. A/NE-TK/496 respectively. The latter was studying abroad and could not attend the meeting;
- (b) his family had emigrated to the United Kingdom (UK) for over 20 years. Due to the economic downturn in UK in recent years, his business had been closed down and his son could not find a job. They returned to Hong Kong about two year ago;
- (c) they had been looking for sites to build Small Houses within the "V" zone of Ting Kok Village but to no avail. With the assistance of the VR, they had identified the Sites within the 'VE' of Ting Kok Village for Small house development and spent about \$2 million to purchase the Sites; and
- (d) within the subject "AGR" zone, there was existing Small House development owned by his uncle which was farther away from the "V" zone. As such, he doubted why the subject applications were disapproved. They would have no place to live in if the review applications were rejected by the Board.

133. With the aid of a visualiser, Ms Betty Ho supplemented that the previously approved Small House was located to the further south of the Sites and was built in the 1980s before the first statutory plan for the Ting Kok area came into effect.

134. As the presentation of the applicants' representatives was completed, the Chairman invited questions from Members.

135. The Vice-chairman asked whether the applicants and their representatives

were involved in the operation of the barbecue site and what would be the implications on the existing barbecue site if the applications were approved. Some Members also asked if they were aware that the Sites had been included in the planning applications for the temporary barbecue site. Mr Lam Kwok Wai, Tommy, said that apart from the Sites, other parts of the barbecue site were not owned by his family. The Sites were purchased about two years ago upon advice of the VR. Although the Sites were located within the barbecue site, he had no knowledge of its operation nor received income from the barbecue site business. Ms Betty Ho supplemented that since the applicants and their family would not visit the sites regularly, they might not be aware that the Sites had been used as a barbecue site and included in the sites of the previous planning applications. In fact, the Sites were occupied by two ponds which could not be readily identified as forming part of the barbecue area on site. Ms Ho continued to say that as the Sites only formed part of the barbecue area, the applicants had no control over the use of the whole barbecue site. Since the planning permission for the temporary barbecue site was only valid until 2016, approval of the subject applications would not jeopardise the current operation of the barbecue site. Ms Ho also said that although the proposed Small Houses were in close proximity to the barbecue site which might be a source of environmental nuisance, housing need was more important for the applicants.

[Mr Frankie W.C. Yeung left the meeting at this point.]

136. A Member referred to Plan R-2 of the Paper and asked why some land falling within the area shown as 'Road' on the OZP was not used as road. In response, Mr C.K. Soh, DPO/STN, said that some land within the area shown as 'Road' were road-related features such as pavements and cut slopes. It was not uncommon to include land along the existing roads in areas shown as 'Road' to allow for future road improvement.

137. In response to the questions of the same Member, Ms Betty Ho said that the Sites, which covered Lots 1024 s.C., 1025 s.B and 1028 s.A in D.D. 29 for Application No. A/NE-TK/495 and Lots 1024 s.D. and 1028 s.B in D.D. 29 for Application No. A/NE-TK/496, were owned by the respective applicants. In respect of the proposed Small House developments within the "AGR" zone to the south of

Ting Kok Road, under the Interim Criteria, only those Small Houses which were also located within the 'VE' of Ting Kok Village (about 0.577 hectare) might be permissible on application to the Board. As such, if the subject two applications were approved by the Board which set precedents for other similar applications, at most only 22 Small Houses would be permitted within the subject "AGR" zone.

138. In response to the questions of the same Member, Mr Lam Kwok Wai, Tommy, said that his family returned to Hong Kong about two years ago and had been living in his brother's house. His son was also present at the meeting although he chose not to speak. Mr Lam also said that his Small House right had not yet been exercised.

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

139. A Member enquired about the location and landownership regarding the temporary barbecue site under Application No. A/NE-TK/494. In response, Mr C.K. Soh said that the boundary of the concerned barbecue site had been delineated on Plan R-2 of the Paper. As compared with the previously approved applications for temporary barbecue site and car park uses, the site area of Application No. A/NE-TK/494 had increased to about one hectare and included additional land for amenity facilities. There was no information on the landownership of the temporary barbecue site in hand.

