

**Minutes of 1069<sup>th</sup> Meeting of the  
Town Planning Board held on 28.4.2015 and 29.4.2015**

**Present**

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

Chairman

Mr Stanley Y.F. Wong

Vice-chairman

Mr Roger K.H. Luk

Professor S.C. Wong

Professor P.P. Ho

Professor Eddie C.M. Hui

Dr C.P. Lau

Mr Clarence W.C. Leung

Ms Anita W.T. Ma

Dr W.K. Yau

Ms Bonnie J.Y. Chan

Professor K.C. Chau

Mr H.W. Cheung

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Ms Christina M. Lee

Mr H. F. Leung

Mr Stephen H.B. Yau

Mr F.C. Chan

Mr David Y.T. Lui

Mr Frankie W.C. Yeung

Mr Peter K.T. Yuen

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

Deputy Director of Environmental Protection (1)  
Mr C.W. Tse

Chief Engineer (Works), Home Affairs Department  
Mr Martin W.C. Kwan

Director of Lands  
Ms Bernadette H.H. Linn

Director of Planning  
Mr K.K. Ling

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

Secretary

**Absent with Apologies**

Ms Julia M.K. Lau

Mr Laurence L.J. Li

Mr Patrick H. T. Lau

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

**In Attendance**

Assistant Director of Planning/Board  
Ms Fiona S.Y. Lung

Chief Town Planner/Town Planning Board  
Mr Louis K.H. Kau (28.4.2015 a.m.)  
Ms Lily Y.M. Yam (28.4.2015 p.m. and 29.4.2015 a.m.)

Senior Town Planner/Town Planning Board  
Ms Doris S.Y. Ting (28.4.2015 a.m.)  
Ms Wendy W.L. Li (28.4.2015 p.m.)  
Mr K.K. Lee (29.4.2015 a.m.)

1. The following Members and the Secretary were present in the morning session on 28.4.2015:

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

Chairman

Mr Stanley Y.F. Wong

Vice-chairman

Mr Roger K.H. Luk

Professor S.C. Wong

Professor P.P. Ho

Professor Eddie C.M. Hui

Dr C.P. Lau

Mr Clarence W.C. Leung

Ms Anita W.T. Ma

Dr W.K. Yau

Ms Bonnie J.Y. Chan

Professor K.C. Chau

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Ms Christina M. Lee

Mr F.C. Chan

Mr David Y.T. Lui

Mr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Principal Assistant Secretary (Transport) 3,  
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Mr C.W. Tse

Chief Engineer (Works), Home Affairs Department  
Mr Martin W.C. Kwan

Director of Lands  
Ms Bernadette H.H. Linn

Director of Planning  
Mr K.K. Ling

**Agenda Item 1**

[Open Meeting]

Confirmation of Minutes of the 1069th Meeting held on 8.10.2014, 13.10.2014, 14.10.2014, 15.10.2014, 20.10.2014, 21.10.2014, 22.10.2014, 27.10.2014, 28.10.2014, 29.10.2014, 3.11.2014, 4.11.2014, 5.11.2014, 10.11.2014, 12.11.2014, 17.11.2014, 18.11.2014, 19.11.2014, 24.11.2014, 25.11.2014, 26.11.2014, 1.12.2014, 2.12.2014, 3.12.2014, 8.12.2014, 9.12.2014, 10.12.2014, 15.12.2014, 16.12.2014, 17.12.2014, 5.1.2015, 6.1.2015, 7.1.2015, 12.1.2015, 13.1.2015, 19.1.2015, 20.1.2015, 21.1.2015, 26.1.2015, 27.1.2015, 28.1.2015, 2.2.2015, 3.2.2015, 2.3.2015 and 4.3.2015

[The meeting was conducted in Cantonese]

1. The Chairman said that the draft minutes for the hearing sessions for the 1069<sup>th</sup> meeting had been distributed to Members in batches through email on 10.4.2015, 17.4.2015 and 20.4.2015 before the meeting. Draft minutes for the confidential items of the hearing sessions on 8.12.2014, 9.12.2014, 15.12.2014 and 20.1.2015 had been despatched to Members on 21.4.2015.

2. The Secretary informed Members that after the issue of the draft minutes, some standardisation in format and rectification of a few typos had been made by the Secretariat without changing the content of the draft minutes. The standardised draft minutes had been uploaded to Members' notebooks in the conference room and hard copy had been made available at the Secretariat.

3. The draft minutes of the 1069th meeting covering the presentation and question & answering (Q&A) sessions were confirmed without amendments.

**Agenda Item 2**

[Open Meeting]

Matters Arising

[The meeting was conducted in Cantonese]

4. There was no matter arising for the meeting.

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

#### **Agenda Item 3**

[Closed Meeting]

Consideration of Representations and Comments in respect of the Draft Kwu Tung North Outline Zoning Plan No. S/KTN/1 and Draft Fanling North Outline Zoning Plan No. S/FLN/1

(TPB Papers No. 9745, 9746, 9747 and 9748)

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[The meeting was conducted in Cantonese]

#### **Deliberation Session**

5. The Chairman said that the representations and comments in respect of the draft Kwu Tung North Outline Zoning Plan (KTN OZP) and Fanling North Outline Zoning Plan (FLN OZP) were collectively heard in four groups, namely Group 1 on transport and traffic-related issues, Group 2 on conservation issues, Group 3 on specific land use proposals and Group 4 on general issues. A total of 45 hearing sessions were held from 8.10.2014 to 4.3.2015. To ensure a focussed discussion, the deliberation of the four groups of representations and comments would be conducted separately.

6. The Secretary said that Members' declaration of interests for each of the four groups of representations and comments were detailed in paragraphs 11 to 13 of the minutes for the morning session on 8.10.2014 and paragraphs 3 to 6 of the minutes of the afternoon sessions on 8.10.2014. He recapitulated that the following Members had declared direct interests on the item:

For Groups 1 to 4

- Ms Julia M.K. Lau - being a representer and a commenter in respect of FLN OZP (FLN-R13 and FLN-C6009)
- Mr Patrick H.T. Lau - his company had involved in the submission of proposals for a consultancy study on the Development of KTN and FLN New Development Areas (NDAs), Phase 1 – Design and Construction

For Group 1

- Mr Dominic K.K. Lam ] having current business dealings with MTR  
Mr Ivan C.S. Fu ] Corporation Limited (MTRCL) (KTN-R13 and  
Ms Janice W.M. Lai ] FLN-R14) which was a representer of KTN and  
Mr Patrick H.T. Lau ] FLN OZPs

For Group 3

- Mr Dominic K.K. Lam ] having current business dealings with Henderson  
Mr Ivan C.S. Fu ] Land Development Co. Ltd. (HLD) and the  
Ms Janice W.M. Lai ] representers (FLN-R5 to R8, KTN-R8 and  
Mr Patrick H.T. Lau ] R20748) were subsidiaries of HLD

7. Members noted that Ms Julia M.K. Lau had not been invited to attend the meeting in the capacity as a Member and Mr Patrick H.T. Lau had tendered apology for not being able to attend the whole meeting. Members also agreed that Mr Dominic K.K. Lam, Mr Ivan C.S. Fu and Ms Janice W.M. Lai, who had not participated in the hearing sessions for the representations and comments of Groups 1 and 3, should be invited to excuse themselves from the meeting during the deliberation of representations of those two groups.



8. The Chairman suggested that as some Members had declared direct interests for the hearing of both Group 1 and Group 3 representations and comments, the deliberation of Group 2 representations should be conducted first for a smoother conduct of the meeting. Members agreed.

9. The Vice-chairman remarked that during the hearing sessions, many of the representers/commenters and their representatives had provided substantial and well-prepared information to support their cause, while PlanD and other government departments had also provided detailed explanations/clarifications and useful background information for consideration of the Board. The efforts made by the representers/commenters and their representatives and the government representatives were highly appreciated. The data and information provided including those presented during the hearing sessions were useful materials which could facilitate the Board's deliberation of the representations and comments. Members shared his view.

10. The Chairman asked Members to consider the representations and comments taking into account the written submissions and the oral submissions made at the hearing sessions.

**Group 2 (TPB Paper No. 9746)**

Draft KTN OZP

***Representations***

R16, R17, R93 and R94

Draft FLN OZP

***Representations***

R16, R17, R541 and R542

11. The Chairman said that Group 2 consisted of eight representations (four each for KTN OZP and FLN OZP) which were related to specific conservation issues.

Representations Relating to Both the KTN OZP and FLN OZP

*Importance of Agriculture in Hong Kong (KTN-R93 and FLN-R541)*

12. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) they objected to the loss of farmland in KTN and FLN. Agriculture offered an opportunity for diversification of culture and lifestyles, and contributed to food safety and security for Hong Kong;
- (b) the current planning policy was unfavourable to agricultural industries. Potential farmland was diminishing due to Small House and open storage developments; and
- (c) a strict and positive policy should be sought to preserve agricultural land through protective zoning.

13. Members then went through the following responses of the relevant government departments given during PlanD's presentation, and/or in answering Members' enquiries at the hearing, and/or recorded in the Paper:

- (a) with a view to promoting urban-rural integration while recognizing the importance of agriculture to Hong Kong, 95 ha of agricultural land (i.e. 58 ha zoned as "Agriculture" ("AGR") and "AGR(1)" and 37 ha reserved for Long Valley Nature Park (LVNP)) had been retained within the NDAs, allowing continuation of farming activities;
- (b) about 28 ha of active agricultural land would be affected (i.e. about 4 ha in KTN NDA and about 24 ha in FLN NDA), accounting for less than 4% of total active agricultural land in Hong Kong;

- (c) about 34 ha (including about 5 ha of government land) of the fallow agricultural land in Kwu Tung South (KTS) had been identified with potential for agricultural resite/rehabilitation;
- (d) the Government would endeavour to assist the affected farmers in rehabilitating farming and offering them with reasonable arrangements and compensation under the prevailing policy;
- (e) a special agricultural land rehabilitation scheme would be introduced. Priority assistance would be offered to match the affected farmers with those landowners who were willing to lease/sell out their land to them for agricultural rehabilitation. Suitable government land falling within these areas could also be offered to the farmers by way of short-term tenancy;
- (f) according to the prevailing agricultural resite policy, eligible affected farmers could apply for a short term waiver (STW) from the Lands Department (LandsD) to build a two storey farm structure with maximum gross floor area (GFA) of 400 ft<sup>2</sup> for each storey and 17 ft tall for agricultural rehabilitation and domestic use by the farmers themselves;
- (g) according to the current agricultural policy, the Government would support local farming through providing infrastructure facilities and financial assistance to raise its productivity and profitability; and
- (h) in response to changes in public aspirations about the future development of local agriculture in recent years, the Government was currently reviewing the agricultural policy to further enhance the productivity and sustainability of local farming. A consultation document on new agricultural policy was released in December 2014 for consultation.

14. In response to a Member's enquiry, the Chairman said that the deliberation of the four groups of representations and comments would be conducted separately and in the sequence of Group 2 on conservation matters, Group 1 on traffic and transport matters, Group 3 on specific land use proposals and finally Group 4 on general matters which would involve issues already raised in other groups.

Agricultural resite/rehabilitation and Compensation and Clearance

15. A Member asked whether it was an existing policy to allow a farmer affected by the NDAs development to build a domestic structure on the new farmland. In response, the Chairman said that under the existing agricultural resite policy, a genuine farmer would be allowed to rent or purchase a farmland at another location to continue his farming practice. That farmer whose domestic structure was affected by the NDAs development could submit an application to the Lands Department (LandsD) for a short term waiver (STW) to build an On-Farm Domestic Structure (OFDS) with a maximum roofed-over area of 400ft<sup>2</sup> and a height not exceeding 17ft (2 storeys) for habitation, storage of agricultural tools and materials and for living in.

16. The same Member further asked whether the new OFDS in the replacement farmland was considered as a kind of squatter and whether there were any restrictions on its building materials and floor area.

17. In reply, Ms Bernadette H.H. Linn, Director of Lands, made the following points:

- (a) the OFDS, being a new structure erected under the STW, would not belong to the category of surveyed squatter structures recorded by the territory-wide survey in 1982. Those 1982-surveyed structures were unauthorised structures tolerated on a temporary basis until they were phased out due to natural wastage, environmental or hygiene or safety concerns or development clearance by Government. Since they were supposed to be gradually phased out, only temporary materials would be

allowed to be used in their redevelopment;

- (b) under the current agricultural resite policy, only those affected farmers who were originally residing in domestic structures erected on the farmland would be eligible to apply for a STW to build an OFDM on the replacement agricultural land; and
- (c) if the original domestic structure on the affected farmland was a squatter structure which would be cleared by the Government in due course, the new OFDS would have to comply with the prescribed dimension as set out in the waiver despite the size of the original structure. However, if the original domestic structure was erected on a building lot, it would be subject to a different compensation scheme during the clearance.

18. The same Member sought further clarification on whether the OFDS would still be treated as a squatter structure if the affected farmer was a tenant and the original domestic structure found on the agricultural land was a surveyed squatter structure.

19. The Chairman said that the OFDS and surveyed squatters were administered under two different government policies and he requested D of Lands to further explain the two policies.

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

20. Ms Bernadette H.H. Linn said that the Government conducted a territory-wide Squatter Structure Survey in 1982. According to the existing squatter clearance and control policy, those surveyed squatter structures were unauthorised structures tolerated on a temporary basis until they were phased out due to natural wastage, environmental or hygiene or safety concerns or development clearance by Government. For the agricultural resite policy, genuine farmers who were residing on the farmland affected by government clearances could apply to LandsD for a STW for building a domestic structure with a maximum roofed-over area of 400ft<sup>2</sup> and a height not exceeding 17 ft (2 storeys) on the new farmland regardless of whether the original structure was a surveyed squatter or not.

If approved, the STW would be cancelled if the farmer discontinued the farming practice on the farmland.

21. Another Member asked whether some organisations currently operating hobby farm or organic farming in the NDA would also be treated as genuine farmers and subject to the same agricultural resite policy.

22. Ms Linn said that if agricultural land was to be resumed for a public purpose, the Government would consider the eligibility of different stakeholders involved for different compensation arrangement. For instance, the legal owner of the land would receive compensation in the form of ex-gratia allowance (EGA) calculated with reference to standard rates or he could make a claim for statutory compensation involving possibly the Land Tribunal under the law. For the occupiers who had erected some structures on the farmland, the compensation would depend on the status of those erected structures. If they were surveyed squatters, suitable EGAs would be granted to those eligible occupiers. However, if those structures were not surveyed squatters, the occupiers would not be eligible for compensation under the existing policy. For those occupiers who had received suitable EGAs, they could decide whether the allowance would be put into the resite farmland for them to continue farming activities.

23. Another Member enquired if the EGA received would be sufficient for building an OFDS on the new farmland and whether the compensation would be timely provided to meet the need of the affected farmers.

24. In response, Ms Linn said that if the original domestic structure on the farmland affected by the NDAs development was a surveyed squatter structure, the eligible occupier of the farmland would receive a EGA not exceeding \$600,000 under the special compensation package that the Government had offered for the NDAs concerned. While she did not have information on whether the allowance was sufficient to build a new OFDS, as far as she knew, the building cost of such OFDS might vary depending on the level of sophistication. As regards the timing for compensation, if the concerned OZPs were approved by the Chief Executive in Council, the statutory land resumption procedures could then commence and it would take at least 9 to 12 months to complete.

Those affected parties who had no dispute on the proposed amount of EGA could take parallel action to identify suitable agricultural land elsewhere to continue farming and then submit application for building OFDS under the existing agricultural resite policy pending completion of the land resumption and clearance process.

25. The Chairman said that the Board should focus on considering the land use proposals of the draft OZPs. For issues such as those relating to the resite arrangement of the existing farmers affected by the NDAs development and how the needs of the affected farmers could be better addressed, which were not directly related to land use proposals, could be separately discussed and set out by the Board for consideration by concerned departments at the implementation stage. Members agreed.

#### Land Use Frameworks of NDAs

26. A Member said that the focus of the Board should not be distracted even though a large number of representers/commenters had made extensive coverage on the subject relating to agricultural rehabilitation/resite arrangement during their oral submissions. The Board should concentrate on scrutinising the land use framework for the NDAs development, as in accordance with its mandate under the Town Planning Ordinance. The existing agricultural land in the area had gradually changed from subsistence farming to commercial farming. As commercial farming involved different stakeholders including land owners and tenants, the Government had put forward different measures to cater for their different needs. Given that most of the affected farmers did not own the land, the Government had no obligation to compensate such farmers and it should be a matter to be resolved between the land owners and their tenants. Notwithstanding this, the Government should still render assistance to those affected farmers by identifying suitable sites for agricultural rehabilitation. Moreover, the Government was also reviewing the Agricultural Policy and the proposed Agricultural Park concept might cater for the needs of the affected farmers in the NDAs. Matters concerning the agricultural policy, agricultural rehabilitation and resite, and compensation were not within the ambit of the Board insofar as land uses were concerned. The Board should examine the appropriateness of the land use proposals in the OZPs but could provide views on the agricultural policy outside of the statutory plan preparation process.

[Dr Wilton W.K. Fok returned to join the meeting at this point.]

27. Another Member concurred with the views that the Board should focus on the land use planning for the area but should also put forth, outside of the statutory plan preparation process, its views on the detailed design and implementation of the NDAs for the Government's further consideration. Noting that the existing agricultural activities in the area were well established and had created some kind of social ecology in the area, this Member wondered if there was scope to refine the existing land use proposals in order to achieve an optimal balance between the provision of the needed housing land and the preservation of more existing agricultural land.

28. Members noted that as previously explained by the Government's representatives, the existing land use for the two NDAs had already taken into account a host of relevant planning considerations and had struck a careful balance to address the different needs of Hong Kong. With a view to preserving the existing agricultural activities, about 95 ha of agricultural land (including 37 ha reserved for LVNP) had been retained within the NDAs and were zoned as "AGR" to allow continuation of farming activities. Moreover, farming activities were also permitted as of right on those areas which were zoned "Green Belt" ("GB") on the OZPs. To further address the needs of the affected farmers, about 34 ha of fallow agricultural land in KTS had been identified with potential for agricultural resite/rehabilitation and special assistance would be provided by the Government to carry out priority matching of suitable agricultural site for those affected farmers. In terms of land use planning, high density residential developments were planned in the vicinity of the future railway station and public transport interchanges (PTIs) to make best use of sites with easy accessibility.

29. Two Members expressed no strong view on or no objection to the overall land use planning and layout of the draft OZPs and agreed to the approach that the Board should put forward its views on detailed design and implementation of the NDAs to the Government for further consideration outside the statutory plan preparation process.



30. A Member remarked that the agricultural rehabilitation scheme should also take into account the type of farming practice currently adopted by the affected farmers. For example, the Mapopo Community Farm which was practicing dry farming might not easily adapt to wet farming currently practised in the Long Valley (LV). Noting that 'Agricultural Use' was always permitted within the "GB" zone, this Member asked if OFDS was also always permitted within the zone.

31. Mr K.K. Ling, Director of Planning, said that only genuine farmers confirmed by the Agriculture, Fisheries and Conservation Department (AFCD) would be eligible for agricultural resite under the Government's policy and they would be permitted to build an OFDS on the resite land with the specified dimension upon approval by LandsD. According to the Notes for the "GB" zone of the OZP, 'OFDS' was a use always permitted within the zone.

32. The Vice-chairman made the following points:

- (a) broadly speaking, the development of the NDAs was a matter of 'give and take' which required striking a careful balance between conservation and development; provision of housing supply and preservation of existing agricultural land; and public interests and private interests;
- (b) while the NDAs were required to meet the development needs of Hong Kong, it was also necessary to take care of the needs of the affected farmers in the area, not limiting to the users of the Mapopo Community Farm;
- (c) given that a total of 95 ha of agricultural land had been retained in the NDAs to facilitate the continuation of both dry and wet farming activities in the two NDAs, and there were other suitable agricultural land in other parts of the territory such as Lau Shui Heung, the affected farmers might have to make a choice on whether they would like to continue with the farming activities on the retained agricultural land in the area or other locations. They could also decide whether they would

like to continue their existing farming practices or adopt a new farming approach. Options/alternatives were available for the affected farmers though these options might have to be fine-tuned at the later stage;

- (d) according to his understanding, the concept of 'urban-rural integration' as advocated by the representers/commenters was to retain the 'status quo' of the existing agricultural land and farming practices of the area, and they demanded 'no removal no clearance' of the existing land uses/developments. Such a concept per se was in conflict with the NDAs development which would provide about 60,000 housing units to meet the need of the society;
- (e) he considered that the realisation of the 'urban-rural integration' through piecemeal preservation of some small pockets of agricultural land in the midst of the high-rise, high density development was not desirable; and
- (f) in view of the above, he supported the existing land use proposals as set out in the two draft OZPs, and considered that the needs of the locals and affected parties should be carefully addressed at the detailed design and implementation stage.

33. Another Member remarked that the existing land use proposals had already taken into account various considerations such as compatibility with the surrounding environment, the need to provide additional land for future housing and economic developments, and the need to preserve the existing agricultural land and farming activities. Given the fact that some of the affected parties were only occupiers of the agricultural land, it might be difficult to continue the existing farming activities if there was a change in land ownership. Even if the farming activities were allowed in other location, the existing practice might also need to be changed to adapt to the new environment.

34. The Chairman said that as most of the existing farmers in the area were not the land owners, the existing farming activities might still be jeopardised if the land owner sold the land or used it for other developments. To address the concern of the local

farmers, the Board might suggest the concerned departments to actively engage the existing practitioners when suitable land for agricultural rehabilitation and resite were identified.

35. Having considered that the implementation of the NDAs development would have a long lead time of more than 10 years, a Member said that it would be more appropriate to formulate a broad land use planning framework at this stage which could allow more flexibility for refinement to meet the changing needs of the society in the long run. In view of the scale of development, it would be more efficient from the engineering point of view if the large-scale site formation and infrastructure works could be comprehensively planned in order to ensure timely provision of more land to meet the acute demand for housing and economic developments. On balance, some existing agricultural land might have to be sacrificed for the overall public interest of Hong Kong.

36. Another Member said that the Board should examine whether the two NDAs were strategically located, and whether their layout and land use proposals were functional and efficient to meet the planning objectives. During the plan preparation, the concerns and needs of relevant stakeholders including land owners should also be duly considered. Majority of the representers and commenters were not land owners and they had expressed their psychological attachments to the existing agricultural land or the local community. As those stakeholders would like to maintain the status quo, conflicts would become inevitable if the Government intended to develop the area. While it would be impossible to prepare a development plan that would be acceptable to all members of the public, the Board should focus on examining whether the broad land use framework as set out in the draft OZPs was appropriate. As the value and aspiration of the community as well as the planning circumstances were ever changing, it would be more appropriate to allow more flexibility in the current land use proposals to cater for future refinement of the plans.

37. The Chairman summed up the deliberation on this aspect that Members generally agreed to the overall land use planning framework of the OZPs and were satisfied that it had taken into account various planning considerations including the need for conservation and preservation of existing land uses. Members generally considered that the Government should endeavour to assist the affected farmers in identifying suitable land

for agricultural resite/rehabilitation and such views could be consolidated for the Government's consideration in the detailed planning and implementation of the NDAs development outside of the statutory plan preparation process.

#### Preservation of Agricultural Land in Ma Shi Po

38. A Member expressed appreciation on the Government's effort in formulating the existing land use proposals which had taken into account various planning considerations and agreed to the land use proposals for the KTN OZP. As for the FLN OZP, this Member said that consideration might be given to rearranging the existing land use proposals for the Ma Shi Po area. Given that there were already some residential developments along Sha Tau Kok Road, it might be appropriate to relocate some of the planned high-density residential developments in the Ma Shi Po area to this location in order to preserve some of the existing farmland.

39. Members noted that there would be difficulties to adjust the land use zonings of the Ma Shi Po area which was comprehensively planned as a future town centre of the FLN NDA. The future town centre would accommodate a mix of high-rise public and private housing developments with the provision of a PTI and other associated government, institution or community (GIC) facilities serving the future population. Besides, it would also be difficult to demarcate individual pieces of existing agricultural land that should be preserved. For those existing farmland areas which were zoned "Open Space" on the OZPs, consideration could be given to integrating farming activities into those future open space developments at the detailed design stage.

40. Another Member considered that it might be unnecessary to designate a large central park at the southern portion of the FLN NDA and a PTI in the Ma Shi Po area given their proximity to the North District Park and an existing PTI at Luen Wo Hui respectively. If some of the planned residential developments in the Ma Shi Po area were relocated to the planned central park and the planned PTI was deleted, the Member wondered if there might be scope to preserve a certain percentage of the existing agricultural land in the Ma Shi Po area which was under active farming with associated recreational/educational activities.

41. Members noted that the nature and operation mode of the Mapopo Community Farm in Ma Shi Po which provided guided tours and various fee-paying leisure and recreational activities and considered it more akin to a hobby farm although there were some farming activities within it. As compared with other farmlands that were actively farmed in the vicinity, Members were not convinced that the Mapopo Community Farm was worthy of retention from the promotion of agriculture point of view.

42. Members noted that the planned PTI in the Ma Shi Po area was intended to serve the future population of the public housing developments in the area. The existing PTI in Luen Wo Hui was small and would not have sufficient capacity to cater for additional public transport demand generated by the FLN NDA.

43. A Member said that the Ma Shi Po area was currently mostly characterised by active agricultural activities. Apart from Mapopo Community Farm, there were still a lot of genuine farmers growing crops in the area. While there was no dispute that the NDAs development was required to provide the much needed land to meet the housing and economic needs of Hong Kong in the medium to long term, more innovative planning concept should be adopted in the New Town development. Consideration should be given to achieving 'urban-rural integration' by having more agricultural activities which could serve as a green corridor for the area as well as to facilitate organic farming and other environmental-friendly activities such as food waste recycling and educational activities. The Member wondered if the existing land use proposals for this area might be rearranged so as to respect the rural setting, history and culture of the local area.

44. A Member said that nowadays agricultural activities had been shifted from mainly for agricultural production to the pursuit of a way of living. Mapopo Community Farm was performing an educational role in promoting local agriculture which might complement the objectives of the Government's new Agricultural Policy. Given that there were already many green area and open space in the Fanling/Sheung Shui district, the resumption of existing agricultural land for the development of additional open space in the NDA might be worth further consideration.

45. With the aid of a visualiser showing the draft FLN OZP, Mr K.K. Ling made the following main points about the planning history of the FLN NDA and development concept of the Ma Shi Po area:

- (a) the original Ng Tung River which was shown as hatched black area on the OZP did not fall within the boundaries of any OZPs. As the area to the south of Ng Tung River was prone to flooding and was not suitable for development, the northern boundary of the existing Fanling New Town was delineated by Ma Sik Road;
- (b) upon the completion of the training works for Ng Tung River, the area to the south of the trained river including the Ma Shi Po area was now planned as a natural extension of the existing Fanling/Sheung Shui New Town while the area to its north remained largely rural in character;
- (c) under the current planning, the Ma Shi Po area would be developed into a high-density development cluster with the provision of a PTI accommodating more than 50,000 people. Taking into account the existing topography of the area, extensive site formation/land filling works might be required to raise the site up to the same level as Ma Sik Road in order to address the flooding problem and to facilitate the provision of drainage and other infrastructural facilities. Detailed design of the site formation and infrastructure works was still in progress;
- (d) in view of the scattered location of the existing domestic structures of the farmers in the Ma Shi Po area, it would be very difficult to preserve some portion of the existing farmland or to retain the domestic structures of some existing farmers. The area had been planned for high-rise, high-density development node. The preservation of few patches of agricultural land and some domestic structures proliferating in this area would not be compatible and could not be taken as achieving the concept of 'urban-rural integration';

- (e) recognising the public aspiration to preserve the existing agricultural land in the future NDAs, a large stretch of existing agricultural land in the LV area in KTN and the Fu Tei Au area in FLN would be comprehensively preserved;
- (f) whether there was scope to preserve more existing farmland within the strips of open space planned in the area, particularly those near the town centre of FLN would be further examined at the detailed design stage;
- (g) the cruciform-shaped open space system in the central part of FLN was planned as the town plaza to serve both the existing residents of the Fanling/Sheung Shui New Town and future population of the NDA development. Moreover, a road system had also been carefully designed to link up the future town centre with the existing one at Luen Wo Hui. That would provide better integration and enhance the synergy effect between the two town centres; and
- (h) although the existing farmland in the Ma Shi Po area would be affected by the NDA development, there was still many farmlands in different parts of the North District. As such, there was still a need to retain the existing North District Temporary Wholesale Market for Agricultural Products in the area.

46. Four Members concurred with the view that the possibility of community farming in areas designated for open space should be explored at the detailed design stage.

47. In summing up, the Chairman said that the draft OZPs only provided a broad land use framework for the NDAs. For respecting the rural character of the area, there would be scope to integrate the farming activities into some of the proposed open space developments during the detailed design stage. He further said that Members' views on exploring the possibility of incorporating community farming in the future planning and design of those public open space/central park would also be conveyed to the relevant

bureaux and departments.

#### Planning Intention for Long Valley

48. A Member opined that given the high conservation and ecological value of the LV where developments should not be allowed, consideration might be given to zoning the core area of LV as “Conservation Area” (“CA”) in order to provide better protection. This Member wondered whether the present zoning of the LV as “OU” annotated “Nature Park” (“OU(Nature Park)”), which was intended to achieve conservation on one hand while encouraging farming activities on the other, was appropriate.

49. The Chairman said that the current zoning of LV as “OU(Nature Park)” was intended primarily to preserve the ecological value of the area through the continuation of the existing mainly wet farming based on guidelines and requirements to be prescribed by AFCD. Under the current planning, all the agricultural land under this zoning would be resumed by the Government to ensure that the farming practices in the area could be properly monitored and managed by AFCD so as to carefully maintain the existing wetland habitats and hence to preserve the ecological value of the area. Moreover, the area was to compensate for the loss of existing wetland due to the development of the NDAs. If the farming activities were left to the individual farmers, some might change to dry farming that was not conducive to maintaining the present ecology that had made LV worthy of nature conservation.

#### Urban-rural integration

50. A Member said that while New Town development was important to provide land to meet the future development needs of Hong Kong in the long term, the Board should strive to achieve the best land use proposals and development layout for the areas with regard to the existing available information and the prevailing circumstances at the moment. During the plan making process, innovative planning and design concepts should be introduced and the views and needs of the relevant stakeholders should be carefully considered for reaching a balanced decision. Given the existing rural and agricultural character of the areas where substantial areas were still under active farming,



the opportunity should be taken to explore the potential to integrate agricultural activities into the future developments. The agricultural land in the area should not be taken as a development or design constraint. Instead, it should be regarded as a resource / potential to enhance the visual quality and improve the living environment of the area.

51. Another Member shared the view that the new town development should integrate the residential developments with the preserved agricultural land so as to achieve an optimal mix of land use. The presence of agricultural land in the midst of a high-density residential cluster might not be incompatible in land use terms. The two uses could be complementary in that the residents of the housing developments would supply the necessary labour for farming activities and at the same time serve as a market for the agricultural produce.

52. A Member said that while the realisation of 'urban-rural integration' would require further studies at the detailed implementation stage, consideration might be given to clearly specifying such a concept in the planning intention of the Notes of the OZP or to formulate relevant guidelines to set out the possible measures that might be adopted to achieve the planning intention.

53. In view of the growing aspiration for promotion of local agriculture, a Member considered it necessary to adopt a new concept in the detailed planning of the NDAs and consideration should be given to recommending the concerned government departments to specify the provision of farming activities in the detailed planning of various development sites. There were some successful overseas experience in Japan, United Kingdom and other European countries where farmland were found next to high-rise developments and the concept was well-accepted by the communities. Apart from the need to promote permaculture to cater for the changing circumstances of the society, it was highly desirable to promote more farming activities on podium level and roof top of developments. Consideration could be given to clearly specifying such requirement in the future developments of the NDAs during the detailed design work. The same Member further said that the introduction of urban farming into the NDAs would help to inject a new element in urban planning. Moreover, rooftop farming could also compensate for the loss of at-grade green area.

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

54. The Chairman remarked that such suggestion would help to achieve some form of 'urban-rural integration' in the future developments, and such form of urban farming might be planned and implemented in a comprehensive and coordinated manner by the Government.

55. Mr K.K. Ling said that the suggestion of some Members to better integrate the existing agricultural land with the planned residential developments in the future new town were well intended. However, as explained earlier, the Ma Shi Po area, which was planned for a high-rise, high density development node at a maximum plot ratio of 6 and building height of about 35 storeys, would require large-scale infrastructure and site formation works. In view of the scale of developments, it would be technically difficult to preserve some of the existing farmlands in that area. It was a conscious planning decision to segregate the agricultural land to be preserved from the development node in order to minimise the potential impacts of those large-scale infrastructure and road network on the agricultural activities.

56. In response to a Member's question on what refinements could be introduced to the OZPs to address the concern of preserving more agricultural land in the area, Mr Ling said that for the FLN OZP, concerned departments were reviewing the feasibility of relocating the existing police facilities at Fan Garden to the Kong Nga Po site. Should it be feasible, the two GIC sites in Fu Tei Au, currently planned as reprovisioning sites for the police facilities, would no longer be required. There might be scope to rezone the two sites for agricultural use which would entail amendments to the OZP at a later stage. The preservation of agricultural land in the Fu Tei Au area was supported by the local villagers. For the KTN OZP, the provision of open space in the NDA to serve the future population complied with the requirements of the Hong Kong Planning Standard and Guidelines (HKPSG). To take up Members' wish to integrate agricultural activities into appropriate future developments and to respect the rural character, the proposed open space in Shek Wu San Tsuen, which was sufficiently large and mostly intact, might have potential to incorporate agricultural activities into its future development. As the Civil

Engineering and Development Department and PlanD were currently undertaking detailed engineering study for the proposed open space, subject to Members' agreement, the concerned departments would be requested to explore the possibility of integrating the existing agricultural land into the future design of the open space.

57. The Chairman said that Members' vision to achieve 'urban-rural integration' in the FLN NDA was appreciated. In reality, there might be practical difficulties to effectively apply this concept in the formulation of OZP, which only defined the broad land use proposals, taking into account the incompatibility of some agricultural land with the high-density developments in the area, fragmented land ownership and the criteria to decide which agricultural land or domestic structures were to be preserved. Given that the broad land use frameworks of the OZPs were acceptable, the Board could give its views to the concerned departments to further explore the 'urban-rural integration' concept in the detailed design and implementation of the NDAs development as far as practicable. Members agreed with this approach.

#### Others issues

58. The Chairman said that issues like local agriculture would safeguard food safety and it was important to achieve an appropriate self-sufficiency ratio in food supply for Hong Kong were also widely covered in the Group 4 representations. He sought Members' view on the issues. In response, a Member considered that in reality it might not be feasible to set such a ratio in Hong Kong.

59. A Member considered that a proper balance had to be struck between development and the need to acknowledge the existing land use and community. Since the Government commenced the study on the subject NDAs development in 1998, a number of developers had already started to acquire land in the area in anticipation for future developments. This had resulted in abandonment of the active farming activities in the area and had led to the allegation of collusion between the Government and developers when the Government subsequently decided to resume the NDAs development after suspension of the project for some years. This Member further said that even if the OZPs were approved, there was still a need to address the potential impact of the NDAs on the

livelihood of the local residents and users of the agricultural land. The locals were concerned about the certainty and feasibility of the agricultural rehabilitation and resite scheme and the perceived problem of unfairness when only big developers were allowed to apply for a land exchange for future developments while their land had to be resumed. These issues had to be carefully addressed by the Government to ensure that the NDAs project could be smoothly and timely implemented.

60. The Chairman summed up Members' discussions, as follows:

- (a) while recognising the importance of agriculture as raised by the representers and commenters in their written and oral submissions, Members generally considered that the KTN and FLN NDAs were necessary as they would provide a major source of land supply to meet the medium to long-term housing, social and economic development needs of Hong Kong;
- (b) a large amount of land had been reserved in the KTN and FLN OZPs as "AGR" zone and farming activities could also continue in other zones including "GB"; and
- (c) Members considered that the draft FLN and KTN OZPs, which provided broad land use frameworks for the two NDAs, were acceptable. As for the suggestion to better integrate rural and agricultural character into future developments such as open spaces in support of the concept of 'urban-rural integration', that should be further explored at the detailed design of the NDAs.

61. A Member suggested that Director of Planning's specific proposal to include farming activities in the detailed design of the proposed open space at Shek Wu Wai should be pursued by concerned government departments. This would facilitate the development of a new form of agricultural activities and demonstrate the feasibility of such a development concept.

62. The meeting was adjourned for a short break.

[Dr Wilton W.T. Fok returned to join the meeting after the break.]

