

1. The meeting was resumed at 9:10 a.m. on 2.2.2015.
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 P.P. Ho	
Professor Eddie C.M. Hui	
Mr F.C. Chan	
Ms Bonnie J.Y. Chan	
Professor K.C. Chau	
Mr Ivan C.S. Fu	
Mr Sunny L.K. Ho	
Mr Dominic K.K. Lam	
Mr Stephen H.B. Yau	
Assistant Commissioner for Transport (Urban) Transport Department Mr Albert W.B. Lee	
Chief Engineer (Works), Home Affairs Department Mr Martin W.C. Kwan	
Principal Environmental Protection Officer (Strategic Assessment) Environmental Protection Department Mr Johnson M.K. Wong	
Deputy Director of Lands (General) Mr Jeff Y.T. Lam	
Director of Planning Mr K.K. Ling	

Presentation and Question Sessions

[Open Meeting]

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

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

Mr Kevin C.P. Ng - Senior Town Planner/Fanling, Sheung Shui 2, PlanD

FLN-C5360, KTN-C5360 – Chung Po Wah

FLN-C5380 – Cheng Chi Chung

FLN-C5536 – Hui Sum Yee, Shirley

FLN-C5432 – Chan Wing Ki

Ms Lam Wing Yin (東北城規組) - Commenters' representative

FLN-C5560, KTN- C5545 – Fu Ka Ho

Mr Fu Ka Ho - Commenter

FLN-C5987 – 張美琮

FLN-C5988 – 關祥貴

FLN-C5989 – 廖笑

FLN-C5991 – 關靜芝

FLN-C5993 – 蔡兆軒

FLN-C5994 – 李東淦

FLN-C5995 – 關靜殷

Mr Kwan Hon Kwai - Commenters' representative

FLN-C1459, KTN-C1459 – Lau Lok Tin

FLN-C1694, KTN-C1694 – Wong Lai Ming

Ms Wong Lai Ming - Commenter and Commenter's 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 Fanling North (FLN) Outline Zoning Plan No. S/NE-FLN/1 and the Draft Kwu Tung North (KTN) Outline Zoning Plan No. S/NE-KTN/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 submissions;
- (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 commenters and commenters' 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 the 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 commenters/commenters' representatives 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.

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

FLN-C5360, KTN-C5360 – Chung Po Wah

FLN-C5380 – Cheng Chi Chung

FLN-C5536 – Hui Sum Yee, Shirley

FLN-C5432 – Chan Wing Ki

8. Ms Lam Wing Yin made the following main points as detailed in a script

presented at the meeting:

- (a) having visited the Kwu Tung area in the early 2014 to understand the villagers' needs, she made a submission to express her views on the North East New Territories New Development Areas (NENT NDAs) development proposal. She highlighted the aggrieved situation of the non-indigenous villagers and other alternatives for housing development instead of destroying villagers' homes, such as using military sites or the Fanling Golf Course. However, her views were not accepted by the Government for various reasons;
- (b) what had alerted her most was that the development proposal was said to have been fixed notwithstanding the ongoing public engagement process involving the Board's hearings of representations and comments received in respect of the draft KTN and FLN OZPs. That would not be in compliance with the functions of the Board as laid down in sections 3, 6, 6A to 6H and 8 of the Town Planning Ordinance (the Ordinance). Town planning should not be top-down, and the Board should not act like a rubber stamp. Such injustice had summoned her to engage in the NENT development issues;

[Professor P.P. Ho returned to join the meeting at this point.]

- (c) the affected non-indigenous villagers had not been fairly treated by the Government. They were uncertain about the development proposal and compensation arrangement. The Government had not properly consulted the affected villagers. Some of them might not be aware that their homes would be seized to give away for the NENT NDAs development. The NENT NDAs development would ruin the homes of the villagers and the elderly residents at the Dills Corner Garden. The Government had not conducted any comprehensive social impact assessment for the development proposal, but only suggested that "the impacts had been minimised but unavoidable". There was no

guarantee that the affected inhabitants would be properly rehoused;