140. The Chairman asked whether the subject planning applications were considered in compliance with the Interim Criteria. Mr C.K. Soh said that the applications had fulfilled part of the Interim Criteria in that not less than 50% of the NTEH/Small House footprint fell within the 'VE' of a recognised village and there was a general shortage of land in meeting the demand for Small House development in the "V" zone of the village. However, the proposed developments could not be considered entirely in compliance with the Interim Criteria as they would cause adverse landscape impact on the surrounding areas, encourage similar Small House applications in the subject "AGR" zone leading to disturbance to landscape resources in the surrounding area and degradation of the existing agricultural/recreational landscape character. In this regard, CTP/UD&L had raised objection to the

applications. Moreover, the existing barbecue site was only a temporary use and there was scope to revert the land for agricultural use.

141. Mr C.K. Soh continued to say that land was still available within the “V” zone of Ting Kok Village for Small House developments. While the footprint of a NTEH/Small House only occupied about 65.03m<sup>2</sup> of land, an assumption of a land area of 250m<sup>2</sup> per NTEHs/Small Houses (i.e. 40 houses on one hectare of land) had been adopted in calculating the number of NTEH/Small Houses that could be accommodated in the land available for Small House development within the “V” zone. In making such assumption, allowance for roads, car parks, village facilities and other amenities had already been provided for the development of Small Houses. Ms Betty Ho said that the said assumption was impractical because many land within the “V” zone was either planting areas which were not suitable for Small House development or Government land which under the established policy would not be granted for Small House development. In response to the enquiry of the Chairman, Ms Bernadette H.H. Linn advised that under the prevailing land policy, Government land could be allocated for Small House development.

142. A Member said that the applicants should liaise with the VR and the operator of the barbecue site regarding the use of the Sites for barbecue operation without the consent of the concerned landowners. Ms Betty Ho said that it was not the intention of the applicants to make complaints against the barbecue site in this meeting.

[Professor S.C. Wong returned to join the meeting at this point.]

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

## Deliberation

144. Members generally noted that the proposed Small House developments were not in line with the planning intention of the “AGR” zone and that the Sites could be reverted to agricultural uses upon expiry of the planning permission for the temporary barbecue site and car park under Application No. A/NE-TK/494.

145. The Vice-chairman said that since there were farms and orchards located along the southern side of Ting Kok Road, the land within the subject “AGR” zone would have potential to be rehabilitated for agricultural use in the future. Moreover, should the applications be approved, it might result in a proliferation of Small House developments into the subject “AGR” zone, which would not be compatible with the existing agricultural and recreational landscape character. As such, he did not support the review applications.

146. A Member said that since the existing barbecue site covering the Sites had caused environmental nuisance and disturbance to the surroundings, the Board should consider if further planning approval should be granted for such use, even on a temporary basis, in the future. This Member did not support the review applications.

147. After some discussion, the Chairman summed up and said that Members’ views were that the applications should be rejected on review as the proposed developments were not in line with the planning intention of the “AGR” zone. No planning application for Small House development had been approved in this part of the “AGR” zone and approval of the applications would set undesirable precedents for similar applications at the subject “AGR” zone. Members agreed.

148. After deliberation, the Board decided to reject the applications on review. Members then went through the reasons for rejection of the review applications 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) approval of the application would set an undesirable precedent for similar applications at the subject “AGR” zone, resulting in village expansion to the south of Ting Kok Road, leading to disturbance to landscape resources in the surrounding area and degradation of the existing agricultural/recreational landscape character.”

[Dr Eugene K.K. Chan left the meeting at this point.]

### **Agenda Item 10**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-TYST/659

Proposed House (New Territories Exempted House - Small House) in “Residential (Group D)” zone, Lot 1536 S.B ss.11 in D.D. 101, Shan Ha Tsuen, Tong Yan San Tsuen, Yuen Long

(TPB Paper No. 9627)

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[The hearing was conducted in Cantonese.]