*Lack of Impact Assessments on Affected Industries (KTN-R93 and FLN-R541)*

63. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) there was no analysis or information on the number of residents, business operators, and employees being affected by the NDA;
- (b) there was no measure or policy for relocation of the existing industries; and
- (c) land resumption for NDAs development would break down the existing economic and social networks, affecting availability of jobs and existing life styles.

64. Members then went through the following responses of the relevant government departments given during PlanD's presentation, and/or in answering Members' enquiries at the hearing, and/or recorded in the Paper:

- (a) under the NENT NDA Study, the characteristics of the existing developments, local economic activities, the potential impacts arising from the NDAs development and proposed mitigation measures had been examined;
- (b) there were about 51 ha of rural industrial and open storage sites in the KTN and FLN NDAs, most of which were concentrated in the central part of the KTN NDA and along Man Kam To Road in the FLN NDA;

- (c) the Government would continue to communicate with the stakeholders of the affected rural industries/businesses/workshops to further explore feasible solutions to cater for their needs in a fair and reasonable manner;
- (d) about 17.5 ha of land was zoned “OU” annotated “Business and Technology Park” and “Research and Development” in the KTN NDA. Together with other economic and social facilities such as retail, service industry and community facilities, different types of jobs and a large amount of employment opportunities would be generated. It was estimated that the KTN and FLN NDAs would provide about 37,700 jobs; and
- (e) recognising the importance of rural industries, sufficient land at appropriate locations (e.g. in proximity to the cross boundary points and strategic road links) had been designated as “Industrial (Group D)” (“I(D)”), “Open Storage” (“OS”) and “OU” annotated “Port Back-up Uses” zones on other OZPs to meet the demand for such uses. For those incompatible industrial/open storage uses within the NDAs/other rural areas, they might be subject to appropriate planning control or enforcement in accordance with the provisions of the OZPs.

65. The Chairman said that the two OZPs had provided broad land use proposals to cater for suitable business/commercial uses such as business and technology parks and research and development centres to generate employment opportunities for the existing and future population of the NDAs. While it was inevitable that some existing industrial operators would be affected by the NDAs development, the Board might consider recommending the Government to make extra efforts in looking after the relocation needs of those traditional industries who were willing to continue their operation. Members agreed.

66. A Member opined that the Government should continue to take appropriate actions under the current established mechanisms to provide necessary assistance to the

affected operators. While suitable relocation sites might be identified by the Government, the viability of the industrial operations in that new business environment should be assessed by the affected operators.

67. According to his understanding, the Chairman said that the operator of the existing sawmill considered that the continuation of business might not be financially viable while the operator of the soy sauce factory was interested to continue the operation in a suitable location.

68. In response to the Chairman's question on the compensation for the affected business operators, Ms Bernadette H.H. Linn said that if the cleared structures on the site were surveyed structures registered for retail /workshop uses, EGA would also be granted. Depending on the nature of uses, the amount of EGA would be equivalent to 7 to 15 months' rental value.

[Ms Anita W.T. Ma left the meeting temporarily at this point.]

*Segregation of Development Areas by Roads (KTN-R93 and FLN-R541)*

69. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) the living areas were segregated by roads which would adversely affect the vibrancy and connectivity of the development area; and
- (b) there was a lack of a comprehensive cycling and pedestrian plan. The future cycle track system should be properly planned to link up the residential areas with the proposed railway station, PTIs and major activity nodes within the NDAs.

70. Members then went through the following responses of the relevant government departments given in PlanD's presentation as well as in answering questions raised by Members at the hearing, and/or recorded in the Paper:

- (a) under the KTN and FLN OZPs, primary and main distributors were planned at the periphery of the town centre. High-density residential and commercial developments were clustered within 500m catchment of the proposed railway station at KTN or in close proximity to the PTIs. Comprehensive open space, pedestrian walkway and cycle track systems were provided to link up the residential areas with the proposed railway station or PTI and major activity nodes within the NDAs as well as the Fanling/Sheung Shui New Town and the nearby villages;
- (b) the areas designed for 'Road' use had only taken up about 10% and 17% of the total land area of the KTN and FLN NDAs respectively, which were similar to other new towns such as Yuen Long (15%), Tin Shui Wai (24%) and Tseun Wan (11%); and
- (c) alignment of the cycle track, parking and associated facilities would be further studied in the detailed design stage.

71. In response to a Member's question on the provision of cycle parking facilities, the Chairman said that cycle parking facilities would normally be provided near the PTIs and railway stations. To address the existing problem of illegal cycle parking near the Fanling and Sheung Shui MTR Stations, concerned departments including LandsD, the Hong Kong Police and the Food and Environmental Hygiene Department had been taking necessary enforcement actions.

72. Mr K.K. Ling said that the design and alignment of cycle track and the provision of the required cycle parking facilities at appropriate locations would be further studied at the detailed design stage. The current problem of illegal cycle parking was also related to an urban management issue which had to be further reviewed.

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

73. In response to a Member's question, with the aid of a plan on the visualiser



showing the planned cycle track network for the FLN NDA, Mr K.K. Ling said that a comprehensive cycle track network had been planned along Ng Tung River.

74. Two Members remarked that the Government should explore the possibility of introducing a bicycle sharing scheme in the NDAs during the detailed design stage of the cycle track network. This would help to address the problem of bicycle parking to a certain extent. Another Member opined that consideration might also be given to requiring the provision of bicycle parking spaces in the future developments of the area.

75. The Chairman said that Members' views on the provision of bicycle parking facilities would be conveyed to concerned departments for consideration.

*Integrated Planning for the NDAs and Its Immediate Environment (KTN-R93 and FLN-R541)*

76. The Chairman recapitulated the representer's view that the interface between the large-scale public works for the NDAs and the minor rural improvement works for its immediate adjacent areas should be carefully planned and coordinated to ensure that the designs and layouts of both projects were compatible with each other.

77. Members noted the view and considered that detailed design and layouts of the work projects would be further studied at the detailed design stage to ensure better coordination.

#### Representations Relating to the KTN OZP

*Zoning of MTL stream and its Marsh (KTN-R16, R17, R93 and R94)*

78. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) the proposed "GB" zoning of MTL stream and its marsh in KTN Planning Areas 2 and 8 would not provide sufficient protection for the

Three-banded Box Terrapin, a globally-threatened species. The concerned area should be zoned as “CA”;

- (b) while the “GB” zoning for the riparian zone of MTL stream was supported, there was concern that the stream would be adversely affected by the proposed Rural Road R1 (KTN-R94); and
- (c) proposal - Rural Road R1 should be taken out from the draft OZP, and its alignment should be zoned “CA” to serve as a buffer zone for the MTL stream (KTN-R16 and R94).

79. Members then went through the following responses of the relevant government departments given during PlanD’s presentation and in answering Members’ questions at the hearing, and/or recorded in the Paper:

- (a) according to the Ecological Impact Assessment of the Environmental Impact Assessment (EIA) Report, the upper and middle sections of MTL stream were of high ecological value (due to Three-banded Box Terrapin), whereas the lower section of the stream was of moderate to high ecological value (i.e. presence of species of conservation significance and importance of riparian corridor). The land areas along MTL stream in KTN Planning Areas 2 and 8 were thus designated as “GB”;
- (b) the proposed “GB” zoning would have adequate planning protection as there was a general presumption against development and any diversion of stream, filling of land/pond or excavation of land required planning permission. The Director of Agriculture, Fisheries and Conversation (DAFC) considered that the “GB” zoning would provide the necessary planning protection. There was no strong planning justification for rezoning the MTL stream to “CA”;

- (c) in order to minimise the impact on the lower section of the MTL stream, the proposed Rural Road R1 would cross the stream on viaduct and a 15-30m buffer zone had been allowed on both sides of the stream. A 1.2m high permanent solid faunal barrier would also be built along the at-grade portion of proposed road. The EIA Report had concluded that the “GB” zoning with implementation of these mitigation measures would be environmentally acceptable; and
  
- (d) Rural Road R1 was essential for providing access to the Lok Ma Chau Loop Area and the proposed developments at the north-western tip of the KTN NDA, and could also improve connectivity of the existing rural settlement in the MTL area with the town centre of the KTN NDA. In formulating the alignment of the road, a series of factors had been taken into account, including the highway standards, road safety, environmental and ecological impacts. There was no strong planning justification for deleting Rural Road R1 or rezoning the concerned area to “CA”.

80. Members discussed the responses and considered that they had addressed the concerns raised in overall terms.

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

*Zoning of LVNP and its Surrounding Areas (KTN-R16, R17, R93 and R94)*

81. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) the proposed “AGR(1)” zone to the north of LV did not reflect the area’s ecological importance, which was included in the boundary of ‘Long Valley and Ho Sheung Heung (HSH) Priority Site for Enhanced Conversation’ under the 2004 New Nature Conservation Policy;

- (b) the “AGR(1)” zoning to the north and “AGR” zone to the south of LVNP were incompatible with the land use at LVNP. Small House development might be permitted on application, which might cause significant adverse impacts on the farmland and ecological habitats in LVNP;
- (c) as some of the existing agricultural land fell within the village ‘environs’ (‘VE’) of HSH, the existing zonings might give indigenous villagers false hope that Small Houses could be built, thereby encouraging villagers to intentionally adopt a ‘destroy first, develop later’ approach;
- (d) the planning intention of the “OU(Nature Park)” zone covering LVNP should clearly reflect the importance of maintaining habitat diversity and agricultural practice;
- (e) the areas to the north and south of LVNP should be rezoned from “AGR(1)” and “AGR” to “OU(Nature Park)”, “CA” or “GB”; and
- (f) the boundary of the LVNP should be enlarged to cover the existing agricultural land to its north in HSH area.

82. Members then went through the following responses of the relevant government departments given during PlanD’s presentation and in answering questions from Members at the hearing, and/or recorded in the Paper:

- (a) according to the EIA, the area to the north of LVNP was of high ecological value while the area to the south was of low ecological value in general. The current “AGR(1)” and “AGR” zonings of the farmlands to the north and south of LVNP respectively had reflected the existing agricultural use, characters and ecological values of the areas. The existing right of the private land owners was respected and they were encouraged to continue the current farming activities;

- (b) under both zonings, any filling of pond/land (except laying of soil not exceeding 1.2m in thickness for cultivation in the “AGR” zone) and development including the construction of New Territories Exempted Houses (NTEHs) required planning permission. More stringent planning control had been imposed on “AGR(1)” zone. AFCD considered the current zonings sufficient to protect the different ecological value of concerned area;
- (c) even though ‘VE’ of HSH encroached on part of the “AGR(1)” zone, developments of NTEH in this area would be subject to planning approval of the Board. The impact of any new development would be duly considered through the planning process;
- (d) LV was currently zoned “OU(Nature Park)”, which was intended primarily for the development of a nature park to protect and enhance existing wetland habitats. The Nature Park might allow farming practice based on guidelines and requirements to be prescribed by the Government; and
- (e) apart from retaining and safeguarding the existing agricultural land/farm/fish ponds for agricultural purposes, the planning intention of the “AGR(1)” zone to the north of LVNP was to serve as a buffer to give added protection to the proposed LVNP and to protect the area under the flight path of birds between HSH egret and LV.

83. The Chairman said that the creation of a Nature Park through land resumption was considered a breakthrough in nature conservation and was welcomed by the Green Groups, though some local villagers might hold a different view and considered it unnecessary. According to AFCD, it was important to ensure that the existing farming practice in the LV area would continue based on prescribed guidelines and requirements in order to maintain the high ecological value of the area.

84. A Member remarked that the naming of ‘Nature Park’ was misleading. The Chairman said that unlike other parks under the Leisure and Cultural Services Department (LCSD)’s management, the proposed nature park would be maintained in a natural setting. According to AFCD, the park would be properly managed with a view to enhance those agricultural activities that were conducive to maintaining the ecological value of LV. Member’s views that more publicity on the nature and operation of the proposed nature park should be carried out could be conveyed to AFCD for consideration.

*Impact on LVNP – Nearby Residential Development and Business and Technology Park (KTN-R17 & R94)*

85. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) the development layout and land use of the Business and Technology Park area and residential development in KTN Planning Areas 32, 33, 34 and 36 were not appropriate given their proximity to LVNP and their current conditions being dominated by natural habitats;
- (b) no commercial elements for tourism, in particular hotel, should be proposed in KTN Planning Areas 33 and 34;
- (c) proposal - KTN Planning Areas 32, 33, 34 and 36 should be rezoned from “OU” annotated “Business and Technology Park”/ “Village Type Development (1)” (“V(1)”) to “CA” or “GB” so that the existing natural habitats would be retained as far as practicable;
- (d) the proposed building height restrictions of 40mPD in Area 34 and 55mPD in Area 33 respectively for the Business and Technology Park would have light disturbance and discourage birds from landing in LVNP; and

- (e) given the close proximity to LVNP, the development controls on the Business and Technology Park should be strengthened. An administrative measure requiring the project proponent to submit urban design plan together with development layout for the approval of the Director of Planning, the Director of Environmental Protection (DEP) and DAFC should be adopted for future developments in KTN Planning Areas 32, 33, 34 and 36.

86. Members then went through the following responses of the relevant government departments given during PlanD's presentation and in answering Members' questions at the hearing, and/or recorded in the Paper:

- (a) the "OU" annotated "Business and Technology Park" together with the "OU" annotated "Research and Development" zones in the KTN NDA would provide land to meet the economic needs of Hong Kong and would generate employment opportunities for both existing and future residents in the areas. The cluster of sites zoned "OU" annotated "Business and Technology Park" in KTN Planning Areas 32, 33 and 34 were mainly formed land currently occupied by open storage yards, workshops and squatters and had no significant ecological and conservation values;
- (b) to minimise the impact of the proposed Business and Technology Park on the LVNP, a 70m-wide buffer area will be provided. According to the EIA Report, the proposed development in the proposed Business and Technology Park was environmentally acceptable and with the proposed mitigation measures in place (including adoption of building design guidelines, erection of noise/visual barrier during construction stage, and wetland compensation in LVNP), there would be no significant adverse impacts on LVNP;
- (c) the area was close to LVNP and business park and there was an opportunity to provide hotel development for business visitors and

tourists. The proposed development at the Business and Technology Park would be guided by an urban design plan (to be submitted by the proponent) to ensure the adoption of innovative building design and special landscape treatment. Due consideration would be given to minimising any adverse impacts on LVNP;

- (d) the KTN Planning Areas 32, 33, 34 and 36 had no significant ecological and conservation values. The current “OU” annotated “Business and Technology Park” and “V(1)” zonings were appropriate. The EIA Study had confirmed the environmental acceptability of the proposed development. The proposed rezoning was considered not appropriate;
- (e) for KTN Planning Areas 31 to 34, different height restrictions were imposed to establish a stepped building height profile (from 60mPD to 40mPD decreasing towards Sheung Yue River and LVNP). A lower building height restriction of 40mPD was specifically imposed at KTN Planning Area 34 for better integration with the ecologically/visually important areas such as LVNP. According to the EIA Report, with the recommended mitigation measures in place, the proposed building heights for the sites zoned “OU” annotated “Business and Technology Park” would have no significant impact on the birds’ flight path;
- (f) an urban design and landscape framework would be formulated to guide the future development for all the Business and Technology Park sites in KTN Planning Areas 31, 32, 33 and 34. Developments on individual sites within the Business and Technology Park should also be guided by a master layout plan to ensure an integrated and compatible layout; and
- (g) given its proximity to LVNP, the proponent for the site at KTN Planning Area 33 would also need to submit an urban design plan to ensure the building disposition and façade treatment of the development would not have adverse impacts on the nearby LVNP.



87. Members had no question on the responses and agreed that they had addressed the concerns raised in overall terms.

*Fung Shui Woodlands (KTN-R17)*

88. The Chairman recapitulated that the presenter had made the following major points in his written and oral submissions:

- (a) as the Government had recently proposed to rezone some “GB” sites for residential developments, the proposed “GB” zone for the Fung Shui woodlands in KTN Planning Area 16 might not be able to safeguard the existing ecological value; and
- (b) the Fung Shui woodlands in the KTN Planning Area 16 should be rezoned to “CA”.

89. Members then went through the following responses of the relevant government departments given in PlanD’s presentation and in answering Members’ enquiries at the hearing, and/or recorded in the Paper:

- (a) according to the EIA Report, the concerned Fung Shui woodland had no significant ecological value. Under the “GB” zoning, there was a general presumption against development and any diversion of stream, filling of land/pond or excavation of land would require planning permission, thereby providing the necessary planning protection; and
- (b) it was considered appropriate to retain the “GB” zone for the woodland to reflect its current existing use and ecological value. There was no planning justification for rezoning the Fung Shui woodlands to “CA”.

90. Members agreed that the responses had addressed the concerns raised in overall terms.

*Contaminated Soil (KTN-R93)*

91. The Chairman recapitulated that the representer was concerned that according to the EIA Report, contaminated soil had been identified in the NDA areas, which should be resolved before finalising the KTN OZP. However, they were concerned that investigation had not yet finished due to land ownership issues.

92. Members then went through the responses of the relevant government departments given in PlanD's presentation and in answering Members' enquiries at the hearing, and/or recorded in the Paper. The EIA Report concluded that the high level of Arsenic were identified at three government sites and was naturally occurring. Based on the ground investigations conducted during the EIA study, the extent of potential contamination was relatively localised, and easily remediated. The exact amount of soil requiring treatment would be assessed by the project proponent(s) prior to the construction phase. The requirements for conducting the detailed survey and submission of detailed Arsenic management plan had been included as one of the approval conditions of the EIA Report. There was no insurmountable contamination issue within the KTN NDA.

93. Members agreed that the responses had addressed the concerns raised in overall terms.

Representations Relating to the FLN OZP (FLN-R16, R17, R541 and R542)

*Meanders at Ng Tung River and their Riparian Zones (FLN-R16, R541 and R542)*

94. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

Supportive Representation (FLN-R542)

- (a) the "CA" zones in both Fu Tei Au and area near Wa Shan to reflect the ecological importance of these meanders were supported;

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

Adverse Representations (FLN-R16 and R541)

- (b) Rose Bitterling, an ecological valuable freshwater fish, had been spotted along Ng Tung River meander. A proactive planning and zoning should be implemented to protect the habitat;
- (c) in the absence of a detailed relocation plan, the suitability of the meanders at Sheung Yue River for relocation of Rose Bitterling from the meanders at Ng Tung River was in doubt;
- (d) according to the FLN OZP, there were two meanders within the “O” zone in the FLN Planning Area 6. The “O” zoning for the meanders would also bring about adverse human disturbance to them. The meanders and their riparian should be zoned as “CA” to reflect their ecological value and offer adequate protection against development and human disturbance;
- (e) given the ecological sensitivity of the meanders and Rose Bitterling, all the retained meanders located near public open space should be fenced off and use of chemicals for landscaping should be restricted; and
- (f) all other affected meanders should be zoned as “Undetermined” (“U”) before the proposed relocation of Rose Bitterling was proven effective. If the trial was unsuccessful, these affected meanders and their riparian zones should be retained and zoned as “CA”.

95. Members then went through the following responses of the relevant government departments given during PlanD’s presentation and in answering Members’ questions at the hearing, and/or recorded in the Paper:

- (a) the supportive views of R542 were noted;
- (b) detailed surveys of all meanders conducted in 2013 showed the presence of Rose Bitterling in only four retained meanders of Ng Tung Rivers, one each in the FLN Planning Areas 2, 7, 10 and a 'double' meander in the FLN Planning Area 6. According to the EIA Report, these meanders were of low to moderate ecological value, there was no planning justification for rezoning the meanders to "CA" and/or "U";
- (c) as required under an approval condition of the EIA Report, two meanders at Ng Tung River in the FLN Planning Areas 2 and 7 zoned "CA" should be retained as habitats for Rose Bitterling. A detailed proposal on the relocation plan of the Rose Bitterling and subsequent monitoring would be submitted prior to commencement of construction works;
- (d) the 'double' meanders in FLN Planning Area 6 formed part of the riverside promenade to provide a regional open space for the enjoyment of the residents and the general public. The meanders thereat would be retained and integrated into the design of the regional open space as important landscape features. Such requirement had been stipulated in the Explanatory Statement of the FLN OZP; and
- (e) the OZP was to show the broad land use zonings. The exact measures to minimise human disturbances to the meanders would be determined at the detailed design stage. For the meanders in FLN Planning Area 6, which were zoned "O", the proposed restriction on the use of chemicals for landscaping purposes could be considered at the detailed design / management and maintenance of the proposed open space.

96. The Chairman said that according to the EIA report, the meanders were evaluated as of low to moderate ecological value. Hence, the existing zonings for the meanders were considered appropriate. Members agreed that the responses had addressed

the concerns raised in overall terms.

*Man Kam To Road Egrettry (FLN-R16 and R17)*

97. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) the Man Kam To Road egrettry should be preserved. According to an approval condition of the EIA Report, the proposed relocation of the Man Kam To Road egrettry to Fu Tei Au had to be proven success prior to the commencement of works. The relocation proposal was unprecedented in Hong Kong and there was no successful case overseas. It was uncertain on the effectiveness of the recreated egrettry in a designated location;
- (b) the Man Kam To Road egrettry should be retained and zoned “CA”; and
- (c) the concerned egrettry could be preserved by reviewing the design of the Man Kam To roundabout or moving it further northward.

98. Members then went through the following responses of the relevant government departments given during PlanD’s presentation and in answering Members’ enquiries at the hearing, and/or recorded in the Paper:

- (a) according to the EIA Report, the possible impact on Man Kam To Road egrettry would be tackled by the creation of an egrettry nest site habitat in two mitigation meanders along Ng Tung River in FLN Planning Areas 2 and 7. Both mitigation meanders were zoned “CA” where there was a general presumption against development;
- (b) a detailed Egrettry Habitat Creation and Management Plan and a monitoring programme would be submitted prior to commencement of road construction;

- (c) according to the approved EIA Report, the mitigation measures would be undertaken sufficiently in advance of works near of the current egret site such that an alternative habitat would be created with the works. Besides, no work should be carried out at the current egret location during the breeding season. According to DEP, appropriate measures had been included in the respective environmental permits and it was a statutory requirement under the Environmental Impact Assessment Ordinance (EIAO) that the permit holder(s) had to implement the mitigation measures and monitoring programme as described in the submitted plans; and
- (d) the proposal to retain Man Kam To egret and zoned it as “CA” was not a practical option as it would adversely affect the proposed Fanling Bypass. Alternative roundabout options had been considered but were considered technically infeasible. The current design and mitigation measures proposed in the EIA report would ensure that the residual environmental impact would be insignificant and acceptable.

99. Mr K.K. Ling said that the condition of the existing egret which was located in the vicinity of a vehicle repair yard and subject to human disturbance was undesirable. The proposed egret habitat would provide better protection of the egrets.

100. Mr C.W. Tse, Deputy Director of Environmental Protection, said that the existing egret would not be relocated and the concerned tree would be preserved. In anticipation that the egrets might leave the existing egret during the construction of the road, the current proposal was aimed at enhancing the environment of the mitigation meanders by planting more trees in order to create an alternative habitat suitable for the egrets.

101. Members considered that the responses had addressed the concerns raised in overall terms.

*Loss of Agricultural Land and Resumption of Land for Agricultural Purpose (FLN-R17, R541 and R542)*

102. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) agricultural land with good quality and high potential for rehabilitation should be resumed by the Government and then leased to tenants through new planning and management scheme, similar to the arrangement of LVNP;
- (b) the agricultural land at Ma Shi Po, the “O” zone in FLN Planning Area 12 and the agricultural land adjacent to the mitigation meander between FLN Planning Areas 13 and 15 should be zoned as a new “OU” annotated “Agricultural Priority Area” zone;
- (c) the agricultural land in FLN Planning Area 7 should be designated as “GB” or “OU” annotated “Agricultural Priority Area” zone; and
- (d) the proposed road, sewage pumping station, and roadside amenity in Wa Shan should be relocated to avoid encroachment on agricultural land.

103. Members noted the following responses of the relevant government departments given during PlanD’s presentation, and/or in answering Members’ enquiries at the hearing, and/or recorded in the Paper:

- (a) the affected farmers could purchase or rent farmland at other suitable locations to continue farming. To facilitate agricultural resite/rehabilitation for affected farmers, fallow agricultural land in KTS had been identified. The Government would endeavour to assist the affected farmers who wished to continue farming and to offer them with reasonable arrangements and compensation under the prevailing policy;

- (b) the proposed FLN NDA was a natural extension of the Fanling/Sheung Shui New Town. Planning Areas 13, 15, 16 and 17 at Ma Shi Po area, which were immediately adjoining the Fanling town, would be the town centre of the FLN NDA. The agricultural land in FLN Planning Areas 7 and 12 was reserved for the provision of necessary GIC facilities to serve the future NDAs and the development of a Central Park with recreational facilities respectively. There was no planning justification for using the concerned sites for agricultural purpose and/or rezoning them to “OU” annotated “Agriculture Priority Area” / “GB”; and
- (c) new road and infrastructure had been proposed in the NENT NDA Study to support the development in the Sheung Shui Wa Shan area.

104. Members considered that the responses had addressed the concerns raised in overall terms. They also considered that there was room to promote Community Garden Programme organised by LCSD in the NDAs to allow some form of agricultural activities within the “O” zones. The Government could further explore the feasibility of that in the detailed implementation stage.

*Enhancement Plan (FLN-R541)*

105. The Chairman recapitulated that the representer provided a comment that the existing villages and farmland should be fully integrated and supported with an area enhancement plan including improvement of infrastructure and facilities.

106. Members noted the comment and government department’s response that one of the planning principles of the NDAs development was to integrate the NDAs development with the surrounding rural areas through enhanced linkage with villages so that the villagers living in the NDAs or neighbouring villages could use the facilities and road network of the NDAs. Members also noted that District Offices would also carry out some local improvement works in the rural areas.



*Green Public Area (FLN-R541)*

107. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) there was inadequate shared green public area and no “GB” zoning in the FLN OZP. More open space should be provided; and
- (b) there was doubt on the effectiveness of the open space (i.e. a small open space at the southern area of the OZP and the narrow strip of open space along Ng Tung River).

108. Members noted the following responses of the relevant government departments given during PlanD’s presentation, and/or in answering Members’ enquiries at the hearing, and/or recorded in the Paper:

- (a) a total of 24.89 ha of land had been zoned “O” on the FLN OZP for the provision of a network of interconnected public open spaces of different sizes and functions. There was a total of 2.44 ha of land under “GB” zoning. A comprehensive provision of public green area had been provided under the FLN OZP;
- (b) the FLN NDA would be developed into a ‘Riverside Community’. While maximizing accessibility and enjoyment of the riverside, the open space at the riverside promenade along Ng Tung River in FLN Planning Area 3 would link up with the residential areas in the NDA with their surroundings and provide an area for passive recreational uses for the enjoyment of the nearby villagers in Fu Tei Au. The small open space in FLN Planning Area 19 was a local open space aiming to serve the local community; and
- (c) new road and infrastructure had been proposed in the NENT NDA Study to support the development in the Sheung Shui Wa Shan area.

109. Members considered that the responses had addressed the concerns raised in overall terms. Members also noted that the provision of open space in the NDA had complied with the requirement of the HKPSG. In the future design of the open space, the Government should integrate rural and agricultural character of the area into the future developments as far as practicable.

110. Having thoroughly considered the grounds raised by the representers in the written and oral submissions, government departments' responses, and other relevant planning considerations, Members agreed that there was no need to amend the OZPs to meet the representations in Group 2.

111. After further deliberation, the Board, at this point, noted the supportive views of Representation No. FLN-R542 (part) in Group 2.

112. After further deliberation, the Board, at this point and subject to a final decision to be made on all the representations, decided not to uphold the remaining part of Representation No. FLN-R542 (part) and Representations No. KTN-R16, R17, R93 and R94; and FLN-R16, R17 and R541 in Group 2, and considered that the OZPs should not be amended. Members then went through the reasons for not upholding the representations in paragraph 7.1 of TPB Paper No. 9746 and considered that they should be suitably amended. The reasons were:

“For Both KTN and FLN OZPs

Overall

(KTN-R16, R17, R93 and R94; and FLN-R16, R17, R541 and R542)

- (1) in preparing the Kwu Tung North (KTN) and Fanling North (FLN) Outline Zoning Plans (OZPs), the Board has taken account of all relevant planning considerations including the conservation matters. The two OZPs are to facilitate the development of the KTN and FLN New Development Areas (NDAs) which are major sources of land

supply to meet the medium- to long-term housing, social and economic development needs of Hong Kong. According to the environmental impact assessment (EIA) carried out under the North East New Territories (NENT) NDAs Study, the development of the NDAs is environmentally acceptable;

Agriculture

(KTN-R93; and FLN-R17, R541 and R542)

- (2) land has been reserved in the KTN and FLN OZPs as “Agriculture” (“AGR”) zone, in which existing farming practice could continue. The Government will endeavour to assist the affected genuine farmers to rehabilitate farming, and to offer farmers with reasonable arrangements and compensation under the prevailing policy subject to eligibility under the Government’s policy;

Economic

(KTN-R93; and FLN-R541)

- (3) under the KTN OZP, land has been reserved as “Other Specified Uses” (“OU”) annotated “Business and Technology Park” zone and “OU” annotated “Research and Development” zone, which will help promote the local economy and provide a certain amount of job opportunities for the population in future;
- (4) sufficient land at appropriate locations have been designated as “Industrial (Group D)”, “Open Storage” and “OU” annotated “Port Back-up Uses” zones on respective statutory town plans to meet the demand for such uses;

Segregation of Development Areas by Roads

(KTN-R93; and FLN-R541)

- (5) under the KTN and FLN NDAs, comprehensive pedestrian walkway and cycle track network will be provided to connect the proposed residential areas, railway station, public transport interchange and major activity nodes within the NDAs as well as the Fanling/Sheung Shui New Town and nearby villages;

For KTN OZP

Zonings around Ma Tso Lung (MTL) Stream

(KTN-R16, R17, R93 and R94)

- (6) the designation of MTL stream and the land area around it as “Green Belt” (“GB”) will achieve adequate planning protection, as there is a general presumption against development within the “GB” zone. There is no planning justification for rezoning the MTL Stream to “Conservation Area” (“CA”);
- (7) Rural Road R1 is essential for providing access to the Lok Ma Chau Loop Area and the proposed developments at the north-western tip of the KTN NDA. There is no strong planning justification for deleting Rural Road R1 and for rezoning the Rural Road R1 to “CA”;

Zonings of Long Valley Nature Park (LVNP) and its Surroundings

(KTN-R16, R17, R93 and R94)

- (8) the current “AGR(1)” and “AGR” zonings of the farmland to the north and south of LVNP respectively are sufficient to protect the different ecological values of the concerned area. There is no planning justification for rezoning the concerned areas to “OU” annotated “Nature Park”, “CA” or “GB”;
- (9) the “OU” annotated “Business and Technology Park” zone at the south-eastern entrance of the KTN NDA from Fanling Highway is to

provide job opportunities and to provide land to meet various strategic land use requirements. The concerned area has no significant ecological and conservation value;

- (10) according to the EIA Report, with the recommended mitigation measures in place, the building heights of the “OU” annotated “Business and Technology Park” sites together with the hotel use at these sites would have no significant adverse ecological impact on LVNP. There is no planning justification for rezoning the KTN Planning Areas 32, 33 and 34 to “CA” or “GB” and for strengthening their building height restrictions;
- (11) the “Village Type Development (1)” (“V(1)”) zone in close proximity to Ho Sheung Heung would have no significant adverse ecological impact on LVNP. There is no planning justification for rezoning the “V(1)” in KTN Planning Area 36 to “CA” or “GB”;

Fung Shui Woodlands

(KTN-R17)

- (12) the Fung Shui woodlands at KTN Planning Area 16 is zoned “GB”. There is a presumption against development within “GB” zone. Any diversion of stream, filling of land/pond or excavation of land shall not be undertaken without the planning permission from the Board. There is no planning justification for rezoning the Fung Shui woodlands to “CA”;

Contaminated Soil Identified

(KTN-R93)

- (13) according to the EIA Report, there is no insurmountable contamination issue within the KTN NDA. The requirements for conducting the detailed survey and submission of detailed Arsenic management plan

have been included as one of the approval conditions of the EIA Report;

For FLN OZP

*Meanders at Ng Tung River*

(FLN-R16 and R541)

- (14) according to the EIA Report, appropriate measures would be taken to enhance the effectiveness of the relocation proposal of Rose Bitterling. In addition, based on the EIA Report, the meanders are evaluated as of low to moderate ecological value. There is no planning justification for rezoning the meanders to “CA” and/or “Undetermined”;

*Man Kam To Road Egretty*

(FLN-R16 and R17)

- (15) the Man Kam To Road egretty will inevitably be affected by the proposed Fanling Bypass. Alternatives to avoid potential impacts on the Man Kam To Road egretty have been found to be impractical due to engineering constraints and requirements. According to the EIA Report, compensation by provision of alternative egretty location is proposed and appropriate measures would be taken to enhance the effectiveness of the relocation proposal. There is no planning justification for retaining the Man Kam To Road egretty and for rezoning it as “CA”;

*Agricultural Land / Farmland / Villages in FLN*

(FLN-R17, R541 and R542)

- (16) land has been retained as “AGR” zone on the FLN OZP to allow continuation of the existing farming practices. However, the agricultural land at Ma Shi Po, “Open Space” site in FLN Planning

Area 12, between FLN Planning Areas 13 and 15, and in FLN Planning Area 7 are designated for various development zones to facilitate the FLN NDA development. There is no planning justification for using the concerned sites for agricultural purpose and/or rezoning them to “OU” annotated “Agriculture Priority Area” / or “GB”; and

*Green Public Area*

(FLN-R541)

- (17) under the FLN OZP, a comprehensive provision of public green area has been provided with a view of achieving a ‘Riverside Community’.”

**Group 1 (TPB Paper No. 9745)**

Draft KTN OZP

***Representations***

KTN-R11 to R14, R24, R27, R31, R32 and R73

***Comments***

KTN-C5550 and C5597

Draft FLN OZP

***Representations***

FLN-R10 to R14, R30 to R33, R41, R44, R45, R53, R57, R78, R80 and R88

***Comments***

FLN-C5564, C5565, C5622, C5975 to C5985, C6009 and C6010

113. The Chairman said that Group 1 consisted of 26 representations (9 in respect of KTN OZP and 17 in respect of FLN OZP) and 18 comments (2 in respect of KTN OZP and 16 in respect of FLN OZP) which were mainly related to proposals on rail, road infrastructure or traffic in respect of the two OZPs.

114. The following Members had declared direct interests on the item:

Mr Dominic K.K. Lam	]	having current business dealings with MTR
Mr Ivan C.S. Fu	]	Corporation Limited (MTRCL) (KTN-R13 and
Ms Janice W.M. Lai	]	FLN-R14) which was a representer of KTN and
Mr Patrick H.T. Lau	]	FLN OZPs

115. Members agreed that Mr Dominic K.K. Lam, Mr Ivan C.S. Fu and Ms Janice W.M. Lai should be invited to excuse themselves from the meeting temporarily during the deliberation of representations and comments in Group 1. Members also noted that Mr Patrick H.T. Lau had tendered apology for not being able to attend the meeting.

[Mr Dominic K.K. Lam, Mr Ivan C.S. Fu and Ms Janice W.M. Lai left the meeting temporarily at this point.]

Representations and Comments Relating to Both the KTN OZP and FLN OZP

*Capacity of East Rail* (KTN-R11, R12 and R14, FLN-R10, R11, R12 and R45; and KTN-C5550 and C5597, FLN-C5622, C6009 and C6010)

116. The Chairman recapitulated that the representers/commenters had made the following major points in their written and oral submissions:

- (a) the carrying capacity of the existing East Rail (ER) was already saturated and could not support the additional population (over 170,000) in the KTN and FLN NDAs.
- (b) reduction in the number of train cars of ER from 12 to 9 upon the operation of the Shatin to Central Link (SCL) in 2018 would only worsen the situation; and
- (c) the proposed NDA developments would aggravate the overloading problem of ER as the majority of the 37,700 new jobs would rely on



public transport for commuting to/from work.

117. Members noted the following responses of the relevant government departments given during PlanD's presentation, and/or in answering Members' enquiries at the hearing, and/or recorded in the Paper:

- (a) the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL) and Hung Hom Through Train would help relieve the loading of the cross-boundary service and ER (Tai Wai to Kowloon Section) respectively;
- (b) the Northern Link (NOL) as proposed in the Railway Development Strategy 2014 (RDS 2014) would allow residents in the KTN NDA to be connected with ER and West Rail (WR) while it would also help re-distribute railway traffic between ER and WR. Upon completion of SCL, the capacity of the eastern section of ER would be correspondingly relieved by 20%, and this would be able to accommodate the planned population of NDAs; and
- (c) as ER would be connected with SCL which could only use 9-car trains, ER would have to use 9-car trains instead of the current 12-car trains. Nonetheless, with the increase in the frequency of trains from the current one train per 3 minutes to around one train every two minutes, ER would still maintain its current carrying capacity after SCL was in operation.

