

1. The meeting was resumed at 9:00 a.m. on 26.1.2015.
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

Professor S.C. Wong

Professor Eddie C.M. Hui

Dr W.K. Yau

Professor K.C. Chau

Mr Sunny L.K. Ho

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr Stephen H.B. Yau

Mr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Principal Environmental Protection Officer (Strategic Assessment)

Environmental Protection Department

Mr Johnson M.K. Wong

Assistant Director (2), Home Affairs Department

Mr Eric K.S. Hui

Assistant Director/Regional 3, Lands Department

Mr Edwin W.K. Chan

Director of Planning

Mr K.K. Ling

Presentation and Question Sessions

[Open Meeting]

3. The following representatives from the Planning Department (PlanD), commenter and commenters' representative were invited to the meeting:

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

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

Mr Kelvin C.P. Ng – Senior Town Planner/Fanling, Sheung Shui 2, PlanD

FLN-C2130, KTN-C2130 – 趙愛提

FLN-C2348 – Wong Kei

FLN-C2398 – 黃耀明

FLN-C2456 – 余煒彬

Ms Mary Lee (李穎明) (東北城規組) - Commenters' representative

FLN-C2337, KTN-C2337 – Tam Kwok Sun (譚國新)

Mr Tam Kwok Sun

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 Plans (OZPs) or the publication period of the representations; and
- (d) to ensure a smooth and efficient conduct of the meeting, the representer/commenter should not repeat unnecessarily long the same points which had already been presented by others earlier at the same meeting. Representers/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 commenter and commenters' representative 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 commenter/commenters' representative to make their oral submissions, following the reference number of each commenter 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.

[Mr Peter K.T. Yuen returned to join the meeting at this point.]

FLN-C2130, KTN-C2130 – 趙愛提

FLN-C2348 – Wong Kei

FLN-C2398 – 黃耀明

FLN-C2456 – 余煒彬

7. With the aid of a Powerpoint presentation, Ms Mary Lee made the following main points:

- (a) she would like to share with Members her working experiences in hospital, farmlands, Government panels, her concerns and worries arising from urban developments, and her hopes and wishes from the perspective of a psychologist;
- (b) having worked in hospitals for many years, she found that the relationship with one another was the most important thing in human life. The causes of many diseases or cancers were unknown today. Good health could not be guaranteed through medical treatment or insurance;
- (c) air, water, food, energy, and care for other people and creatures were the basis resources sustaining human survival, but those resources were wasted and degraded in the pursuit of profit and Gross Domestic Product growth;
- (d) more efforts should be made to preserve our environment. Climate change was so rapid that it had already led to ecological crisis and food crisis. Many places were now suffering from diminishing agricultural produce

and pest problems. The world was experiencing soil degradation due to pollution and erosion, and deforestation had rendered it unable to regulate the climate;

- (e) contaminated and toxic soil would result in toxic food, and hence toxic body. Only when there was healthy soil, then there would be healthy plants and eventually healthy people to build up a healthy society;
- (f) despite the increasing awareness of the need for restoring agricultural land and that the Agriculture, Fisheries and Conservation Department would facilitate the matching of prospective tenants with landowners who would like to rent out their land for agricultural use, the application procedure for such agricultural land was not so user-friendly that it had deterred many prospective tenants and the demand could hardly be met by the limited supply. Being an urban farmer engaging in recycling of kitchen leftover for quite a few years, she found it very difficult to continue her farming practices without a piece of agricultural land;

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

- (g) there were only 3 minutes left for the 'doomsday clock'. Climate change was one of the key issues pushing the clock, and 2014 was the hottest year on record;
- (h) it was important for us to take note of the relationships amongst soil food, plants, organic matters, birds and mammals. It took years to nurture soils and trees. But once the soil was covered with concrete, the lives and nutrients inside would be destroyed;
- (i) the International Year of Soils 2015 had highlighted the key messages that healthy soils were the basis for healthy food production; soils were the foundation for the vegetation cultivated and managed for feed, fibre, fuel and medicinal products; soils supported the planet's biodiversity and hosted a quarter of the total; soils helped to combat and adapt to climate

changes, stored and filtered water thus improving resilience to floods and droughts; and soil was a non-renewable resource that its preservation was essential for food security and the world's sustainable future;

[Mr David Y.T. Lui returned to join the meeting at this point.]

- (j) urbanisation was the root cause of many problems nowadays. It made people feel isolated and disconnected. It was important for people to think about what sort of environment, neighbourhood community, human network, etc. they would like to have for the future generations;
- (k) she hoped that there would be a shift in the focus of town planning to soil-centred planning and human-centred planning, not covering up the already scarce soil with concrete, nor uprooting the trees, families or communities. It was important for people to rethink their connection with nature and be aware of sharing the earth with other earthlings, rather than being anthropocentric;
- (l) as a member of other government panels, she would cast her vote on matters based on her own values and beliefs, even if it might not align with the views of the majority. She urged Members to respect the nature and avoid destroying the remaining agricultural land in Hong Kong while seeking better quality of life and striving for economic growth; and
- (m) she asked if Members could share their hopes and wishes with her.