- (d) the NENT NDAs development would cost about HK\$120 billion public money, but only about HK\$41 billion would be used for infrastructural development. The taxpayers would need to pay a huge sum of compensation to the land owners, which were largely developers, thereby transferring taxpayers' money to the developers. The NENT NDAs development was full of injustice. It would destroy the local habitats and rural environment, and waste public money;
- (e) the NENT NDAs development was not without alternatives. It was grounded on an over-estimated population figure. The fact that the total number of flats in Hong Kong was exceeding the total number of households suggested that the housing problem was due to distribution imbalance instead of inadequate supply. The Government should consider using the vacant government land, especially those in the urban areas, for housing development in lieu of NENT. Such land would be more conducive to urban living as it would induce less commuting time and cost. The Fanling Golf Course could be another option, as it was merely for serving high-end needs. It was also unlikely that NENT would be a suitable location for the emerging economic activities;
- (f) the Government was contradicting itself in promulgating the agricultural policy for sustaining agricultural development in Hong Kong, while destroying the agricultural land in NENT;
- (g) the Government suggested that 95 ha of land had been designated for agriculture related zones in the KTN and FLN NDAs, but such land included fallow and deserted farmlands. Part of the land would be subject to small house applications by indigenous villagers, hence the

agricultural land could be further destroyed in future. The NENT NDAs development was in effect constraining the sustainable development of traditional agriculture;

- (h) the brownfield sites in the Northern NT and Yuen Long, as mentioned in the Policy Address, originated from the deserted agricultural land hoarded by developers. Allowing development on them was virtually acceding to the developers' act of "destroy first, develop later". That was detrimental to local agricultural development;
- (i) instead of considering the representers' objections as hurdles to development, the Government should try to understand the reasons for the objections. The objectors were endeavouring to ensure justice in the land development process. The NENT NDAs development would cover and resume about 612 ha and 400 ha of land respectively, but residential land would only account for 96 ha. The private residential land would largely accommodate low-density luxury flats, while only 36 ha (or 6% of the total development area) would be used for public rental housing or home ownership flats. It was therefore unreasonable for the Government to justify the NENT NDAs development for provision of public housing. As there were too many fallacies in the development proposal, the Government should continue to consult the public with a view to achieving consensus;
- (j) the Board's system was flawed for various reasons: while the land development issue was inextricably related to land resources distribution and public interest, all the Board Members were appointed by the Chief Executive without involving any democratic procedures; the Board Members were often pre-occupied with their own jobs and would unlikely spend enough effort on understanding the representers'/commenters' submissions; the Board meetings were only held on weekdays, thereby making it difficult for the

representers/commenters to make representations at the meetings; only 10 minutes were allotted to each representer/commenter at the hearings, which was not something set out in the Ordinance; and the Board's Chairman would determine the procedures and rules of the meetings, and rudely turn off the microphone to stop overrun representations;

- (k) the Board was recently requested by 東北城規組 to schedule some 30 additional days to hear the representation of 1,348 representers, but such arrangements had not been properly made. That highlighted the procedural injustice in the town planning process; and
- (l) some Board Members were not respectful to the representers and commenters and failed to pay attention at the hearings. They should duly respect their job as set out in the Ordinance, i.e. to promote the health, safety, convenience and general welfare of the community through the systematic preparation of plans. Members should critically rethink whether the NENT NDAs development could create the said community.

[Actual speaking time: 36 minutes]

FLN-C5560, KTN- C5545 – Fu Ka Ho

9. Mr Fu Ka Ho made the following main points:

- (a) even though the public might not have town planning knowledge, their concerns on land development should be given due regard;
- (b) the public was getting more concerned about whether green belts, villages and rural areas, etc. should be sacrificed for the sake of development; whether the population projections and housing demand

figures were realistic; whether the housing provision initiatives were really catering for the housing needs of the local population; whether more diverse development (e.g. agricultural development) in addition to economic development should be embraced; and whether the Government's public engagement initiatives on land development issues (e.g. Lantau development) were proper and appropriate; and

- (c) Board Members should not overlook their statutory duties as they were making important decisions affecting the communities. They should familiarise themselves with the town planning principles instead of rubber stamping government proposals. The Board was supposed to function as a gatekeeper in the land development process and was obliged to listen to the representers/commenters. It should duly respect the representers' and commenters' rights to make representations.