*Proposed NOL Alignment & Implementation Programme* (KTN-R11, R12, FLN-R10, R11, R12, R13, R14, R45 and R88; and KTN-C5550 and C5597, FLN-C5622, C6009 and C6010)

118. The Chairman recapitulated that the representers/commenters had made the following major points in their written and oral submissions:

- (a) the KTN and FLN NDAs without the proposed NOL had failed to uphold the strategic policy and principle that railway infrastructure was a key and essential component in major development plans;
- (b) the proposed NOL was necessary and the Government should provide an implementation timetable;
- (c) the proposed NOL alignment and its stations should be included in the draft KTN and FLN OZPs, so as to provide certainty for the implementation of the railway facilities in the long term and guide future developments of the area; and
- (d) the lack of railway and station reserve on the FLN OZP had failed to optimise the development potential of the scarce and valuable land resources (FLN-R10, R11 and R13).

119. Members then went through the following responses of the relevant government departments given in PlanD's presentation as well as in answering questions raised by Members at the hearing, and/or recorded in the Paper:

- (a) in the RDS 2014, NOL, together with the Kwu Tung Station, would be implemented from 2018 to 2023 to tie in with the first population intake of the KTN NDA. Its implementation would be subject to detailed engineering, environmental and financial studies, as well as updated assessment of passenger transport demand and availability of resources at the time;
- (b) according to the Traffic Impact Assessment (TIA) under the NENT NDAs Study, it was not financially viable to connect FLN NDA with the existing ER Sheung Shui/Fanling Stations. Instead, road-based environmentally friendly transport mode was found to be more cost-effective. As such, two public transport interchanges (PTIs) had been planned at the FLN NDA and long-haul public transport services

connecting FLN NDA with urban areas as well as shuttle services to the existing ER Fanling and Sheung Shui Stations to serve the future population would be provided. Notwithstanding, design flexibility was allowed for possible new rail infrastructure in the FLN NDA as associated road network and underground space had been carefully planned to cater for any possible extension of NOL;

- (c) the designation of a railway reserve on the OZPs would normally be required for those planned railways passing through the existing built-up areas or when a more definite railway alignment was available after a detailed study. The potential development areas to be served by the NOL extension would need to be identified first before the alignment could be finalised. In the absence of a more detailed proposal for the NOL extension, it was premature to have the railway facilities shown on the OZP. This did not preclude the possibility of providing the extension in the area; and
- (d) the NDAs had made the best use of scarce land resources to serve the housing and economic needs of Hong Kong. In response to the public requests for optimising development potential, the development intensity of various housing sites had been increased after balancing different considerations. High-density residential developments around the District Centre in FLN NDA were generally subject to a total plot ratio of 6, commensurate with those of the KTN NDA and other New Towns.

120. Members discussed and considered that the responses had addressed the concerns raised in overall terms.

121. A Member asked whether the Government had decided to pursue the NOL extension to serve the FLN and Ping Che area and whether land reservation would be made at the moment to facilitate the future implementation of the NOL extension. In reply, Miss Winnie W.M. Wong, Principal Assistant Secretary (Transport) 3, said that according to the RDS 2014, NOL was recommended to be implemented with an indicative timeframe

from 2018 to 2023 to tie in with the development programme of KTN NDA. While flexibility had been reserved to allow the NOL extension in the FLN NDA, the implementation of the NOL extension would be subject to further assessment on the transport demand of the future development in the New Territories North (NTN) area. Since the NOL extension was not formally incorporated as part of the RDS, it would be premature to reserve land on the OZP for such railway facility at the moment. The possibility to implement the NOL extension would be carefully examined by concerned departments.

122. The Vice-chairman said that during the hearing sessions, a number of representers and commenters had provided analysis and survey findings to demonstrate the inadequate capacity of ER to cater for the transport demand of the NDAs development. While they claimed not to be transport experts or professionals, concerned government departments should be requested to ensure that the timetable for implementing the improvement measures was right such that the proposed NDAs development would not cause significant adverse traffic impact on the area.

123. Mr K.K. Ling, Director Planning, agreed that the traffic impact of the NDAs development had aroused wide public concern. Based on the current planning, the KTN and FLN NDAs would be served by a comprehensive road network to connect them with the surrounding areas and the various areas within the NDAs. For example, Fanling Bypass was proposed as a regional highway linking FLN NDA and Fanling Highway. It had been proposed not only to cope with the additional traffic generated from the new developments but also help to relieve the traffic congestion of the existing Fanling/Sheung Shui New Town. Moreover, improvements to the regional road networks including Fanling Highway and Tolo Highway would also be carried out to cope with the additional traffic of the NDAs. For the KTN NDA, the area would be served by NOL and more than 80% of the population would reside within the 500m catchment area of the new railway station. While some representers opposed the NDAs development for reason that the existing ER was already overloaded, it was anticipated that upon completion of the upgrading of the signalling system of ER as part of the SCL project, the frequency of train services could be increased and the carrying capacity of ER could be maintained. The concerned government departments should be requested to closely monitor the situation to

ensure timely provision of the necessary facilities to tie in with the implementation of the NDAs. Some representers' proposals to indicate the future alignment of the NOL extension and its associated railway stations on the FLN OZP were noted. As the alignment of the NOL extension was still subject to detailed design which had to take into account the future planning of the NTN area currently under study, it was considered premature to incorporate the NOL extension in the OZP at the moment. Although the alignment of the NOL extension and its associated railway stations were not shown on the current draft FLN OZP, there was scope to incorporate the provision of such underground railway facilities in future.

124. Another Member said that in view of the large-scale of the NDAs development which would involve a territorial population redistribution of more than 170,000 people in Hong Kong and the long lead time in its implementation, it was right that the potential traffic impact of the NDAs development was comprehensively assessed using a territorial transport model as that currently adopted by the Transport Department (TD). The anticipated adverse traffic impact of the NDAs as presented by the representers, which was simply a linear projection of the existing traffic problem based on their personal experience of the day, would not be given the right analyses. The Member opined that as NOL was part of the entire transport network of the future NDAs, the Government should be requested to closely monitor the timely implementation of the NOL. Hong Kong had rich experience in railway planning and development. There should not be insurmountable problem for its provision even if the reserve of the NOL extension was not incorporated into the FLN OZP now. The Member said that as the TIA conducted by TD had already taken into account the volume to capacity ratios of the existing and planned road networks in the wider area, concerned departments should consider disseminating those information to the public to help them better understand that the NDAs were technically feasible from the transport and traffic point of view.

125. Another Member also agreed that more data should be provided by concerned departments to show the community that the congestion of ER could be relieved by the completion of the XRL in future.

126. A Member said that the representers' arguments that the NDAs development would have significant adverse traffic impact on the area were experiential and not supported by any technical assessments. The findings of the current assessments made by concerned departments, which were experts in conducting TIA, should not be challenged unless there were strong grounds and solid technical analyses.

127. Another Member said that the Government should ensure that the required railway, roads and public transport facilities would be provided in a timely manner to serve the local population so as to minimise any adverse impact on the surrounding areas. The Member was also concerned about that ER was already rather congested and had resulted in long waiting time on the platforms by the residents. In reply, the Chairman said that the provision of more jobs and employment opportunities in the NDAs should help to relieve the commuting need of the local residents on railway.

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

128. The Chairman summed up Members' views that while the TIA had demonstrated that the NDAs were technically feasible from the traffic and transportation point of view, the Government should be requested to timely implement various traffic improvement measures to tie in with the population intake of the KTN NDA. Separately, the Government should continue to review the need of the NOL extension and to explore the possibility of extending NOL to the FLN NDA to enhance the services to the residents.

*Potential Adverse Traffic Impact* (KTN-R12, FLN-R11, R13 and R45; and KTN-C5597, FLN-C6009 and C6010)

129. The Chairman recapitulated that the representers/commenters had made the following major points in their written and oral submissions:

- (a) as the capacity of ER was saturated, there would be an undesirable overflow of commuters of the NDAs development to road-based transportation which would have a negative knock-on impact on road network, particularly on Tolo Highway;

- (b) the proposed junction improvement works and the Fanling Bypass could not effectively resolve the existing road congestion of the area if Sha Tau Kok Road was not widened; and
- (c) the proposed road-based Environmentally Friendly Transport System (EFTS) services connecting the FLN NDA with the MTR Sheung Shui and Fanling Stations would create a significant pressure on the existing congested road network.

130. Members then went through the following responses of the relevant government departments given in PlanD's presentation as well as in answering questions raised by Members at the hearing, and/or recorded in the Paper:

- (a) under the TIA of the NENT NDAs Study, with the proposed road upgrading/improvement works and new roads (e.g. Fanling Highway/Tolo Highway widening and Po Shek Wu interchange Improvement Works and the proposed Fanling Bypass), the traffic demand of the NDAs would be accommodated satisfactorily and the NDAs would not lead to unacceptable adverse traffic impacts on the surrounding areas. The proposed Fanling Bypass (linking Man Kam To Road and Sha Tau Kok Road) would not only provide the external traffic link for the FLN NDA but would also help relieve traffic congestion of the existing Fanling/Sheung Shui New Town;
- (b) Sha Tau Kok Road was the major road corridor in NTN. The proposed Fanling Bypass linking the FLN NDA and Fanling Highway would help divert the traffic from Fanling/Sheung Shui to Fanling Highway. An interchange at Sha Tau Kok Road and Fanling Bypass had also been planned to help relieve the traffic problem at Sha Tau Kok Road; and
- (c) the TIA had concluded that a road-based EFTS should be implemented in the FLN NDA. A number of road enhancement and upgrading

works had been identified to accommodate the traffic demand and would help relieve the congestion problem in the North District.

131. Members discussed and considered that the responses, which they accepted, had addressed the concerns raised in overall terms.

#### Representations and Comments Relating to the KTN OZP

##### *Zoning Boundaries of the “Other Specified Uses” (“OU”) annotated “Railway Associated Facilities” Zone ((KTN-R13)*

132. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) the zoning boundaries of the four sites along the existing Lok Ma Chau (LMC) Spur Line zoned “OU” annotated “Railway Associated Facilities” were not in line with the Vesting Plans gazetted under Kowloon-Canton Railway Corporation Ordinance (Cap 372); and
- (b) close coordination between the MTRCL and relevant government departments on the land issue was required so as not to compromise the operation of the existing and future planned railway lines.

133. Members then went through the following responses of the relevant government departments given in PlanD’s presentation as well as in answering questions raised by Members at the hearing, and/or recorded in the Paper:

- (a) four “OU” annotated “Railway Associated Facilities” sites were designated in KTN Planning Areas 25, 27 and 35 to accommodate the existing railway associated facilities (such as the emergency access point of the LMC Spur Line and plant rooms of the proposed Kwu Tung railway station) disposition to avoid wall effect. The photomontages for the proposed public housing developments showed that the railway



facilities would not be incompatible with the surrounding developments and would not cause significant changes to the overall townscape and character;

- (b) the boundaries of the “OU” sites were drawn up having regard to existing use of the railway facilities as well as the operational feasibility instead of the Vesting Plans. This was to ensure an efficient layout in the adjacent areas; and
- (c) the zonings on the KTN OZP had not precluded the provision of railway facilities, including MTR station entrance and MTR structure below ground level which were always permitted in most of the development zones. In view of potential development for Kwu Tung Station, the existing railway offices in KTN Planning Area 25 could be considered as an interim facility and would likely be integrated with the railway facilities of the future Kwu Tung Station. Liaison with MTRCL would be maintained for the design of the future Kwu Tung Station and its associated facilities at the detailed design stage.

134. Members had no question and considered that the responses, which they accepted, had addressed the concerns raised in overall terms.

*Provision of Park-and-Ride Facilities (KTN-R13)*

135. The Chairman recapitulated that the representer said that a PTI would be provided in the “OU” annotated “Commercial/Residential Development with PTI” at KTN Planning Area 25 to the south of the proposed Kwu Tung Station. As residents outside the railway station catchment area should be encouraged to use the railway, provision of park-and-ride facilities should be provided at this “OU” site.

136. Members noted the response of the relevant government departments during PlanD’s presentation and/or recorded in the Paper that about 80% of the proposed population in the KTN NDA was within the 500m walking distance from the proposed

Kwu Tung Station. For areas further away from the Kwu Tung Station, bus/shuttle services would be provided. Park-and-ride was considered not a necessary transport facility. Notwithstanding that, whether there was a need of the park-and-ride facilities to serve the more remote residents in the rural areas would be further examined at the detailed design stage.

137. Members also considered that the provision of more land-efficient type of bicycle parking spaces near the railway station should be explored at the detailed design stage.

*Vibration issue of LMC Spur Line (KTN-R13)*

138. The Chairman recapitulated the representer's concern that the existing LMC Spur Line currently ran underground in a generally rural area in Kwu Tung. According to the KTN OZP, the concerned rural area had been rezoned for urban development. Special attention should be paid to vibration issues in the future planning and design of the developments in the NDAs.

139. Members noted the response of the relevant government departments during PlanD's presentation and/or recorded in the Paper that in preparing detailed layout for respective development sites, the alignment of the LMC Spur Line and any possible vibration issue would be taken into consideration. Measures to address the vibration issue would be examined in detail.

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

*Proposed Rural Road R1 (KTN-R24, R27, R31 and R32)*

140. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) the proposed Rural Road R1 was too close to the existing village houses in Ma Tso Lung Tsuen area and the villagers' health would be threatened

by traffic noise, air and water pollutions. Natural habitat would also be destroyed; and

- (b) proposals – (i) Rural Road R1 should be moved eastward to mitigate the potential impact on the existing village; and (ii) the section of Rural Road R1 should be relocated to avoid disturbing the precious nature and livelihood of villagers and the original area be rezoned to “GB”.

141. Members then went through the following responses of the relevant government departments given during PlanD’s presentation and in answering Members’ questions at the hearing, and/or recorded in the Paper:

- (a) the proposed Rural Road R1 would provide access to the LMC Loop Area and proposed sports ground/sports complex, research and development use and sewage pumping station at the north-western tip of the KTN NDA. The road could also improve the connectivity of the existing rural settlement in Ma Tso Lung area with the town centre of the KTN NDA;
- (b) the proposed alternative alignment did not fulfil the highway standard for providing effective and safe access for the future development at the north-western tip of the KTN NDA (i.e. failed to fulfil the highway standard on the minimum desirable turning radius, connecting to the existing Ma Tso Lung Road which passed through the existing facilities of Lo Wu Firing Range, and insufficient space to accommodate Road R1); and
- (c) in formulating the alignment of the proposed Rural Road R1, a series of factors had been taken into consideration, including the highway standards, road safety, environmental and ecological impacts. In the course of the NENT NDA Study, the proposed alignment had been revised to minimize its ecological impacts and impact on the existing villages.

142. Members considered that the responses had addressed the concerns raised in overall terms.

*Other Transport Issues (KTN-R73)*

143. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) possibility to accommodate future Shenzhen metro line - the width of the open space running in north-south direction in KTN Planning Areas 25, 29 and 30 was too narrow. There might not be sufficient space to accommodate the future extension of Shenzhen metro line, which might result in the cross boundary facilities not being provided in this area;
- (b) the proposed PTI located at the dead end of the Road L1 would lower the efficiency of bus services;
- (c) due to the lack of linkage between Roads L1 and L2, mini-bus service would not cover the KTN NDA as the route would be ineffective. Roads L1 and L2 should be connected for the existing bus and mini-bus routes; and
- (d) to rezone buildings of KTN Planning Area 25 for commercial use to increase the employment opportunities for Fanling/Sheung Shui residents.

144. Members then went through the following responses of the relevant government departments given during PlanD's presentation and in answering questions from Members at the hearing, and/or recorded in the Paper:

- (a) there was no plan for extension of Shenzhen metro line or XRL to KTN NDA;

- (b) the KTN and FLN NDAs would provide a total of about 37,700 jobs for the existing and future population of the area. The “OU(Business and Technology Park)” and “OU(Research and Development)” zones in KTN NDA were planned to provide land to meet the strategic economic needs of Hong Kong and provide a variety of commercial and industries related job opportunities. Other economic and social facilities such as retail, service industry and community facilities, supporting the residential development, would also be available. All of these would help promote the local economy and provide different types of job opportunities;
- (c) the proposed Kwu Tung PTI would be routed through Pak Shek Au interchange to Kwu Tung South. The PTI was planned to provide public transport services for the NDA. Detailed transport services would be worked out at detailed implementation stage;
- (d) the cul-de-sac design of Roads L1 and L2 aimed to divert east-west through traffic effectively away from the town centre of KTN NDA so as to improve the air quality in the town centre and also allow a continuous green connector from Town Plaza to the southern gateway of the NDA; and
- (e) the KTN Planning Area 25 was the area proposed for a Town Plaza, with the two areas zoned “OU(Commercial/Residential Development with PTI)” and “R(A)1” respectively and the major north-south running open space spine zoned “O” on the KTN OZP. The area as a whole was adjacent to the proposed Kwu Tung Station. The KTN NDA had taken advantage of the Kwu Tung Station with high-density residential and commercial development around the railway station where more than 80% of the 100,000 planned population would reside within its 500m catchment area. The Town Plaza and the major north-south running open space spine were planned to serve as the major pedestrian

connector for residential sites within the Town Centre and for linking up the major activity nodes in the NDA to the proposed railway station and PTI.

145. Mr K.K. Ling supplemented that while the alignment and stations of the Shenzhen metro line would be taken into account in conducting cross-boundary planning studies, the Shenzhen metro line would not be extended into the boundary of the Hong Kong Special Administrative Region.

146. Members had no question and considered that the responses, which they accepted, had addressed the concerns raised in overall terms.

#### Representations and Comments Relating to the FLN OZP

##### *Provision of Railway Facility in the FLN NDA (FLN-R11 and R13)*

147. The Chairman recapitulated the representers' view that the concerned MTR stations and adjoining road network were already extremely congested at present. Provision of railway infrastructure for the FLN NDA would greatly benefit both the residents of Fanling/Sheung New Town and the FLN NDA. Members noted the responses of the relevant government departments given during PlanD's presentation and/or recorded in the Paper that although no railway station was planned within the FLN NDA at present, two PTIs were planned in FLN Planning Areas 10 and 15 to serve the future population. External road connection of the FLN NDA would also be strengthened, including widening of Fanling Highway and construction of Fanling Bypass linking Man Kam To Road and Sha Tau Kok Road. The proposed Fanling Bypass had been proposed not only to cope with the additional traffic generated from the new developments but also help relieve the traffic congestion in the existing Fanling/Sheung Shui New Town.

148. The Chairman said that most of the other grounds relating to the provision of the NOL extension in the FLN NDA had been thoroughly discussed earlier and there was no need to repeat those points again. Members agreed.

*Proposed Fanling Bypass and Roundabout* (FLN-R30 to R33, R41, R44, R53, R57, R78 and R80; and FLN-C5564, C5565, C5975 to C5985)

149. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) the proposed Fanling Bypass project should be deleted / postponed for the reasons that the NENT NDAs were still at planning stage and their future population and the traffic impact were yet to be confirmed. Moreover, the existing Ma Sik Road to So Kwun Po Road and Ma Sik Road to Sha Tau Kok Road / Jockey Club Road could also be used to connect the NDAs to urban areas/the Mainland;
- (b) to minimise environmental impacts, the proposed Fanling Bypass should be designed and constructed in the form of viaduct and/or converted from the proposed 4-lane to 2-lane (FLN-R44);
- (c) to minimise impacts on the local residents, the proposed Fanling Bypass roundabout to the north of Shek Wu San Tsuen should be relocated to the vacant land near the riverside to the south, and the alignment of the proposed Fanling Bypass should be relocated close to/along Ng Tung River or near Queen's Hill or far away from the residential areas (FLN-R44);
- (d) adequate measures should be adopted to minimise the noise, air and traffic impacts during construction of the Fanling Bypass;
- (e) the site owned by the representer near Tong Hang, currently used as a container vehicle park, would be cut across by the proposed Fanling Bypass. The site had potential to be used for residential development within short period of time (FLN-R41); and

- (f) the proposed Fanling Bypass should be realigned / relocated to avoid sub-division of large pieces of land which might affect the development potential of the land (FLN-R41).

150. Members then went through the following responses of the relevant government departments given during PlanD's presentation and in answering Members' questions at the hearing, and/or recorded in the Paper:

- (a) the TIA under the NENT NDAs Study had confirmed the need for Fanling Bypass. The bypass would bring benefits to the highway network by giving direct access to the FLN NDA from the strategic road network; preventing overload of Fanling Highway Sheung Shui Section and its interchanges (So Kwun Po Interchange and Po Shek Wu Interchange); and allowing traffic from FLN NDA and Sha Tau Kok Road northeast of Lung Yeuk Tau to bypass Fanling town centre;
- (b) according to the proposed implementation programme, the proposed infrastructure would need to be provided by 2029 to tie in with the overall development programme. The proposed Fanling Bypass project should not be postponed;
- (c) the currently proposed design and alignment was a balance between road safety, transport functioning, existing uses, visual and noise impacts, and interfaces with the connected roads and other infrastructure, etc.. The detailed design and alignment of the proposed Fanling Bypass would be further considered / explored at detailed design and implementation stage;
- (d) with regard to the proposed elevated design for the Fanling Bypass roundabout, the supporting structures would obstruct the flow of Ng Tung River. EPD had advised that in the absence of proper assessment, the environmental acceptability of the representers' proposal could not be confirmed;



- (e) having considered the relevant concerns of Shek Wu San Tsuen residents in the course of the NENT NDAs Study, the proposed alignment of Fanling Bypass had been shifted slightly southward to reduce its impact on the existing residents;
- (f) an alignment option for the proposed Fanling Bypass (Eastern Section) to be constructed along Ng Tung River had been investigated in the NENT NDAs Study. Although environmental impacts on the northern bank of Ng Tung River could be avoided, piers and the superstructure of the proposed Eastern Section along Ng Tung River would induce significant drainage and environmental impacts on Ng Tung River, including ecological impact on a flight-line used by large waterbirds. Such alignment option was considered not acceptable;
- (g) the EIA of the NENT NDAs Study had concluded that adverse construction dust impact was not anticipated with the implementation of practical mitigation measures and two environmental permits had been issued for the relevant works; and
- (h) land ownership pattern was one of the considerations in determining the alignment of the proposed Fanling Bypass and had been duly considered in order to minimise the extent of land resumption. Detailed alignment of the proposed Fanling Bypass would be further examined at detailed design stage.

151. Members discussed the responses and agreed that they had addressed the concerns raised in overall terms.

*Other Aspects (FLN-C5977 to C5980)*

152. The Chairman recapitulated that the commenters had made the following major points in their written and oral submissions:

- (a) as open space was already provided at the North District Park nearby, the proposed park at Shek Wu San Tsuen in FLN Planning Area 12 should be excised from the development area so that Shek Wu San Tsuen could be retained;

[Professor S.C. Wong and Mr David Y.T. Lui left the meeting temporarily at this point.]

- (b) timely implementation of roads should tie in with the nearby developments. Besides, the residents living in temporary structures in the area should not be adversely affected by the proposed development; and
- (c) land within or near the FLN NDA should be reserved for relocation of the affected villagers. Consideration could be given to including the area at Tin Ping Shan Tsuen into the FLN NDA

153. Members then went through the following responses of the relevant government departments given during PlanD's presentation and in answering Members' questions at the hearing, and/or recorded in the Paper:

- (a) the provision of the proposed Central Park in Shek Wu San Tsuen area in FLN Planning Area 12 was considered necessary and appropriate. The proposed park was centrally located and easily accessible by most of the future population in FLN NDA. Besides, it would provide visual and spatial relief in the FLN NDA;
- (b) the North District Park located farther away from the future residential clusters of the FLN NDA served the existing population in the Fanling/Sheung Shui New Town. Besides, the facilities provided in the North District Park were predominately passive in nature which were different from that in the proposed Central Park with various active recreational facilities. These two parks would complement each other

in having different functions and serving different catchment of populations;

- (c) to ensure timely provision of a comprehensive range of commercial, retail, open space and GIC facilities in tandem with the population build-up, an implementation programme with proper phasing and packaging of works for the NDAs development had been formulated; and
- (d) regarding the concerns on the affected villages, the planning of the NDAs was aimed to minimise the impacts on the existing residents as far as possible. To help maintain the social fabric of the existing communities, a site in KTN Planning Area 24 and a site in FLN Planning Area 15 had been reserved for local rehousing. The Government had been following up on the demands of various affected groups including the local villagers and would continue to communicate with the stakeholders to further exploring feasible solutions to cater for their needs, balancing public interest and proper use of public resources.

154. The Chairman said that there was no planning justification to incorporate Tin Ping Shan Tsuen into the boundary of FLN NDA, noting that the area was not required for specific public purpose. Members agreed.

155. Members discussed the responses and agreed that they had addressed the concerns raised in overall terms.

156. Having thoroughly considered the grounds raised by the representers/commenters and their representatives in the written and oral submissions, government departments' responses, and other relevant planning considerations, Members agreed that there was no need to amend the OZPs to meet the representations in Group 1.

157. After further deliberation, the Board, at this point and subject to a final decision to be made on all the representations, decided not to uphold Representations No.

KTN-R11 to R14, R24, R27, R31, R32 and R73; and FLN-R10 to R14, R30 to R33, R41, R44, R45, R53, R57, R78, R80 and R88 in Group 1, and considered that the OZPs should not be amended. Members then went through the reasons for not upholding the representations in paragraph 7.1 of TPB Paper No. 9745 and considered that they should be suitably amended. The reasons were:

“For Both KTN and FLN OZPs

*Overall*

(KTN-R11 to R14, R24, R27, R31, R32 and R73; and FLN-R10 to R14, R30 to R33, R41, R44, R45, R53, R57, R78, R80 and R88)

- (1) in preparing the Kwu Tung North (KTN) and Fanling North (FLN) Outline Zoning Plans (OZPs), the Board has taken account of all relevant planning considerations including the traffic and transport matters. The two OZPs are to facilitate the development of the KTN and FLN New Development Areas (NDAs) which are major sources of land supply to meet the medium- to long-term housing, social and economic development needs of Hong Kong. According to the traffic impact assessment (TIA) carried out under the North East New Territories (NENT) NDA Study, the development of the NDAs is technically feasible from the traffic and transportation point of view;

*East Rail*

(KTN-R11, R12 and R14; and FLN-R10, R11, R12 and R45)

- (2) the East Rail carrying capacity would be enhanced in the long term with commissioning of the Shatin to Central Link and Guangzhou-Shenzhen-Hong Kong Express Rail Link. The provision of the Northern Link (NOL) would further enhance the rail services for the whole region;

*The Proposed NOL*

(KTN-R11, R12 and R13; and FLN-R10, R11, R12, R13, R14, R45 and R88)

- (3) according to the Railway Development Strategy 2014, the proposed NOL has the function of connecting the existing West Rail Line and Lok Ma Chau Spur Line, aiming to enhance east-west connectivity, serve the KTN NDA, improve network robustness and facilitate cross-boundary movements. In the FLN NDA, design flexibility is allowed for possible new rail infrastructure in future;
- (4) the NOL is still subject to further study, it is premature to have its alignment shown on the OZPs;

Road Traffic

(KTN-R12; and FLN- R11, R13 and R45)

- (5) the TIA under the NENT NDAs Study has confirmed that with the proposed highway improvement, the road network can address the traffic demand from the NDAs. Flexibility for environmentally friendly transport facilities has been allowed. Public transportation, cycling and pedestrian networks would also be provided. The development of two NDAs is technically feasible from traffic and transportation point of view;

For KTN OZP

Railway Operation and Park-and-Ride Facilities

(KTN-R13)

- (6) the boundaries of the “Other Specified Uses” (“OU”) sites are drawn up having regard to existing use of the railway facilities as well as the operational feasibility to ensure an efficient layout in the adjacent areas. The zonings on the KTN OZP has not precluded the provision of railway facilities, including Mass Transit Railway (MTR) station entrance and

MTR structure below ground level which are always permitted in most of the development zones;

- (7) there is no strong justification for park-and-ride as a necessary transport facility for residents in the KTN and FLN NDAs. Nonetheless, the need of the park-and-ride facilities to serve the more remote residents in the rural areas could be further examined at the detailed design stage;

*The Proposed Rural Road R1*

(KTN-R24, R27, R31 and R32)

- (8) the Rural Road R1 provides an effective access to the KTN NDA. There is no strong justification to revise its alignment. In addition, the proposed alternative alignment is not technically feasible as it does not meet the highway standard;

*Other Transport Issues*

(KTN- R73)

- (9) there is no planning for extension of Shenzhen metro line and for any extension of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link to the KTN NDA;
- (10) the design of Roads L1 and L2 aims to divert east-west through traffic effectively away from the town centre of the KTN NDA so as to improve the air quality in the town centre and allow a continuous green connector from Town Plaza to the southern gateway of the NDA;
- (11) the “OU” annotated “Business and Technology Park” and “OU” annotated “Research and Development” sites will provide land in the KTN NDA with a view to providing a variety of jobs related commercial and industries. Other economic and social facilities which support residential developments will also be available to provide employment

opportunities;

For FLN OZP

*Provision of Railway in the FLN NDA*

(FLN-R11 and R13)

- (12) although no railway station is planned within the FLN NDA, public transport interchanges are planned to be provided in the major development clusters of the FLN NDA, with provision of local road-based feeder services for future residents to travel to urban areas via the MTR Sheung Shui and Fanling Stations. Moreover, the external road connection of the FLN NDA will also be strengthened to cope with the traffic generated from the new developments and serve the existing residents of Fanling/Sheung Shui New Town;

*The Proposed Fanling Bypass and Roundabout*

(FLN-R30 to R33, R41, R44, R53, R57, R78 and R80)

- (13) the need for Fanling Bypass, linking FLN and Fanling Highway, has been confirmed by the TIA under the NENT NDAs Study. Refinement of its alignment will be further considered/explored at detailed design and construction study. There is no justification for its deletion or postponement; and
- (14) land ownership pattern (but not owners of the land) is one of the considerations in determining the alignment of the proposed Fanling Bypass and has been duly considered in order to minimise the extent of land resumption. Detailed alignment of the proposed Fanling Bypass would be further examined at the detailed design stage (for FLN-R41 only).”

[Mr Clarence W.C. Leung left the meeting temporarily at this point.]

**Group 3 (TPB Paper No. 9747)**

Draft KTN OZP

***Representations***

KTN- R5 to R10, R51 and R20728

***Comments***

KTN-C5595

Draft FLN OZP \*

***Representations***

FLN- R4 to R9, R28, R35 to R38, R46, R79 and R100 to R538

***Comments***

FLN- C5566 to C5621, C5623 to C5974 and C5997

*(\* excluding R364 and C5624 of FLN OZP which were taken out as the representer and commenter indicated no submission of the representation and comment)*

158. The Secretary said that Group 3 consisted of 458 representations (8 in respect of KTN OZP and 450 in respect of FLN OZP) and 408 comments (1 in respect of KTN OZP and 407 in respect of FLN OZP) which were mainly related to site-specific land use zonings or alternative land use proposals for the two OZPs.

159. The following Members had declared interests for having business dealings/association with Henderson Land Development Co. Ltd. (HLD) and the representers (FLN-R5 to R8, KTN-R8 and R20748) were subsidiaries of HLD:

Mr Dominic K.K. Lam	]	
Mr Ivan C.S. Fu	]	having current business dealings with
Ms Janice W.M. Lai	]	HLD
Mr Patrick H.T. Lau	]	



- Mr Clarence W.C. Leung - being a Director of a Non-Government Organisation (NGO) that had received a private donation from a family member of the Chairman of HLD
- Mr Roger K.H. Luk - being a member of the Council of the Chinese University of Hong Kong (CUHK) which had received a donation from a family member of the Chairman of HLD
- Professor P.P. Ho ] being employees of CUHK which had  
Professor K.C. Chau ] received a donation from a family  
] member of the Chairman of HLD
- Dr W.K. Yau - being a Director of a NGO which had received a donation from HLD
- Professor S.C. Wong ] being employees of the University of  
Dr Wilton W.T. Fok ] Hong Kong which had received a  
Mr H.F. Leung ] donation from a family member of the  
] Chairman of HLD
- Ms Christina M. Lee - being Secretary-General of the Hong Kong Metropolitan Sports Events Association which had received sponsorship from HLD

160. As the interests of Mr Dominic K.K. Lam, Mr Ivan C.S. Fu, Mr Patrick H.T. Lau and Ms Janice W.M. Lai were direct, Members agreed that they should be invited to leave meeting temporarily during the deliberation of Group 3 representations and comments. Members noted that Mr Dominic K.K. Lam, Mr Ivan C.S. Fu and Ms Janice W.M. Lai had already left the meeting temporarily and Mr Patrick H.T. Lau had tendered apology for not being able to attend the meeting.

161. The interests of Mr Clarence W.C. Leung, Mr Roger K.H. Luk, Professor P.P. Ho, Professor K.C. Chau, Dr W.K. Yau, Professor S.C. Wong, Dr Wilton W.T. Fok , Mr H.F. Leung and Ms Christina M. Lee were indirect as the donations made by HLD or the family member of the Chairman of HLD were made to their respective organizations only. Members agreed that they should be allowed to stay at the meeting and participate in the discussion.

162. In addition, the following Members had also declared interests for having business dealings/affiliation with the Hong Kong Housing Authority (HKHA)

- |                      |   |   |
|----------------------|---|---|
| Mr Stanley Y.F. Wong | - | being a member of HKHA and the Strategic Planning Committee of HKHA, and Chairman of the Subsidised Housing Committee of HKHA |
| Professor P.P. Ho    | - | being a member of the Building Committee of HKHA  |
| Mr H.F. Leung        | - | being a member of the Tender Committee of HKHA and having business dealings with HKHA   |
| Ms Julia M.K. Lau    | - | being a member of HKHA and the Commercial Properties Committee and Tender Committee of HKHA                                   |
| Mr Dominic K.K. Lam  | ] |   |
| Ms Janice W.M. Lai   | ] | having business dealings with HKHA  |
| Mr Patrick H.T. Lau  | ] |   |

- Mr K.K. Ling  
(*as Director of Planning*) - being a member of the Strategic Planning Committee and the Building Committee of HKHA
- Ms Bernadette H.H. Linn  
(*as Director of Lands*) - being a member of HKHA
- Mr Martin W.C. Kwan  
(*as Chief Engineer (Works), Home Affairs Department*) - being a representative of the Director of Home Affairs who is a member of the Strategic Planning Committee and Subsidised Housing Committee of HKHA

163. As the representations and comments in Group 3 were concerned with housing policy in general and not specific housing projects to be undertaken by HKHA, the above Members who had business dealings/affiliation with HKHA would not give rise to a direct conflict of interest. They should be allowed to stay at the meeting and participate in the discussion. Members noted that Ms Julia M.K. Lau had not been invited to attend the meeting in her capacity as a Member.

164. The Secretary said that the specific grounds of objection or comments raised by each representer/commenter in the written and/or oral submissions were detailed in the minutes for the hearing sessions on 8.10.2014 (p.m.) and 10.12.2014 (p.m.) and the major points were recapitulated to facilitate Members' discussion.

Representation No. KTN-R5

165. The Secretary recapitulated that the representer's objection was that the whole Lot 834 in D.D. 96 was currently used for temporary purposes. If land was resumed for development in the future, the remaining 1/5 of the lot would not be able to be used efficiently. The representer proposed to include the remaining 1/5 of Lot 834 in D.D. 96 into the coverage of the KTN OZP.

166. Members noted PlanD's responses provided in its presentation at the hearing, and/or recorded in the TPB Paper No. 9747 (the Paper) that the whole lot was already within the planning scheme area of the KTN OZP and details of land resumption would be dealt with at the implementation stage.

Representations No. KTN-R6 and FLN-R4

167. The Secretary recapitulated that the representers' objection was that Lot 104 in D.D. 100 was currently used for temporary purposes. If land was resumed for development in the future, the remaining 1/5 of the lot would not be able to be used efficiently. They proposed to include the remaining 1/5 of Lot 104 in D.D. 100 into the coverage of the OZP.

168. Members noted PlanD's responses provided in its presentation at the hearing, and/or recorded in the Paper that the whole Lot 104 in D.D. 100 fell within the approved Kwu Tung South OZP No. S/NE-KTS/14 and was completely outside the KTN and FLN NDAs. There was no strong planning justification to include that lot into the KTN or FLN OZPs.