[Actual speaking time : 25 minutes]

8. The Chairman clarified that the hearing was not a platform for exchanging views. Members would deliberate on the issues raised by the representers and commenters at a separate session to be held after all hearing sessions were completed.

9. The Chairman then invited Mr Tam Kwok Sun to present his oral submission. As requested by Mr Tam, the Chairman agreed to allot an additional presentation time of 10 minutes but reminded Mr Tam that his presentation should not deviate from his written submission.

10. With the aid of a Powerpoint presentation, Mr Tam Kwok Sun made the following main points:

- (a) the Board should improve the hearing arrangement as many representers/commenters dared not to take a full day leave from work and to wait for just a short presentation with unknown starting time;
- (b) he would focus his presentation on issues relating to arsenic, as the presentation time allotted was insufficient for him to express views on other issues that he was concerned with;
- (c) town planning should be people-oriented. The social costs would be huge if the Government only focused on development and economic growth. As a case in point, the rapid economic development in the Mainland over the past 30 years had already led to serious contamination in air, soils and rivers;
- (d) arsenic was a harmful substance to human being and animals. Currently, arsenic was mainly found in southwestern Lautau and Kwu Tung where there were not so many people. However, Kwu Tung was planned to accommodate a large number of population under the North East New Territories New Development Areas (NENT NDAs). According to the environmental impact assessment (EIA) undertaken for the NDAs, more than 30% of the 400 soil samples taken by the consultants were found to have exceptionally high level of arsenic, including one soil sample having arsenic (571mg/kg) of over 10 times of the acceptable limit. In another soil sample taken from the soil at 20m deep below ground in the western part of Kwu Tung, the arsenic found (23,400mg/kg) had exceeded the acceptable level by 4,000 times, and further testing revealed that the

arsenic level of the nearby soils was alarmingly high at about 75,000mg/kg. Besides, some samples initially found to contain less arsenic were later revealed to have very high arsenic (e.g. from 457mg/kg to 10,000mg/kg) under further testing. These demonstrated that the EIA process was unable to reflect the whole picture of this harmful substance in the entire Kwu Tung area;

- (e) while the Government had claimed that they would remove the top soil (at the depth between 2m to 8m) and cover up the soil below with concrete, arsenic might still enter the human body through ingestion by direct contact or via underground water or food chain, or through inhalation of arsenic-contained dust arising from construction works. Arsenic would lead to acute diseases and chronic illnesses including cancers, and was particularly harmful to children of age below 6 and construction workers. That would exert great pressure on the medical facilities in future;
- (f) the EIA report had not assessed the impact arising from the drainage discharged from construction sites, which would pollute the surrounding areas and underground water. Through 20 years of the NDA works, the naturally occurring arsenic would eventually penetrate throughout the entire Northern District;
- (g) he quoted two overseas examples of how arsenic would be dealt with by the government. In Australia, the local government of Queensland had taken proactive steps to relocate the tenants of the welfare housing on soils recently found to have unacceptable level of arsenic. In 2007, the Taipei government faced the accusation that its plan to cover high arsenic soils with merely amenity plantings was not implemented in accordance with the laws which required the government to remove the contaminated soils and set up restrictive zones for human activities;
- (h) the Kwu Tung North Outline Zoning Plan (KTN OZP) was in sharp contrast with the said overseas cases. The areas with high arsenic were all planned for high-density public rental housing (PRH) development.



For the southwestern part where extremely high levels of arsenic were found, it was earmarked for rehousing the villagers of Kwu Tung Village. The OZP could hardly be regarded as people-oriented;

- (i) if the KTN area was considered suitable for development, he suggested moving Government facilities and departments including PlanD, the Central Government Complex and the Town Planning Board to KTN so as to release their existing sites for commercial or residential uses; and
- (j) instead of pursuing the NENT NDAs, the Fanling Golf Course should be developed and the PRH proportion could be increased by 3 times to meet the long PRH waiting list. The Government should also acquire land from those indigenous villagers who were willing to sell their land, rather than forcing non-indigenous villagers to leave involuntarily.

[Actual speaking time : 22 minutes]

11. As the commenter and commenters' representative had completed their presentation, the Chairman invited questions from Members.

12. The Vice-chairman asked DPO/FS&YLE to explain how the arsenic issue would be addressed in the NENT developments, and how the PRH sites were distributed to achieve the target ratio of 60:40 for subsidised and private housing in light of the arsenic issue.