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

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



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

151. With the aid of a PowerPoint presentation, Mr W.S. Lau, DPO/TM&YLW, presented the application and covered 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 “Residential (Group D)” (“R(D)”) on the approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/10;
- (b) on 7.2.2014, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) rejected the application for the following reasons:
  - (i) the proposed development did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (Interim Criteria) as the site and the footprint of the proposed NTEH (Small House) fell entirely outside both the “Village Type Development” (“V”) zone and the village ‘environs’ (‘VE’) of Shan Ha Tsuen. The applicant also failed to demonstrate in the submission why suitable site within areas zoned “V” could not be made available for the proposed development; and
  - (ii) the applicant failed to demonstrate that the proposed development would not generate adverse landscape impact on the site and its vicinity;
- (c) on 7.3.2014, the applicant applied for a review of the planning application under section 17(1) of the Town Planning Ordinance (the Ordinance). The justifications put forth by the applicant in

support of the review application were highlighted in paragraph 3 of the Paper and summarised below:

- (i) rejecting the application on the ground that the Site fell entirely outside the 'VE' of Shan Ha Tsuen was unjustified and unfair. The Site was carved out from a larger lot in the 1970s and the applicant's uncles had successfully obtained planning permissions (Applications No. A/DPA/YL-TYST/55 and 56) to build Small Houses at the adjacent land parcels. The applicant queried why these two applications were approved if the 'VE' boundary really existed;
- (ii) the District Lands Officer/Yuen Long of Lands Department (DLO/YL, LandsD) had already verified the indigenous villager (IV) status of the applicant when he applied for permission to build a Small House;
- (iii) there were a number of land parcels within the village that were under the ownership of Tso/Tong which were difficult to acquire. Other private land was also hard to purchase. The applicant could only resort to building on his own land;
- (iv) the applicant was only exercising his right as an indigenous villager to build a Small House at the Site and considered it unfair to reject the application on the grounds that the proposed development would generate adverse impact on the surrounding areas. The applicant queried whether the relevant departments had also duly considered the adverse impacts generated by other developments within the village and the unauthorised developments such as open storages and warehouses in the vicinity; and
- (v) the applicant and his family had provided landscape

planting at the Site. Should the application be approved, the applicant would continue to maintain the on-site planting/landscaping;

(d) departmental comments – comments from the relevant Government departments were detailed in paragraph 4 of the Paper and summarised below:

(i) DLO/YL advised that the ‘VE’ boundary referred to a distance of 300 feet from the edge of the last Village Type House (VTH) built before the implementation of the Small House Policy on 1.12.1972. In the process of drawing up the ‘VE’ boundary, his office would not carry out public consultation. It was the practice of his department to inform the Heung Yee Kuk once a ‘VE’ boundary of an indigenous village was defined. Heung Yee Kuk had been informed of the ‘VE’ boundary of Shan Ha Tsuen. As the proposed Small House site did not fall within the ‘VE’ boundary of any recognised village and was outside the “V” zone of the approved Tong Yan San Tsuen OZP No. S/YL-TYST/10, the Small House application had been rejected by his office. In general, an indigenous villager was eligible for cross-village application within his own Heung;

(ii) the Chief Town Planner/Urban Design and Landscape, (CTP/UD&L), PlanD had some reservations on the application from the landscape perspective. The proposed house would likely affect existing trees within or adjacent to the Site, and there was no information of the existing trees, tree preservation measures and landscape proposal submitted to mitigate the adverse impact arising from the proposed house on the existing landscape; and