Representations No. KTN-R9 and FLN-R9

169. The Secretary recapitulated that the representers had made the following major points in their written and oral submissions:

Supportive comment

- (a) the comprehensive planning approach for the creation of a new town was supported as it provided a good basis for the planning and implementation of various forms of public infrastructure;

Adverse comments on both the KTN and FLN OZPs

*Unreasonably low development intensity*

- (b) the permitted plot ratio (PR) for the respective “Residential (Group A)” (“R(A)”), “Residential (Group B)” (“R(B)”) and “Residential (Group C)” (“R(C)”) zones were lower than the PR for R1, R2 and R3 stipulated under the Hong Kong Planning Standards and Guidelines (HKPSG). The unreasonably low PR adopted for the NDAs was a misuse of the scarce land resources and would miss the opportunity for a long term solution to housing land supply. The PR restrictions for various zones on both OZPs should be more lenient;
  
- (c) commercial uses in the NDAs were restricted to the lowest two floors of the “R(A)1”, “R(A)2” and “Other Specified Uses” annotated “Commercial/Residential Development with Public Transport Interchange” (“OU(C/R with PTI)”) zones at a PR of either 1 or 0.5, or permitted in the “R(B)” and “R(C)” zones on application to the Board. Those were inadequate to create vibrancy in the town centre;

*Artificially low building height restriction*

- (d) the height profile of stepping down was not necessary;
  
- (e) the maximum building height restriction (BHR) at 35 storeys in both NDAs was arbitrarily low. The stringent BHR would affect the development capacity for housing;
  
- (f) for the KTN OZP, the BHR for various residential and “OU” zones should be relaxed by 20m to 35m. Similarly, for FLN OZP, the BHR for various residential and “OU” zones should be relaxed by 15m to 50m;

*Inefficient layout and use of land*

- (g) the NDAs were much traversed by roads and open space resulting in a high proportion of non-developable land in the NDAs;
- (h) the large number of open spaces scattered around the OZP was an inefficient use of land as they were largely undevelopable for active and meaningful recreational facilities;

*Non-building area (NBA)*

- (i) NBAs proposed inside development sites fronting onto open space zones would place unnecessary restrictions on building design. If space between buildings was required, they should be rezoned as “Open Space” (“O”);

*Planned shopping streets*

- (j) the planned shopping streets should be integrated at grade and basement levels with adjoining private land development. That requirement should be specified in the lease of adjoining private lots so that the shopping streets could be designed, constructed, managed and maintained in a holistic manner;

*Public and private housing distribution*

- (k) the proposed public and private housing ratio of 60:40 was not a balanced housing mix. The reduced number of private housing units would result in a long term under-supply and high housing price;
- (l) the public and private housing were clearly segregated and might result in concentrated populations of similar socio-economic background and large scale identical buildings with little design differentiation;

*Implementation considerations*

- (m) some sites under consolidated ownership were traversed by the proposed roads, open spaces and “Government, Institution or Community” (“G/IC”) zones which would require resumption and clearance, and that would prevent efficient implementation. The zoning layout should align with land ownership patterns to avoid the need for resumption and clearance for a timely delivery of land;
- (n) as 60% of the developable land in the NDAs was in private ownership, additional approaches to the Conventional New Town Approach in land assembly should be considered;
- (o) the two-year target time frame for preparation of land exchange was unrealistic;
- (p) LandsD had indicated that it would only accept land exchange applications for Phase 1 of the NDAs but there was no material difficulty in processing applications for Phases 2 and 3 at the moment to ensure their early consideration within the given time frame;

Adverse comments specifically related to the KTN OZP

*Commercial functions of the “OU” zone annotated “Business and Technology Park”*

- (q) the cluster of “OU” sites towards the southeast KTN NDA was reserved for commercial, research, office and hotel uses, which were generally higher level commercial activities serving the future development in the Lok Ma Chau Loop and the proposed Development Corridor, but not for providing jobs for the local communities;

*Overly specified commercial land uses*

- (r) the numerous commercial sub-zones were considered overly unnecessarily specific and restrictive. Specific types of commercial uses could be determined by the market which would facilitate early implementation;

Adverse comments specifically related to the FLN OZP

*Connectivity with the adjacent area*

- (s) as the facilities in the FLN NDA would be shared with Fanling and Sheung Shui New Town while the road network around Sheung Shui area was reaching its capacity, an above-ground and underground pedestrian walkway system and cycle track network should be provided;

*Transport provision*

- (t) Sha Tau Kok Road and Po Shek Wu Road were busy roads and Po Shek Wu Interchange and Fanling and Sheung Shui Mass Transit Railway (MTR) Stations were operating near or at their capacity. With FLN NDA predominately relying on road-based feeder services connecting to the two MTR stations, it would aggravate the road congestion; and
- (u) the proposed NOL should be extended as provision of rail service would allow more efficient use of the land resources.

170. Members then went through the following responses of the relevant government departments given during PlanD's presentation, and/or in answering Members' enquiries at the hearing, and/or recorded in the Paper:



Supportive comments

- (a) the supportive views were noted;

Adverse comments related to both the KTN OZP and FLN OZP

*Unreasonably low development intensity*

- (b) the PRs of residential sites at the future town centres of the KTN and FLN NDAs had been increased from 3.5 or 5 to 6 for high-density developments. Such development intensity was supported by relevant technical assessments, including Environmental Impact Assessment (EIA), Traffic Impact Assessment (TIA) and Air Ventilation Assessment (AVA), etc. Most of the low-density sites, i.e. residential density zone R3, had also been upzoned to R2 with a PR of 3.5;
- (c) a blanket increase in development intensity would have implications on infrastructure provision in the area (especially the sewage treatment and disposal capacity in the Shek Wu Hui Sewage Treatment Works), the capacity of the highway network, urban design and visual impact;
- (d) the current PR restrictions for the “R(A)” and “OU(C/R with PTI)” zones, i.e. maximum PR of 6 and 5 (of which the domestic PR should not exceed 5 and 4.5) respectively, had allowed flexibility for provision of commercial facilities to meet the needs of the residents and create a lively/vibrant Town Centre. The non-domestic PR could be accommodated in either two-storey terraced podiums or in five-storey purpose-designed non-residential buildings;
- (e) there was a provision for minor relaxation of the PR restrictions under the OZPs;

*Artificially low building height restriction*

- (f) the overall building height profile of the NDAs was planned to step down towards the periphery and riverside to achieve a variation in building height and massing of new developments and to ensure a better integration with the adjacent rural settings;
- (g) the stepped building height would have positive effects on visual amenity, natural lighting and air ventilation. The BHRs had already taken into account the development intensity permissible under the OZPs and the flexibility required for incorporating building design features to achieve good quality developments, etc;
- (h) there was a provision for minor relaxation of the BHRs under the OZPs;

*Inefficient layout and use of land*

- (i) the road network in the NDAs had already minimized internal roads as far as possible and a number of breezeways/air paths had been incorporated in the layout to facilitate wind penetration. Those breezeways included major open space spines, local roads and NBAs which allowed the prevailing winds to penetrate into the built environment of the concerned areas;
- (j) a major urban design principle was to create a “green” new town by providing a landscape framework with linked open spaces and a continuous open space alongside the river. The open space was to provide both active and passive recreational needs and to provide greening opportunities to enhance the urban environment;

*NBA*

- (k) the function of NBA was, inter alia, to serve as view and/or wind

corridors. The NBAs imposed on the KTN and FLN OZPs were mainly based on the recommendations of the AVA for the North East New Territories New Development Areas Planning and Engineering Feasibility Study (NENT NDAs Study), taking into consideration the site constraints and restrictions on development potential. The NBAs were essential planning requirements which would improve air ventilation in the KTN and FLN areas;

- (l) “O” zone and NBA were different in land use function and planning intention. The former was intended to provide open space for public enjoyment while the latter formed part of the building design to free up ground floor space for air ventilation purpose. The designation of an area as NBA would not affect the development intensity of the sites. Should the NBAs be rezoned to “O”, the development potential of the concerned sites would be affected;

*Planned shopping streets*

- (m) an Urban Design Study would further explore ways to facilitate connectivity and pedestrian access and enhance vibrancy, identity and visual quality of the town plazas and their surrounding areas. The proposal of accommodating commercial uses at basement could be considered based on individual merits through the planning application process;

*Public and private housing distribution*

- (n) the overall public-private housing ratio of the two NDAs at 60:40 was in line with the Long Term Housing Strategy and the 2014 Policy Address. Such ratio was similar to that of the existing Fanling/Sheung Shui New Town of 59:41;

- (o) a mix of housing land had been allocated for subsidised housing and various types of private housing to provide a wide range of housing choices for different social sectors. Flexibility was allowed for provision of PRH and HOS units within individual sites and for the possibility of public and private housing sites to be located next to one another;

*Implementation considerations*

- (p) the NDAs development was formulated based on various planning considerations, including the strategic role of the NDA, effective use of land resource, requirements of various land uses, land use compatibility, road network, GIC requirements, urban design and technical feasibility, etc. The development sites were drawn up taking into account the planned land uses, open space network, cycle track/road network, major breezeways/air paths, etc. Individual land ownership was not a consideration in planning the respective land use zonings;
- (q) the Government would resume and clear the private land planned for public works projects and public housing developments, as well as private land not to be pursued under the land exchange arrangement for private housing development, carry out site formation works, and provide infrastructure before allocating land for various purposes. Land matters would be dealt with at the implementation stage;

Adverse comments specifically related to the KTN OZP

*Commercial functions of the “OU” zone annotated “Business and Technology Park”*

- (r) the KTN and FLN NDAs would provide a total of about 37,700 jobs for the existing and future population of the area. The “OU” annotated “Business and Technology Park” (“OU(Business and Technology Park)”)

along Fanling Highway in KTN NDA was planned to provide land to meet the strategic economic needs of Hong Kong and provide a variety of commercial and industries related job opportunities. Other economic and social facilities such as retail, service industry and community facilities, would be available to provide different types of job to serve the local community. These economic activities would help promote the local economy and provide different types of job opportunities;

*Overly specified commercial land uses*

- (s) each “OU” zoning had a specific planning intention for the different needs and functions with a view to facilitating the long term planning and development of the area. There was also a reasonable mix of uses within each “OU” zoning;
- (t) the planning intention of the “OU(Business and Technology Park)” zone was to provide a mix of commercial, office, design, research and development uses for promoting high technology business. The objective was to meet the strategic land use requirements to enhance Hong Kong’s competitiveness;
- (u) the planning intention of the “OU(Mixed Use)” zone was for a mix of commercial/office, hotel, residential uses and social welfare facilities which would enhance the vibrancy and vitality of the Town Centre;

Adverse comments specifically related to the FLN OZP

*Connectivity with the adjacent areas*

- (v) a comprehensive pedestrian walkway system and cycle track network had been planned to ensure good connectivity between the FLN NDA and the Fanling/Sheung Shui New Town. To enhance the connectivity between the NDAs and the existing new town, measures including feeder

services and pedestrian/cycle track networks would be further examined at the detailed planning and implementation stage;

*Transport provision*

- (w) according to the TIA, a rail-based connection to link up the FLN NDA with the existing East Rail Fanling and Sheung Shui Stations was not financially viable while a road-based environmentally friendly transport mode was found to be more cost-effective. In that regard, two PTIs had been planned at both the eastern and western parts of the FLN NDA and long haul public transport services would provide direct connection between the FLN NDA with the urban area as well as shuttle services to the existing East Rail Fanling and Sheung Shui Stations. Nevertheless, design flexibility had been allowed for possible new rail infrastructure; and
- (x) a number of road enhancement and upgrading works had been identified to accommodate the traffic demand. The Fanling Highway/Tolo Highway widening would be completed by 2019-23 to help relieve the congestion problem in the North District. The existing Po Shek Wu Interchange would be improved to help resolve the interchange capacity problem. The proposed Fanling Bypass (linking Man Kam To Road and Sha Tau Kok Road) would not only support the external traffic needs of the FLN NDA but would also serve the residents of the existing Fanling/Sheung Shui New Town and help relieve the traffic burden of the existing road network.

171. Mr K.K. Ling, Director of Planning, said that PlanD had previously explained that the proposed development intensity of the two NDAs had been planned up to the maximum sustainable level based on the existing and planned infrastructural provision. Further increase in development intensity of the NDAs would be constrained by the carrying capacity of the road network as well as the control of sewage discharge into Deep Bay. The currently proposed BHR had taken into account the findings of the AVA and

urban design guidelines and the stepped down building height profile had positive effects on visual permeability and air ventilation. Under such circumstances, there would not be any scope to further increase the development intensity or relax the BHR for the NDAs.

172. Mr C.W. Tse said that as Deep Bay was an ecological important area characterised by many oyster farms and extensive wetland and were very sensitive to pollution. The Government had implemented a zero discharge policy for Deep Bay to ensure no net increase in pollution load to Deep Bay would be caused by any new developments in the Deep Bay catchment including the New Territories North (NTN) area. With a view to protecting the water quality of Deep Bay, the treated effluents from the Sha Tin Sewage Treatment Works would be discharged to the Kai Tak area through tunnel while the treated effluents of the Yuen Long area would be discharged into Urmston Road in Tuen Mun through tunnel. Moreover, the Yuen Long Sewage Treatment Works would be further upgraded from a secondary treatment works to a tertiary treatment works.

173. Members had no question and considered that the responses, which they accepted, had addressed the concerns raised in overall terms.

Representation No. KTN-R7

174. The Secretary recapitulated that the representer had made the following major points in his written and oral submissions:

- (a) opposed the zoning of Lot Nos. 750 (part), 751 (part), 752 and 753 and adjoining government land in D.D. 92 as “OU” annotated “Nature Park” (“OU(Nature Park)”);
- (b) proposed to rezone the representation site to “Village Type Development” (“V”) as there was insufficient land to meet the Small House demand for Yin Kong Village; and
- (c) the proposal would also address the concerns of LandsD on the use of land within the village ‘environs’ of Yin Kong Village, which was one of

the critical considerations in approving the land exchange for the implementation of planning application No. A/NE-KTN/131 for the comprehensive residential development with preservation of a Grade 2 Historic Building, i.e. Enchi Lodge (located within the 'CDA' zone to the south of the site).

175. Members then went through the following responses of the relevant government departments given during PlanD's presentation, and/or in answering Members' enquiries at the hearing, and/or recorded in the Paper:

- (a) the boundaries of the proposed LVNP was delineated in the EIA Study. The incorporation of the representation site into the LVNP was an integral element in meeting the mitigation requirements for unavoidable impacts to habitats of ecological importance elsewhere in the NDAs, and hence satisfying the requirements of the EIA; and
- (b) while there might not be sufficient land in the "V" zone in Yin Kong Village to meet the 10-year demand of Small Houses, there were still land available within the "V" zone for Small House development. It was considered more appropriate to concentrate the proposed Small House within the "V" zone for orderly development pattern, efficient use of land and provision of infrastructures and service.

176. Members had no question and considered that the responses, which they accepted, had addressed the concerns raised in overall terms.

#### Representation No. KTN-R8

177. With the display of a plan on the visualiser showing the existing zonings of the representation site on the KTN OZP and the alternative zoning and layout proposed by the representer, the Secretary recapitulated that the representer had made the following major points in his written and oral submissions:



- (a) more land for housing development could be released by adopting an alternative layout for the north-eastern part of the KTN area which would increase the land area for the “R(A)” zone, reduce the area shown as ‘Road’ and revise the pedestrian and cycle track connections and open space network;
- (b) the proposed zoning changes were the result of minor re-alignment of various road sections, i.e. straightening of Road D3, and shifting sections of Road L3, L6 and L7 eastward. Through the re-configuration of various zonings, a more efficient land use and better utilisation of the land resource could be achieved to produce an additional 1,000 residential units;
- (c) there would be an increase in the land area designated for “G/IC” use;
- (d) a 40m wide open space strip was proposed along the western side of Road P2, which would act as a buffer to the future schools to be developed in the “G/IC” zone and further improve the environment;
- (e) the elevated section or underpass should be provided to Road D3 across the open space corridor to promote connectivity; and
- (f) the proposed alternative cycle track along the Town Plaza in KTN was desirable. The proposed open space corridor leading to Fung Kong Shan Park would avoid causing nuisance to the residential developments.

178. Members then went through the following responses of the relevant government departments given during PlanD’s presentation, and/or in answering Members’ enquiries at the hearing, and/or recorded in the Paper:

- (a) the representer’s proposal would divide the original development sites into irregular shapes and create unnecessary development constraints. While the development potential of some sites would be increased, the

proposal would reduce the effectiveness of the use of the remaining portions of the concerned area. There was no information to demonstrate that the reconfigured site layout would not have any adverse impact on the environment, particularly on the LVNP;

- (b) the proposal would jeopardize the comprehensive layout of the KTN NDA and was not in line with the overall planning parameters adopted in the NDA;
- (c) as the design of the KTN NDA was to provide a vehicle-free Town Plaza to minimize pedestrian/cycle conflict, it was undesirable to provide a cycle track along the northern boundary of the Town Plaza as proposed;
- (d) there was no site layout to demonstrate that the planned schools could be accommodated at the “G/IC” site located to the north-east of Road L6; and
- (e) the proposal of extending the “O” zones to the north and south of Road D3 to create continuous communal open space would essentially cut off Road D3 into two disconnected portions. Traffic from the western part of the KTN NDA to the eastern part would have to go around the periphery of the KTN NDA and thereby creating more traffic flows and carbon emission. The proposal was therefore considered not acceptable. There was also no information to demonstrate the feasibility of an elevated or underpass section for Road D3 across the open space corridor.

179. Members had no question and considered that the responses, which they accepted, had addressed the concerns raised in overall terms.

Representation No. KTN-R10

180. The Secretary said that the specific grounds of objection or comments raised

by the presenter in the written and/or oral submissions were detailed in the minutes for the hearing sessions on 8.10.2014 (p.m.). With the display of a plan on the visualiser showing the existing zonings of the representation site on the KTN OZP and the alternative zoning and layout proposed by the presenter, the following major points were recapitulated:

Supportive Comments

- (a) with a good mix of land for housing, open space, employment and community facilities, the draft KTN OZP provided a good basis for the planning and implementation of various forms of public infrastructure;

Adverse Comments

*Underutilising the development potential around the transport node*

- (b) the proposed PR of 5 and 6 at the representation site which covered part of KTN Planning Areas 24, 28 and 29 was unreasonably low, especially given that the site was located near the transport node;
- (c) the commercial uses in the “Residential” zones around the transport node, which were restricted to the lowest two floors at a PR of 1, would underutilise the development potential around the transport node;
- (d) the open space in the northern part of the representation site was an inefficient use of land. It was largely undevelopable in terms of providing active public recreational facilities;

*Artificially low BHRs*

- (e) the very steep step-down of building height towards the southern periphery of the draft OZP was not justified;

- (f) an increase in the BHR at the southern part of the site would be commensurate with that of the “OU” zone to the east, forming a consistent character for this area;

*Land ownership and implementation*

- (g) the site, which was under consolidated ownership, was unnecessarily bisected into several pieces under the draft KTN OZP. The owner’s development rights, economies of scale, and the implementation process would be adversely and unnecessarily affected;
- (h) consideration should be given to the implementation of community facilities by the private sector to complement those provided by the Government. As the representation site had access to Castle Peak Road, the early development of the site for residential use with a combination of G/IC facilities should be considered;

*Representer’s proposals*

- (i) Option 1 - to rezone the representation site from “R(A)1”, “R(A)2”, “O” and “G/IC” to “CDA(1)” with more lenient restrictions on building height and PR; and
- (j) Option 2 - to rezone the representation site and some adjoining land from “R(A)1”, “R(A)2”, “O” and “G/IC” to “R(A)1” and “G/IC(3)” with more lenient restrictions on building height and PR.

181. Members noted the following responses of the relevant government departments given during PlanD’s presentation, and/or in answering Members’ enquiries at the hearing, and/or recorded in the Paper:

Supportive Comments

- (a) the supportive views were noted;

Adverse Comments

*Underutilising the development potential around the transport node*

- (b) the PRs of residential sites at the future town centre/district nodes of the KTN and FLN NDAs had been increased from 3.5 or 5 to 6 for high-density developments. In addition, most of the low-density sites, i.e. residential density zone R3, had been upzoned to R2 with a PR of 3.5. Those together with other changes in housing mix would bring about an increase of about 12,700 flats, thus increasing the total flat supply from 47,300 to 60,000;
- (c) a blanket increase in development intensity would have implications on the infrastructure provision in the area, especially the sewage treatment and disposal capacity in the Shek Wu Hui Sewage Treatment Works and the capacity of the highway network, as well as urban design and visual implication;
- (d) the current PR restrictions for the “R(A)” and “OU(C/R with PTI)” zones, i.e. maximum PR of 6 and 5 (of which the domestic PR should not exceed 5 and 4.5) respectively, had allowed flexibility for provision of commercial facilities to meet the needs of the residents and create a lively/vibrant town centre. The non-domestic PR could be accommodated in either two-storey terraced podiums or in five-storey purpose-designed non-residential buildings;
- (e) the open space to the east of KTN Planning Area 24 would serve as part of the continuous green open space network connecting the residential neighbourhoods and offering a safe and comfortable walking

environment within the NDA. That open space should be retained;

*Artificially low BHRs*

- (f) the overall building height profile of the KTN NDA was planned to step down towards the periphery and riverside to achieve a variation in building height and massing of new developments and to ensure a better integration with the adjacent rural settings. The BHRs adopted in the FLN OZP had already taken into account the development intensity permissible under the OZPs and the flexibility required for incorporating building design features to achieve good quality developments;
- (g) the intensity and building height descending from the Town Centre of KTN NDA towards the southern periphery was to allow visual relief between the NDA and the existing low-rise developments in Kwu Tung South;

*Land ownership and implementation*

- (h) in determining the boundaries of various land uses, reference had been made to major planning considerations including physical features, road network, land configuration, requirements on area of various land uses, urban design, technical feasibility, etc. Individual land ownership was not a consideration in planning the respective land use zonings. Land matters would be dealt with at the implementation stage;

*Representer's Proposal - Options 1 and 2*

- (i) the representater's proposals (Options 1 and 2) would jeopardize the comprehensive layout of the KTN NDA and were not in line with the overall planning parameters adopted in the NDA. Besides, the proposals were not substantiated by any technical assessments and might induce traffic, sewage and other environmental impacts. For example,

sensitive receivers under Option 1 might be subject to adverse traffic noise and emission impacts from Fanling Highway and Castle Peak Road, and the Shek Wu Hui Sewage Treatment Works might not be able to cope with additional flows of the increased population arising from the proposal; and

- (j) the “R(A)2” zone in KTN Planning Area 24 had been included in the advance works and was planned for local rehousing for those existing households to be affected by the NDAs development. Reduction in size might affect the development potential in KTN Planning Area 24.

182. Members had no question and considered that the responses, which they accepted, had addressed the concerns raised in overall terms.

Representation No. KTN-51

183. The Chairman recapitulated that the representer had made the following major points in his written submission:

- (a) opposed the “OU(Business and Technology Park)” zone. As KTN was located far away from the city centre, it was unlikely that it would attract creative and high-end industries and would unlikely be viable;
- (b) with active agricultural land being scarce in Hong Kong, it was of paramount importance for the Board to preserve the remaining agricultural land;
- (c) although the traffic assessment showed that the East Rail still had capacity to accommodate the future population of the NDAs, the general comfort of the passengers had not been taken into account;
- (d) as most service industries were located in the city centre, low skilled workers living in KTN NDA would need to commute long distances to

the city centre, thus increasing the carbon footprint; and

- (e) it was assumed that close proximity to the Mainland would bring strategic advantages to the NDA. However, any fluctuation in the economy of the Mainland would undermine the NDA's economic viability.

184. Members then went through the following responses of the relevant government departments given in PlanD's presentation as well as in answering questions raised by Members at the hearing, and/or recorded in the Paper:

- (a) in planning the NDAs, the 'Green New Town' concept had been adopted with a view to integrating the existing natural resources into the new town development. Agricultural land had been retained within the two NDAs to allow continuation of farming practices in the area;
- (b) the TIA under the NENT NDAs Study had concluded that the NDAs were technically feasible from the traffic and transportation point of view. According to the Railway Development Office, Highways Department (RDO, HyD), the proposed NOL could help to re-distribute the railway passenger flows in the northern New Territories;
- (c) the proposal of KTN NDA as a rail-based town was recommended to address the medium to long-term housing demand and to provide more job opportunities;
- (d) the economic and social facilities such as retail, service industries and community facilities would be available in the NDAs to provide different types of jobs and a large amount of employment opportunities, including some with lower skill level requirements, for the local people. Long distance commuting for daily activities was not expected; and
- (e) the NDAs took advantage of its strategic location to provide land for



different strategic land use requirements. The sites for “OU(Business and Technology Park)” and “OU(Research and Development)” in the KTN NDA would provide a variety of jobs related to commerce and industries in which Hong Kong enjoyed clear advantages. Those sites would provide development space for different industries and were not specifically catered to businesses related to the economic development of the Mainland China.

185. Members had no question and considered that the responses, which they accepted, had addressed the concerns raised in overall terms.

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

Representation No. KTN-R20728

186. The Secretary said that the specific grounds of objection or comments raised by the representer in the written and/or oral submissions were detailed in the minutes for the hearing sessions on 8.10.2014 (p.m.) and 10.12.2014 (p.m.). With the display on the visualiser a list of major points and a plan showing the existing zonings of the representation site on the KTN OZP and the alternative zoning and layout proposed by the representer, the following major points were recapitulated:

*Layout of the KTN NDA limiting the development potential*

- (a) the northern portion of the representation site, i.e. Lot No. 2030 s.A in D.D. 95, was partly zoned “Residential (Group A) 1” (“R(A)1”) and “OU(Commercial/Residential with Public Transport Interchange)” (“OU(C/R with PTI)”. Each portion of the representation site under the different zonings could not be implemented on their own. If the representer could not work together with the owners of the adjoining land within the same zoning, these two sites would not be conducive to the Government’s objective to fast track the housing supply and was unfair to the landowner. If the lot was not divided into two sites, the

representer could prepare and submit the general building plans within a short period to speed up the development process. Besides, with a smaller site area, the number of residential units that could be developed would be less, representing a waste of scarce land resources;

*Land exchange application*

- (b) as the representation site fell within different land use zonings and the land area of each was only about 2,700m<sup>2</sup>., it would not be eligible to apply for land exchange which required a minimum site area of 4,000m<sup>2</sup>;

*Implementation programme*

- (c) the Explanatory Statement required the proponent to submit to the Director of Lands a master layout plan of the site zoned “OU(C/R with PTI)” before development proceeded. Such zoning would hinder the early implementation of the site under the Advance Works Package; and

*Proposal*

- (d) to rezone part of the site from “OU(C/R with PTI)” to “R(A)1”. Although the proposal would result in a loss of land area covered by the “OU(C/R with PTI)” zone by 12.9%, it would not cause a significant impact on the implementation of the PTI. The proposed rezoning only involved minor boundary adjustment to the draft KTN OZP and would not cause any negative effect on the planned provision of residential units as the domestic PR would remain unchanged.

187. Members then went through the following responses of the relevant government departments given in PlanD’s presentation as well as in answering questions raised by Members at the hearing, and/or recorded in the Paper:

*Layout of the KTN NDA limiting the development potential*

- (a) the representer's proposal would reduce the effectiveness of the remaining portions of land zoned "R(A)1" and "OU(C/R with PTI)". That was particularly so for the PTI which was to be incorporated within the "OU(C/R with PTI)" site and a smaller site area would affect its feasibility. The proposal would also jeopardize the comprehensive development of the NDA;
- (b) KTN NDA development was formulated based on various considerations, including the strategic role of the NDA, effective use of land resource, requirements of various land uses, land use compatibility, road network, GIC requirements, urban design and technical feasibility. The development sites were drawn up taking into account the planned land uses, open space network, cycle track/road network and major breezeway/air paths. Individual land ownership was not a consideration in planning the respective land use zonings;

*Land exchange application and implementation programme*

- (c) as the representation site was located to the immediate south of the proposed Kwu Tung railway station, which was at the centre of the KTN NDA, due consideration should be given to better integrating the future railway station in the design of the PTI to meet the need of future population. A master layout plan was required to ensure proper design of the development before development proceeded;
- (d) under the NDAs development, the Government would resume and clear the private land planned for public works projects, public housing and private developments, carry out site formation works, and provide infrastructure before allocating land for various purposes. Land matters would be dealt with at the implementation stage and were not directly

related to the KTN OZP which was to show the broad land use framework of the NDA; and

*Proposal*

- (e) the proposal would affect the design feasibility of the “OU(C/R with PTI” site as the proposed PTI had specific dimension and configuration requirements. The odd shape of the site resulted from the proposed rezoning might affect the comprehensiveness of the two residential developments.

188. Members had no question and considered that the responses, which they accepted, had addressed the concerns raised in overall terms.

189. The Secretary recapitulated Commenter No. KTN-C5595’s concern on the development right of private land owners in KTN:

- (a) development right of private land owner was not respected. He objected to the proposed public housing under “R(A)3” zone in KTN Planning Area 21 because his land with an area of about 4,000m<sup>2</sup> would be resumed for public housing use; and
- (b) the Government should allow the private land owners to apply for privately operated GIC facilities in “G/IC” zone in KTN Planning Areas 8 and 29.

190. Members then went through the following responses of the relevant government departments given in PlanD’s presentation as well as in answering questions raised by Members at the hearing, and/or recorded in the Paper:

- (a) KTN NDA development was formulated based on various considerations, including the planned land uses, open space network, cycle track/road network, major breezeway/air paths, etc. Individual land ownership

was not a consideration in planning the respective land use zonings; and

- (b) land matters would be dealt with at the implementation stage and were not directly related to the KTN OZP which was to show the broad land use framework of the NDA.

191. A Member remarked that as the NDAs were yet to be developed and the future land uses of the areas were still uncertain at the time the land owners purchased the land, the land owners should be aware of the likely conflict between the Government's land use proposal and their own intended development.

[Ms Christina M. Lee left the meeting at this point.]

#### Representations No. FLN-R5, R6, R7 and R8

192. The Secretary said that the representers made comments on the land use proposals of the FLN District Centre and requested for more lenient restrictions on development intensity and/or building height for domestic/non-domestic uses, and provision of elevated and underground pedestrian connections. The specific grounds of objection or comments raised by the representers in the written and/or oral submissions were detailed in the minutes for the hearing sessions on 8.10.2014 (p.m.) and 10.12.2014 (p.m.). With the display on the visualiser a list of major points and a plan showing the existing zonings of the representation site on the FLN OZP and the alternative zoning and layout proposed by the representers, the following major points were recapitulated:

##### *More lenient restrictions on development intensity for domestic uses*

- (a) to optimize housing supply, the "R(A)1" zones in the FLN District Centre and the intervening "O" zone could be combined to form a consolidated piece of land with a housing/shopping street setting while the intervening open space could be retained for public use;
- (b) the FLN OZP had not fully utilized the land resources and did not

maximize the population within 500m of railway stations. A higher development intensity should be adopted to support the Transit-oriented Development (TOD) in the FLN District Centre;

- (c) the “R(B)” site in FLN Planning Area 13 fronting the promenade of Ng Tung River was located immediately alongside two planned public housing sites (HOS sites) to the east with domestic PRs of 4.0 to 4.5. The development intensity of the “R(B)” site should be increased to the same level of the HOS sites to contribute to a more sustainable housing provision;
- (d) the “R(B)” site in FLN Planning Area 18 could be combined with the adjoining “OU” annotated “Amenity Area” (“OU(Amenity Area)”) site fronting Ma Sik Road with the planned amenity area designated as an NBA and specified for amenity use under the lease. Ma Sik Road would then become a ‘road’ for the “R(B)” site for the purposes of PR calculations under the Building (Planning) Regulations (B(P)R). The “R(B)” site could also become an early phase development site with ingress/egress off Ma Sik Road;
- (e) the infrastructure was sufficient to accommodate the additional population from the proposed increase in housing supply;
- (f) the following specific proposals were put forward by the representers:
  - (i) to combine the two “R(A)1” sites and the “O” zone in-between to the north of the FLN District Centre into one site and to rezone it as “R(A)5” subject to a maximum domestic PR of 5 and a maximum domestic GFA of 125,690m<sup>2</sup>. The area previously zoned “O” should be designated as ‘pedestrian area’ and should be countable for non-domestic PR, subject to a maximum non-domestic GFA of 42,735m<sup>2</sup> (FLN-R8);

- (ii) to combine the two “R(A)1” sites and the “O” zone in-between to the south of the FLN District Centre into one site and rezoned it as “R(A)6” subject to a maximum domestic PR of 5 and a maximum domestic GFA of 129,290m<sup>2</sup>. The area previously zoned “O” should be designated as ‘pedestrian area’ and should be countable for non-domestic PR, subject to a maximum non-domestic GFA of 43,959m<sup>2</sup> (FLN-R8);
- (iii) to combine the 4 “R(A)1” sites into two large sites with a ‘pedestrian area’ to replace the intervening “O” zone (FLN-R6);
- (iv) to rezone the “R(B)” zone in FLN Planning Area 13 to “R(B)2”, subject to a maximum domestic GFA of 88,772m<sup>2</sup> and a maximum non-domestic GFA of 420m<sup>2</sup> for shops abutting the pedestrian walkway (FLN-R8);
- (v) to rezone the “R(B)” and “OU(Amenity Area)” site in FLN Planning Area 18 to “R(B)1” subject to a maximum domestic GFA of 67,123m<sup>2</sup> and a non-domestic GFA of 750m<sup>2</sup> for shops abutting the pedestrian walkway. The area previously zoned “OU(Amenity Area)” should be designated as an NBA under the “R(B)1” zone (FLN-R8); and
- (vi) to adopt a higher domestic PR of 6 for developments in the FLN District Centre (FLN-R5);

*More lenient restrictions on development intensity/provision of non-domestic uses*

- (g) the four individual “R(A)1” sites should be combined into two larger sites so that an efficient and environmentally friendly development could be achieved. The open space corridor in-between the sites should be designated as ‘pedestrian area’ and counted for non-domestic PR

calculation as its primary role was to serve as ‘pedestrian shopping streets’ rather than as open space. That would bring about benefits of an integrated space design, management and maintenance by commercial operator, as well as an increase in commercial use, which would in turn enhance job opportunities for future residents and add diversity and vibrancy to the area;

- (h) to add vibrancy and ancillary accommodation to the FLN District Centre, ‘hotel’ use within the non-domestic portion of the “R(A)” sites should be allowed;
- (i) commercial uses should be allowed in the lowest three floors of a building (including basement) for the reasons that the restrictions in the “R(A)” zone should be in line with those under the Master Schedule of Notes; the provision of a commercial floor in the basement would not undermine the intention to avoid bulky structures and minimize adverse air ventilation and visual impacts; and basement retail premises could contribute to street vibrancy without affecting the coherence of the pedestrian street profile;
- (j) the restriction of a maximum BHR of 5m and the setback of a maximum width of 10m on the first floor level for the terraced podium did not encourage architectural diversity and visual interest;
- (k) the District Centre ‘shopping street’ concept should be extended to the eastern podium edge of the “R(A)” zoning which interfaced with the North-South Park as those terrace edges had considerable potential to enliven the adjoining public open space;
- (l) ‘Shop and Services’ and ‘Eating Place’ uses should be allowed in “R(B)” zones in FLN Planning Areas 13 and 18 as they were the key pedestrian routes connecting either to the planned riverside promenade or the existing town settlement across Ma Sik Road;



- (m) the following specific proposals were put forward by the representers:
- (i) for the “R(A)” zone, to permit commercial uses on the lowest three floors (including basements) of a building subject to a maximum non-domestic PR of 2 and to place ‘Hotel’ use under Column 1 of the Notes (FLN-R6 and FLN-R8);
  - (ii) for the “R(A)5” and “R(A)6” zones, to extend the designated terraced podium and pedestrian area to the eastern edge of the two zones and to specify that land designated as ‘Terraced Podium’ would be subject to a maximum BHR of 5m measured ‘at roof level of the ground level storey (excluding the parapet height at roof level)’, and the north-south and east-west frontages of the terraced podium would be subject to two different terraced podium setback controls at the first floor (either 5m-wide or 10-m wide setback) (FLN-R8);
  - (iii) to rezone the “O” zone in the FLN District Centre to “OU” annotated “Open Space for Recreation and Community Uses and Underground Commercial Uses and Car Park” uses (FLN-R7) or “OU” annotated “Town Square with Open Space for Recreation and Community Uses and Underground for Commercial Uses and Car Park” uses (FLN-R8); and
  - (iv) to rezone the north-south strip on the eastern portion of the “O” zone to “O(1)” to link up with the FLN District Centre (FLN-R8);

*More lenient BHR*

- (n) the building height of the four “R(A)1” sites in the FLN District Centre should be increased to reflect the planning intention that development sites in the central area generally had higher building heights and to

allow landmark buildings to be seen from a distance;

- (o) on sites with no pressing urban design or air ventilation requirements, residential building heights could be relaxed by way of a minor relaxation as permitted under the Notes to offer greater design flexibility and visual variety;
- (p) an increase in building height for the “R(B)” zone in Planning Area 13 would not impact on visual corridors given that the adjoining proposed HOS developments fronting the same stretch of riverside promenade was at 90mPD;
- (q) the proposed building heights for the “R(B)” zone in FLN Planning Area 18 should be increased to introduce a greater stepping down in height, taking into consideration the existing and planned building heights in the surrounding, including the proposed PTI development in FLN Planning Area 15 to the north (with heights ranging from 105mPD to 125mPD) and the existing “R(A)” zone to the south of Ma Sik Road (115mPD);
- (r) the specific proposals put forth by the representers were summarised as below:
  - (i) to relax the maximum BHRs for the western and eastern portions of the “R(A)1” sites to 130mPD and 145mPD respectively (FLN-R8);
  - (ii) to adopt a stepped building height profile for the “R(A)1” sites in FLN Planning Area 16 up to a maximum building height of 165mPD (FLN-R5);
  - (iii) to relax the maximum BHR of the “R(B)” zone in FLN Planning Area 13 to 90mPD (FLN-R8); and
  - (iv) to relax the maximum BHR of the “R(B)” zone in FLN Planning

Area 18 to 105mPD (western portion) and 85mPD (eastern portion)  
(FLN-R8);

*Implementation mechanism*

- (s) the Notes for the proposed terraced podium in “R(A)1” zones in the core of the area did not cover certain implementation matters critical to the success of the statutory planning framework;
- (t) one land grant should be offered to the major landowner to design and construct the proposed pedestrian areas and open space corridor so that the pedestrian street concept and town square could be planned, designed, constructed and operated holistically to achieve good urban design, architectural appeal, sustainable engineering and environmental conscious operations;
- (u) to avoid interface problems at various stages of the development, a single land grant should be considered with the implementation works entrusted to one agent for design, build and transfer;

*Pedestrian circulation connection*

- (v) construction of elevated pedestrian walkways and underground pedestrian connections from the riverside in FLN Planning Area 19 through the planned new road connection/roundabout to cross over Ma Sik Road to Fanling Sheung Shui Town Lot (FSSL) No. 177, to the “R(B)” zone in FLN Planning Area 18, the “R(A)1” (FLN-R8); and
- (w) to have 3-level connections from Luen Wo Hui to the FLN District Centre / riverside. Elevated walkways from Belair Monte to the “R(B)” site in FLN Planning Area 18, the “R(A)1” sites in FLN Planning Area 16 and the “R(B)” site in FLN Planning Area 13 should be constructed together with underground basement among individual “R(A)1” sites

within FLN Planning Area 16 (FLN-R5).

