

1. The meeting was resumed at 9:10 a.m. on 12.1.2015.
2. The following Members and the Secretary were present at the resumed meeting:

Mr Thomas T.M. Chow

Chairman

Mr Stanley Y.F. Wong

Vice-chairman

Mr Roger K.H. Luk

Dr C.P. Lau

Ms Anita W.T. Ma

Mr H.W. Cheung

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Ms Janice W.M. Lai

Mr Dominic K.K. lam

Ms Christina M. Lee

Mr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Principal Assistant Secretary (Transport) 3
Transport and Housing Bureau
Miss Winnie M.W. Wong

Deputy Director of Lands (General)
Mr Jeff Y.T. Lam

Principal Environmental Protection Officer (Strategic Assessment),
Environmental Protection Department
Mr Victor W.T. Yeung

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

Director of Planning
Mr K.K. Ling

Presentation and Question Sessions

[Open meeting]

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

Ms Maggie M.Y. Chin - District Planning Officer/Fanling, Sheung Shui & Yuen Long East (DPO/FS&YLE), PlanD

Mr Otto K.C. Chan - Senior Town Planner/Fanling, Sheung Shui 1, PlanD

FLN-R12506, KTN-R12054 – Suzanne Leung

FLN-R12618, KTN-R12166 – So So Man

FLN-R12624, KTN-R12172 – So Lok Hin

FLN-R12683, KTN-R12231 – Simon Chung

Mr Tam Kai Hei (東北城規組) - Representers' representative

FLN-R12701, KTN-R12249 – Shum Chin Yung

Mr Yu Wai Pan (東北城規組) - Representer's representative

FLN-R12736, KTN-R12284 – Shaw-Wu Jung

Ms Tsang Lok Yan (東北城規組) - Representer's representative

FLN-R12776, KTN-R12324 – Sandy Yeung

Mr Au Lap Hang (東北城規組) - Representer's representative

FLN-R12800, KTN-R12348 – Sammy Lai

Ms Yeung Wing Chi (東北城規組) - Representer's representative

FLN-R12845, KTN-R12393 – Ruth Tam

Ms Teresa Chan (東北城規組) - Representer's representative

FLN-R12948, KTN-R12496 – Pui Man Yeung

- Mr Leung Chi Kong (東北城規組) - Representers' representative
- FLN-R13042, KTN-R12591 – Chu Wai Yee, Pandy
- Ms Au Hei Man (東北城規組) - Representers' representative
- FLN-R13106, KTN-R12655 – Ophelia Wong
- Ms Wong Suk Wai (東北城規組) - Representers' representative
- FLN-R13260, KTN-R12809 – Natalie Mok
- Ms Chan Dai Gut (東北城規組) - Representers' representative
- FLN-R13304, KTN-R12853 – Ms Leung
- Mr Chan Hiu Yeung (東北城規組) - Representers' representative
- FLN-R13398, KTN-R12947 – Miranda Mui
- Ms Chow Koot Yin (東北城規組) - Representers' representative
- FLN-R13493, KTN-R13042 – Martha Yip
- Ms Choi Siu Ying (東北城規組) - Representers' representative
- FLN-R13817, KTN-R13366 – Lo Hoi Shan
- Mr Chan Ping (東北城規組) - Representers' representative
- FLN-R13842, KTN-R13391 – Leung Wing Suet
- Ms Rayne Yuen (東北城規組) - Representers' representative
- FLN-R13915, KTN-R13464 – Leo Sek
- Mr Kong Wing Kin (東北城規組) - Representers' representative
- FLN-R13917, KTN-R13466 – Leo Cheung
- Mr Lo Kwok Fai (東北城規組) - Representers' representative
- FLN-R14042, KTN-R13591 – Law Shuk Wah
- Mr Ma Chi Kwong (東北城規組) - Representers' representative