- (iii) other relevant government departments had no objection to or no adverse comment on the application;
- (e) previous application – there was no previous application for Small House development at the Site;
- (f) similar applications – there were five similar applications (No. A/DPA/YL-TYST/55 and 56, and A/YL-TYST/298, 483 and 668) for NTEH/Small House developments within or straddling the same “R(D)” zone:
  - (i) Applications No. A/DPA/YL-TYST/55 and 56 for erection of Small Houses at two sites located to the immediate northeast of the Site were approved with conditions by RNTPC on 18.3.1994 when the sites fell within an “Unspecified Use” area on the draft Tong Yan San Tsuen Development Permission Area (DPA) Plan No. DPA/YL-TYST/1. The applications were approved on the considerations that the proposed developments were compatible with the surrounding environment which was dominated by village houses and abandoned farms; sympathetic consideration could be given for the proposed developments since DLO/YL of LandsD confirmed that the applicants are indigenous villagers eligible for Small House Grants although the site fell outside the “V” zone on the said DPA Plan; and the scale of developments was small and the impact on the environment would be negligible;
  - (ii) Application No. A/YL-TYST/483 for proposed house (NTEH – Small House) at a site which straddled the subject “R(D)” and adjoining “V” zones was rejected by RNTPC on 24.9.2010 mainly on the grounds that the proposed development did not comply with the Interim Criteria. This site was also the subject of another application (No.

A/YL-TYST/298) for proposed house (NTEH – Small House) with a different proposed Small House configuration which was approved with conditions on 25.11.2005 on the consideration, inter alia, that the proposed development generally met the Interim Criteria in that 50% of the proposed Small House footprint fell within the “V” zone and the ‘VE’ of Shan Ha Tsuen; and

- (iii) Application No. A/YL-TYST/668 for proposed house (NTEH – Small House) at a site within the same “R(D)” zone was rejected by RNTPC on 7.3.2014 mainly on the grounds that the proposed development did not comply with the Interim Criteria;
  
- (g) public comment – during the statutory publication period at the section 17 review stage, one public comment was received from the Village Representatives (VRs) of Shan Ha Tsuen. They explained that the subject site was subdivided from the mother lot. There were four houses in the vicinity of the Site that had been issued with certificates of compliance. The applicant’s uncle (the owner of one of the four houses) had encountered similar problems concerning the ‘VE’ boundary in 1994 but had ultimately obtained planning permission (Applications No. A/DPA/YL-TYST/55 and 56). The Board should consider the actual situation in addition to other considerations (e.g. whether the Site falls within ‘VE’ and “V” zone);
  
- (h) PlanD’s view - PlanD did not support the review application based on the planning considerations and assessments set out in paragraph 6 of the Paper, which were summarised below:
  - (i) the indigenous villager status of the applicant was not a material consideration in the assessment of the planning application for Small House development;

- (ii) DLO/YL of LandsD advised that under the current practice, his office would not carry out public consultation in drawing up the 'VE' boundary, but would inform Heung Yee Kuk once a 'VE' boundary of an indigenous village was defined. In this regard, the Heung Yee Kuk had been informed of the defined 'VE' boundary of Shan Ha Tsuen;
  
- (iii) the proposed NTEH (Small House) development did not comply with the Interim Criteria as the Site fell entirely outside the "V" zone and the 'VE' of any recognised villages. DLO/YL advised that the Small House application pertaining to the Site had been rejected by his office on similar grounds. The application did not warrant a sympathetic consideration and there was no exceptional circumstance to justify approval of the application;
  
- (iv) Applications No. A/DPA/YL-TYST/55 and 56 were approved by RNTPC in 1994 on sympathetic consideration when the sites fell within an area designated for "Unspecified Use" on the draft Tong Yan San Tsuen DPA Plan No. DPA/YL-TYST/1 and well before the promulgation of the Interim Criteria in 2000. At that time, it was considered that the proposed developments were compatible with the surrounding environment though the site fell outside the "V" zone on the DPA plan; and the scale of developments was small and the impact on the environment would be negligible. Since the promulgation of the Interim Criteria, two similar applications (No. A/YL-TYST/483 and 668) on the same "R(D)" zone were rejected by RNPTC as the proposed developments did not comply with the Interim Criteria, while the other application (No. A/YL-TYST/298) was approved with conditions by RNTPC as the proposed development generally met the Interim Criteria in that 50% of the Small

House footprint fell within the both the “V” and ‘VE’ of Shan Ha Tsuen;