193. Members then went through the following responses of the relevant government departments given in PlanD's presentation as well as in answering questions raised by Members at the hearing, and/or recorded in the Paper:

*More lenient restrictions on development intensity for domestic uses*

- (a) the NDAs development had made the best use of scarce land resources to serve the housing and economic needs of Hong Kong. After balancing different considerations including efficient use of land resources, provision of sufficient G/IC facilities, capacity of the planned infrastructure, good urban design framework, etc., the development intensity for various housing sites have been increased;
- (b) the PRs of residential sites at the future town centres of the KTN and FLN NDAs had been increased from 3.5 or 5 to 6 for high-density developments. Such development intensity was commensurate with those of other New Towns. Most of the low-density sites, i.e. residential density zone R3, had also been upzoned to R2 with a PR of 3.5;
- (c) a blanket increase in development intensity would have implications on the infrastructure provision in the area, the highway network capacity and visual character in the area;
- (d) Fanling Highway would approach its practical capacity based on the proposed development scale. It was anticipated that with further increase in development intensity, the highway network would exceed its capacity. Based on the current planned infrastructures, an optimum development scale had already been adopted;
- (e) there was provision for minor relaxation of the PR and BHR under the

OZP. Each case would be considered by the Board based on individual merits;

- (f) the “O” zoning in the midst of the district centre of the FLN NDA offered a unique opportunity to create a green urban environment that could offer significant benefits to the future community. The open space also served as pedestrian and visual corridors, linking up different land parcels in the district centre;
- (g) though the representers claimed that the NBA could be incorporated into the lease conditions for providing residential open space and roadside amenity planting, appropriate zoning under OZP could provide more transparent control under the Town Planning Ordinance;

*More lenient restrictions on development intensity/provision of non-domestic uses*

- (h) the open space corridor stretching from north to south and from east to west across the core area of the FLN District Centre was a key urban design feature in the FLN NDA. The “O” zoning in the midst of the FLN District Centre would create a green urban environment that could bring significant benefits to the future community. To enhance the function and vibrancy of the open space, different kinds of activities including community, arts and culture, alfresco dining, and retail could be considered;
- (i) the “R(A)1” sites in the FLN District Centre were primarily intended for high-rise residential developments rather than pure commercial developments, such as hotel use. ‘Hotel’ use would have to be assessed on an individual basis with strong justifications, technical assessments, etc. on application to the Board;
- (j) the cruciform open space was an important landmark and focal point of

the FLN District Centre, and the proposed terraced podium abutting the open space could also enhance vibrancy in the area. There was no strong justification to rezone the site to “OU” annotated “Town Square with Open Space for Recreation and Commercial Uses and Underground for Commercial Uses and Car Park” zone for provision of more community facilities and commercial uses / carpark underground;

- (k) under the Notes for the “O” zone of the FLN OZP, various commercial uses, such as ‘eating place’, ‘place of entertainment’, and ‘shop and services’, etc. might be allowed on application to the Board. Adequate flexibility had been allowed under the current “O” zone;
- (l) additional commercial developments at basement level(s) would generate additional development intensity and traffic load in the area. Further increase in development intensity could only be ascertained after another comprehensive feasibility study covering planning, environment, traffic and transport, infrastructure and other technical aspects had been undertaken. The proposal of accommodating commercial uses at basement could be considered based on individual merits through the planning application process;
- (m) there was no strong justification for the proposed relaxation of PR and provision restrictions for commercial land uses / uses as proposed by the representers. There was a provision for minor relaxation of the PR and BHR under the OZP;
- (n) the BHR specified in the OZP would normally count the height of the building up to the main roof unless it was otherwise specified in the OZP;
- (o) it was intended to provide 1-storey landscaped terrace (with a maximum building height of 5m and 10m in width) along the pedestrian shopping street for public access to the terrace for enjoyment. To allow for an

attractive and spacious public access, the setback of the terraces at 10m in width should be retained. The 10m-wide terraced podium was an important feature in the FLN District Centre. Design flexibility had been allowed for changing such design feature through the planning application process. Each case would be considered by the Board based on individual merits;

- (p) the north-south open space spines served as major view corridors to protect the long-range views towards the green backdrop in the north. The coverage of terraced podium lined with retail frontage in FLN Planning Area 16 did not include the eastern edge of the “R(A)1” zones. Nevertheless, design flexibility had been allowed for changing such design feature through the planning application process;
- (q) the “R(B)” zone was intended primarily for medium-density residential developments. Any commercial uses would require planning permission from the Board;
- (r) provision of commercial uses was allowed in the “OU(CR with PTI(1))” zone adjoining the northern boundary of the “R(B)” site in FLN Planning Area 18, and the “R(A)1” zones in between the concerned “R(B)” sites in FLN District Centre;

*More lenient building height restrictions*

- (s) in formulating the BHR for the FLN OZP, due regard had been given to the AVA of the NENT NDAs Study, HKPSG and Urban Design Guidelines for Hong Kong. The BHRs on the FLN OZP were based on reasonable assumptions with allowance for design flexibility to accommodate the development intensity permissible under the OZPs. In view of the above, the BHRs in the FLN OZP were considered appropriate;

- (t) provision was already made on the FLN OZP for higher building height for the two district nodes within FLN, including the FLN District Centre. A close cluster of well-designed and relatively taller buildings within the “R(A)1” sites (110mPD as per the OZP height restrictions) located around a cruciform open space spine would combine to form a distinct townscape;
- (u) there was no strong planning and/or design justifications for further increase in building height of the “R(A)1” site around the cruciform open space spine or the “OU(C/R with PTI)1” site. There was provision for minor relaxation of BHR under the OZP. Each case would be considered by the Board based on individual merits;
- (v) a maximum building height of 75mPD was able to accommodate the permitted development intensity under “R(B)” zone which was intended primarily for medium-density residential developments;
- (w) if the building height of the subject “R(B)” zone in Planning Area 13 was increased from 75mPD to 90mPD, the east-west gradual descending building height profile would be affected;
- (x) the BHR of 60mPD and 75mPD for the subject “R(B)” site in Planning Area 18 was considered appropriate. there was no strong justification to adopt the same height band of that HOS site for the subject “R(B)” site;

*Implementation mechanism*

- (y) land exchange / land matters would be dealt with at the implementation stage and were not directly related to the KTN and FLN OZPs which were to show the broad land use framework of the NDAs;
- (z) the FLN OZP was prepared to take forward the recommendations of the



NENT NDAs Study. The OZP had made provision for each individual land parcel to be developed on its own. However, the OZP had not precluded consolidated development of several land parcels by a single developer;

*Pedestrian circulation connection*

- (aa) in FLN NDA, a comprehensive pedestrian walkway system and cycle track network had been planned to ensure good connectivity between major activity nodes and to the adjoining KTN NDA and Fanling/Sheung Shui New Town. The proposed 3 levels of pedestrian connections were considered duplicated in functions; and
- (bb) the OZP had not precluded the provision of the proposals of providing elevated and basement connections could be considered on individual merits through planning application process.

194. On the representers' concern on the design of terraced podium, Mr K.K. Ling pointed out that normally, non-domestic uses were always permitted on the lowest three floors of developments within the "R(A)" zone, and under the B(P)R, 100% site coverage was permitted for podium development up to a height of 15m. Such typical development form would have adverse impact on air ventilation at street level. To address this issue, non-domestic uses were only permitted on the lowest two floors of the "R(A)" zones of the NDAs and there was a BHR of 5m and setback requirement of 10m on 1the first floor level. The two-storey terraced podium restriction for commercial uses in development sites along the pedestrianised shopping streets in the Town Centres in the KTN and FLN NDAs was an important feature for the NDAs and it was primarily based on the recommendations of the AVA for the NENT NDAs Study. As the proposed terraced podium abutting the open space could enhance vibrancy in the area and allow for an attractive and spacious public access, the 10m setback on the first floor level of the terraced podium should be retained. Nevertheless, design flexibility had been allowed for changing such design feature through the planning application process. The future developer would have to demonstrate that such change would not have adverse air ventilation impact. Each case would be

considered by the Board based on individual merits.

195. A Member asked if alfresco dining would be provided along the pedestrian shopping streets to enhance the shopping experience and how the requirement of terraced podium could be achieved. With the display of the FLN OZP on the visualiser, Mr K.K. Ling explained that the requirement of 10m setback on the first floor of the terraced podium along site boundaries abutting the cruciform open space was shown as hatched area on the OZP. To enhance the function and vibrancy of the open space, different kinds of activities including community, arts and culture, alfresco dining, retail, etc. could be considered.

196. In response to a Member's question on the types of railings to be used in the terraced podium, Mr Ling said that the need to impose specific requirement on the railing design of the terraced podium could be further considered at the detailed design stage. However, due consideration would be given to maintaining the permeability of the terraced podium and its visual and spatial connectivity with the shopping streets in future design study.

197. Another Member asked if urban design guidelines would be formulated to guide the future developments of the town plaza areas. Mr Ling said that the future Urban Design Study would further consider / explore how the town plazas at KTN and FLN NDAs would be integrated with comprehensive shopping, food and beverage and recreation facilities. The Urban Design Study would also explore ways to facilitate connectivity and pedestrian access and enhance vibrancy, identity and visual quality of the town plazas and their surrounding areas. Major findings of the Urban Design Study would be submitted to the Board for consideration.

Representation No. FLN-R28

198. The Secretary recapitulated that the representer opposed the "OU" annotated "Amenity Area" zone in FLN Planning Area 14 and had made the following major points in his written submission:

- (a) the “OU(Amenity Area)” along Ma Sik Road would segregate the land from directly abutting Ma Sik Road. While the land was zoned “R(A)”, the residential tower blocks would need to be set back considerably from the land boundary parallel to the new “OU(Amenity Area)” strip to fulfil the prescribed window requirement under the Buildings Ordinance (BO), resulting in congestive block layout; and
- (b) proposal - to include the “OU(Amenity Area)” zone at Ma Sik Road into the area shown as ‘Road’; or to clarify whether the “OU(Amenity Area)” zone could be considered as non-building area under the Buildings Ordinance.

199. Members then went through the following responses of the relevant government departments given in PlanD’s presentation and/or recorded in the Paper:

- (a) the “OU(Amenity Area)” zone and ‘Road’ served different specific planning purposes and needs. It was appropriate to retain the current “OU(Amenity Area)” zoning for the site as it was part of a landscaped/amenity strip along Ma Sik Road;
- (b) as the OZP was only to show the broad land use framework, it would not be possible, nor appropriate, to draw up detailed building design schemes for individual sites at OZP preparation stage in accordance with the prescribed window requirement under the BO; and
- (c) the proposed incorporation of the concerned “OU(Amenity Area)” site into an area shown as ‘Road’ was not appropriate. The compliance of the prescribed window requirements would be checked by the Buildings Department at the building plan submission stage when detailed building schemes had been formulated / prepared.

200. Members had no question and considered that the responses, which they accepted, had addressed the concerns raised in overall terms.

Representations No. FLN-R35 to R38 and R46

201. The Secretary recapitulated that the representers opposed the proposed construction of police driving and traffic training facilities at Fu Tei Au and had made the following major points in their written and/or oral submissions:

- (a) the proposed provision of police driving and traffic training facilities at Fu Tei Au would affect the greenery and natural / ecological environment or buffer;
- (b) the site was not going to be developed into public housing and it would not ease the acute shortage of housing supply;
- (c) there were many types of different bird species within the site which had high conservation value. The amount of bird sightings at Fu Tei Au Village had increased in the last few years, showing an improvement in the area's ecological habitat; and
- (d) there should be other better alternate sites for the proposed provision of police driving and traffic training facilities.

202. Members then went through the following responses of the relevant government departments given in PlanD's presentation as well as in answering questions raised by Members at the hearing, and/or recorded in the Paper:

- (a) the planning intention of "G/IC" zone was primarily for provision of GIC facilities serving the needs of the local residents and/or a wider district, region or the territory. The two "G/IC" sites at Fu Tei Au subject sites were reserved for relocation of the Police Driving and Traffic Training Division and Weapons Training Division from Fan Garden, Fanling;

- (b) the sites were located to the north of Ng Tung River and at some distance from the major residential areas. They fell within the 1km Consultation Zone of the Sheung Shui Water Treatment Works which was a potentially hazardous installation. Development thereon was subject to environmental constraint. Hence, low-density non-domestic uses at the sites were considered more compatible with the adjacent developments and could provide buffer to the residential developments in the vicinity against the Sheung Shui Water Treatment Works; and
- (c) the subject sites were intermixed with squatters, open storage, plantation, farmland, a pond and a mitigation meander with mitigation plantation around. Only a low diversity of wetland species in small numbers was found. Overall, there were no habitats of high ecological value at the site. The ecological function of this area would be compensated in the LVNP.

203. Members noted that the concerned departments were exploring the possibility of relocating the police facilities to other alternative sites. If possible, the subject sites might be released for other uses. As the result of the relocation study was not yet available at this moment, it was considered more appropriate to retain the original use on the sites.

Representation No. FLN-R79

204. The Secretary recapitulated that the representer in his written submission considered that the proposed park at Shek Wu San Tsuen was not necessary as there was open space within 10 minutes walking distance.

205. Members noted the response of the relevant government departments during PlanD's presentation and/or recorded in the Paper that the site was proposed to be developed into a Central Park with recreational facilities. It was easily accessible by most of the future population in FLN NDA and located in the vicinity of social welfare and other public facilities in the adjoining FLN Planning 11 to the north, forming a civic and

recreational core of FLN for the enjoyment of new and existing communities. The Central Park and the north-south running open space spines together served as major view corridors to protect the long-range views towards the green backdrop in the north. The provision of that open space was considered necessary and appropriate.

206. Members also noted from the previous discussions that the concerned departments would be requested to integrate the design of that open space with the rural and agricultural character of area and to provide some agricultural activities within the park as far as practicable.

#### Representations No. FLN-R276 and R301

207. The Secretary recapitulated that the representers had made the following major points in their written and/or oral submissions:

- (a) the current public housing proportion of the FLN NDA was about 64% which was not in line with the long term housing strategy of targeting at 60% in public housing proportion;
- (b) there were concerns that over-concentration of public housing development in a small and remote locality at the western part of the FLN NDA would generate pressure on the already deficit provision of community facilities in the area and might cause potential social problems; and
- (c) there would be lack of district visual characteristics if an area was concentrated with identical high density public housing buildings.

208. Members then went through the following responses of the relevant government departments given in PlanD's presentation as well as in answering questions raised by Members at the hearing, and/or recorded in the Paper:

- (a) the overall public-private housing ratio of the two NDAs at 60:40 was in

line with the Long Term Housing Strategy and the 2014 Policy Address that the Government had decided to adopt 470,000 units as the new public and private housing total supply target for the coming 10 years, with public housing accounting for 60% of the new production. Such ratio was similar to that of the existing Fanling/Sheung Shui New Town of 59:41;

- (b) to provide a balanced population profile for the FLN NDA, a mix of housing land had been allocated for subsidised housing and various types of private housing to provide a wide range of housing choices for different social sectors. The overall public to private housing ratio in terms number of flats for the FLN NDA was about 60:40 to ensure a balanced and socially integrated community. Some sites in FLN Planning Areas 6, 8, 13, 14, 15 and 17 had been reserved for PRH / HOS use or a mix of them to cater for the future demand for subsidised housing. That would allow flexibility for provision of PRH and HOS units within individual site; and
- (c) the provision of community facilities in the NDA were planned in accordance with the requirements of the HKPSG.

209. Members had no question and considered that the responses, which they accepted, had addressed the concerns raised in overall terms.

Representations No. FLN-R100 to R275, R277 to R300 and R302 to R538 (excluding R364) and Comments No. FLN-C5566 to C5621, C5623 to C5974

210. The Secretary recapitulated that the representers/commenters had made the following major points in their written and/or oral submissions:

- (a) the over-concentration of public housing would lead to convergence of low-income class resulting in slum development, social problems and poverty over generations;

- (b) requested for reduction of public housing developments near Tin Ping Shan Tsuen and for increasing private housing to achieve a public and private housing ratio of 50:50 or 40:60;
- (c) inadequate job opportunities in the area. High unemployment rate would bring along other social issues or crime rate within the area;
- (d) insufficient transportation nodes in the area would put residents of public housing in great disadvantage with high transportation cost; and
- (e) community facilities such as hospitals and schools should also be provided in an integrated manner in order to support the future community.

211. Members then went through the following responses of the relevant government departments given during PlanD's presentation and in answering Members' questions at the hearing, and/or recorded in the Paper:

- (a) the overall public-private housing ratio of the two NDAs at 60:40 was in line with the Long Term Housing Strategy and the 2014 Policy Address that the Government had decided to adopt 470,000 units as the new public and private housing total supply target for the coming 10 years, with public housing accounting for 60% of the new production. Such ratio was similar to that of the existing Fanling/Sheung Shui New Town of 59:41;
- (b) a mix of housing land had been allocated for subsidised housing and various types of private housing to provide a wide range of housing choices for different social sectors;
- (c) the NENT NDAs Study estimated that the KTN and FLN NDAs would provide a total of about 37,700 jobs. The economic and social facilities



such as retail, service industry and community facilities would provide different types of job and a large amount of employment opportunities. It was believed that these economic activities would help promote the local economy and provide a certain amount of job opportunities for the additional population in the future;

- (d) the western district node would be served by a PTI with bus/mini bus and taxi. The 500m catchment of PTI covered most of the residential sites in the subject area to offer the residents convenient and public transport; and
- (e) there was sufficient provision of community facilities, in accordance with the requirements of the HKPSG. Besides, a number of retail and community facilities would be provided in the public housing developments.

212. Members considered that the responses, over which they had no question, had addressed the concerns raised in overall terms.

213. Having thoroughly considered the grounds raised by the representers/commenters in the written and oral submissions, government departments' responses, and other relevant planning considerations, Members agreed that there was no need to amend the OZPs to meet the representations in Group 3.

214. After further deliberation, the Board, at this point, noted the supportive views of Representations No. KTN-R9 (part) and R10 (part); and FLN-R9 (part) in Group 3.

215. After further deliberation, the Board, at this point and subject to a final decision to be made on all the representations, decided not to uphold the remaining part of Representations No. KTN-R9 and R10 and FLN-R9, and Representations No. KTN-R5 to R8, R51 and R20728; and FLN-R4 to R8, R28, R35 to R38, R46, R79, R100 to R538 in

Group 3<sup>1</sup>, and considered that the OZPs should not be amended. Members then went through the reasons for not upholding the representations in paragraph 7.2 of TPB Paper No. 9747 and considered that they should be suitably amended. The reasons were:

“For Both KTN and FLN OZPs

Overall

(KTN-R5 to R8, R9 (part), R10 (part), R51 and R20728; and FLN-R4 to R8, R9 (part), R28, R35 to R38, R46, R79, R100 to R538)

- (1) the Kwu Tung North (KTN) and Fanling North (FLN) Outline Zoning Plans (OZPs) have been prepared on the basis of the findings and recommendations of the North East New Territories New Development Areas (NENT NDAs) Study. The relevant technical assessments, including an environmental impact assessment (EIA) prepared under the Environmental Impact Assessment Ordinance (EIAO), traffic impact assessment (TIA) and air ventilation assessment (AVA), etc., have demonstrated that the NDAs development is technically feasible in traffic and transport, drainage and sewerage, ecology, environment, water supply and public utilities, air ventilation and sustainable development aspects. The draft OZPs are to facilitate the implementation of the KTN and FLN NDAs which are major sources of land supply to meet the medium- to long-term housing, social and economic development needs of Hong Kong;

Representations No. KTN-R6 and FLN-R4

- (2) there is no strong planning justification to include the representation site into the KTN or FLN OZP;

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<sup>1</sup> Representation No. FLN-R364 was taken out.

Representations No. KTN-R9 and FLN-R9

*Unreasonably Low Development Intensity*

- (3) the NDAs development has made the best use of scarce land resources to serve the housing and economic needs of Hong Kong. After balancing different considerations including efficient use of land resources, provision of sufficient government, institution or community (GIC) facilities, capacity of the planned infrastructure, good urban design framework, etc., the development intensity for various housing sites have been increased. The proposed blanket increase in development intensity would have implications on the infrastructure provision in the area;
- (4) there is a provision for minor relaxation of the plot ratio (PR) restriction under the OZP. Each case would be considered by the Board based on individual merits;

*Artificially Low Building Height Restriction*

- (5) in formulating the building height restrictions for the KTN and FLN OZPs, due regard has been given to the AVA of the NENT NDAs Study, Hong Kong Planning Standard and Guidelines (HKPSG) and Urban Design Guidelines for Hong Kong. The building height restrictions on the KTN and FLN OZPs are based on reasonable assumptions with allowance for design flexibility to accommodate the development intensity permissible under the OZPs. In view of the above, the building height restrictions in the KTN and FLN OZPs are considered appropriate;
- (6) blanket relaxation of building height restrictions by 20m to 30m in KTN OZP and 15m to 50m in FLN OZP is not substantiated by sufficient justifications/ technical assessments to ascertain its feasibility

and impacts;

- (7) there is a provision for minor relaxation of the building height restriction under the OZP. Each case would be considered by the Board based on individual merits;

### *Inefficient Layout and Use of Land*

#### *Inefficient Layout*

- (8) the road network in the NENT NDAs have already minimised internal roads as far as possible. Moreover, based on the findings of the AVA for the NENT NDAs Study, a number of breezeway/air paths have been incorporated in the layout of the NDAs to facilitate wind penetration. These include major open space spines, local roads and non-building areas (NBAs) designated in the KTN and FLN NDAs, which all serve as important unobstructed breezeway/air paths allowing the prevailing winds to penetrate into the built environment of the concerned areas;

#### *Inefficient Use of Land for Open Space*

- (9) the function of open space is not merely to provide space for active recreational activities but also to meet the passive recreational needs and to provide greening opportunities with a view to enhancing the urban environment to bring about visual and spatial relief;

#### *Non-building Area*

- (10) the function of NBA is, inter alia, to serve as view and/or wind corridors. The NBAs imposed on the KTN and FLN OZPs are mainly based on the recommendations of the AVA for the NENT NDAs Study, taking into consideration the site constraints and restrictions on development potential. The NBAs are essential planning requirements

which would improve air ventilation in the KTN and FLN areas;

*Planned Shopping Streets*

- (11) under both KTN and FLN OZPs, comprehensive pedestrian walkway system and cycle track network are planned to ensure good connectivity between the major activity nodes and the surrounding areas at grade and will integrate with the commercial facilities in the districts. An Urban Design Study (as part of the detailed design and construction study under advanced works of the KTN and FLN NDAs) would further consider/explore how the town plazas (at KTN and FLN NDAs) would be integrated with comprehensive shopping, food and beverage and recreation facilities. The Study will also explore ways to facilitate connectivity and pedestrian access and enhance vibrancy, identity and visual quality of the town plazas and their surrounding areas. The proposal of accommodating commercial uses at basement can be considered based on individual merits through the planning application process;

*Public and Private Housing Distribution*

- (12) the overall public-private housing ratio of the two NDAs is 60:40. The said housing split is in line with the Long Term Housing Strategy and the 2014 Policy Address that the Government has decided to adopt 470,000 units as the new public and private housing total supply target for the coming 10 years, with public housing accounting for 60% of the new production;
- (13) to provide a balanced population profile for the KTN and FLN areas, a mix of housing land has been allocated for subsidised housing and various types of private housing to provide a wide range of housing choices for different social sectors. The overall public to private housing ratio in terms of number of flats for the KTN and FLN NDAs

is about 60:40 to ensure a balanced and socially integrated community;

*Geographical Distribution*

- (14) some sites have been reserved for public rental housing (PRH)/Home Ownership Scheme (HOS) use or a mix of them to cater for the future demand for subsidised housing. This allows flexibility for provision of PRH and HOS units within individual sites. In this regard, many public and private housing sites are located next to each other and are well connected and integrated by cycle track open space and pedestrian network. There is a good mix of private and public housing sites in the NDAs;

*Implementation Considerations*

- (15) in determining the boundaries of various land uses, reference has been made to major planning considerations including physical features, road network, land configuration, requirements on area of various land uses, urban design, technical feasibility, etc.. Individual land ownership is not a consideration in planning the respective land use zonings;
- (16) land matters will be dealt with at the implementation stage and are not directly related to the KTN and FLN OZPs which are to show the broad land use framework of the NDAs;

*“Other Specified Uses” annotated “Business and Technology Park” Zone*

- (17) a cluster of “Other Specified Uses” (“OU”) annotated “Business and Technology Park” zones will provide development spaces for the industries where Hong Kong enjoys clear advantage, such as innovative and high-technological industries, cultural and creative industries. Other economic and social facilities such as retail, service industry and community facilities, which support the residential development, will

be available to provide different types of job including some with lower skill level requirements to serve the local community. These economic activities will help promote the local economy and provide different types of job opportunities;

Overly Specified Commercial Land Uses

- (18) given the different planning intentions of the respective “OU” zones, it is considered not appropriate to rezone the “OU” annotated “Business and Technology Park” and “OU” annotated “Mixed Use” to “OU” annotated “Business”;

Connectivity with the Adjacent Areas

- (19) a comprehensive pedestrian walkway system and cycle track network is planned to ensure good connectivity between the FLN NDA and the Fanling/Sheung Shui New Town;
- (20) to enhance the connectivity between the NDAs and the existing new town, measures including feeder services, pedestrian/cycle track networks would be further examined at the detailed planning and implementation stage;

Transport Provision

- (21) according to the TIA under the NENT NDAs Study, by providing additional bus bays near the Mass Transit Railway Sheung Shui and Fanling Stations with other traffic and transport mitigation measures, the traffic flow generated by the NDAs would not create insurmountable traffic and transport impact on Sheung Shui/Fanling areas. Nevertheless, in the FLN NDA, design flexibility has been allowed for possible new rail infrastructure;

For KTN OZP

Representation No. KTN-R5

- (22) the whole Lot 834 in D.D. 96 falls within the coverage of the KTN OZP and is zoned “Government, institution or community” (“G/IC”), “Green Belt” (“GB”) and area shown as ‘Road’. Land resumption would be dealt with at the implementation stage of the NENT NDAs and is not under the purview of the Board;

Representation No. KTN-R7

- (23) the representation site is to be incorporated into the Long Valley Nature Park (LVNP) as an integral element in meeting the mitigation requirements for unavoidable impacts to habitats of ecological importance elsewhere in the NDAs, and hence satisfying the requirements of the EIA. The proposed village type development would likely damage the habitat and quality of the wetland in Long Valley due to its proximity to the wetland and is not supported;
- (24) there is still land within the “Village Type Development” (“V”) zone of Yin Kong Village for Small House development. It is considered more appropriate to concentrate the proposed Small House within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services;
- (25) land matters will be dealt with at the implementation stage and are not directly related to the KTN OZP which is to show the broad land use framework of the NDA;

Representation No. KTN-R8

- (26) the proposed layout will divide the original development sites into



irregular shapes and create unnecessary development constraints. The proposal would jeopardise the comprehensive layout of the KTN NDA and is not in line with the overall planning parameters adopted in the NDA;

- (27) the proposal of extending the “Open Space” (“O”) zone is not acceptable due to its potential impacts on traffic and environment;

Representation No. KTN-R10

*Underutilising the Development Potential around the Transport Node*

- (28) the NDAs development has made the best use of scarce land resources to serve the housing and economic needs of Hong Kong. After balancing different considerations including efficient use of land resources, provision of sufficient GIC facilities, capacity of the planned infrastructure, good urban design framework, etc., the development intensity for various housing sites have been increased. The proposed blanket increase in development intensity would have implications on the infrastructure provision in the area;

*Artificially Low Building Height Restrictions*

- (29) in formulating the building height restrictions for the KTN OZP, due regard has been given to the AVA of the NENT NDAs Study, HKPSG and Urban Design Guidelines for Hong Kong. The building height restrictions adopted in the KTN OZP are based on reasonable assumptions with allowance for design flexibility to accommodate the development intensity permissible under the OZP. In view of the above, the building height restrictions in the KTN OZP are considered appropriate;
- (30) there is a provision for minor relaxation of the PR and building height

restrictions under the OZP. Each case would be considered by the Board based on individual merits;

Land Ownership and Implementation

- (31) in determining the boundaries of various land uses, reference has been made to major planning considerations including physical features, road network, land configuration, requirements on area of various land uses, urban design, technical feasibility, etc. are relevant. Individual land ownership is not a consideration in planning the respective land use zonings. Moreover, land matters will be dealt with at the implementation stage and are not directly related to the KTN OZP which is to show the broad land use framework of the NDA;

Rezoning Proposals

- (32) the representer's proposals would jeopardise the comprehensive layout of the KTN NDA and are not in line with the overall planning parameters adopted in the NDA. They are not substantiated by technical assessments;

Representation No. KTN-R51

Importance of Agricultural Land

- (33) with a view to promoting urban-rural integration and recognising the importance of agriculture to Hong Kong, agricultural land has been retained within the two NDAs to allow continuation of farming practices in the areas. In the KTN and FLN OZPs, a total of 95 ha of land including about 58 ha of land zoned as "Agriculture" ("AGR") (including "AGR(1)" zone) and 37 ha of land reserved for LVNP will allow continuation of current farming activities;

Carrying Capacity of the East Rail

- (34) the TIA under the NENT NDAs Study has concluded that the NDAs development is technically feasible from the traffic and transportation point of view;
- (35) the proposed NOL will enhance east-west connectivity, serve the KTN NDA, improve network robustness and facilitate cross-boundary movements. It is expected that NOL could help to re-distribute the railway passenger flows in the northern New Territories;

Unsustainable Commuting

- (36) economic and social facilities such as retail, service industry and community facilities provide different types of job and a large amount of employment opportunities, including some with lower skill level requirements, for the local people. The KTN NDA is targeted to be a balanced community with sufficient job opportunities and community facilities. Long distance commuting for daily life activities is not expected;

Fluctuation of Economy of Mainland China

- (37) the sites for “OU” annotated “Business and Technology Park” and “OU” annotated “Research and Development” in the KTN NDA will provide a variety of jobs related commercial and industries which Hong Kong enjoys clear advantages for the residents of the NDA and nearby new town. Nevertheless, they provide development space for different industries, not specifically cater for businesses related to the economic development of the Mainland;

Representation No. KTN-R20728

*Layout of the KTN NDA Limiting the Development Potential*

(38) in determining the boundaries of various land uses, reference has been made to major planning considerations including physical features, road network, land configuration, requirements on area of various land uses, urban design, technical feasibility, etc. Individual land ownership is not a consideration in planning the respective land use zonings. Moreover, land matters will be dealt with at the implementation stage and are not directly related to the KTN OZP which is to show the broad land use framework of the NDA;

*Rezoning Part of the “OU” annotated “Commercial/Residential Development with Public Transport Interchange” Zone to “R(A)1”*

(39) the proposal may affect the design feasibility of the “OU” annotated “Commercial/Residential Development with Public Transport Interchange” site. The odd shape of the site resulted from the proposed rezoning may affect the comprehensiveness of the two residential developments and is not supported;

For FLN OZP

Representation No. FLN-R5

*Connectivity*

(40) further study will be undertaken to explore how to facilitate connectivity and pedestrian access and enhance vibrancy, identity and visual quality of the town plazas and their surrounding areas. The OZPs have not precluded the provision of basement/elevated walkway;

*Building Height Restriction / Development Intensity*

- (41) the NDAs development has made the best use of scarce land resources to serve the housing and economic needs of Hong Kong. After balancing different considerations including efficient use of land resources, provision of sufficient GIC facilities, capacity of the planned infrastructure, good urban design framework, etc., the development intensity for various housing sites have been increased;
- (42) in formulating the building height restrictions for the FLN OZP, due regard has been given to the AVA of the NENT NDAs Study, HKPSG, and Urban Design Guidelines for Hong Kong. The building height restrictions on the FLN OZP are based on reasonable assumptions with allowance for design flexibility to accommodate the development intensity permissible under the OZP. In view of the above, the building height restrictions in the FLN OZP are considered appropriate;
- (43) the proposed blanket relaxation of building height restrictions in FLN OZP is not substantiated by sufficient justifications/technical assessments to ascertain its feasibility and impacts;
- (44) there is a provision for minor relaxation of the PR and building height restrictions under the OZP. Each case would be considered by the Board based on individual merits;
- (45) the proposed increase in development intensity would have implications on the adequacy of infrastructure provision in the area. Further increase in development intensity can only be justified by another comprehensive feasibility study covering planning, environment, traffic and transport, infrastructure and other technical aspects;

*Implementation / Land Matter*

- (46) land exchange/land matters will be dealt with at the implementation stage and are not directly related to the FLN OZP which is to show the broad land use framework of the NDA;

Representation No. FLN-R6

*Proposed Combining the Four “R(A)1” Sites into Two Larger Ones in FLN District Centre*

- (47) due to the cruciform open space being an important landmark and focal point of the FLN District Centre, proper statutory planning control is needed to ensure the provision for the public open space and control over the commercial and parking spaces extending across the open space. The proposal to combine the four “R(A)1” sites into two larger ones with pedestrian area to replace the intervening “O” zone may not achieve the planning intention and is not supported;

*Commercial Uses Provision / Restrictions*

- (48) the proposal of accommodating commercial uses at basement can be considered based on individual merits by planning application. Each case would be considered by the Board based on individual merits;

Representation No. FLN-R7

*Proposed Rezoning of the “O” Zone to “OU” Zone in FLN District Centre*

- (49) due to the cruciform open space being an important landmark and focal point of the FLN District Centre, there is no strong justification to rezone the site to “OU” annotated “Open Space for Recreation and Community Uses and Underground Commercial Uses and Car Park”

zone for provision of more community facilities and commercial uses/carpark underground;