FLN-R14044, KTN-R13593 – Law Shun Man

Ms Lilian Cheng (東北城規組) - Representers' representative

FLN-R14460, KTN-R14009 – Ken Leung

Mr Chu Wai Chung (東北城規組) - Representers' representative

FLN-R14846, KTN-R14395 – Isa Lau

Mr Lo Cham Sze (東北城規組) - Representers' representative

FLN-R14888, KTN-R14437 – Ingrid Ha

Mr Tse Tin San (東北城規組) - Representers' representative

FLN-R15018, KTN-R14567 – Ho Kam Man

Mr Chau Chun Hin (東北城規組) - Representers' representative

FLN-R15023, KTN-R14572 – Ho Hoi Man

Ms Woo Sin Ting (東北城規組) - Representers' representative

FLN-R15378, KTN-R14927 – Edwina Lun

Mr Lau Tsz Hong (東北城規組) - Representers' representative

FLN-R15381, KTN-R14390 – Edward Tsoi

Ms Lau Yin Na (東北城規組) - Representers' representative

FLN-R15469, KTN-R15018 – Leung Lai Wah

Mr Ip Chi Hin (東北城規組) - Representers' representative

FLN-R15585, KTN-R15134 – Clara Hui

Ms Tong Hiu Yan (東北城規組) - Representers' representative

FLN-R15590, KTN-R15139 – CKL

Mr Chow Nok Hang (東北城規組) - Representers' representative

FLN-R15697, KTN-R15246 – Christine

Mr Yung Yiu Sing (東北城規組)

- Representer's representative

FLN-R15801, KTN-R15350 – Chin Wan Chu

FLN-R15904, KTN-R15453 – Cheryl Ng

FLN-R16038, KTN-R15587 – Chan Yau Tsang

FLN-R16133, KTN-R15682 – Chan Ka Yan

FLN-R16145, KTN-R15694 – Chan Ka Ho

FLN-R16260, KTN-R15809 – Cat Chow

FLN-R16533, KTN-R16082 – Ahchoi Yip

Ms Mak Ka Lui (東北城規組)

- Representatives' representative

4. The Chairman extended a welcome and explained the procedure of the hearing. He said that the meeting would be conducted in accordance with the "Guidance Notes on Attending the Meeting for Consideration of the Representations and Comments in respect of the Draft Kwu Tung North Outline Zoning Plan No. S/KTN/1 and the Draft Fanling North Outline Zoning Plan No. S/FLN/1" (Guidance Notes) which had been provided to all representers/commenters prior to the meeting. In particular, he highlighted the following main points:

- (a) in view of the large number of representations and comments received and more than 3,400 representers/commenters had indicated that they would either attend in person or send an authorised representative to make oral submission, it was necessary to limit the time for each oral submission;
- (b) each representer/commenter would be allotted a 10-minute speaking time. However, to provide flexibility to representers/commenters to suit their needs, there were arrangements to allow cumulative speaking time for authorised representatives, swapping of allotted time with other representers/commenters and requesting an extension of time for making the oral submission;
- (c) the oral submission should be confined to the grounds of representation/comment in the written representations/comments already

submitted to the Town Planning Board (the Board) during the exhibition period of the respective Outline Zoning Plan (OZPs) or the publication period of the representations; and

- (d) to ensure a smooth and efficient conduct of the meeting, the presenter/commenter should not repeat unnecessarily long the same points which had already been presented by others earlier at the same meeting. Presenters/commenters should avoid reading out or repeating statements contained in the written representations/comments already submitted, as the written submissions had already been provided to Members for their consideration.

5. The Chairman said that each presentation, except with time extension allowed, should be within 10 minutes and there was a timer device to alert the presenters and presenters' representatives 2 minutes before the allotted time was to expire and when the allotted time limit was up.

6. The Chairman said that the proceedings of the hearing would be broadcast on-line, and the video recording of the presentation made by the representative of PlanD on the first day of the Group 4 hearing (i.e. 13.10.2014) had been uploaded to the Board's website for the meeting and would not be repeated at the meeting. He would first invite the presenters' representatives to make their oral submissions, following the reference number of each presenter who had registered with the Board's Secretariat on the day. After all registered attendees had completed their oral submissions, there would be a question and answer (Q&A) session at which Members could direct enquiries to any attendee(s) of the meeting. Lunch break would be from about 1:00 p.m. to 2:00 p.m. and there would be one short break each in the morning and afternoon sessions, as needed.