13. In response, Ms Maggie M.Y. Chin, DPO/FS&YLE, made the following main points:

- (a) the arsenic issue had been investigated under the NENT studies, including the EIA report which had been discussed in details by the Advisory Council on Environment (ACE);
- (b) according to the EIA report, the arsenic found in the Kwu Tung area was naturally occurring, rather than arising from industrial process or rural

workshop activities. With reference to international practices and local remediation experiences, the EIA report concluded that the arsenic issue could be properly addressed by adopting the method of “solidification/stabilisation”. In endorsing the EIA report, ACE had imposed conditions requiring further submission to assess and minimise the arsenic impact. Besides, a Health Risk Assessment on arsenic had been conducted and confirmed that the health risk was acceptable with the adoption of appropriate mitigation measures. Further studies would be conducted at the design and construction stage to minimise the health risk posed to construction workers and future residents;

- (c) the area with particularly high level of arsenic was planned for ‘Road’, rather than housing developments;
- (d) the PRH sites were planned in the vicinity of the future railway station at KTN and public transport interchanges. The concept was to maximise the use of land resources having locational advantage by clustering high-density residential developments and economic activities around key transport nodes. By retaining about 300 ha of land including greenery areas, farmland, etc. at the outskirts, a balanced development which allowed continuation of agricultural activities and nature conservation could be achieved; and
- (e) the KTN OZP only indicated the broad land use framework for the area. For the PRH sites, detailed layout plans including arrangement of building blocks and amenity areas would be prepared at a later stage. Besides, detailed sampling and investigation would be conducted at the design and construction stage to ensure that suitable mitigation measures were in place to minimise the health risk associated with arsenic.

14. A Member asked Ms Mary Lee how the planning of KTN and Fanling North (FLN) OZPs could fit into the recently announced New Agricultural Policy, and whether Fanling or Ma Shi Po area could provide opportunity for the Agricultural Park proposed under the said Policy.

15. In response, Ms Mary Lee made the following main points:

- (a) she was rather disappointed with the consultative document of the New Agricultural Policy as it mainly took a macro perspective and focused on large-scale agricultural production such as hydroponics, with little discussion on sustaining and supporting localised or small-scale cultivation;
- (b) the concern was not just providing enough food for consumption, but to ensure food security. The consultative document had failed to look into the issue of nurturing healthy soils to ensure food security and promoting agricultural activities to foster community network, family relationship and local economies. The Government should take the opportunity to review all those interrelated matters comprehensively;
- (c) there were many people looking for agricultural land for cultivation. She asked why brownfield sites were not used and instead active agricultural land had to be destroyed for development. She also questioned why fallow land was not rehabilitated for cultivation;
- (d) the proposed Agricultural Park was not clearly defined and there was no mention of its location under the consultative document. In her view, it should preferably be in the form of large-scale eco-villages, and should not be confined to just a few isolated sites in the New Territories. Besides, eco-villages should not be rigidly planned with protocols, and areas of sufficient size should be earmarked to allow their evolution and natural expansion; and
- (e) Ma Shi Po was a well-established agricultural base which could be a starting point for further expansion. Having experienced farmers with strong sense of environmental protection and community network, Ma Shi Po helped showcase the bottom-up process of protecting our environment and the earth, as well as promote urban farming within limited urban space.

The existing farmland at Ma Shi Po should be preserved.

16. The same Member asked Mr Tam Kwok Sun if there was any difference between “砷” and “砒霜” which was described as “砷(砒霜)” in his Powerpoint. In response, Mr Tam Kwok Sun made the following main points:

- (a) although the arsenic found in the area was naturally occurring, that did not imply that it was not a harmful substance;
- (b) with a planned railway station, more underground works would be undertaken at the southwestern part of KTN area where high levels of arsenic were found. Even if “solidification/stabilisation” was applied to minimise the impact of arsenic, excavation works would still be required and construction dust was inevitable;

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

- (c) “砷” and “砒霜” were different substances. His Powerpoint description (i.e. “砷(砒霜)” ) was meant to illustrate the toxic nature of arsenic and the health risk posed to human. If it was proven to be safe, more government facilities should be relocated to KTN; and
- (d) he suggested that the Member share his scientific knowledge of arsenic with the representers/commenters. Likewise, the Government should provide more education to the general public on matters relating to arsenic including treatment methods.

17. In response to the Chairman’s follow-up question on the health risk during construction stage, Ms Maggie M.Y. Chin made the following main points:

- (a) arsenic existed in five forms. The layman term “砒霜” was Arsenic trioxide, which was an Arsenic (III) compound (三價砷). The arsenic found in the soil samples in Kwu Tung was Arsenic (V) compound (五價砷), which was less toxic as compared to Arsenic (III) compound;

- (b) the Civil Engineering and Development Department had previous experience in minimising the risk associated with arsenic by adopting “solidification/stabilisation” method. For the KTN area, detailed sampling and investigation would be conducted during the design and construction stage to ensure that a tailored approach would be adopted to keep the risk to a safe level; and
- (c) regarding the commenter’s suggestion of relocating government facilities to the KTN area, it should be noted that apart from housing developments, various Government, institution or community facilities had also been planned in the KTN area.

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

18. Referring to the Powerpoint photo showing a farmer with skin cancer caused by arsenic, a Member asked Mr Tam Kwok Sun whether it was a local case and the number of similar cases in Kwu Tung. Mr Tam Kwok Sun replied that the illustrated case was from Taiwan. He did not have information on similar local cases in hand but could provide more information if he was allowed to return for another presentation.

19. As Members had no further questions to raise, the Chairman thanked the PlanD’s representatives, commenter and commenters’ representative for attending the meeting. They left the meeting at this point.

20. The meeting was adjourned at 10:25 a.m.