- (50) the proposal of accommodating commercial uses at basement can be considered based on individual merits by planning application. Each case would be considered by the Board based on individual merits;

Representation No. FLN-R8

*Development Intensity*

- (51) the proposed increase in development intensity would have implications on the adequacy of infrastructure provision in the area. Further increase in development intensity can only be justified by another comprehensive feasibility study covering planning, environment, traffic and transport, infrastructure and other technical aspects;

*Commercial Provision in the FLN District Centre*

- (52) to enhance the function and vibrancy of the open space in between the four “R(A)1” sites in the FLN District Centre, further study will be undertaken to explore how to facilitate connectivity and pedestrian access and enhance vibrancy, identity and visual quality of the town plazas and their surrounding areas;

*Commercial Uses in the “R(B)” Zones in FLN Planning Areas 13 and 18*

- (53) the “R(B)” zone is intended primarily for medium-density residential developments. Commercial uses to be provided therein would require planning permission from the Board;

*Building Height Restriction*

- (54) in formulating the building height restrictions for the FLN OZP, due regard has been given to the AVA of the NENT NDAs Study, HKPSG and Urban Design Guidelines for Hong Kong. The building height restrictions adopted in the FLN OZP are based on reasonable assumptions with allowance for design flexibility to accommodate the development intensity permissible under the OZP. In view of the above, the building height restrictions in the FLN OZP are considered appropriate. The proposed relaxation of building height restriction is not substantiated by any-technical assessment to ascertain its feasibility and impacts;
- (55) there is a provision for minor relaxation of the PR and building height restrictions under the OZP. Each case would be considered by the Board based on individual merits;

*Proposed Rezoning of the “O” Zone to “OU” Zone in FLN District Centre*

- (56) due to the cruciform open space being an important landmark and focal point of the FLN District Centre, there is no strong justification to rezone the site to “OU” annotated “Town Square with Open Space for Recreation and Community Uses and Underground Commercial Uses and Car Park” for provision of more community facilities and commercial uses/carpark underground;
- (57) the proposal of accommodating commercial uses at basement can be considered based on individual merits by planning application. Each case would be considered by the Board based on individual merits;

*Proposed Rezoning of the “O” Zone to “O(1)” Zone in FLN District Centre*

- (58) the north-south strip on the eastern portion of the “O” zone in the FLN



District Centre is planned to provide recreational and breathing space for the general public. It is also an important view corridor to protect the long-range views towards the green background. There is no strong justification to rezone the site to “O(1)” as proposed;

*Proposed ‘Hotel’ Use in the “R(A)1” Sites in the FLN District Centre*

- (59) the “R(A)1” sites in the FLN District Centre are primarily intended for high-rise residential developments. ‘Hotel’ use will have to be assessed on individual basis on application to the Board;

*Terraced Podium in the FLN District Centre*

- (60) the terraced podium in the FLN District Centre is an important feature in the FLN District Centre. Design flexibility has been allowed for changing such design feature through the planning application process. Each case would be considered by the Board based on individual merits;

*Proposed Elevated and Basement Pedestrian Connections*

- (61) further study will be undertaken to explore how to facilitate connectivity and pedestrian access and enhance vibrancy, identity and visual quality of the town plazas and their surrounding areas. The OZP has not precluded the provision of basement/elevated walkway;

*Implementation / Land Matters*

- (62) land exchange/land matters will be dealt with at the implementation stage and are not directly related to the FLN OZP which is to show the broad land use framework of the NDA;

Representation No. FLN-R28

- (63) “OU” annotated “Amenity Area” zone and ‘Road’ are designated for different specific planning purposes and planning needs. For the representation site, “OU” annotated “Amenity Area” zone is considered appropriate, as the site is part of a landscaped/amenity strip along Ma Sik Road;
- (64) as the OZP is only to show the broad land use framework, it would not be possible to draw up detailed building schemes for individual sites in accordance with the requirement under the Buildings Ordinance;
- (65) there is a provision for minor relaxation of the PR and building height restrictions under the OZP. Each case would be considered by the Board based on individual merits;

Representations No. FLN- R35 to R38 and R46

- (66) the planning intention of “G/IC” zone is primarily for provision of GIC facilities serving the needs of the local residents and/or a wider district, region or the territory. The two “G/IC” sites at Fu Tei Au in FLN Planning Area 3 are reserved for relocation of the Police Driving and Traffic Training Division and Weapons Training Division from Fan Garden, Fanling having considered their site constraints and characteristics as well as traffic impact to be generated from the proposed developments;

Representation No. FLN-R79

- (67) the current Shek Wu San Tsuen area will be developed into the Central Park with social and welfare recreational facilities in the vicinity, forming a civic and recreational core of the FLN NDA for the enjoyment of new and existing communities. Moreover, the Central

Park will provide visual and spatial relief in the FLN NDA. Having considered the central location and functions of the proposed Central Park in the Shek Wu San Tsuen area, the provision of this open space is considered necessary and appropriate;

Representations No. FLN-R276 and R301

*Public-Private Housing Ratio*

- (68) the overall public-private housing ratio of the two NDAs is 60:40. The said housing split is in line with the Long Term Housing Strategy and the 2014 Policy Address that the Government has decided to adopt 470,000 units as the new public and private housing total supply target for the coming 10 years, with public housing accounting for 60% of the new production;
- (69) to provide a balanced population profile for the FLN area, a mix of housing land has been allocated for subsidised housing and various types of private housing to provide a wide range of housing choices for different social sectors. The overall public to private housing ratio in terms of number of flats for the FLN NDA is about 60:40 to ensure a balanced and socially integrated community;

*Geographical Distribution of Public Housing*

- (70) some sites in FLN OZP have been reserved for PRH/HOS use or a mix of them to cater for the future demand for subsidised housing. This allows flexibility for provision of PRH and HOS units within individual sites. In this regard, many public and private housing sites are located next to each other and are well connected and integrated by cycle track and pedestrian network. There is a good mix of private and public housing sites in the FLN NDA;

Community Facilities Provision

- (71) the provision of community facilities in the NDAs are planned in accordance with the requirements of the HKPSG. Two district nodes with a mix of residential use, retail, social and community facilities, public transport interchanges (PTIs) and public open space are planned in the eastern portion to the immediate north of the existing market town of Luen Wo Hui and in the western portion to the north of Tin Ping Shan Tsuen respectively to serve as major activity nodes of the FLN NDA;

Visual Characteristics

- (72) site-specific and non-standard domestic blocks designs for public housing development according to the site characteristics and neighbourhood environment of the NDAs will be adopted;

Social Aspect

- (73) various social welfare facilities are to be provided in the planned development sites. The planning and provision of these services are usually based on the target group of population, estimated services demand and/or other relevant considerations;

Representations No. FLN-R100 to R275, R277 to R300 and R302 to R538

Geographical Distribution of Public Housing

- (74) some sites in FLN OZP have been reserved for PRH/HOS use or a mix of them to cater for the future demand for subsidised housing. This allows flexibility for provision of PRH and HOS units within individual sites. In this regard, many public and private housing sites are located next to each other and are well connected and integrated by cycle track

and pedestrian network. There is a good mix of private and public housing sites in the FLN NDA;

*Public-Private Housing Ratio*

(75) the overall public-private housing ratio of the two NDAs is 60:40. The said housing split is in line with the Long Term Housing Strategy and the 2014 Policy Address that the Government has decided to adopt 470,000 units as the new public and private housing total supply target for the coming 10 years, with public housing accounting for 60% of the new production;

(76) to provide a balanced population profile for the FLN area, a mix of housing land has been allocated for subsidised housing and various types of private housing to provide a wide range of housing choices for different social sectors. The overall public to private housing ratio in terms of number of flats for the FLN NDA is about 60:40 to ensure a balanced and socially integrated community;

*Job Opportunities*

(77) the economic and social facilities such as retail, service industry and community facilities will provide different types of job and a large amount of employment opportunities for the local people;

*Transportation Node(s) / Network*

(78) the western district node will be served by a PTI with bus/mini bus and taxi. The 500m catchment of PTI covers most of the residential sites in the subject area to offer the residents convenient and public transport; and

Community Facilities Provision

(79) the provision of community facilities in the NDAs are planned in accordance with the requirements of the HKPSG. Two district nodes with a mix of residential use, retail, social and community facilities, PTIs and public open space are planned in the eastern portion to the immediate north of the existing market town of Luen Wo Hui and in the western portion to the north of Tin Ping Shan Tsuen respectively to serve as major activity nodes of the FLN NDA.”

216. The meeting was adjourned for lunch break at 1 p.m..

217. The meeting was resumed at 2:05 p.m. on 28.4.2015.

218. 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

Ms Bonnie J.Y. Chan

Professor K. C. Chau

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr H.F. Leung

Mr Stephen H.B. Yau

Mr F.C. Chan

Mr David Y.T. Lui

Mr Frankie W.C. Yeung

Mr Peter K.T. Yuen

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

Chief Engineer (Works), Home Affairs Department  
Mr Martin W.C. Kwan

Deputy Director of Environmental Protection (1)  
Environmental Protection Department  
Mr C.W. Tse

Director of Lands  
Ms. Bernadette H.H. Linn

Director of Planning  
Mr K.K. Ling

Deliberation Sessions

[closed meeting]

**Group 4 (TPB Paper No. 9748)**

Draft KTN OZP No. S/KTN/1\*

***Representations***

R1 to R4, R15, R18 to R23, R25 to R26, R28 to R30, R33 to R50, R52 to R72, R74 to R92, R95 to R165, R167 to R20727, and R20729 to R20779

***Comments***

C1 to C5549, C5551 to C5594, C5596 and C5598

Draft FLN OZP No. S/FLN/1\*

***Representations***

R1 to R3, R15, R18 to R27, R29, R34, R39 to R40, R42 to R43, R47 to R52, R54 to R56, R58 to R77, R81 to R87, R89 to R99, R539 to R540, R543 to R612, and R614 to R21229

***Comments***

C1 to C5563, C5986 to C5996, and C5998 to C6008

*(\* excluding 110 representations and 2 comments for each OZP which were withdrawn, duplicated or indicated no submission)*

219. The Secretary said that Group 4 consisted of 41,292 representations (20,647 in respect of KTN OZP and 20,645 in respect of FLN OZP) and 11,176 comments (5,593 in respect of KTN OZP and 5,583 in respect of FLN OZP), which were all related to some general issues and proposals.



Supporting Representations

220. The Chairman recapitulated that the representers (R1 to R4 and C5598 of KTN OZP and R1 to R3 of FLN OZP) supported the OZPs and they had made the following main points in their written submissions:

- (a) the North East New Territories (NENT) New Development Area (NDAs) development was necessary as it would offer long-term benefits;
- (b) the NENT NDAs plan should be implemented immediately as it would generate more housing supply and job opportunities;
- (c) there were many low-income people living in subdivided flats and given the long queue for public rental flats, the Government should provide more public housing to improve the living environment for those in need;
- (d) Country Park currently accounted for 40% of the land area in Hong Kong, and comparing with other areas in Asia, Hong Kong had lower average living space. The development of NENT NDAs would release more land for a better rural area in future;
- (e) in order to protect and develop local industry and agriculture, the existing local industries should be moved to designated industrial areas;
- (f) Shek Wu San Tsuen was one of the affected villages under the NENT NDAs plan. Such once prosperous village, with its history dated back to more than 50 years ago, had been ruined by the developers. The NENT NDAs plan which would provide a better living environment was supported;
- (g) the Government should reserve some land for the affected villagers to rebuild their homes with special characteristic; and

- (h) the Government should preserve some squatters with special architectural feature as showcase.

221. Members noted the supporting views and the following responses by the government departments:

- (a) the NENT NDAs would be an important source of flat production and economic activities. They would provide about 60,000 new flats to accommodate about 173,000 population. Land for commercial, office, retail and services, and research and development uses would provide a total gross floor area (GFA) of about 837,000m<sup>2</sup> to create about 37,700 new employment opportunities;
- (b) to achieve early delivery of land to meet the housing needs and ensure the timely provision of a comprehensive range of commercial, retail, open space and G/IC facilities in tandem with the population build-up, an implementation programme with proper phasing and packaging of works for the NDAs development had been formulated. Detailed design for site formation and engineering infrastructural works in the Advance Works Package was planned to commence in 2014, to enable construction to start in 2018 and first population intake in 2023. Other major works for the NDAs development would start after the commencement of the Advance Works;
- (c) it was recognized that the rural industrial uses and open storage/port back-up activities played an important role in the economic development of Hong Kong. Sufficient land at appropriate locations such as those in proximity to the cross-boundary points and strategic road links had been designated as “Industrial (Group D)” (“I(D)”), “Open Storage” (“OS”) and “Other Specified Uses” (“OU”) annotated “Port Back-up Uses” zones on respective statutory town plans to meet the demand for such uses;

- (d) the Shek Wu San Tsuen area was located at the centre of the FLN NDA and would be the future civic and recreational core of the NDA, serving the new population and the existing residents in Fanling/Sheung Shui;
- (e) to help maintain the social fabric of the existing communities, two sites had already been reserved in the NDAs for local rehousing of eligible clearerees affected by the NDAs development. In the meantime, while the Government would endeavour to ensure that all affected clearerees would be offered reasonable compensation and rehousing arrangements under the current mechanism, the Government would continue to discuss with the affected clearerees the possible arrangements;
- (f) graded historical heritage worthy of preservation had been identified in the NDA. It was one of the key guiding principles to strike a proper balance between development and heritage conservation. A Cultural Heritage Impact Assessment (CHIA) had been conducted for the NDAs to ensure that heritage conservation and development could be properly coordinated; and
- (g) for the graded historic building/structures, further consultation with the Antiquities and Monuments Office (AMO) of the Leisure and Cultural Services Department (LCSD) would be made if any development, redevelopment or rezoning proposals might affect the concerned historic buildings/structures.

### Adverse Representations

222. The Chairman said that the issues and proposals raised in the representations and comments in Group 4 had been broadly summarized into eight major grounds to facilitate a more focused discussion by Members.

#### A. Lack of Necessity for NDAs/Intention of the OZPs/Land Utilization/Development Intensity/Urban design

(i) Lack of Necessity of NDAs/ Land Utilization

223. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

*Lack of Necessity*

- (a) the NENT NDAs were not necessary and should be withdrawn/reviewed. There were other issues in higher priority that should be tackled first;
- (b) there was no imminent need for the NENT NDAs since Hong Kong's population growth was smaller/lower than expected;
- (c) the housing need was based on an inaccurate population forecast. The necessity of the NDAs was questionable;

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

*Vacancy in Residential Units*

- (d) the Government had under-estimated the number of vacant residential units and thus exaggerated the housing shortage issue;
- (e) many flats in Hong Kong were in fact vacant. It would not be necessary to build new flats in NENT NDAs;

*Other Brownfield Sites/Vacant Land/Fanling Golf Course as Alternatives*

- (f) other brownfield sites/available land including Fanling Golf Course should be developed before exploiting the NENT;

*NDA not Cost-effective*

- (g) only a small percentage (about 6%) of the land in NDAs was proposed for public housing development. Most of the areas in NDAs were designated for low-rise private housing that was unaffordable to the general public. The NDAs development was ineffective in terms of addressing the urgent housing needs and had a very high cost of about \$120 billion. The project would turn out to be a ‘White Elephant’;
- (h) owing to insufficient labour supply to support a number of infrastructure projects, it was foreseeable that the construction costs would inevitably increase substantially and over-spending was expected;

*Exaggerated Economic Activities and Employment opportunities*

- (i) the NDAs could not provide sufficient local employment opportunities to the future population. The future residents of the NDAs would be forced to travel a long way to work outside the NDAs;
- (j) the Government failed to provide sufficient information on the type of employment opportunities. There were concerns that there would be a mismatch between the jobs to be offered by the NDAs namely the business and technology park and land designated for research and development, which would require high-skilled workers;

*Housing Mix*

- (k) some cast doubts on whether the public and private ratio of the housing development in the NDAs was 6:4. While Tin Shui Wai had been quoted as a reference of imbalance of public and private housing ratio and that the number of private housing units should be increased, some considered that there was inadequate public housing in the NDAs to resolve the problem of inadequate housing for the poor and the younger

generation; and

*Conventional New Town Approach*

- (l) the Government should rethink whether the way new town was developed was still applicable nowadays and determine how to achieve ‘people-oriented’ approach in planning NDAs, instead of destroying the natural environment to make way for new land for development.

224. Members then went through the following responses of the relevant government departments given during PlanD’s presentation, and/or in answering Members’ enquiries at the hearing, and/or recorded in the Paper:

- (a) according to the latest projections of the Census and Statistics Department, Hong Kong’s population would increase from about 7.1 million by 2011 to about 8.4 million in 2041. With declining average household size, rising aspiration for better living environment and increasing public housing demand, demand for housing land would be intense in future. The NENT NDAs would provide 60,000 new flats, including 36,600 (60%) public/subsidised housing. Therefore, it was necessary to proceed with the development of the NDAs to supply land for accommodating various land uses to meet Hong Kong’s future housing need;

*Vacancy in Residential Units*

- (b) according to the Rating and Valuation Department, the vacancy rate of private domestic units in Hong Kong in 2011 was only about 4%, which included vacant units between tenancy agreements and those under decoration;

*Other Brownfield Sites/Vacant Land/Fanling Golf Course as Alternatives*

- (c) a vast tract of under-utilised brownfield sites were found in the rural NT, including the NDAs. The Government had been actively taking forward various studies/projects for the sake of providing long-term land supply to meet Hong Kong's future housing and economic needs, including various area-based planning and engineering studies to release the development potential of suitable land through comprehensive planning and infrastructure provision. A major theme of those planning studies was to convert such brownfield sites to other more organised, compatible and optimal uses. The relevant studies included the 'North East New Territories NDAs Planning and Engineering Study' (NENT NDAs Study), the 'Hung Shui Kiu NDA Planning and Engineering Study', the 'Planning and Engineering Study for Housing Sites in Yuen Long South' (YLS Study), and the 'Preliminary Feasibility Study on Developing the New Territories North' (NTN Study). Taking into account that their feasibility in environmental, transport and infrastructural terms would need to be assessed, those brownfield sites would not compromise the NDAs as a major source of housing land supply;
  
- (d) the Government had previously provided to the Legislative Council (LegCo) information about 4,000 ha unleased/unallocated land, which could be viewed at the website of the Development Bureau (DEVB). Some of the vacant land, including areas of road, narrow gaps between developments etc, were not suitable for development. Nevertheless, suitable vacant site would be considered for development. PlanD endeavoured to review the various OZPs and proposed to rezone appropriate sites for residential development and suitable sites would be recommended to the Board for rezoning;
  
- (e) the development opportunities and constraints of the site of Fanling Golf Course (about 170 ha) were being examined under the NTN Study. The development potential of the site for housing development had not yet been confirmed. Given the time required for completing the technical assessments, the programme and scale of the potential

development, the site of the Fanling Golf Course could not replace NDAs development (with a total area of about 610 ha), even if it was found suitable for development;

*NDA not Cost-effective*

- (f) FLN and KTN NDAs were mainly to provide land for addressing Hong Kong's medium to long-term housing and economic needs, and only a few sites in the NDAs were proposed with low-density development. Most developments in the NDAs would be of high or medium density with a plot ratio of at least 3.5. Under the NENT NDAs Study, the NDAs development had made the best use of scarce land resources to serve the housing and economic needs of Hong Kong, taking into account infrastructural constraints. The plot ratios (PRs) of residential sites at the future town centres of the KTN and FLN NDAs had been increased from 3.5 or 5 to 6 for high-density developments. Such development intensity was commensurate with those of other New Towns. The low-density sites were compatible with the neighbouring village environment. Infrastructural projects with cost implications were also required including those for roads, sewage treatment, water supply, as well as various G/IC facilities for the NDAs;

*Exaggerated Economic Activities and Employment Opportunities*

- (g) while it was estimated that the business and technology park and land designated for research and development in the KTN NDA would provide about 17,000 job opportunities, the retail and commercial services including hotels, as well as community and institutional facilities in the two NDAs would also provide about 20,700 job opportunities that could be offered to the future residents. A total space of about 837,000 sm<sup>2</sup> for various economic uses including commercial, office, hotel, retail, services and research and development, involving about 37,700 job opportunities would be provided;



*Housing Mix*

- (h) the overall public to private housing ratio in terms of number of flats for the KTN and FLN NDAs was about 60:40 to ensure a balanced and socially integrated community. This was in line with the target of the Long Term Housing Strategy (LTHS) and the 2014 Policy Address. The consideration of the new town development experience from Tin Shui Wai was referred to during the NENT NDAs Study. According to the research conducted by the University of Hong Kong regarding Tin Shui Wai, the public to private housing ratio of Tin Shui Wai was 80:20; and

*Conventional New Town Approach*

- (i) with a view to achieving comprehensive planning and timely provision of housing, infrastructure and community facilities, the Government would adopt the enhanced Conventional New Town Approach (CNTA) as the primary mode for implementing the NDAs proposals. The Government would take the lead in implementation, and resume private land for development according to the planned uses in order to expedite the development programme of the whole project. Should developers and landowners be unable to meet the time limit for application for land exchange, their land would be resumed under the CNTA. The approach was considered particularly effective in dealing with land of assorted ownerships and Tso Tong.

(ii) Development Intensity/ Urban Design

225. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

*Development Intensity*

- (a) the plot ratio of the whole new development area should be increased so as to effectively maximise the development potential of the area;
- (b) the maximum plot ratio of “Government, Institution or Community” (“G/IC”) zone should be stipulated. Land should be reserved in “G/IC” zone for providing residential care home for the elderly, clinic, international school, community college and waste recycling facilities;
- (c) the high-density development of Business and Technology Park was incompatible with the adjacent Long Valley;

*Urban Design*

- (d) the NENT NDAs plan had no local character and poor urban design. There were concerns that there would be wall effect emerging within the NDAs in the future. The monotonous build-forms would lessen the uniqueness of Hong Kong and the NENT NDA plan would adversely affect the existing landscape. A comprehensive cycling network was lacking;
- (e) NENT was a crucial green buffer between Shenzhen and Hong Kong, and rivers were a green barrier against urban sprawl;
- (f) the green field of Fanling North would become high-rise developments and the scenic view along Ng Tung River would be altered. The design would result in poor air quality within the NDAs;

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

- (g) there would be flooding risk in NDAs due to the poor urban design and felling of trees;
- (h) some suggested that building height and density should be restricted in order to preserve the ridgelines, while some suggested the relaxation of

height restriction to optimise use of the NDAs;

- (i) Shek Wu Hui and Tin Ping Shan Tsuen would be blocked by tall buildings which would adversely affect the air ventilation in the area;
- (j) the green/open recreational space was insufficient due to the increasing population. Provision of local open space / recreational use should be increased. In addition, supporting community facilities were considered insufficient; and
- (k) as over 300 ha of land in the two NDAs were designated “Open Space” (“O”) and “Green Belt” (“GB”) zones, there would be over provision of parks within the NDAs. Parks under the management of LCSD were inflexible in design and inefficient. The provisions of “O” in both Tin Shui Wai and NDAs were regarded as inefficient in land use. It was suggested to consider rezoning those lands for housing development.

226. Members then went through the following responses of the relevant government departments given during PlanD’s presentation, and/or in answering Members’ enquiries at the hearing, and/or recorded in the Paper:

*Development Intensity*

- (a) under the NENT NDAs Study, the NDAs development had made the best use of scarce land resources to serve the housing and economic needs of Hong Kong. In response to the public requests made during the public engagement to optimize the development potential of NDAs, opportunities had been taken to review the development intensity of the housing sites. After balancing different considerations including efficient use of land resources, provision of sufficient G/IC facilities, capacity of the planned infrastructure, good urban design framework, etc., the development intensity for various housing sites had been increased. The PRs of residential sites at the future town centres of the KTN and FLN NDAs had been increased from 3.5 or 5 to 6 for

high-density developments. Such development intensity was commensurate with those of other New Towns and had been maximised taking into account the existing and planned future infrastructure.

- (b) there was also a need to plan for a balanced community with different housing types. In working out the development intensity of respective development zones, due consideration, in addition to meeting the housing and employment needs, had been given to public aspirations for a quality living environment, etc. The urban design principle of planning for a more interesting townscape, more diversified neighbourhoods and better air ventilation had also been duly considered;
- (c) adequate G/IC facilities including residential care home for the elderly, clinic, school, etc. had been planned in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG) requirements. In the OZPs for FLN and KTN NDAs, a total of about 67 ha of land (11%) was designated as “G/IC” zone for the provision of a wide range of government and/or community facilities. As those G/IC uses were of different functions and requirements in terms of building design, layout, etc., and in line with the usual practice, it was considered appropriate not to restrict the maximum plot ratio for “G/IC” sites so as to allow greater design flexibility to ensure compatibility with the surrounding environment;
- (d) according to the Environmental Impact Assessment (EIA) Report under the NENT NDA Study, the proposed development in the proposed business and technology park including its height and development intensity was considered environmentally acceptable and with all the proposed measures in place, no significant adverse impacts on the proposed Long Valley Nature Park (LVNP) and fauna were envisaged. Mitigation measures including building design guidelines as well as erection of noise/visual barrier during construction stage to minimize

light and glare impacts and wetland compensation in LVNP, had been proposed and specified in the Environmental Monitoring and Audit Manual that the project proponents had to follow. The “OU(Business and Technology Park)” and “OU(Research and Development)” in KTN NDA was planned to provide land to meet the strategic economic needs of Hong Kong and provided a variety of commercial and industries-related job opportunities; the proposed development at the Business and Technology Park would be guided by an urban design plan (to be submitted by the proponent) to ensure the adoption of innovative building design and special landscape treatment;

#### *Urban Design*

- (e) a comprehensive planning and urban design framework optimising opportunities afforded by the NDA and the adjoining Fanling/Sheung Shui New Town and the surrounding natural and landscape features had been formulated to create a quality and green living environment and socially integrated communities;
- (f) KTN NDA would be developed as a ‘Mixed Development Node’ whereas FLN NDA would be developed as a ‘Riverside Community’ making the best use of its beautiful riverside scenery and hilly backdrop to provide a quality living environment. Both of them would be a mix of residential, commercial and agricultural uses as well as retail and services, community and government facilities and land for natural and ecological conservation;
- (g) for KTN NDA, there were nine character areas connected by a comprehensive open space network, including the Town Centre, North Residential Area, Residential Area by the River, Business and Technology Park, LVNP, Community Facilities Area, Recreational Area, Research and Development Area and Government Facility Area. For FLN NDA, there were four character areas connected by a comprehensive open space network, including the District Centre,

Residential Area South of the River, Civic and Recreation Area and Government Facilities Zone;

- (h) in order to provide better control on the building height of developments in the NDAs and to preserve some key urban design attributes (e.g. stepped building height from the town centres towards the periphery and riverside and preservation of visual corridors to the ridgelines), building height restrictions (BHR) were imposed for the development zones on the KTN and FLN OZPs. A stepped building height concept was recommended with overall development intensity and building height profile stepping down from district nodes (in FLN NDA) / the Town Centre (in KTN NDA) towards the periphery and riverside so as to enhance variety in height and massing of new developments and to ensure a better integration with the adjacent rural setting. Different building height control zones were introduced within the development sites along the river to further enhance the stepped building height concept towards the riverside;
- (i) the KTN and FLN NDAs had been designed with due respect to their surrounding natural environment, including the Fung Kong Shan and Cheung Po Tau as the mountain backdrop, and Sheung Yue River and Ng Tung River. About 128 ha of land (about 21% of land area in KTN and FLN NDAs) fell within an area zoned “Green Belt” (“GB”), which would serve as buffer zone in both KTN and FLN OZPs and helped prevent urban sprawl. The planning intention of “GB” was primarily for defining the limits of urban and sub-urban development areas by natural features. There was a general presumption against development within this zone;
- (j) the FLN NDA would be developed into a ‘Riverside Community’ taking into account the natural landscape, water features, mountain and farmland, etc., of the area. In order to respect Ng Tung River and the natural ridgelines to the north, the building heights would be reduced gradually from the eastern and western fringes towards the centre and

from the south to Ng Tung River in the north. The maximum building height of the KTN and FLN NDAs would not exceed 135mPD (about 35 storeys). Ng Tung River and the natural ridgelines to the north had been respected in the layout design of the FLN NDA;

- (k) there was no direct relevance between urban design and flooding risk. To improve the existing drainage conditions, necessary site formation works would be carried out for the NDAs and an independent drainage system would be established to provide flood protection for the NDAs;
- (l) while trees would be affected by the NENT NDAs project, important trees species would be retained/transplanted. Those trees to be retained would be protected during the construction of the NDAs. Trees unavoidably to be affected by the works would be transplanted while compensatory tree planting for the trees to be felled would be provided;
- (m) the urban design of the NDAs had fully considered the natural landscape, water features, mountain and farmland, etc., of the area. In the KTN NDA, stepped building height and building height restrictions were imposed from the Town Centre towards the periphery and riverside so as to preserve the visual corridors to the ridgelines. In the FLN NDA, in order to respect Ng Tung River and the natural ridgelines to the north, the building heights would be reduced gradually from the eastern and western fringes towards the centre and from the south to Ng Tung River in the north. The maximum building height of the KTN and FLN NDAs would not exceed 135 mPD (35 storeys);
- (n) a comprehensive breezeway system would be introduced in the NDAs to promote better ventilation and urban climate. Air ventilation assessments (AVA) for the NDAs had been conducted to evaluate the wind performance of the NDAs and their surrounding areas. A number of major air paths had been incorporated in the NDAs' layout to facilitate wind permeability in the form of non-building area (NBA),

open space, terraced podium design and building height profiles etc. To further improve the wind penetration at pedestrian level, large and bulky podium development was discouraged in the NDAs. Stepped height profile had been adopted which was formulated after taking into considering the findings of the AVA, such as prevailing wind directions. In addition, the north-east/south-west and east/west local roads also served as important breezeways/air paths for the NDAs. The unobstructed breezeways/air paths would allow the prevailing winds to penetrate into the built environment of the NDAs as well as the downstream Fanling/Sheung Shui area;

- (o) in KTN, a riverside promenade would be provided along Sheung Yue River and Shek Sheung River for the enjoyment of the residents and visitors, while a comprehensive network of recreation and green spaces within the NDA would comprise regional, district and local open spaces. The Town Plaza and Fung Kong Shan Park would be conveniently located for the enjoyment of residents. Some heritage features within the open spaces would also be incorporated in the layout and design of open space to enhance local identity and character. Major green corridors and secondary green corridors designed in the form of tree avenues, boulevards, pedestrian streets and green walkways would make the NDA visually cohesive and allow continuous and safe pedestrian access throughout the NDA;
- (p) in FLN, the Central Park and riverside promenade would serve as green civic and recreation cores linking the residential areas. Major green corridors and secondary green corridors designed in the form of tree avenues, boulevards, pedestrian streets and green walkways would also be provided throughout the NDA;
- (q) sufficient district and local open spaces had been planned in the NDAs, involving a total of about 58 ha (9.5%) of land that was zoned “O”. Besides, about a total of 67.03ha of land within the NDAs fell within the “G/IC” zone. The major GIC facilities to be provided under the



zone would include schools, adventure training facilities, district police headquarters, hospital, polyclinic and general clinic/health centre, a cluster of recreational and sports/leisure related facilities, library, community hall, and some social welfare facilities for providing children, youth and family services etc.; and

- (r) the planned open space would serve the new population and existing community of the Fanling/Sheung Shui New Town. Sufficient district and local open spaces in accordance with the HKPSG requirements had been planned in the NDAs. Appropriate areas had been zoned “GB” with a view to protecting the areas from development (e.g. the two sides of Ma Tso Lung River) and containing urban sprawl. The existing activities under the “GB” zone would not be affected.

227. The Chairman recapitulated that the representers had made the following proposal in their written submissions:

Central Park in FLN

- (a) as the proposed Central Park (to the west of Shek Wu San Tsuen) in Fanling North was very close to the North District Park, the proposed Central Park was not necessary and should be removed. It was queried if it was feasible to rezone the proposed Central Park to facilitate organic farming use.

228. Members then went through the following responses of the relevant government departments given during PlanD’s presentation, and/or in answering Members’ enquiries at the hearing, and/or recorded in the Paper:

- (a) to pursue quality living environment and provide adequate recreational facilities, the current Shek Wu San Tsuen area in FLN Planning Area 12, which was centrally located in the FLN NDA, was proposed to be developed into a Central Park with recreational facilities. It would easily be accessible by most of the future population in FLN NDA and

located in the vicinity of social welfare and other public facilities in the adjoining FLN Planning 11 to the north, forming a civic and recreational core of FLN for the enjoyment of new and existing communities. Besides, the Central Park would provide visual and spatial relief in the FLN NDA. The Central Park and the north-south running open space spines together would also serve as major view corridors to protect the long-range views towards the green backdrop in the north. In view of its central location and functions, the proposed Central Park was considered necessary and appropriate;

- (b) the North District Park was a district open space to serve the existing/planned population of Fanling/Sheung Shui New Town. The park generally fell outside the walking distance of the residential development in the FLN NDA; and
- (c) LCSD had launched the “Community Garden Programme” at selected parks in all districts by phases. The objective of the scheme was to encourage the public to participate in greening activities at community level and to adopt greening activities as part of daily life. Under the guidance of the instructors, participants could learn how to grow ornamental plants, fruits and vegetables in parks nearby and to take home the harvest themselves. Whether the Central Park would be included in the scheme for community farming would be subject to detailed design.

(iii) Intention of the Plans

229. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

*Purposes of the NDAs/Integration of Hong Kong with Shenzhen*

- (a) the plan for NENT NDAs was suspected to benefit the high-income class, developers, investors and people from the Mainland. It was for

the integration of Shenzhen with Hong Kong;

- (b) the development proposal was not planned for the local residents as the housing developments to be provided would not be affordable to the general public of Hong Kong;
- (c) the NENT NDAs comprised mainly of expensive private properties and hotel development which favoured rich people and served as a means to generate government revenue and for the developers to accumulate capital;

*Keeping of Current Simple Lifestyle*

- (d) the representers had expressed that they were not willing to relocate. They expressed “no removal, no clearance’ and strong feelings and emotion towards their home land as their families had been living there for many generations. There was strong memory linked to the place. They hoped to maintain the simple lifestyle that was close to the natural environment, and this was especially true for the elderly;

*Destroying Homes of Villagers/Social impact*

- (e) the home of nearly 10,000 villagers would be destroyed. This would be the largest relocation of residents in 30 years;
- (f) the harmony and peaceful lifestyle and the social network of the local community would be destroyed by the NENT NDAs. The land to be resumed for development was mostly farmland, which was also homeland for the residents in NDA. These people would lose their jobs as farming was their primary business to earn their livings. The current rural characteristic and local business should be preserved and current land use should be maintained;
- (g) there was no Social Impact Assessment (SIA) conducted for the NDAs

and the needs of the local residents were disregarded;

*Dills Corner Garden*

- (h) the elderly home in Dills Corner Garden (DCG) should be retained;
- (i) although the business operator of the Residential Care Homes for the Elderly (RCHEs) in DCG had not submitted any representation, some individual members of the public proposed to retain the DCG as its existing tranquil environment was suitable for the elderly. Besides, the elderly were sensitive to any changes in the living environment, and thus, relocation could be detrimental to their health and would also destroy the community network they had established; and
- (j) the NDAs development would adversely affect the RCHEs as it would not be able to receive new comers from now till 2023. Besides, the residents there would have to suffer from the nuisance from the adjacent construction sites from 2018 to 2023.