- (v) landownership was not a material consideration in the assessment of planning application for Small House development. Although there was insufficient land for meeting the long-term demand for Small House in the “V” zone covering Shan Ha Tsuen and Lam Hau Tsuen (i.e. about 20.2 hectares of land were available to cater for both the outstanding Small House applications and the 10-year Small House demand forecast of about 1,603 Small Houses, or equivalent to about 40.07 hectares of land), there was still land available to meet the current outstanding demand and those in the coming years. Moreover, an indigenous villager would be eligible for cross-village Small House application within his own Heung;
  
- (vi) any Small House developments within the “V” zone were permitted as-of-right and the open storages and storages found in the vicinity (except the two open storages of construction materials/containers located to the north and northwest across Long Hon Road which are ‘existing uses’ tolerated under the Town Planning Ordinance) were suspected unauthorised developments subject to enforcement action. Besides, the residential structures in the immediate vicinity of the Site were either the subject of previous planning approvals granted before the promulgation of the Interim Criteria in 2000 or domestic buildings which had existed before the gazettal of the draft DPA Plan in 1993; and
  
- (vii) CTP/UD&L, PlanD maintained her previous view of having some reservations on the application from landscape perspective and considered that the proposed development would likely affect the existing trees within or adjacent to the

site. The applicant had not made any submission at both the section 16 and section 17 stages to address CTP/UD&L's concerns. As such, the applicant failed to demonstrate that the proposed development would not generate adverse landscape impact on the site and its vicinity.

152. The Chairman then invited the applicant to elaborate on the review application. Mr Cheung Hong Kiu made the following main points:

- (a) he was the owner of the Site;
- (b) as he was an indigenous villager of Shan Ha Tsuen, it was illogical that his land was not included in the 'VE' of the village and that he did not have the right to build a Small House within the village. Moreover, he had not been made aware of the Interim Criteria by PlanD during his preparation of the planning application;
- (c) aside from himself, there were other indigenous villagers of Shan Ha Tsuen living in the vicinity of the Site who would also have demand for Small House development. The 'VE' boundary should be reviewed to take into account the housing needs of the villagers;
- (d) his uncles had successfully obtained planning permissions in 1994 (Applications No. A/DPA/YL-TYST/55 and 56) to build Small Houses at the adjacent land parcels which were formerly covered by vegetation. As landscape impact had been used as one of reasons to reject his planning application, it was questioned why these two previous applications could be approved;
- (e) there were only a potted plant and a mango tree, which was planted by his mother, on the Site. Should the application be approved, the potted plant would be relocated and the mango tree would be transplanted to minimise the potential landscape impact;



- (f) a number of land parcels within the “V” zone of Shan Ha Tsuen were under the ownership of Tso/Tong which were difficult to acquire and would involve a complicated process. Other private land within the “V” zone were also hard to purchase as owners were not willing to sell their land; and
- (g) according to the Notes of the “R(D)” zone, the maximum permitted plot ratio (PR) was 0.2. However, if such PR was applied to his land, the resultant gross floor area would only be about 130 square feet, which he considered unacceptable. He could only resort to applying for a Small House development on the Site.

153. As the applicant’s presentation was completed, the Chairman invited questions from Members.

154. As Members had no question, the Chairman thanked the applicant and DPO/TM&YLW for attending the meeting. They left the meeting at this point.

#### Deliberation

155. Members generally noted that the proposed NTEH (Small House) development did not comply with the Interim Criteria as the Site fell entirely outside the “V” zone and the ‘VE’ of any recognised villages. There had been no major change in the planning circumstances of the case since the rejection of the application by the RNTPC. After discussion, Members agreed that the application for review should be rejected.

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

- “(a) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories as the site and the footprint of the proposed NTEH (Small House) fall entirely outside both the “Village Type Development” (“V”) zone and the village ‘environs’ of Shan Ha Tsuen. The applicant also fails to demonstrate in the submission why suitable site within areas zoned “V” cannot be made available for the proposed development; and
- (b) the applicant fails to demonstrate that the proposed development would not generate adverse landscape impact on the site and its vicinity.”

157. The Chairman suggested and Members agreed to discuss agenda items 13 and 14 first.

[Messrs Peter K.T. Yuen and Roger K.H. Luk left the meeting at this point.]