7. The Chairman then invited the presenters' representatives to elaborate on their representations.

8. Mr Yu Wai Pan made the following main points:

- (a) there were a lot of problems regarding the proposed New Development Areas (NDAs) which had not been addressed by the Town Planning Board (the Board). The Board should provide proper explanation to the public as the NDAs would involve substantial monetary resources and affect the livelihood of Hong Kong people;
- (b) the public opinion on the NDAs was clearly reflected by over 40,000 objections against the Kwu Tung North and Fanling North OZPs. 東北城規組 (the Group) maintained the view of 'no removal, no clearance'. The objections would persist unless the Government withdrew the NDA plans;
- (c) the planning and development studies on other NDAs were also useless as they were not carried out based on the needs of people. The real beneficiaries of the NDAs were those big developers which owned land in the NDAs;
- (d) the Government was not democratically elected and would not be accepted by the people of Hong Kong. The Board was appointed by the Chief Executive (CE) who supported the NDAs. The live broadcast of TPB meetings had revealed the truth that the Board was only a political tool of the CE;
- (e) the concept of NDAs was rubbish as it would only push up property prices but not meeting the genuine housing needs of Hong Kong people. There were still over 48,000 vacant private housing units in the market. The new private housing developments in the NDAs would only bring more profits to developers. The property value of Hong Kong was already three times that of New York; and
- (f) town planning was to serve the people and not the capitalists. However, the Board was appointed by the CE and followed the instructions of the

Government. The Board should be reformed towards a more democratic direction.

[Actual speaking time: 10 minutes]

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

FLN-R12506, KTN-R12054 – Suzanne Leung

FLN-R12618, KTN-R12166 – So So Man

FLN-R12624, KTN-R12172 – So Lok Hin

FLN-R12683, KTN-R12231 – Simon Chung

9. Mr Tam Kai Hei made the following main points:
- (a) he was a member of the League of Social Democrats and the Land Justice League. He attended the meeting session on 15.10.2014;
 - (b) the representation hearing process was a false consultation as the Board would not listen to the public opinion. He reiterated his objection against the NDAs development;
 - (c) the Board was not the proper venue for considering the NDAs development which was essentially a political issue. If the Government were to listen to the public and withdraw the NDAs plan as in the case of Ping Che/Ta Kwu Ling, it would have already done so after the Stage 3 public engagement exercise. Moreover, the Government officials in the Board would have predispositions towards the NDAs. There should be more democracy in the planning system as the right of living of the indigenous inhabitants continued to be deprived of;
 - (d) not many local residents could attend the hearing session on the day because the court judgment regarding the incident of a Ping Che resident hanging out a banner during a Legislative Council (LegCo) meeting in June 2014 would be handed down on the day;

- (e) he then read out three articles published in Hong Kong In-Media:
- (i) an interview of Ms Debby Chan, a member of Designing Hong Kong Limited, in an article entitled 「城規會遊戲公眾太難參與了」。 The article described Ms Chan's experience in attending representation hearings. Whilst Ms Chan had some good experience in attending the hearings in respect of country park enclaves, she criticised that the Board was only willing to listen to public comments from persons with technical knowledge. When discussing nature conservation issues, it would be very difficult to convince the Board which was mainly composed of professionals from the development sector such as engineers and architects. Ms Chan was also of the view that in order to facilitate public participation, Board meetings should not only be held on weekdays when members of the public often had to take leave to attend the meetings;
 - (ii) an article entitled 「城規會你憑什麼？」 written by Mr Chu Hoi Dick – Mr Chu criticised the Board by quoting the consideration of a planning application submitted by Ms Anita Lam, a Lands Department (LandsD) officer who was also a member of the Rural and New Town Planning Committee (RNTPC) of the Board. Mr Chu pointed out a number of problems relating to the practice and procedure of the Board, including government officials as Chairpersons of the Board and its committees, deliberation behind closed doors and rubber-stamping the views of government departments. In the case of Ms Lam's planning application, only one member of the RNTPC queried the capacity of Ms Lam as a LandsD officer but the RNTPC Chairman responded that the applicant's status was not a relevant consideration; and when being asked about the public criticism on the Board, a member hid his own responsibility by saying that the Board had already exercised its power under the Town Planning Ordinance. Mr Chu described the above as the characteristics of colonial administration and the Board was a replica of the LegCo of the 1980s.