230. Members then went through the following responses of the relevant government departments given during PlanD's presentation, and/or in answering Members' enquiries at the hearing, and/or recorded in the Paper:

*Purposes of the NDAs/Integration of Hong Kong with Shenzhen*

- (a) the NDAs would become Hong Kong's new towns and the extension of Fanling/Sheung Shui new town that was planned to be developed for meeting the long-term housing demand in Hong Kong. The NENT NDAs would provide 36,600 public/subsidised housing which were for the residents of Hong Kong. The NDAs would also generate employment opportunities for Hong Kong people, particularly for the residents in the North District;
- (b) to develop a harmonious community, different types of residential

developments were planned for different social classes of people to reside in the NDAs. FLN and KTN NDAs would only contain small amount of low-density development sites which were designated taking into account planning and transport considerations, whereas other planned private housing developments would mostly be high-density housing (small- and medium-sized flats);

*Keeping of Current Simple Lifestyle*

- (c) while the planning of the NENT NDAs had minimised the impacts on the existing residents as far as possible, it was inevitable that the land designated for the provision of road infrastructure, public housing, public facilities as well as residential and commercial developments would be cleared and resumed;
  
- (d) in order to maintain the social fabric of the existing communities, two sites (i.e. a “R(A)2” site in KTN Planning Area 24 and an “OU (Commercial/Residential Development with Public Transport Interchange (1))” (“OU(C/R) with PTI(1)” in FLN Planning Area 15) had been reserved for local rehousing for eligible clearerees affected by the NDA development. The Government would consider using parts of the local rehousing sites for developing Home Ownership Scheme (HOS) units or other types of subsidised housing for rehousing purpose to provide the affected clearerees with a further choice. Other public housing units in Fanling/Sheung Shui area or elsewhere could also be provided to serve the rehousing purpose more flexibly to meet the needs of clearerees. A special ex-gratia compensation package had been devised for the affected qualified households to assist their removal, subject to the approval of the LegCo;

*Destroying Homes of Villagers/Social Impact*

- (e) under the NENT NDA Study, a socio-economic assessment was conducted to assess the social impact by the NENT NDAs. In

addition, a social service team (SST) each from the KTN and FLN NDAs had been set up. The SSTs had approached the affected residents/stakeholders and provided relevant updated information on the NDAs for facilitating the local residents/stakeholders to understand the development proposal and progress. SSTs would also act as bridges for conveying messages amongst the Government and affected residents/stakeholders;

*Dills Corner Garden*

- (f) the DCG was located at the future Town Centre of the KTN NDA to the immediate south of the Kwu Tung Station. It would not be possible to keep the existing premises at DCG in-situ without adversely affecting the planning and implementation of the KTN NDA Town Centre. The Government was exploring the construction of a new elderly home of 1,100 places within KTN NDA in the vicinity of DCG for the rehousing of the elderly residents. Notwithstanding this, DEVB, Labour and Welfare Bureau (LWB) and relevant departments, in consultation with the operators, were considering decanting and demolishing RCHE at DCG in two phases to tie in with the development programme of the NDA, in particular the Advance Works, with the first phase to take place in 2018 and the second in 2023 the latest. To minimize the disturbance to the elderly, those RCHEs on the part of the site which was subject to development by 2023 could stay put at DCG until the second phase removal; and
- (g) the EIA had concluded that the future developments within the NDAs would be environmentally acceptable with the implementation of the proposed mitigation measures for construction and operation phases. The Government would also ensure that the construction works would comply with relevant legislation on environmental protection and implement the relevant mitigation measures. The Government would make every effort to expedite the DCG project subject to the detailed study for the NDA Advance Works being undertaken by CEDD, land

resumption and funding approval.

231. Members discussed and considered that the responses, which they accepted, had generally addressed the concerns raised in overall terms.

232. The Chairman recapitulated that the commenters had made the following main comments in their written and oral submissions:

- (a) the NDAs development should be withdrawn. Clearance of existing structures should be avoided and village/housing reprovisioning should be provided. Other alternative options should be considered including using other developable land in the urban area and other vacant land or underutilized land before exploiting the NENT. The NENT NDAs plan would cause impacts on local culture and heritage;
- (b) the area including Kwu Tung and Sheung Shui / Fanling as well as Long Valley was an important green buffer between Hong Kong and Shenzhen as well as a barrier to prevent excessive urbanization;
- (c) the NENT NDAs development should be more sustainable, it should not unduly favour commercial and economic growth. The current development mode gave rise to suspicion of collusion between the Government and the business sector. The NDAs development would benefit the high-income class, the developers and / or the Mainland community more than the general Hong Kong citizens. The intention of the plan was for the integration of Shenzhen with Hong Kong;
- (d) the livelihood, living standard, lifestyle, social network or bonding of the local community would be affected and villages would be destroyed. SIAs on the relationship between human and land should be included in the NENT NDAs Study and the assessments should be accessible by the public. There were concerns that the housing provided in the NDAs would be unaffordable to the general public, and the job supply would be insufficient;

- (e) the urban design of the NDAs would be monotonous and similar to other new towns. The local characteristics would be lost and living space of residents would be reduced. The NDAs development would have adverse impacts on air quality;
- (f) the latest “Double South Scheme” (雙南方案) was more preferable as it would achieve housing supply with less disruption to local people’s livelihood;
- (g) despite the Government’s claim that the use of the Fanling Golf Course for development would need to resolve complicated issues and the provision of supporting infrastructure which could not be realized shortly, a plant nursery nearby the golf course was recently sold to a developer and construction had commenced. The Government was misleading the villagers and ignoring their views; and
- (h) there was a need for Hong Kong to develop an economy with diversification of industries. More opportunities for the younger generation should be provided.

233. Noting that the comments made were similar to the representations, Members considered that the responses provided to the representations had addressed the concerns raised by commenters. On the comment concerning “Double South Scheme”, the Chairman said that the areas comprising ‘Kwu Tung South’ and ‘Yuen Long South’ proposed under the “Double South Scheme” had already been included in the YLS Study and NTN Study. Both studies were to investigate measures to increase land supply for new developments, including future housing supply and future planning of land uses. The two development plans, with the development programmes far behind that of the NDAs, were not intended as replacement schemes for the NENT development.

*Necessity of the NDAs*



234. The Chairman recapitulated that the FLN and KTN NDAs were an important source of housing land supply for Hong Kong in the medium to long term. They would provide about 60,000 flats, of which about 36,600 would be subsidised flats. They would also provide space of about 837,000m<sup>2</sup> for various economic uses including commercial, office, hotel, retail, services and research and development, and would provide about 37,700 job opportunities. In the light of the acute shortage of land, in particular for housing and economic development, the implementation of the two NDAs was important to the overall public interests of Hong Kong.

235. He went on to say that it had been noted that there were issues that were concerned about the two NDAs but were outside the scope of the two OZPs, as discussed in the earlier part of the deliberation session for Groups 1 to 3. It had been generally agreed that while it was within the ambit of the Board to consider whether the proposed land uses as shown on the two OZPs were appropriate, it would also be appropriate for the Board to separately submit its views on the detailed design and implementation aspects to the Government for follow-up consideration, taking into account the submissions made by the representers/commenters on various issues on rehousing and compensation, transport provision, agricultural rehabilitation, etc.

236. A Member expressed support for the development of the two NDAs. This Member considered that the vacancy rate of residential units and population forecast would only serve to assist in determining the timetable or development pace for the NDAs but would not compromise the need for the NDAs. The Vice-chairman shared the view and said that the same was applicable to brownfield/vacant sites, site of Fanling Golf Course, etc, which could all be considered as a means to meet the acute housing shortage, but not to replace the two NDAs.

237. A Member said that it was appropriate that once a study or studies in support of a new development project had been completed, the development project would then be taken forward for implementation. While the alternative proposals put forth by the representers/commenters were not supported by any studies, the NDAs had been recommended for implementation on the basis of the findings and recommendations of the NENT NDAs Study. The Chairman supplemented that planning was a continuous process and a development proposal would not automatically dismiss an earlier proposal.

Should the site of the Fanling Golf Course, the potential of which was being examined in the NTN Study, was found to be suitable for development, its development would be proceeded with. A land reserve should be established and forward planning was required to timely provide housing land to address and alleviate the problem of housing shortage. Planning studies for various development proposals should continue and whether a piece of land should be released for development would be further determined taking into account the prevailing and individual circumstances. A Member supplemented that the focus of the Board should not be distracted by the alternative proposals, but should focus on the overall planning of Hong Kong. This Member considered that the NDAs could be an effective means to help address the acute housing problem.

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

238. A Member considered that a firm timetable for the various government projects in the pipeline should be provided by the Government as this would help alleviate the concern of the local inhabitants who felt that they had to make sacrifices while the Government had shown no real commitment to address the housing problem. That suggestion should be included in the Board's submission for further consideration by the Government. Members agreed.

#### *Integration of Hong Kong with Shenzhen*

239. The Chairman said that regarding the respresenters/commenters' concern that the plan for NENT NDAs was to facilitate integration of Shenzhen with Hong Kong, it should be noted that the NDAs would become Hong Kong's new town, i.e. the extension of Fanling/Sheung Shui new town, that was planned to be developed for meeting the long-term housing demand in Hong Kong. The NENT NDAs would provide 36,600 public/subsidised housing which were for the residents of Hong Kong.

240. A Member said that the NDAs should take advantage of their location being near Shenzhen and that the Frontier Closed Area along the border had been reduced in area. Mr K.K. Ling, Director of Planning, said that, for background information, the Closed Area had been reduced from about 2,800 ha to 2,400 ha. A Consultancy Study entitled "Study on Land Use Planning for the Closed Area – Feasibility Study" (FCA Study) was

commissioned in 2007 and completed in 2010 to formulate a land use planning framework to guide the conservation and development of the land to be released from the Closed Area, based on the principle of sustainable development. The land use framework included land use proposals that enhanced conservation, while promoting appropriate development to enhance the livelihood of local residents and prosperity of local economy. Five draft Development Permission Area (DPA) Plans for the Closed Area were subsequently prepared to take forward the recommendations of the FCA Study, with their planning intentions centred on conservation. In sum, the Closed Area was essentially a green area between Shenzhen and Hong Kong.

#### *Development of NDAs*

241. A Member said that while the development of NDAs was supported, the rehousing and compensation arrangements should be carried out satisfactorily to address the concerns of the various stakeholders, including farmers. A new thinking should be injected in that the existing uses/character should be respected and not be seen as a design hurdle; rather, they should be seen as having potential to improve the living environment. This Member supported diversification in the society, in terms of land uses and types of residential developments being offered. This Member also expressed preference on the development of NDAs over piece-meal rezoning of sites for the erection of single residential towers to meet housing demand in the short to medium term. In response, the Chairman said that given that the construction of the NDAs would start in 2018 and first population intake were expected in 2023, the NDAs would not replace the need for consideration of rezoning of various sites so as to meet housing demand in the short to medium term.

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

242. Regarding the representers' suggestions to use vacant land and underutilised industrial buildings in the urban areas before considering the development of the NDAs, a member considered that any development would give rise to impacts on its surrounding environment, and comprehensive planning under the NDAs, which would strike a better balance between development needs and the environment, was welcome. Beside residential development, the NDAs would maximize land utilization since commercial/economic and agricultural developments had been catered for.

243. Another Member also indicated support for the development of NDAs. This member considered that the land use framework under the OZPs would guide the future new town development, while allowing flexibility for future refinements to better serve the changing needs of the society in the long run.

244. A number of Members said that the overall interest of Hong Kong should be the main consideration of the Board in considering the land use proposals in the two OZPs and considered that the development of new towns had been effective in meeting housing supply. Mr. K.K. Ling supplemented that generally there were four major ways to increase housing supply, namely through the relaxation of plot ratio control on the existing urban areas; development of individual sites at various locations for residential development; expansion of the built-up area through rezoning of “GB” sites; and comprehensive planning for an extensive area i.e. the NDAs. The former three ways were not without limitations and constraints, while the latter could provide a high quality living environment through comprehensive planning and development. As for the brownfield sites, he said that some sites within the NDAs were in fact brownfield sites, occupying about 51 ha in area, including open storage and port backup uses. Upon the completion of the relevant studies for increasing housing land supply and other uses in Hong Kong, PlanD would present the findings to the Board for consideration.

#### *Tin Shui Wai's Experience*

245. A Member said that many concerns of the representers and commenters touched upon the experience of Tin Shui Wai, and some were of the views that it was the lack of population policy that had led to population increase resulting in the housing shortage that Hong Kong was facing. The Chairman said that according to the research conducted by the University of Hong Kong on Tin Shui Wai, the public to private housing ratio in Tin Shui Wai was 80:20 and there was a large number of public rental units in Tin Shui Wai. The overall public to private housing ratio in terms of number of flats for the KTN and FLN NDAs was about 60:40 to ensure a balanced and socially integrated community. Apart from public rental units, the housing mix proposed in the NDAs would comprise private and HOS developments. In terms of job opportunities, it had been explained that the NDAs would provide about 837,000m<sup>2</sup> GFA for various economic uses and would provide about

37,700 job opportunities. For Tin Shui Wai, the timing of its GIC provision did not tie in with its population intake, and as a result there were insufficient GIC facilities to serve the local residents. On the contrary, a wide range of GIC facilities would be provided in the NDAs to serve the future residents and that, having learnt the lesson from Tin Shui Wai, their provision would tie in with the population intake of the NDAs to meet the needs of the community. According to the latest census projections, Hong Kong's population would increase from about 7.1 million by 2011 to about 8.4 million in 2041. The demand for housing land would be intense in future.

246. Mr. K.K. Ling supplemented that unlike Tin Shui Wai, the KTN NDA would be served by the East Rail Link and NOL. The proposed business and technology park in the KTN NDA would attract those companies that would make use of the proximity of the KTN NDAs to Shenzhen, thereby generating jobs for the local residents. He said that many companies of high-tech and innovative industries would prefer the park-like environment in the business and technology park. On the concern of the potential mismatch between the new jobs in the NDAs and the skill sets of the local residents, he considered that there appeared to be no basis to pre-empt the skill sets of the local and future new residents. He added that one of the objectives of the ongoing "Hong Kong 2030+: Towards a Planning Vision and Strategy Transcending 2030" ("Hong Kong 2030+") was to look into the spatial mismatch between jobs and homes, and the locational placement of jobs in the northern part of the New Territories would be investigated.

247. A Member asked if the development of Lok Ma Chau Loop (the Loop) was in progress and if affirmative, whether residential uses would be included at the Loop. In response, the Chairman said that under the current planning proposal, no residential development was proposed in the Loop.

#### *Labour Supply*

248. On the related issue of labour supply, the Chairman remarked that while the issue itself was somewhat contentious in nature, the Board might suggest that the Government look into the issue to address the representers' concern that the shortage of labour would increase substantially the construction costs of the NDAs leading to over-spending. Members agreed.

### *Dissemination of Information*

249. The Vice-chairman said that he was particularly impressed by the submission made by a representer, who indicated a map of the Great Britain showing qualitatively and comprehensively the areas falling within different land uses. He considered that the details of the land use proposals of the NDAs should have been made more transparent, which perhaps could have minimized some of the grievances of the representers who were somewhat confused about the extent and nature of the land uses under the NDAs. In this connection, to take forward the NDAs, he suggested that the Government should enhance the way in which it disseminated information to the public such as the implementation details, the clearance and rehousing/compensation arrangements and rehabilitation arrangements for farmers. A Member said that that would enhance people's understanding on the rationale for the NDAs and that this Members supported the NDA approach with comprehensive planning and provision of GIC facilities.

### *Dills Corner Garden (DCG)*

250. A Member asked if it was possible to defer the demolition of the DCG for 15 to 20 years so as to minimise disturbance to, or phase out the existing elderly residing there, or to retain the DCG in-situ given that there were other 'G/IC' sites on the OZP. This Member asked whether it was possible to accommodate a new elderly home at the current site or an alternative "G/IC" site in the vicinity. In response, the Chairman said that since the DCG was located at the future Town Centre of the KTN NDA, it would not be possible to keep the existing premises at DCG in-situ without adversely affecting the planning and implementation of the Town Centre. To minimise the impact on the elderly, the Government was already exploring the construction of a new elderly home of 1,100 places in the vicinity of DCG for the rehousing of the elderly residents. In parallel, DEVB, LWB and relevant departments were considering decanting and demolishing RCHE at DCG in two phases to tie in with KTN NDA's development programme. He added that the current DCG was lacking in modern facilities such as lifts, whereas the new complex would be equipped with modern facilities to meet the needs of the elderly. Furthermore, given the commercial nature of the DCG, the operation of the DCG would not be sustainable if there were only a few elderly remained living there. It would also not be appropriate to allow the operators to

continue to receive new comers as the need for relocation would perpetuate. Another Member said that the current facilities at the DCG was quite basic in nature. This Member said that if the new complex could provide more living space, it was a better option for the elderly and that there would be no need to retain the DCG. This Member also considered that the current mode of operation of the DCG with areas being run by different operators undesirable and asked if it was necessary to allow the continuation of the same operators at the new complex. In response, the Chairman said that while negotiation between the existing operators and LWB was in progress, the well-being of the elderly residents was the main consideration.

### *Urban-rural Integration*

251. Ms. Bernadette H.H. Linn, Director of Lands, said that as many representers had put forth in their submissions the concept of urban-rural integration (城鄉共融), it might be worthwhile for the meeting to have a further discussion on whether such a concept was required to be incorporated into the land use proposals of the OZPs, and, if required, whether the OZPs had generally reflected such concept. In response, the Chairman said that that the concept of urban-rural integration was discussed earlier in the deliberation session for Group 2. With a view to promoting urban-rural integration while recognizing the importance of agriculture to Hong Kong, 95 ha of agricultural land (i.e. 58 ha zoned as “Agriculture” (“AGR”) and “AGR(1)” and 37 ha reserved for Long Valley Nature Park (LVNP)) had been retained within the NDAs, allowing continuation of current farming activities. About 128 ha of land (about 21% of land area in KTN and FLN NDAs) fell within an area zoned “GB”, which would serve as a buffer zone in both the KTN and FLN OZPs and helped prevent urban sprawl. Farming could be continued within the “GB” zone. Existing indigenous villages would also largely be retained in the NDAs. He added that Members had suggested that the urban design of the NDAs should take into account the rural and agricultural characteristics and that would form one of the Board’s views to be provided to the Government. A Member said that the rural characteristics of the area should be respected and integrated into the future developments of the new town as far as possible with connections to farmlands, villages, elderly homes and through careful urban design considerations to ensure full integration. This issue should be further examined and followed up by the concerned government departments at the detailed design stage. Another Member said that Tai Po, which was a successful example of New Town, had

witnessed some rural and urban integration. Mr K. K. Ling supplemented that the concept of urban-rural integration was a rather loose term, and that urban and rural areas had in the past been clearly demarcated. Unlike the case of the Tai Po New Town where agricultural land was scattered throughout the new town and could be considered as residual land, the KTN NDA was the Government's first attempt to include Long Valley and its adjoining areas into the boundaries of a nature park for conservation purposes to achieve rural and urban integration. As far as he understood, there was no universal definition or model of rural and urban integration and the issue would be further examined under "Hong Kong 2030+".

[Messer Roger K. H. Luk and Frankie W. C. Yeung left the meeting temporarily at this point.]

#### B. Preservation on Local Agriculture and Local Industry

252. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

##### *Local Agriculture*

- (a) mutual growth of rural and urban areas should be promoted for a truly sustainable development. The balance between agricultural/rural and urban/city developments should be maintained in order to protect diversification. The current land use should be maintained or preserved and existing brownfield sites should be converted into farmland for promoting agricultural production;
- (b) urban agriculture was multi-functional and local farmland played an important role in providing food supply, promoting economy and employment opportunities for lower-skill workers and safety food for Hong Kong. The local agriculture would be destroyed by the NENT NDAs and should be promoted together with organic farming, food waste collection and composting, tourism, and education and recreation purposes;



- (c) by using the agricultural land for development, the livelihood of the farmers would be taken away. By increasing local agricultural produce, there would be less reliance on imported food;
- (d) the self-sufficiency ratio in food supply for Hong Kong had decreased from 40% in 1970 to 1.9% in 2012, which was comparatively low when compared with those of the adjoining countries or other cities in China. The self-sufficiency ratio could reach over 40% through agriculture rehabilitation on all fallow farmlands in Hong Kong. There were also concerns regarding food safety, especially the imported food from the Mainland. The Government should set a target self-sufficiency ratio in Hong Kong;
- (e) some of the agricultural land owned by developers were fenced off for development later on. The land was left vacant without management. Due to the lack of government support and assistance, the local agricultural development in terms of areas of active farmland, number of farmers and market value of agricultural production had been decreasing for the past 50 or 60 years;
- (f) land in FLN should be reserved for agricultural use. There should be zero loss of agricultural land, and in particular, Fu Tei Au Tsuen should be planned for agricultural use;
- (g) the Government should impose tax on vacant or underutilised land. The Government should resume land in rural area under the Land Acquisition Ordinance to prevent further damage from private developers;

*Agricultural rehabilitation / resite*

- (h) the Advisory Council on the Environment (ACE) recommended that the Government should take initiatives to identify suitable farmland and to

proactively match the farm sites for those affected farmers who wanted to continue farming in the NDAs;

- (i) the availability and suitability of the 103 ha of land in Kwu Tung South (KTS) for the agriculture rehabilitation program was questionable. The agricultural land in KTS was fenced off by developers and many of the active and fallow farmlands there had already obtained approval for Small House development. Only 5 ha of the land in KTS was government land. Landowners were unwilling to release their land for farming since there were development opportunities with higher financial returns for their land;
- (j) the feasibility of finding suitable fallow agricultural land for cultivation through AFCD was doubtful. Hundreds of farmers had applied for assistance from AFCD to find suitable fallow agricultural land and they were told that no suitable fallow agricultural land was available. It was not possible for affected farmers to benefit from the scheme offered by AFCD;

*Ma Shi Po*

- (k) the sustainability of the local agricultural industry should be promoted;
- (l) Mapopo community farm should be regarded as a model for agricultural planning as the sustainable system was well operated and maintained;
- (m) the agricultural activities at Ma Shi Po had a long history of more than 100 years. In view of its close proximity to the Fanling/Sheung Shui urban area, the preservation of farming activities at Ma Shi Po could help achieve 'urban-rural integration'. The existing large patch of farmland at Ma Shi Po should be retained as much as possible to protect the diverse group of birds. The agricultural land in the area should be rezoned to "GB" or "OU" annotated "Agriculture Priority Area";

- (n) Ma Shi Po should be rezoned to “AGR” zone;

*Wa Shan*

- (o) cultivated land in Wa Shan should be preserved as it was not at the core area of the NDA;
- (p) the existing active agricultural land in Wa Shan should be preserved and rezoned to “GB” or “OU” annotated “Agriculture Priority Area” for sustainable agriculture and education, and to provide alternative public space to serve the needs of local residents and the public. The proposed road, sewage pumping station, and roadside amenity should be relocated to avoid encroachment onto the agricultural land;

*Ng Tung Riverside*

- (q) Ng Tung riverside should be planned for organic agricultural activities;

*Fu Tei Au*

- (r) land proposed for agricultural rehabilitation/resite was not suitable for agricultural use. The existing agricultural land should be retained and protected;
- (s) agricultural land in FLN NDA should be rezoned as agriculture priority area for promoting agricultural activities and education purposes; and

*Diversification of Local Industries*

- (t) local and family businesses should be preserved. Local industries and agriculture should be protected and developed. The rural way of life should be maintained. Diversification of local industries should be encouraged and land should be returned to the villagers allowing them to develop local economy. Some of the areas within the NENT NDAs

were brownfield sites, which could be used for recycling industries and its ancillary uses.

253. Members then went through the following responses of the relevant government departments given during PlanD's presentation, and/or in answering Members' enquiries at the hearing, and/or recorded in the Paper:

*Local Agriculture*

- (a) promoting urban-rural integration and respecting nature was one of the major planning themes adopted in the NDAs;
- (b) agricultural land had been retained within the two NDAs to allow farmers to continue their farming practices. In the draft KTN and FLN OZPs, a total of 95 ha (about 16% of the area of KTN and FLN NDAs) of land including about 58 ha of land zoned as "AGR" (including "AGR(1)" zone) and 37 ha of land reserved for LVNP would allow continuation of current farming activities;
- (c) it was unavoidable that some existing farmers would be affected by the proposed NDAs development. It was estimated that about 4 ha of active agricultural land in Fung Kong and Tung Fong of KTN NDA and about 24 ha in Ma Shi Po and Tin Ping Shan of FLN NDA would be affected (about 28 ha in total, which accounted for less than 4% of total active agricultural land in Hong Kong). However, in KTS, there were 34 ha farmland that could be rehabilitated;
- (d) the Government would endeavour to ensure that the affected farmers would be offered reasonable arrangements and compensation under the current mechanism. The affected farmers could purchase or rent farmland at suitable locations to continue farming, and under the special agricultural land rehabilitation scheme to be introduced in KTS, the Government would assist genuine farmers who were affected and wished to rent agricultural land to re-establish their farms

by matching them with landowners who were willing to lease out their land for farming. Priority assistance would be offered by the Government to match with those landowners who were willing to lease out/sell out their land to the farmers affected by the NDAs;

- (e) AFCD had been supporting the farmers in the development of organic farming and providing Organic Farming Support Service. There would be close coordination with AFCD in the implementation of the NDAs. According to AFCD's information, locally produced vegetable accounted for about 2% of the market share in Hong Kong in 2013. The Government would continue to support the sustainable development of local agriculture through the provision of technical support and low interest loans;
- (f) according to the current agricultural policy, the Government would facilitate local agricultural development through the provision of basic infrastructure, technical assistance and low interest loans to farmers. The basic infrastructure would include consolidation of farmlands, irrigation system and marketing channels whilst the technical assistance would focus on increasing the productivity of farming skills and species. AFCD had devised various programmes and measures to support farmers with a view to enhancing the productivity and business viability of the industry. AFCD also organised talks and on-farm demonstrations for farmers, briefing them on improved varieties of agricultural products and new farming techniques and helped the industries take advantage of new market opportunities;
- (g) owing to the small scale of farms in Hong Kong and the high population of Hong Kong, much of the demand for the farm produce would still need to be met by imports from different countries. Whilst Hong Kong people were used to consume conventional vegetables from South China, western style vegetables were also imported from other countries. Through the operation of a free market system, the supply of vegetables, the stability of price and food

safety would be secured;

- (h) the Government had assisted farmers to explore more markets to promote the sale of their produce. The farmers could sell their produce direct or in the farmers' markets arranged by the Government. The Vegetables Marketing Organisation (VMO) would also help farmers supply their produce to restaurants and institutes. Currently, the local farm produce could compete with those imported. The Government had carried out a comprehensive review of agricultural policy in 2014. The review and public consultation would cover aspects on the effectiveness and direction of agriculture;
- (i) in view of the public comments received in the public engagement of the NENT NDAs Study, about 12 ha of land at Fu Tei Au were retained as "AGR" zone to allow continuation of the existing farming practices;

*Agricultural Rehabilitation / Resite*

- (j) genuine farmers affected by the NDAs could purchase or rent farmland at suitable locations to continue farming under the existing agricultural resite policy. To facilitate agricultural resite/rehabilitation for affected farmers, the agricultural land in KTS (about 103 ha) had been surveyed, of which about 34 ha (including about 5 ha of government land) were fallow agricultural land that had potential for agricultural resite/rehabilitation. The Government would endeavour to assist the affected farmers to rehabilitate farming and to offer them with reasonable arrangements and compensation;
- (k) to further assist and facilitate relocation of affected farmers, a special agricultural land rehabilitation scheme would be introduced. Priority assistance would be offered by the Government to match them with those landowners who were willing to lease out/sell out their land to the farmers affected by the NDAs. Suitable government land falling

within those areas could also be offered to the affected farmers on short-term tenancy basis as part and parcel of this special scheme;

- (l) the land use zoning of the NENT NDAs had minimized the impacts on existing farmers. To facilitate agricultural rehabilitation/resite for affected farmers, land was provided in the proposed LVNP, while the “AGR” and “AGR(1)” zones were designated to the immediate north and south of the LVNP allowing continuation of farming activities;

*Ma Shi Po*

- (m) Ma Shi Po was the largest piece of land between the existing new town and Ng Tung River providing scope for developments with different intensities descending from the centre to the peripheral areas forming a good urban design for the new town. The area was planned as the town centre with a local rehousing site for those affected by the NDAs. Community facilities such as park and schools would also be provided. A PTI would be located in the town centre area. With the comprehensive local road network, people living in the nearby villages could have easy access to the facilities in the new town area;
- (n) the Government would endeavour to ensure that the affected farmers such as those in Ma Shi Po would be offered reasonable arrangements and compensation;

*Wa Shan*

- (o) the site of the ex-Wa Shan Public School, which had already been paved, fell within an area partly zoned as “V” and partly zoned as “Residential (Group C)”. The remaining area near Wa Shan within the FLN OZP was zoned as either “GB” or “CA” to protect the natural landscape and environment. Moreover, ‘Agricultural Use’

was always permitted in “V”, “GB” and “CA” zones;

*Ng Tung Riverside*

- (p) the FLN NDA would be developed into a ‘Riverside Community’ to provide a quality living environment. The area along the southern banks of Ng Tung River was zoned “O” in the FLN OZP, the planning intention of which was primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public;

*Fu Tei Au*

- (q) in view of the public comments received in the public engagement of the NENT NDAs Study, about 12 ha of land at Fu Tei Au were retained as “AGR” zone to allow continuation of the existing farming practices;

*Diversification of Local Industries*

- (r) it was necessary to proceed with the NDAs to supply land for accommodating various land uses to meet Hong Kong’s medium to long-term housing, economic and social needs. Developing NDAs was the most efficient and systematic way to supply land for meeting the housing needs, especially public housing needs;
- (s) in implementing the NDAs, it was inevitable that some existing rural industries and businesses in the area would be affected. Apart from providing residential sites to meet the housing demand, the NDA would also provide land to enhance the economic development of Hong Kong. These sites would provide land for those industries where Hong Kong enjoyed clear advantages, such as innovative and high-technology industries and cultural/creative industries, which would generate employment opportunities for both existing and future



residents in the areas;

- (t) it was recognised that the rural industrial uses and open storage/port back-up activities had an important role to play in the economic development of Hong Kong. Sufficient land at appropriate locations such as those in proximity to the cross-boundary points and strategic road links had been designated as “I(D)”, “OS” and “OU” annotated “Port Back-up Uses” zones on respective statutory town plans to meet the demand for such use; and
- (u) for the existing rural industries, businesses and workshops to be affected by the NDAs development, the Government would continue to communicate with the stakeholders to further explore feasible solutions to cater for their needs in a fair and reasonable manner, balancing the public interest and proper use of public resources.

254. Members discussed and considered that the responses, which they accepted, had generally addressed the concerns raised in overall terms.

255. The Chairman recapitulated that the commenters had made the following major points in their written and oral submissions:

*Local Agriculture*

- (a) there was insufficient policy to support local agriculture, which made it very hard and unappealing for farmers to engage in the field. The Government should consider what Hong Kong would rely on for food in the face of global warming and food shortage;
- (b) according to section 3(1) of the Town Planning Ordinance (the Ordinance), the Board when preparing the draft plans should consider the health, safety, convenience and general welfare of the community. Doubt was raised on whether the Board in determining the amount of land zoned “AGR” on the OZP had considered: (i) the food production

to meet local needs; (ii) the food safety including stability in food supply, reserve, price and safety standard; (iii) population growth and demand for food; and (iv) public hygiene such as spreading of disease;

- (c) not all 95 ha of land proposed for agricultural uses in the NDA (including LVNP, “AGR” and “AGR(1)”) were suitable for farming. The Board should clarify with PlanD the information and amend the OZPs to substantially increase the land for “AGR” zone from 95 ha to 150 ha to ensure a safe food supply;
- (d) for practising organic farming, it was essential for the farmers to have access to pollution-free water source so that they could obtain the certification of the independent certification agent. There were concerns that the close proximity of the public housing site to the “GB” zone in the FLN OZP might affect the organic certification of the organic farmers;
- (e) the only guarantee for food safety in a cost-effective way was through a revival of local agricultural industry. The local farmers as well as the local system of food production and control should be trusted;
- (f) the farming characteristics, which were diminishing in Hong Kong, could be protected and preserved;

*Agriculture Rehabilitation / Resite*

- (g) to increase incentive for farming, the Government should resume the farmland from the owners and lease it to farmers;
- (h) the proposed Agricultural Park might only be a compensation plan for NENT NDAs rather than a true agricultural policy; and
- (i) the Government should release information on the land area under active cultivation to be affected by the NENT NDAs. The proposed

approach of buying out land for farming and then charging tenant farmers at prevailing market rate was impracticable. If the higher end of the market rate was charged, the average rent for farmland in Hong Kong would be pushed up; on the contrary, farmers in the Agricultural Park would out-compete the other farmers and push them out of business if a lower end of the market rate was charged. Such partial subsidies would lead to unhealthy competition in the industry. If Hong Kong was to retain the agricultural industry for stable local food supply, the Agricultural Park was not the solution.

256. Members then went through the following responses of the relevant government departments given during PlanD's presentation, and/or in answering Members' enquiries at the hearing, and/or recorded in the Paper:

*Local Agriculture*

- (a) there had been changes in public perception about the future development of local agriculture in Hong Kong. In response to the public calls, the Government had reviewed the agricultural policy in 2014 and proposed to adopt a new policy encompassing more proactive support to modernise the local agricultural industry and maximise the contributions of agricultural development to the well-being of society. The Government had consulted the public on the new agricultural policy and the public consultation ended on 31 March 2015;
- (b) the KTN and FLN OZPs had been prepared on the basis of the findings and recommendations of the NENT NDAs Study. The relevant technical assessments, including an EIA prepared under the EIAO, TIA and AVA, etc., had demonstrated that the NDAs development was technically feasible in traffic and transport, drainage and sewerage, ecology, environment, water supply and public utilities, air ventilation and sustainable development aspects. The draft OZPs were to facilitate the KTN and FLN NDAs which were major sources

of land supply to meet the medium to long-term housing, social and economic development needs of Hong Kong;

- (c) about 95 ha of agricultural land including 58 ha zoned “AGR” and “AGR(1)” and 37 ha of land reserved for the LVNP would allow continuation of farming practices in the area. While about 28ha of active agricultural land would be affected (including 24 ha of land in FLN NDA and 4 ha in KTN NDA), the Government had made efforts to identify land for potential rehabilitation in KTS. KTS was considered suitable for farming as the area possessed good water source, flat land, and large plots of land. At present, only 1/3 of the land was under cultivation and there would be scope for other farmers to join. No other uses were designated for the farmland in KTS. After rehabilitation, the farmers would benefit from organised production and scale. For renting of farmland, AFCD would arrange liaison between owners and tenants;
  
- (d) it was understood that the irrigation water required for obtaining organic certificates should come from wells or natural sources rather than water mains. The advance works in FLN NDA were mainly located on the other side of the NDA near the Fanling Bypass. Investigation works would be carried out in the detailed study by the consultant to examine the potential impact on the water sources, and there would be close coordination with AFCD. The potential impact on the existing farmland was an important issue and would be examined in the detailed study;

*Agricultural Rehabilitation / Resite*

- (e) to take forward the NDAs development to meet Hong Kong’s housing, economic and environmental needs, it was unavoidable that some existing business and residents within the area would be affected. Private land would be resumed for the NDAs development according to the current lands policy. However, the concerns on land

acquisition/exchange would be dealt with at the implementation stage of the NENT NDAs and were not related to the OZPs, which were to show the broad land use framework and planning intention for the area;

- (f) the Government had consulted the public on the new agricultural policy, which proposed, amongst others, the establishment of the Sustainable Agricultural Development Fund and an Agricultural Park (Agri-Park). The proposed Agri-Park was aimed to serve as a base for promoting technological advancement or for experimenting with new agricultural practices for commercial production. As a secondary objective, it could also serve to accommodate farmers who might be affected by the two NDAs projects. How the proposed Agri-Park and the Sustainable Agricultural Development Fund would be taken forward would be subject to the outcome of the public consultation and further deliberation within the Government;
- (g) a total of 12 ha of farmland in the past three years had been successfully rehabilitated. During the rehabilitation process, AFCD would liaise with the farm owners and tenants to discuss the contract. Subsequently, AFCD would assist the farmers to plow, carry out soil and water tests, and examine the production mode taking into account the farmers' experience and intention. There were many cases in which farmers had successfully set up farms. As the market for organic farming had been developed in recent years, the farmers would be able to earn better to reinvest in building up their farms. It would normally take 2 to 3 years for a farm to become fully operational after plowing; and
- (h) to bring the farmland back to agricultural activities, AFCD had provided assistance by matching those owners who were willing to rent out their land with the farmers. The Government would respect the intention of the farmers and provide advice to farmers. The Government would find new directions through the interactive process

with farmers.

257. Members discussed and considered that the responses, which they accepted, had generally addressed the concerns raised in overall terms.

258. The Chairman said that in view of the acute housing land shortage, it would not be justifiable to rely on the existing farmlands within the NDAs to produce enough produce to meet the needs of Hong Kong people, the population of which would increase from about 7.1 million by 2011 to about 8.4 million in 2041. Owing to the small scale of farms in Hong Kong and the high population of Hong Kong, much of the demand for the farm produce would continue to be met through the Mainland and overseas imports. Food safety on imported produce was monitored by the relevant departments under the established mechanism.