#### **Agenda Items 13 and 14**

[Closed Meeting]

158. These items were recorded under confidential cover.

#### **Fanling, Sheung Shui and Yuen Long East District**

#### **Agenda Item 11**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-KTS/624

Proposed Filling of Pond and Land for Temporary Open Storage of Recycled Vehicles and Metal Scaffolding/Machinery for Construction for a Period of 3 Years in “Agriculture” zone, Lot 403 RP in D.D. 103, Ko Po San Tsuen, Kam Tin, Yuen Long

(TPB Paper No. 9624)

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[The meeting was conducted in Cantonese.]

159. Ms Maggie M.Y. Chin, District Planning Officer/Fanling, Sheung Shui & Yuen Long East, Planning Department (DPO/FS&YLE, PlanD) was invited to the meeting at this point.

160. The Chairman extended a welcome and said that the applicant had indicated that he would not attend the meeting. As sufficient notice had been given to the applicant, Members agreed to proceed with the hearing in the absence of the applicant. He then invited DPO/FS&YLE to brief Members on the review application.

161. With the aid of a PowerPoint presentation, Ms Maggie M.Y. Chin, DPO/FS&YLE, presented the application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission to fill the pond and land within the application site (the Site) for temporary open storage of recycled vehicles and metal scaffolding/machinery for construction for a period of 3 years. The site was zoned “Agriculture” (“AGR”) on the approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/11;
- (b) on 21.2.2014, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) rejected the application for the following reasons:
  - (i) the development was not in line with the planning intention of the “AGR” zone which was to retain and safeguard good agricultural land for agricultural purposes. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;

- (ii) the application did not comply with the Town Planning Board Guidelines No. 13E (TPB PG-No. 13E) in that the development was not compatible with the surrounding land uses which were predominantly rural in character; there was no previous approval granted at the site; and there were adverse departmental comments and public objections against the application;
  - (iii) the applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
  - (iv) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within this part of the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area;
- (c) on 10.3.2014, the applicant applied for a review of the RNTPC’s decision to reject the application. The applicant had not submitted any written representation in support of the review;
- (d) part of the Site was subject to planning enforcement action as the land filling works constituted an unauthorised development (UD) under the Ordinance. Enforcement Notice (EN) was issued to the concerned parties on 22.1.2014. Upon expiry of the EN on 5.2.2014, site inspection on 6.2.2014 revealed that the UD had discontinued. Reinstatement Notice would be issued to the concerned parties requiring them to remove the fill materials on the land;
- (e) departmental comments – comments from the relevant Government departments were detailed in paragraph 4 of the Paper and

summarised below:

- (i) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural and fish culture point of view. The Site had high potential for agricultural rehabilitation. The eastern portion of the Site had been filled with materials not suitable for cultivation while the remaining part consisted of a partially filled pond and abandoned agricultural land. Although the applicant stated that the pond might be reinstated after 3 years, it was doubtful whether the proposed open storage activities would cease. Even if the pond would be reinstated after the cessation of the proposed use, pollutants from the recycled vehicles might seep into the ground during operation of the activities and thus the ground soil of the pond might be contaminated;
- (ii) the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential dwellings within 100 metres of the Site or within 50m of the access road to and from the Site. Environmental nuisance was expected;
- (iii) the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) advised that should the application be approved, the requirements on “submission of drainage proposal” and “implementation of drainage facilities” should be incorporated in the planning permission;
- (iv) the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD objected to the application from the landscape planning point of view. The Site was situated in an area of rural landscape character but disturbed by open

storage use. Most of the Site was occupied by temporary structures and existing trees were found at the eastern and northern boundaries of the Site. Although tree planting was proposed along the site boundary, the proposed use was not compatible with the surrounding rural landscape character. In addition, the existing large trees at the southwest and eastern boundaries had been removed since previous visits in 2006 and 2013 and disturbance to existing landscape resource had taken place. Approval of the application would likely encourage more open storage use in the area leading to further deterioration of the rural landscape character; and