In the light of increasing public aspiration to participate in town planning matters, more democratic and thorough public participation should be introduced into the planning system; and

(iii) an article written by a reporter of Hong Kong In-Media – the article reported that about one-third of Members had not submitted their declaration of interest after about four months of their appointment in April 2014 and thus, there were doubts on the legality of the Board and its decisions made during that four-month period. Moreover, the Secretariat of the Board had tried to hide the record of declaration of interest from public inspection and used the past records to mislead the public. As no ‘sterilisation period’ was imposed under the current practice and procedures of the Board, there was also concern on the possibility of Members receiving latent benefits after they had completed their service in the Board. The above issues had reflected the attitude of the Board in handling such important matter as declaration of interest;

(f) there was clearly conflict of interest for the Permanent Secretary for Development (Planning and Lands) to assume the role of Chairman of the Board, who could control the meeting schedule, agenda and direction of discussion. Albeit the NDAs were subject to strong opposition by the general public, the Chairman of the Board as government official would try to push through the NDAs plans and provide misleading information to the Board. A better alternative to the NDAs development was to locate the new developments in the Hong Kong Golf Club in Fanling. Members should carefully rethink their political responsibility in considering the representations and comments in respect of the NDAs; and

(g) since 1,348 representers had authorised the Group to make oral submissions on their behalf, and more than 30 days should be arranged for hearing their representations. However, only six hearing days had been allotted to the Group for making oral submissions. That had severely deprived those representers of their right to voice out their views. He

queried whether the reply letter issued by the Secretariat of the Board to the Group on 9.1.2015 regarding the above authorisation matter was prepared under the instruction of the Board and said that individual Members should provide their views on that matter.

10. The Chairman said that a response would be provided to Mr Tam after he had finished his oral submission. A Member said that the Board had been patiently listening to the views of the representers' representatives. The Member said that Mr Tam should focus his submission on the land use proposals on the OZPs. In response to Mr Tam's enquiry, the same Member said that the names of all Members had been posted on the door of the meeting room and there was no reason why each Member had to speak out their names. At that juncture, the representers' representatives shouted and yelled at that Member and the Chairman ordered them to keep quiet. The Chairman then provided the following responses to Mr Tam's queries:

- (a) the hearing was conducted in accordance with the provisions of the Town Planning Ordinance, and the hearing arrangement had been thoroughly deliberated by Members of the Board before finalising it;
- (b) the Board would consider all the relevant matters before making a decision on the land use proposals on the OZPs. According to legal advice, under administrative law, if all the relevant matters had been properly considered during the decision-making process, the impartiality and fairness of such process should not be hampered by the presence of government officials in the Board. Such view had been endorsed in some previous judgments of the court; and
- (c) in respect of the allotted time for the 1,348 authorisations, the draft version of the reply letter to the Group had been discussed and considered by the Board and detailed responses to the request of the Group had been set out in the letter. As the Group alleged that such matter might be a subject of judicial review, it would not be appropriate for the Board to provide further comment on the issue at the meeting.

11. Mr Tam said that the Chairman should let individual Members answer his questions relating to the authorisation issue. The Chairman further explained that the hearing on the day was for oral submissions by representers and/or their representatives and only Members might direct questions to the representers and/or their representatives in the Question and Answer session after completion of the oral submissions. Mr Tam protested and said that the issues related to authorisation and conflict of interest were procedural matters relating to the representation hearing which should be resolved first. He requested that individual Members should provide their names and background as well as their views regarding the authorisation issue and confirm whether the reply letter to the Group was issued upon their agreement. The Chairman responded that Members had gone through the draft version of the reply letter and issuance of the letter was a collective decision of the Board. As sufficient responses in respect of the procedural matters had already been provided to Mr Tam, the Chairman urged Mr Tam to continue his oral submission and focus on planning matters relating to the OZPs.