[Actual speaking time: 10 minutes]

FLN-C5987 – 張美琼

FLN-C5988 – 關祥貴

FLN-C5989 – 廖笑

FLN-C5991 – 關靜芝

FLN-C5993 – 蔡兆軒

FLN-C5994 – 李東滄

FLN-C5995 – 關靜殷

10. Mr Kwan Hon Kwai made the following main points:

- (a) he was speaking on behalf of a three-generation family in Ma Shi Po (MSP). He was born in MSP and was aged 62;
- (b) with the aid of a video, the natural and rural settings, farmlands and

the practice of traditional ditch cultivation, and the local habitats in MSP as well as the threat of urban encroachment onto the area were shown at the meeting;

- (c) speaking from a macro perspective, MSP had emerged from an unfamiliar place to one attracting considerable public attention nowadays. Developers began hoarding land in MSP since the promulgation of the Government's eco-city development proposal in 1997. The proposal then was government-led, and villagers still managed to stay in the villages. Developers' land hoarding activities had been intensifying since the announcement of the NENT NDAs development, causing nuisances to the local villagers (e.g. pollution and demolition activities without proper treatment of asbestos substance), and developers had been forcing the villagers to abandon their homes through legal claims or other means;

[Ms Bonnie J.Y. Chan returned to join the meeting at this point.]

- (d) as shown in his mother's letter addressed to the former Director of Planning as presented at the meeting, the proposed public-private partnership approach for implementing the NENT NDAs development had caused much grievance to his family as it had aided the developers in seizing local inhabitants' properties;
- (e) as suggested in a clipping from Next Media Animation, the NENT NDAs development was providing lucrative development potential to developers as they could apply to the Government for land exchange/lease modification of agricultural land to allow for residential or commercial uses. The NENT NDAs development was a clear example of collusion between the Government and private developers;
- (f) there was grave injustice in the NENT NDAs development process.

The developers were using various means to take over his family house in MSP, even though it fell outside the portion designated for residential development in the NENT NDAs proposal. The development proposal was biased towards the developers as higher plot ratios were somehow allowed on their land. The in-situ land exchange arrangement would trigger developers to clear the local inhabitants;

- (g) that was an era of property hegemony, and the Government was somehow favouring the developers. The youngsters were reluctant to have kids because they could not afford to buy a flat and raise a child. Hong Kong was only for the rich or the public housing residents. It was not a place for the middle class;
- (h) it was envisaged that the future NDAs would be primarily for private luxury flats. The public housing residents in the area would live in a small flat of a tall block, and employed as a security guard or salesperson as there were likely to be less educated people. The commercial complex would be similar to Sheung Shui Landmark, selling luxury goods and serving the Mainlanders. The developers and shop owners would be benefitting from the development. The shops would be predominantly occupied by property agencies, selling luxury flats and farmlands mainly to the Mainlanders. Hence, local people were not actually benefitting from the proposed development;
- (i) instead of inclining towards the developers' interests, town planning should have a human touch for the sake of the future development of Hong Kong. The youth hostel proposal of Henderson Land Development Company Ltd was not as benevolent as appeared. Such proposal would ultimately shift the burden to the Government as the displaced households would likely become public housing tenants; and

- (j) the NENT incident was similar to the Occupy Central Movement in that people were yearning for social justice. In recent years, many youngsters were helping the MSP inhabitants to keep their homes and to retain farmlands. It was questionable as to whether the NENT NDAs development must proceed as proposed, or that town planning was meant to provide better homes for the people, including the youngsters.

[Actual speaking time: 70 minutes]

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

FLN-C1459, KTN-C1459 – Lau Lok Tin

FLN-C1694, KTN-C1694– Wong Lai Ming

11. Ms Wong Lai Ming made the following main points:

- (a) although she was not a local inhabitant, she was touched by the case presented by the preceding spokesman, Mr. Kwan Hon Kwai;

[Mr F.C. Chan returned to join the meeting at this point.]

- (b) the high land price policy was like a disease infesting Hong Kong. The NENT NDAs development was packaged as a “New Town for Hong Kong People”, which was in fact benefitting the developers. The land policy in Hong Kong was inequitable. It was ironic for the Government to talk about a free market economy, while competition law was non-existent in Hong Kong. More than half of the first-hand home buyers in Hong Kong were Mainlanders. The beneficiaries of the NENT NDAs development were not the general public, but the indigenous villagers, large developers, and the Hong

Kong Special Administrative Region Government. The NENT NDAs development would aggravate the conflicts in society;

[Ms Bonnie J.Y. Chan left the meeting temporarily at this point.]