- (v) other relevant government departments had no objection to or no adverse comment on the application;
- (f) previous application – there was no previous application at the Site;
- (g) similar applications – there were 14 similar applications (No. A/YL-KTS/457, 458, 460, 483, 484, 488, 504, 511, 515, 539, 580, 600, 617 and 628) for various types of temporary open storage/storage uses within the same “AGR” zone since the promulgation of the TPB-PG No. 13E on 17.10.2008:
  - (i) eight applications (No. A/YL-KTS/457, 458, 483, 488, 511, 515, 600, and 628) bounded by Tsing Long Highway and Kam Tin Road located to the further north-east of the Site in Category 2 areas under TPB PG-No. 13E were approved with conditions by RNTPC. They were approved on similar considerations that previous approvals were granted for the sites and the approval conditions had been complied with; the proposed uses were not incompatible with the surrounding land uses or did not contravene the planning intention; relevant approval conditions could be imposed to

minimise the environmental impact; no adverse comments from relevant departments; and the departmental or public concerns could be addressed by appropriate approval conditions;

- (ii) three applications (No. A/YL-KTS/460, 580 and 617) located to the immediate east and southeast of the Site were approved with conditions by RNTPC on similar considerations that the developments were not incompatible with the surrounding land uses; relevant departments had no objection to or no adverse comment on the applications; previous approvals for the same use had been granted by RNTPC and there was no major change in the planning circumstances in the area since the planning approvals were granted; and
  - (iii) three applications (Nos. A/YL-KTS/484, 504 and 539) were rejected by the RNTPC/Board on 16.4.2010, 21.1.2011 and 22.7.2011 respectively on the grounds that the applications did not comply with the TPB PG-No.13E;
- (h) public comments – during the statutory publication period at the section 17 review stage, five public comments on the review application were received. Three public comments objected to the application as the proposed development was incompatible with the “AGR” zone, there was sufficient supply of space for storage use and the proposed development would degrade the environment. Moreover, the proposed development would cause adverse ecological impact and no impact assessment on traffic and environment had been conducted. There was a need to safeguard the declining agricultural land and food supply for Hong Kong. The other two commenters favoured the application as the proposed development would fully utilise land resources and promote local economy and employment opportunities;

- (i) PlanD's view – PlanD did not support the review application based on the planning considerations and assessments set out in paragraph 6 of the Paper, which were summarised below:
  - (i) based on the aerial photo taken on 30.6.2013, the site was of a natural state covered with vegetation, some trees, a pond and a few structures. According to the recent site inspection, vegetation clearance and filling works on land and pond had apparently been carried out at the Site;
  - (ii) the proposed development was not in line with the planning intention of the “AGR” zone. DAFC did not support the application from the agricultural and fish culture point of view as the Site had high potential for agricultural rehabilitation. The pollutants generated by the proposed open storage use would also contaminate the ground soil of the pond even though the pond would be reinstated as proposed by the applicant. No strong planning justification had been given in the submission to justify for a departure from the planning intention, even on a temporary basis;
  - (iii) the development was not compatible with the surrounding land uses which were rural in character predominated by residential dwellings/structures and a few warehouse/workshops and open storage/storage yards. Besides, there was an extensive area zoned “CA” to the further south and west of the Site ;
  - (iv) the development was not in line with the TPB PG-No. 13E in that there was no previous approval granted at the Site for open storage use and that existing and approved open storage use should be contained within the Category 3 areas and further proliferation of such use was not acceptable.



Moreover, there were adverse comments on the application from the relevant departments and public objections were received during the statutory publication period. DEP did not support the application as there were existing residential dwellings/structures located to the immediate north and west and in the vicinity of the site, and environmental nuisance was expected.