12. Mr Tam said that since the Board already knew that the Group had been authorised by 1,348 representers for making oral submissions, there was no need for the Group to provide the names and representation numbers of those persons in order to exercise the authorisations. Mr Tam reiterated that individual Members should state their stance on the authorisation issue at the meeting. The Chairman said that as the authorisation issue had been thoroughly deliberated by the Board and the position of the Board had been clearly set out in the reply letter to the Group, no further response would be provided by the Board at that stage. The Chairman then invited the next speaker to make his/her presentation.

[Actual speaking time: 35 minutes]

FLN-R13817 and KTN-R13366 – Lo Hoi Shan

13. Mr Chan Ping made the following main points:

- (a) it was the third time that he was attending the representation hearing in respect of the NDAs;

- (b) the Board had acted in an inhumane manner in refusing to allot speaking time for the 1,348 authorisations obtained by the Group. The act was in fact a theft as it deprived those representers who authorised the Group of their right to speak. The Board should explain the difficulties in allotting the speaking time for those representers; and
- (c) it should be the responsibility of the Board or its Secretariat to check and verify the names and representation numbers of those representers who had given authorisation to the Group. Nevertheless, the Group had taken diligent effort in compiling the list of those representers and he would like to submit the list to the Chairman direct.

14. At this juncture, Mr Chan left his seat and walked towards the Chairman through the enclosed area of the meeting room surrounded by the conference tables where A/V wires and equipment were placed despite the Chairman's appeal for him to stop and return to his seat. Mr Chan ignored the Chairman's request. The Chairman cautioned Mr Chan to move carefully. While on his way, Mr Chan appeared to be tripped by a socket cover and fell on the floor. All the papers in his hands were thrown up in the air. At that point, most of the representers' representatives stood up and left their seats. Some started taking pictures and making video records and all ran towards the Chairman's side. The Chairman reminded the representers' representatives that photo-taking and video recording were not allowed in the meeting room and asked them to stop taking pictures and making video records and return to their seats. In response to the disorderly acts of the representers' representatives, the security guards moved into the meeting room to help maintain meeting order, asking the representers' representatives to return to their seats and preventing them from approaching the opposite side of the meeting room so that the meeting could be resumed. The representers' representatives ignored the Chairman's requests to return to their seats, continued to take pictures and make video records and started shouting the slogans 「還我申述權利」 and 「改革城規會」。 The meeting went into disorder. The Chairman said that the meeting could not be continued given the disruptions and had to be adjourned. The representers' representatives continued to yell, asking for the right to speak on behalf of those representers who had given authorisation to the Group. The Chairman, Vice-chairman and all Members left the meeting room temporarily at this point.

[The meeting was adjourned for 70 minutes.]

[Mr David Y.T. Lui returned to join and Ms Anita W.T. Ma and Mr H.W. Cheung left the meeting temporarily at this point.]

15. The meeting resumed at 11:25 a.m. At the request of the Chairman, the Secretary reported that after the Chairman, Vice-chairman and all Members had left the meeting room, the staff of the Secretariat and the security guards had requested the representers' representatives to return to their seats so that the meeting could be resumed. Despite their efforts, the representers' representatives continued their protest and took pictures, made video records, put up banners, and shouted slogans for some time before they left the meeting room.

16. In response to the Chairman's enquiry, the Secretary said that no representers or their representatives was waiting for resumption of the meeting outside the meeting room on 15/F or at the registration counter on G/F of the building. Members agreed that the meeting could not be continued and should be adjourned as the representers' representatives had all gone. The Chairman announced that the meeting would be resumed on 13.1.2015.

17. The meeting was adjourned at 11:30 a.m.