- (c) while agreeing that land would be needed for housing provision, there were still 3,900 ha of vacant land, 688 ha of golf course and 803 ha of brownfield sites in Hong Kong which could be considered for housing uses;
- (d) brownfield sites were polluted agricultural land. In 2013, the Housing Authority intended to use the brownfield sites in Wang Chau to provide for 17,000 flats for 52,000 people. That was equivalent to about half of the housing provision proposed for the NENT NDAs development (i.e. 36,600 public housing flats). However, the Wang Chau proposal was not implemented due to opposition from the indigenous villager stakeholders. Should it be implemented, it would have significantly resolved the public housing provision issue in NENT. The case demonstrated the Government's unfair treatment to the non-indigenous villagers as compared to the indigenous villagers;

[Ms Bonnie J.Y. Chan returned to join the meeting at this point.]

- (e) in the past, only the Government and the Urban Renewal Authority could resume land for public interest. However, since 1999, majority owners could also apply for compulsory land sale for redevelopment;
- (f) Hong Kong's Gini coefficient was 0.537, indicating a poverty gap reaching a critical situation. The NENT proposal would likely push up the Gini coefficient, thereby worsening the situation;

- (g) it was disappointing that the agricultural policy recently promulgated by the Government had not covered the NENT area which accounted for one quarter of the territorial agricultural land. Agriculture was not only about food production, but also the source of culture and well-being. It was unreasonable to keep the brownfield sites or polluted agricultural land, while building flats on the existing agricultural land;
- (h) rehabilitation of the abandoned farmlands in NENT would enable the growth of 229,364 tonnes of vegetables, which was equivalent to about 30% of the annual vegetable supply in Hong Kong. For vegetables, Hong Kong only had a self-sufficiency level of 1.8%. Hong Kong should promote the growth of organic vegetables and sustainable agriculture as practiced in Mapopo Community Farm, instead of vertical farming in factories; and
- (i) even the children's books and governments all over the world, including the Mainland Government, had recognised the importance of agriculture. The NENT NDAs development was a foolish proposal which would only aggravate the adverse impacts of urbanisation. It had not taken into account such issues as climate change, biodiversity, energy conservation and urban resilience. The NENT NDAs development paradigm was outdated without a proper focus.

[Actual speaking time: 22 minutes]

12. As the commenters and commenters' representatives had finished their presentations, the Chairman invited questions from Members.

13. The Chairman recapitulated Ms Lam Wing Yin's suggestion that the Board's Chairman could determine the proceeding of the meetings. He clarified that in

accordance with section 2C(3) of the Ordinance, the Board, instead of its Chairman, could determine the practice and procedures of its meetings. He said that the time provided for representers'/commenters' representations at the hearings were meant to let them highlight the main points instead of repeating their written submissions and to allow Members to raise questions directly with the representers/commenters.

14. In response to a Member's question on his planning vision for MSP and Luen Wo Hui in the next 20 years, Mr Kwan Hon Kwai said that he wished to see a kind of planning with human touch and a place with greens and farmlands. When he was young, he used to know a grain miller who helped the villagers pave the muddy paths during the Ching Ming Festival. He wished to see a future development where people would be socially responsible, an element which was currently lacking in Hong Kong.

15. A Member asked Mr Kwan Hon Kwai about his views on the way forward for development in the MSP area. In response, Mr Kwan Hon Kwai said that MSP was mainly agricultural land with only a few tall blocks around. Most people living there were non-indigenous villagers. The new developments there were rarely occupied. The agricultural land was formed from sediments and the soil was rich for plant growth, hence the trees in MSP were exceptionally tall. Such information was not reflected in the environmental impact assessment report on MSP. The traditional ditch cultivation practised in MSP was even better than organic farming, and should be promoted. The farmers in MSP did not use fertilisers, and the crops produced were healthy and safe. On the other hand, the developed area or brownfield sites in Shek Wu San Tsuen and the nearby areas, such as the "ghost town", and the flats and factory workshops currently turned into sub-divided flats rented by Mandarin-speaking people, could be used for future development. Planning should serve the local people, not the Mainlanders who might not ultimately live in Hong Kong when the NENT NDAs development was completed.

16. In response to a Member's enquiries, Mr Kwan Hon Kwai said that he was not an indigenous villager although his father nearly became one as he was adopted by an indigenous villager. The land on which his family lived used to belong to a clerical officer of the former District Office named "Chu Tak Hing", who made a verbal agreement

to let his father farm his land. The land was subsequently sold to another party without notifying his family. His family had tried in vain to find the new owners to pay rent. The land was then sold to Henderson Land Development Company Ltd, which currently owned a lot of farmlands in MSP.

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

18. The meeting was adjourned at 11:50 a.m.