- (v) from the landscape point of view, there was reservation on the development as approval of the application would encourage similar applications in the area resulting in further degradation of the landscape quality of the area. Moreover, the development would involve filling of pond and land but no information was submitted to demonstrate that the proposed development would not cause adverse drainage impact. In this regard, CE/MN, DSD had requested the applicant to submit a drainage proposal. The applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas;
- (vi) most of the similar applications approved were located to the north of Tsing Long Highway falling within Category 2 areas and were surrounded by major highways/roads. Applications No. A/YL-KTS/460, 580 and 617 to the immediate east and southeast of the Site were approved but they were subject to previous approvals;
- (vii) the current application was located in an area predominantly rural in character and was not subject to previous approvals. Approval of the current application, even on a temporary basis, would set an undesirable precedent for similar applications within this part of the “AGR” zone; and

- (viii) the applicant had not submitted any written representation to support the review application. There had been no major change in the planning circumstances of the case since the rejection of the application by the RNTPC.

162. As the presentation from the representative of PlanD had been completed, the Chairman invited questions from Members. As Members had no question, the Chairman thanked DPO/FS&YLE for attending the meeting. She left the meeting at this point.

#### Deliberation

163. Members generally noted that the development was not in line with the TPB PG-No. 13E and no strong planning justification had been provided in the submission to merit a departure from the planning intention of the “AGR” zone, even on a temporary basis. The applicant had not submitted any written representation to support the review application and there had been no major change in the planning circumstances of the case since the rejection of the application by the RNTPC. After discussion, Members agreed that the application for review should be rejected.

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

- “(a) the development is not in line with the planning intention of the “AGR” zone which is to retain and safeguard good agricultural land for agricultural purposes. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application does not comply with the TPB PG-No. 13E in that

the development is not compatible with the surrounding land uses which are predominantly rural in character; there is no previous approval granted at the site; and there are adverse departmental comments and public objections against the application;

- (c) the applicant fails to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within this part of the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.”

#### Procedural Matters

### **Agenda Item 12**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Kowloon Tong Outline Zoning Plan No. S/K18/18 (TPB Paper No. 9605)

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[The meeting was conducted in Cantonese.]

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

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| Mr Clarence W.C. Leung | - | living at La Salle Road  |
| Ms Christina M. Lee    | - | owning two properties and six carparking spaces at Durham Road |
| Mr David T.Y. Lui      | - | owning a flat in Yau Yat Chuen                                 |

Ms Julia M.K. Lau - her family members living at Waterloo Road and being a director of a company that owned a property in Kowloon Tong.

166. Members agreed that as the properties of Mr Clarence W.C. Leung, Ms Christina M. Lee, Mr David T.Y. Lui and the family members of Ms Julia M.K. Lau were not located in proximity to the amendment site of the Kowloon Tong Outline Zoning Plan (OZP), their interests were remote. As this was a procedural matter and no discussion was required, Members agreed that the above Members should be allowed to stay at the meeting. Members noted that Ms Julia M.K. Lau had left the meeting temporarily and Mr Clarence W.C. Leung had tendered apologies for being unable to attend the meeting.

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

167. The Secretary briefly introduced the Paper. On 20.12.2013, the draft Kowloon Tong OZP No. S/K18/18 was exhibited for public inspection under section 7 of the Town Planning Ordinance (the Ordinance). The amendment involved the rezoning of a site at 300 Junction Road from “Government, Institution or Community (2)” (“G/IC(2)”) to “G/IC(13)” (Amendment Item A) with an increase in building height restriction from 3 storeys to 72.8mPD to facilitate the redevelopment of the Kowloon International Baptist Church (KIBC) at the site. During the two-month exhibition period, 532 representations were received. On 7.3.2014, the representations were published for public comments for three weeks and 2 comments were received.

168. Since all 532 representations and two comments were in support of Amendment Item A on the OZP, it was considered more efficient for the full Board to hear the representations and comment. As the subject of representations and comments were of similar nature, it was suggested to consider the representations and comments collectively in one group. The hearing could be accommodated in the Board’s regular meeting and a separate hearing session would not be necessary. The hearing was tentatively scheduled to be held on 18.7.2014.

169. After deliberation, the Board agreed that the representations and comments should be heard by the Board in the manner as proposed in paragraph 3 of the Paper.

**Agenda Item 15**

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

170. There being no other business, the meeting was closed at 5:35 p.m.