259. A Member said that Hong Kong should have an agricultural policy that would support local farming. The Chairman said that the principle of minimising impact on existing agricultural land had been incorporated in the planning of the NDAs and Members could provide their views to the Food and Health Bureau (FHB) as regards the review of the agricultural policy. He went on to say that the issues concerning local agriculture and industries were discussed earlier during the deliberation session of Group 2. Regarding the local industrial operators, they would be compensated under the current established mechanism. For the local industrial operators who wished to continue their businesses, the Government would render assistance for site relocation, etc. as far as practicable and if justified. In allocating government site to any operator, the Government should consider deploying appropriate administrative means, e.g. tender to ensure that the allocation process was conducted in a fair and reasonable manner, balancing the public interest and proper use of public resources. Members agreed.

### C. Land Acquisition/Reprovisioning, Rehousing and Compensation Issues

#### (i) “Ghost Town”

260. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) Hong Kong lacked land for public housing. However, land was amalgamated by private developer and then left vacant for years. The land was later developed into high-end residential developments which were left empty for a long time. These developments (i.e. Valais and Shek Wu San Tsuen) were ‘Ghost Towns’. There were concerns that if the HK property price dropped, the planned housing in NDAs would be left vacant and the land resources would be wasted.

261. Members then went through the following response of the relevant government departments given during PlanD’s presentation, and/or in answering Members’ enquiries at the hearing, and/or recorded in the Paper:

- (a) the KTN and FLN NDAs being extension to the established Fanling/Sheung Shui New Town would provide a total of about 60,000 new flats to accommodate a new population of 173,000. Among the 60,000 new flats, 60% (about 36,600 flats) was for public housing. An implementation programme with phasing and packaging of works for the NDA development had been formulated. Detailed design for site formation and engineering infrastructural works for part of the housing and supporting facilities developments included in the Advance Works Package was planned to commence in 2014, to enable construction to start in 2018. The first population intake was scheduled for 2023. As such, the NDAs would be the attractive residential locations with good access to comprehensive community and employment facilities.

(ii) Compensation and Rehousing Arrangement

262. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) the Government had deliberately avoided indigenous villages in the planning of the NDAs so as to reduce the cost of land resumption and compensation, and therefore, the affected clearerees were mostly

non-indigenous villagers living in squatters;

- (b) the compensation was not enough for the affected residents to purchase flats in the market. Local people would not be able to afford the flats in the future NENT NDAs. Different options should be provided to the residents, e.g. preservation of villages, compensation, and relocation of existing villages, including Ma Shi Po Village and Kwu Tung Village;
- (c) details of rehousing and compensation for land resumption and clearances of the proposed developments should be discussed with the local residents;
- (d) relating to the “Projection of Housing Demand’ submitted by the Government to the Subcommittee on the Long Term Housing Strategy of the LegCo Panel on Housing in March 2013, it was unknown what criteria the Government would adopt in defining “inadequate housing” or “poorly-housed households” in the NDAs. If the new flats to be provided were too small like the “sub-divided units”, the current problem of “inadequate housing” would be shifted from the urban area to the NDAs, without genuinely solving the housing problems of the general public;
- (e) the Hong Kong Housing Authority (HKHA) had adopted a flat size of 25m<sup>2</sup> and 30m<sup>2</sup> as the standards for defining ‘under occupation’ in public rental housing for one-person and two-person families respectively since 1992. Over 10,000 public housing units were proposed but no details were available regarding their sizes. The residents in these units would bear the risk of being affected and forced to move to smaller units under future changes by HKHA in the arrangement for tackling ‘under occupation in public rental housing; and
- (f) affected residents should be allowed to choose a smaller amount of compensation in return for exemption from Means Test in applying for



subsidized housing.

263. Members then went through the following responses of the relevant government departments given during PlanD's presentation, and/or in answering Members' enquiries at the hearing, and/or recorded in the Paper:

- (a) given the scale and importance of the NDAs as well as its critical timing to the delivery of the subsidised housing targets, smooth land resumption and clearance would be crucial;
- (b) the Administration had been following up on the demands of the various affected groups and would continue to communicate with the stakeholders with a view to further exploring feasible solutions to cater for the needs of the affected groups under the principles of fairness and reasonableness, and with public interest and proper use of public money in mind; and
- (c) the concerns on compensation and rehousing arrangements were noted. However, the concerns were not related to the OZPs, which were to show the broad land use framework and planning intention for the area.

(iii) Land Exchange Application

264. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) any land owner with land having a site area not less than 4,000m<sup>2</sup> was eligible to apply for land exchange, which was unfair to the general public and would highly benefit those developers who were able to assemble lands. Besides, such developers would benefit from the compensation by land resumption under the CNTA. Hence, the development proposal of NDAs would mostly benefit developers and the financial sector, but not the general public nor local residents.

265. Members then went through the following response of the relevant government departments given during PlanD's presentation, and/or in answering Members' enquiries at the hearing, and/or recorded in the Paper:

- (a) the issue relating to land exchange was noted. However, the issue was not related to the OZPs which were to show the broad land use framework and planning intention for the area.

(iv) In-situ Reprovisioning of Public Housing or Subsidised Housing

266. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) the in-situ reprovisioning of public housing and HOS flats should be considered for the affected villages including Shek Wu San Tsuen, Tin Ping Shan Tsuen and Kwu Tung Tsuen. However, under the OZP, no land had been reserved for the affected residents to rebuild their villages and squatters;
- (b) government land near Shek Wu San Tsuen could be used for HOS development that would reduce cost. It was unfair that no compensation and assistance were offered to the non-ingenious villagers while the indigenous villagers were unaffected by the NDAs development. There was insufficient assistance offered to them regarding their relocation. A compensation of only \$600,000 was insufficient to acquire an apartment in the private housing market at the current housing prices. The Government should consider in-situ reprovisioning of housing for those affected; and
- (c) affected residents should be allowed to move into public housing.

267. Members then went through the following responses of the relevant government departments given during PlanD's presentation, and/or in answering Members' enquiries at the hearing, and/or recorded in the Paper:

- (a) two sites (i.e. a “R(A)2” site in KTN Planning Area 24 and an “OU (C/R with PTI(1))” in FLN Planning Area 15) had been reserved for local rehousing for eligible clearerees affected by the NDAs; and
- (b) apart from the two local rehousing sites reserved in the KTN and FLN NDAs, the Government would also study the option of using parts of the local rehousing sites for developing HOS units or other types of subsidised housing for rehousing purpose to provide the affected clearerees with a further choice. Other public housing units in Fanling/Sheung Shui area or elsewhere could also be provided to serve the rehousing purpose more flexibly to meet the needs of clearerees.

(v) Village/Squatters Reprovisioning

268. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) under the current planning, no land was reserved for the affected villagers to rebuild their villages;
- (b) Shek Wu San Tsuen should be resited. All squatters in NDAs covered in the 1982 Squatter Structure Survey should be eligible for resite; and
- (c) it was unfair to the affected villagers of Shek Wu Shan Tsuen that they could only choose the PRH development and was subject to income and asset tests.

269. Members then went through the following responses of the relevant government departments given during PlanD’s presentation, and/or in answering Members’ enquiries at the hearing, and/or recorded in the Paper:

- (a) two sites (i.e. a “R(A)2” site in KTN Planning Area 24 and an “OU (C/R with PTI(1))” in FLN Planning Area 15) had been reserved for

local rehousing for eligible clearerees affected by the NDAs;

- (b) apart from the two local rehousing sites reserved in the KTN and FLN NDAs, the Government would also study the option of using parts of the local rehousing sites for developing HOS units or other types of subsidised housing for rehousing purpose to provide the affected clearerees with a further choice. Other public housing units in Fanling/Sheung Shui area or elsewhere could also be provided to serve the rehousing purpose more flexibly to meet the needs of cleareree; and
- (c) the concerns on compensation and rehousing arrangements were noted. However, the concerns were not related to the OZPs, which were to show the broad land use framework and planning intention for the area.

(vi) Collusion Between the Government and the Business Sector

270. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) the current development mode raised suspicion of collusion between the Government and business sector, and the plan might have benefited developers most. Collusion between the Government and the business sector should be banned;
- (b) there was no monitoring on how the private land would be acquired by the developers. The residents were forced to sell the land without any alternative; and
- (c) there were complaints concerning conflict of interest of Government officials.

271. Members then went through the following responses of the relevant government departments given during PlanD's presentation, and/or in answering Members' enquiries at the hearing, and/or recorded in the Paper:

- (a) the OZPs were made based on the recommendations of the NENT NDAs Study, which had taken objective considerations such as physical settings, infrastructural constraints, conservation, urban design, and many other planning and technical considerations. Private ownership was not one of the considerations in planning land uses; and
- (b) to take forward the NDAs development to meet Hong Kong's housing, economic and environmental needs, private land would be resumed for the NDAs development according to the current lands policy. However, the concerns on land acquisition/exchange would be dealt with at the implementation stage of the NENT NDAs and were not related to the OZPs, which were to show the broad land use framework and planning intention for the area.

272. Members discussed and considered that the responses, which they accepted, had generally addressed the concerns raised in overall terms.

273. The Chairman recapitulated that the commenters had made the following major points in their written and oral submissions:

*Compensation and Rehousing Arrangement*

- (a) transport facilities, community facilities and housing for relocating local residents should be made available prior to relocation;
- (b) there were concerns on the clearance, rehousing and compensation arrangements. The Government should ensure that the rehousing arrangement should be provided or announced prior to the clearance of the affected residents. Some representers opined that the eligibility of the rehousing criteria was too stringent and they suggested that the Government should waive the Comprehensive Means Test for the affected villagers for public housing applications;

- (c) the compensation policy was skewed towards the land owners. Lucrative compensation and ex-gratia packages were for the eligible land owners only. For the indigenous clans who owned considerable area of agricultural land in the NENT, the compensation could amount to \$10 billion. Whilst agricultural land remained at about \$200 per square feet only, the rate of ex-gratia payment had increased significantly from less than \$700 per square feet to more than \$900 per square feet under the current term of office of the Secretary for Development (SDEV);
- (d) the tenants and residents, who settled and built their homes in NENT about 50 years ago could not benefit from the compensation policy. If they could not pass the income and asset mean test, they would not be eligible for public rental housing;
- (e) the huge rehousing demand of the displaced residents would in turn lengthen the overall waiting period for public rental housing;
- (f) the number of residents in the area had increased before any freezing survey was conducted. The concerned departments should take appropriate actions;

*Land Exchange Application*

- (g) there was insufficient information provided on the monetary aspect of the land exchange;
- (h) it was uncertain how the minimum size area requirement of 4,000m<sup>2</sup> for entering into land exchange was formulated;
- (i) there were many cases of forced eviction within the past year, in particular at Fanling North, due to the in-situ land exchange scheme;

*Collusion between the Government and the business sector*

- (j) the CNTA would only make it easier for collusion and transfer of interests as the major developers had been acquiring land in the NENT in the 1990s.

274. Members then went through the following responses of the relevant government departments given during PlanD's presentation, and/or in answering Members' enquiries at the hearing, and/or recorded in the Paper:

*Compensation and Rehousing Arrangement*

- (a) given the scale and importance of the NDAs as well as its critical timing to the delivery of the subsidized housing targets, smooth land resumption and clearance would be crucial. The Administration had been following up on the demands of the various affected groups and would continue to communicate with the stakeholders with a view to further exploring feasible solutions to cater for the needs of the affected groups under the principles of fairness and reasonableness, and with public interest and proper use of public money in mind;
- (b) in developing the new town, persons affected by government projects within the NDAs, including residents in squatter structures and on the farmland, had to be relocated inevitably. The Government would provide eligible persons with various kinds of cash allowance and compensation or suitable rehousing arrangements. A special ex-gratia compensation package had been devised for eligible households occupying licensed/surveyed domestic structures or non-domestic structures to assist their removal, subject to the approval of the LegCo. A special compensation package for the KTN/FLN NDAs was announced in July 2013;
- (c) in order to maintain the social fabric of the existing communities, two sites (i.e. a "R(A)2" site in KTN Planning Area 24 and an "OU (C/R

with PTI(1))” in FLN Planning Area 15) had been reserved for local rehousing for eligible clearerees affected by the NDAs. Other public housing units in the Fanling/Sheung Shui area or elsewhere would be considered to serve the rehousing purpose to meet various needs of the clearerees. The Government would also study the option of using parts of the local rehousing sites for developing HOS units or other types of subsidised housing for rehousing purpose to provide the affected clearerees with a further choice;

- (d) while the Government had all along provided ex-gratia allowance for eligible operators of shops and workshops affected by clearance, meetings between key local business operators and concerned departments had been organized to understand more about their requests, i.e. land exchange, rehousing option and compensation;

#### *Land Exchange Application*

- (e) in the two NDAs, over 70% of land held by private land owners would be resumed by the Administration. The Administration had already set out the criteria that any application for modification of lease for land in the NDAs (including in-situ land exchange) had to meet. In the Administration's view, allowing such applications would help advancing housing land supply without compromising comprehensive planning, certainty and timely provision of supporting facilities, while safeguarding fair treatment to existing occupants on the private land; and

#### *Collusion between the Government and the Business Sector*

- (f) NDAs were formulated based on various considerations including the strategic role of the NDAs, effective use of land resource, requirements of various land uses, land use compatibility, road network, GIC requirements, urban design and technical feasibility, etc. The development sites were then drawn up taken into account the planned



land uses, open space network, cycle track/road network, major breezeway/air paths, etc. Individual land ownership was not a consideration in planning the respective land use zonings.

275. Members discussed and considered that the responses, which they accepted, had generally addressed the concerns raised in overall terms.

#### *Compensation and Rehousing/Relocation*

276. The Chairman said that to maintain the social fabric of the existing communities, two sites within the NDAs had been reserved for local rehousing for eligible clearerees affected by the NDAs. Other public housing units in the Fanling/Sheung Shui area or elsewhere would also be considered to serve the rehousing purpose to meet various needs of the clearerees. A SST each from the two NDAs had been set up to help the affected residents and provide information on NDAs. In spite of this, to address the concerns of the affected parties, it was a general consensus of the Board that the Government should be urged to properly address the needs and concerns of the affected inhabitants/stakeholders of the NDAs in a fair and reasonable manner, balancing the public interest and proper use of public resources, including compensation, rehousing and relocation arrangements and that communication with the local inhabitants/stakeholders should be enhanced. These should be reflected in the Board's submission of suggestions for further consideration by the Government outside of the statutory plan preparation process. Members agreed.

#### *Land Exchange, Acquisition and Resumption*

277. A Member said that the current policy that allowed a land owner with a land holding greater than 4,000m<sup>2</sup> to apply to the Government for an in-situ land exchange for development within the NDAs had led to the public's suspicion of collusion between the Government and developers. This had led to acquisition of lots by developers in the past and wastage of valuable land resources as land would be hoarded with no economic activity for a long period of time pending resumption. A better mechanism that could prevent land hoarding pending land resumption should be considered by the Government. The Chairman said that it had been explained at the hearing sessions by PlanD that ownership of land by individual owners was not one of the considerations in planning the various land

uses of the NDAs and the public concern of collusion between the Government and developers was groundless. Although the issue of land hoarding was not relevant to the land uses of the OZPs, this could be conveyed to the Government for consideration outside of the statutory plan preparation process. Members agreed. The Chairman added that the rationale for requiring a minimum land area of 4,000m<sup>2</sup> for land exchange was to facilitate the erection of about two residential blocks with room for ancillary facilities to achieve more proper layouts rather than ‘pencil’ buildings. For Member’s information, he said that the issue of land hoarding in the NDAs would be curtailed in future, especially for the land within the Advance Package as the Lands Department would kick start the processing of the land exchange applications received should the OZPs be approved by the Chief Executive in Council.

278. The same Member asked whether land resumption by the Government for the entire NDAs had been considered, without in-situ land exchange. In response, the Chairman said that the Government had previously suggested that the conventional approach should be pursued under which all land within the NDA would be resumed and land would be disposed of for private and public developments, the former through public tender. In view of the public comments received in the public engagement of the NENT NDAs Study, the Government had decided to adopt the enhanced CNTA where in-situ land exchange would be allowed to facilitate timely implementation of the NDAs to meet the housing needs. The Government considered that the enhanced CNTA would help speed up the supply of housing developments.

279. In response to Members’ further enquiries on the basis of adopting a minimum land area of 4,000m<sup>2</sup> for application for in-situ land exchange, Mr K.K. Ling said that the land area of that scale could generally accommodate two to three residential towers with good design layouts and the provision of a local open space of decent size for its occupants. The associated building services such as loading and unloading areas, refuse collection areas, etc. could also be provided within the site. Examples of developments that had a site area of about 4,000m<sup>2</sup> included The Merton, a development scheme of the Urban Renewal Authority and Starcrest in Wanchai. A Member said that in order to avoid a monotonous townscape, more variety of built forms should be encouraged.

*Overall Public Interest*

280. A Member remarked that the overall interest of the community as a whole should be the main consideration of the Board in preparing the FLN and KTN OZPs. In the overall interest of the community at large, plan making for the NDAs which would bring about long-term gains to meet housing shortage and other needs of Hong Kong should be supported. In respect of the issues raised by the representers/commenters, some had direct relevance to the OZPs while some did not. Those of direct relevance should be carefully considered. While the potential implications of the OZP on a particular individual should not be a material consideration such as his financial gain/loss arising from the OZPs, special attention should be given to the underprivileged class such as the elderly at DCG who would be adversely affected by the NDAs.

281. The Chairman summed up Members' views that in preparing the OZPs, Hong Kong's overall interest should take precedence and the interests of the affected parties should be dealt with fairly and reasonably, while balancing the public interest and proper use of public resources. Members agreed.

(The meeting was adjourned for a short break.)

D. Transportation Concerns

(i) Traffic Capacity and Insufficient Transportation Nodes

282. The Chairman recapitulated that the representers had made the following major point in their written and oral submissions:

- (a) the capacity of transport or other facilities was not enough to support the increased population generated by the NENT NDAs. There were not enough transportation network/nodes to serve the proposed development. A detailed study on transportation capacity should be carried out. The increase in traffic would also induce environmental impact.

283. Members then went through the following responses of the relevant government departments given during PlanD's presentation, and/or in answering Members' enquiries at the hearing, and/or recorded in the Paper:

- (a) the Territorial Development Strategy Review in 1990s first identified the potential for strategic growth in the NENT and the Planning and Development Study on NENT, which was commissioned in 1998, identified KTN and FLN as suitable for NDAs. It was intended to utilise the important transport infrastructure such as the Kwu Tung Station reserved on the Lok Ma Chau Spur Line (LMCSL), which was completed in 2007, and the proposed Northern Link (NOL). The KTN NDA would take advantage of the Kwu Tung Station with high-density residential and commercial developments around the railway station where more than 80% of the 100,000 planned population would reside within its 500m catchment area. The FLN NDA would make use of the East Rail Line (ERL) and be developed into a 'Riverside Community' for a planned population of 70,000. The proposed town centres of the two NDAs would be connected with the ERL through the 2 proposed PTIs and the two NDAs would be consolidated to form the Fanling/Sheung Shui/Kwu Tung (FL/SS/KT) New Town, which would have a total population of about 450,000 upon full development;
- (b) the TIA under the NENT NDAs Study had confirmed that with the proposed highway improvement, the road network could address the traffic demand from the NDAs. Flexibility for environmentally friendly transport modes had been allowed. Proposals for the public transportation, cycling and pedestrian networks had also been put forward. It was concluded that the NDAs development was technically feasible from the traffic and transportation point of view;
- (c) for the road network, i.e., in KTN, there were a major trunk road (Fanling Bypass), two primary distributors, five district distributors and a number of local distributors and upgrading of existing road junctions; in FLN, there were two primary distributors (including Fanling Bypass),

a number of district and local distributors, two proposed public transport interchanges, some junctions and bridge structures etc. For FLN NDA, one PTI each would be located in the eastern and western part respectively to connect to the existing Fanling and Sheung Shui MTR Stations;

- (d) the Fanling Highway / Tolo Highway widening (including the section of Fanling Highway from Pak Shek Au to Po Shek Wu to be widened from dual 3-lane to dual 4-lane carriageways) would be completed by 2019 - 2023, which would help relieve the congestion problem in the North District. Also, the existing Po Shek Wu Interchange would be improved by constructing a right-turning bypass slip road which could help resolve the interchange capacity problem. The proposed Fanling Bypass (linking Man Kam To Road and Sha Tau Kok Road) would not only support the external traffic needs of the FLN NDA but would also serve the residents of the existing Fanling/Sheung Shui and hence help relieve the traffic burden of the existing road network;
- (e) the TIA under the NENT NDAs Study had studied and compared different road-based environmentally friendly transport mode systems that better suited the development scale of the FLN NDA. It was concluded that a road-based environmentally friendly transport mode should be implemented in the FLN NDA. The Government and bus operators were undertaking trial tests of operating electric vehicles in Hong Kong. The provision of such transport modes would be considered in detail at detailed design stage. Land had been reserved in the NDAs to allow flexible operation of various types of electric vehicles (such as parking and operation facilities for EFTS) and space would be reserved on road for flexible installation of electric vehicle parking space and electric vehicle charging stations;
- (f) according to the modal split of the traffic assessment, about 45% of the population commuting to other districts would travel by railway, 30% of them would travel by bus, while 25% would travel by private car or taxi.

It was hoped that an accurate forecast could be made in spite of some deviation, and adequate buffer would also be reserved in the road and transport network to allow for some adjustment. A detailed study was being conducted by CEDD to review the traffic demand in relation to the development schedule; and

- (g) while the exact bus routing would be subject to further study at detailed design stage, the NENT NDAs had reserved the flexibility and space for the dedicated electric bus corridor / bus interchange if considered preferable by the public transportation study.

(ii) Capacity of Sha Tau Kok Highway and Tolo Highway

284. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) the capacity of Sha Tau Kok Highway and Tolo Highway was already overloaded and NDAs would induce significant pressure to the existing congested road network;
- (b) the Fanling Bypass and the proposed widening of Tolo Highway/Fanling Highway between Island House Interchange and Fanling and the widened Tolo Highway between Ma Liu Shui and Island House Interchange would only shorten the journey for the residents in the North District to Sha Tin, rather than Kowloon and Hong Kong Island. The proposed works would not address any congestion problem that the expected population of NDAs would encounter, but would relocate the congestion problem at Sha Tau Kok Road – Lung Yeuk Tau to other sections of the road downstream, including the two bottlenecks near the Racecourse section of Tai Po Section of Tolo Highway. The Government should widen the tunnels connecting the New Territories and Kowloon or build an additional tunnel linking Kowloon or New Territories to Hong Kong Island to solve the congestion problem; and

- (c) the carrying capacity of the road network in the Kwu Tung section of Castle Peak Road in Fanling / Sheung Shui, Sha Tau Kok Road, Eagle's Nest Tunnel and Shing Mun Tunnel had already reached their limits and could not accommodate further traffic increase arising from the NDAs even with the proposed improvement works. Without a railway station at FLN, the future residents would rely on mini buses to travel to and from the existing Fanling Station which would aggravate traffic congestion of the local road network.

285. Members then went through the following responses of the relevant government departments given during PlanD's presentation, and/or in answering Members' enquiries at the hearing, and/or recorded in the Paper:

- (a) the widening of Tolo Highway/Fanling Highway between Island House Interchange and Fanling was taken forward in two stages to cope with the anticipated increase in traffic demand in the north New Territories. The Stage 1 works covering Tolo Highway between Island House Interchange and Tai Hang were substantially completed in March 2014, whereas the Stage 2 works covering Fanling Highway from Tai Hang to Wo Hop Shek Interchange were underway. The existing Po Shek Wu Interchange would be improved by constructing a right-turning bypass slip road which could help resolve the interchange capacity problem. The proposed Fanling Bypass (linking Man Kam To Road to Fanling Highway via Sha Tau Kok Road) would not only provide the external traffic link for the FLN NDA but also help relieve traffic congestion in the existing Fanling/Sheung Shui New Town;
- (b) upon the completion of the widening of Fanling Highway/Tolo Highway now underway and to be completed by 2019 – 2023, the traffic congestion problem would be improved. Besides, the proposed Fanling Bypass (linking Man Kam To Road and Sha Tau Kok Road) would not only support the external traffic needs of the FLN NDA but would also serve the residents of the existing Fanling/Sheung Shui to

commute to urban areas and hence help relieving the traffic burden of the existing road network;

- (c) the TIA under the NENT NDAs Study had confirmed the need for the Fanling Bypass. The bypass would bring benefits to the highway network by: (1) giving direct access between the FLN NDA and the strategic road network; (2) preventing overload of Fanling Highway Sheung Shui Section and its interchanges (So Kwun Po Interchange and Po Shek Wu Interchange); and (3) allowing traffic from FLN NDA and Sha Tau Kok Road northeast of Lung Yeuk Tau to bypass Fanling town centre; and
- (d) the TIA showed that upon the completion of a series of road improvement works and construction of new roads, there would not be significant adverse impacts caused by the NDAs on the North District and it would be within the acceptable range. Parts of the outbound traffic would be improved due to the construction of Fanling Bypass.

(iii) Fanling Bypass

286. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) Fanling Bypass should be withdrawn or replanned to be located away from residential area. The alignment of the bypass should be built over Ng Tung River to reduce its impact on residents. The whole bypass should be built in the form of a viaduct. Its roundabout should be relocated close to the open area on the riverside.

287. Members then went through the following responses of the relevant government departments given during PlanD's presentation, and/or in answering Members' enquiries at the hearing, and/or recorded in the Paper:

- (a) Fanling Bypass was proposed as a regional highway linking FLN NDA



and Fanling Highway. It had been proposed not only to cope with the additional traffic generated from the NDAs but also would help relieve the traffic congestion of the existing Fanling/Sheung Shui New Town. Besides, the road interchanges to be formed along Fanling Bypass/Sha Tau Kok Road, Ma Sik Road and Jockey Club Road would provide better road linkage among the major roads in the town centre areas;

- (b) the TIA under the NENT NDAs Study had confirmed the need for Fanling Bypass. The bypass would bring benefits to the highway network by: (1) giving direct access to the FLN NDA from the strategic road network; (2) preventing overload of Fanling Highway Sheung Shui Section and its interchanges (So Kwun Po Interchange and Po Shek Wu Interchange); and (3) allowing traffic from FLN NDA and Sha Tau Kok Road northeast of Lung Yeuk Tau to bypass Fanling town centre;
- (c) the design and alignment of Fanling Bypass was a subject of concern during the public engagement exercises of the NENT NDAs Study. The currently proposed design and alignment was a balance between road safety, transport functioning, existing uses, visual and noise impacts, and interfaces with the connected roads and other infrastructure, etc. In the course of the NENT NDAs Study, the concerns of Shek Wu San Tsuen residents on the impact of Fanling Bypass were noted. Having considered the relevant comments, the proposed alignment of Fanling Bypass had been shifted slightly southward to reduce its impact on the existing residents;
- (d) the EIA of the NENT NDAs Study had addressed the environmental impacts arising from the proposed Fanling Bypass and two environmental permits had been issued for the relevant works. It was a statutory requirement under the EIAO for the permit holder to observe the conditions stipulated in the environmental permits during construction and operation of the project. Based on the results of the EIA, appropriate environmental mitigation measures would be provided. With the implementation of appropriate environmental mitigation

measures, there would not be any adverse environmental impact arising from the proposed Fanling Bypass;

- (e) regarding the concerns on dust impact during the construction stage, the EIA had concluded that adverse construction dust impact was not anticipated with the implementation of practical mitigation measures (such as regular watering under good site practice to be adopted, and the dust levels would be monitored and managed under an EM&A Manual programme). The air impact after the operation of the road was also found acceptable in the EIA. In addition, the procedures and requirements under the Air Pollution Control (Construction Dust) Regulation would be followed;
- (f) the implementation programme of the proposed highway infrastructure recommended in the TIA under the NENT NDAs Study would take into consideration a number of factors, including the programme of population intake and the capacity of the existing road networks. According to the proposed implementation programme, the proposed infrastructure would need to be provided by 2029 to tie in with the overall development programme. It was considered that the proposed Fanling Bypass project should not be postponed; and
- (g) with regard to the representers' proposals to relocate, realign and/or redesign the alignment / location of the proposed Fanling Bypass and/or its roundabout, an alignment option for the proposed Fanling Bypass (Eastern Section) to be constructed along Ng Tung River had been investigated in the NENT NDAs Study and was presented in the EIA Report. According to the assessments on such alignment option, although environmental impacts on the northern bank of Ng Tung River could be avoided, piers and the superstructure of the proposed Fanling Bypass (Eastern Section) along Ng Tung River would induce significant drainage and environmental impacts on Ng Tung River, including ecological impact on a flight-line used by large waterbirds. Besides, the visual, noise and air impact on the proposed housing developments

were also significant. Hence, such alignment option was considered not acceptable.

(iv) Road construction

288. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) a section of road within Fanling North would be constructed in the advance works to facilitate the development, but it would generate environmental nuisance and affect the residents of Tin Ping Shan Tsuen and Shek Wu San Tsuen for more than 10 years during the construction period. It would also pollute local produce and affect the income of local farmers. Therefore, the construction of roads within Fanling North should be carried out at the same time with the construction of the nearby developments; and
- (b) considering flooding risk in the NDAs and impact to the residents, the construction of road should be implemented in phases.

289. Members then went through the following responses of the relevant government departments given during PlanD's presentation, and/or in answering Members' enquiries at the hearing, and/or recorded in the Paper:

- (a) early implementation of the roads in the southern part of FLN NDA would play the role of easing the traffic congestion problem on Jockey Club Road and Po Shek Wu Road, in response to the traffic demand in the phase 1 development as well as the public concerns over the traffic congestion on Jockey Club Road and Po Shek Wu Road. The road would also accommodate the pipelines connecting various basic infrastructure such as sewage treatment works, water treatment works and electric substations. Therefore, the NENT NDAs Study recommendations had included the road as a part of the phase 1 development. Delays in the construction of the road would affect the

existing traffic on Jockey Club Road and Po Shek Wu Road. Regarding the impacts on the nearby residents during the construction of roads, the Government would ensure that the construction works would comply with relevant legislation on environmental protection and implement the relevant mitigation measures; and

- (b) a drainage impact assessment had been conducted for the NDAs under the NENT NDA Study. Parts of KTN, FLN and the surrounding areas were threatened by flooding in times of rainstorm. To improve the drainage conditions, necessary site formation works would be carried out and an independent drainage system would be established for flood protection. Detailed drainage works and its implementation programme would be examined and worked out in the detailed planning and implementation stage.

(v) Capacity for Mass Transit Railway (MTR)

290. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) there were concerns on the MTR capacities for the future population in Shatin, Tai Po, Sheung Shui and Fanling;
- (b) a railway track should be added;
- (c) some representers opined that the carrying capacity of the ERL had already reached its limit. The overcrowding problem for ERL would be further aggravated with the number of train car decreasing from 12 to 9 in order to match with the length of the future Admiralty Station for SCL. The ERL would not be able to take up the additional population in the NDAs. The MTRCL had proposed to increase the train frequency by upgrading the signalling system but the feasibility of this solution was doubtful;

- (d) the SCL and the increase in number of train cars in the Ma On Shan Line (MOSL) could not ease the congestion problem at the platform level as the number of transfer passengers would be increased, resulting in an even busier Tai Wai Station. Upon completion of the planned public housing project in Ma On Shan, the number of passengers using MOSL would be further increased;
- (e) the train arrival interval of ERL was already as short as 1 to 2 minutes instead of 2:45 minutes claimed by MTRCL. At peak hours, trains were tailing back to get into station. It was suspected that the 2:45 minutes had included the time taken by passenger to get on/off the train. It was therefore practically impossible to increase the carrying capacity through new signal system; and
- (f) the WRL was already operating at 99% of its design capacity. Even after the increase in the number of train compartment from 7 to 8 for the WRL, it could still not be able to accommodate the existing and additional passengers brought about by the new Hung Shui Kiu (HSK) station, which had targeted to serve 210,000 residents at HSK DNA and the Tuen Mun South extension. At present, passengers could hardly squeeze into the train compartment at Yuen Long station during rush hours, let alone the interchange Kam Sheung Road station of NOL downstream. Furthermore, since Sheung Shui and Fanling were the second and third stations along the ERL, passengers would continue to rely on ERL rather than travelling to the interchange station at Kam Sheung Road which was a downstream station of the WRL. Hence, the NOL and WRL could hardly perform the diversion function.

291. Members then went through the following responses of the relevant government departments given during PlanD's presentation, and/or in answering Members' enquiries at the hearing, and/or recorded in the Paper:

- (a) the TIA under the NENT NDAs Study had been conducted to assess the future transport demand to be generated by the proposed NDAs

development and the traffic impact on the strategic, regional and local road networks. It had concluded that the NDAs development was technically feasible from the traffic and transportation point of view;

- (b) some representers were concerned that the capacity of the East Rail would be overloaded by the increasing cross-boundary passengers. Although the number of cross boundary passengers was expected to increase in future, it was anticipated that the Guangzhou-Shenzhen-Hong Kong Express Rail Link would help relieve the loading of the cross-boundary service and the Tai Wai to Kowloon Section of the ERL respectively;
- (c) according to the RDO of the Highways Department (HyD), as the ERL was limited by its signaling system, and that it also had to cater for the Guangdong-Kowloon Through Train, it was unable to increase train frequency. Nevertheless, when the Tai Wai to Hung Hom Section of SCL would be in service in 2018, it was estimated that approximately 23% of the southbound passengers from the New Territories would switch to use SCL to travel to urban areas, thus diverting passenger flow. The signalling system of ERL would be upgraded in 2020 under the SCL project to enable an increase in train frequency. The overall carrying capacity would be further increased by about 12,000 passengers per day when the Hung Hom to Admiralty Section of SCL was in operation. According to RDO, it was expected that the ERL could accommodate the future NDAs population;
- (d) before the commissioning of the first section of SCL, it was expected that the Express Rail Link would come into service in 2015. The Government would monitor whether the demand for Guangdong-Kowloon Through Train service would be reduced by then;
- (e) a previous study on railway development, which had taken into account the then planned population of the NDAs, confirmed that upon completion of the SCL, the capacity of the eastern section of ERL

would correspondingly increase by 20%, and such increase in capacity of ERL would be able to accommodate such planned population. Also, the TIA concluded that upon the introduction of the new population to the NDAs, the ERL in respect of the railway alignment between Sheung Shui and Fanling would have spare capacity to cater for the new population, given that SCL should have been in place before the population intake in the NDA;

- (f) according to MTRCL, Tai Wai-Kowloon Tong were the busiest stations at peak hours in 2013 with about 58,000 passengers per hour travelling single way. Based on the standards of 6 people/m<sup>2</sup> and 4 people/m<sup>2</sup>, they were 71% and 100% full respectively. For WRL, the section from Kam Sheung Road to Tsuen Wan West station during am peak hours was the busiest for a single direction with about 34,600 passengers per hour travelling single way. Based on the standards of 6 persons/m<sup>2</sup> and 4 persons/m<sup>2</sup>, they were 70% and 99% full respectively. With the improvement of the signal system and completion of SCL, the capacity could be further increased;
- (g) the NOL and the Kwu Tung Station were combined as a single proposal. According to the RDS 2014, the NOL would be implemented from 2018 to 2023 to tie in with the development programme of the KTN NDA. While flexibility had been reserved to allow the NOL extension in the FLN NDA, the detailed design of the NOL extension would be subject to the recommendations of the ongoing NTN Study as the railway extension was targeted to support the future development in the NTN. The current proposal of NOL would connect the Kam Sheung Road Station on the existing WRL with the proposed Kwu Tung Station which would also be a future station of the LMC Spur line. The proposed NOL, which would connect the existing WRL and LMC Spur Line, could help re-distribute the passenger flows in the northern New Territories and relieve the overloading problem of the ERL; and
- (h) with regard to crowd control, safety of station platform and

management / operation of railway stations, they were under the management purview of the MTRCL, which would adopt appropriate measures to cope with the passenger flow.

(vi) Other Alternatives

292. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) there should be a district express rail line providing direct connection between the Northern District (for Fanling and Sheung Shui only) and the urban areas with no mid stations; and
- (b) to relocate existing industrial developments in the urban areas to the New Territories; e.g. Fo Tan and Tai Po. That would then free up land in the urban area for development. Such redistribution of employment would also allow people to live near their work place, resolving problems of north-south commuting.

293. Members then went through the following responses of the relevant government departments given during PlanD's presentation, and/or in answering Members' enquiries at the hearing, and/or recorded in the Paper:

- (a) there was an on-going effort within the Government in reviewing the existing industrial land in the urban areas for better use. PlanD was playing an active role in transformation of industrial areas in Hong Kong. The NDAs were a comprehensive package with supporting facilities providing local jobs and satisfying social needs.

294. Members discussed and considered that the responses, which they accepted, had generally addressed the concerns raised in overall terms.

295. The Chairman recapitulated that the commenters had made the following major points in their written and oral submissions:



- (a) Bus Rapid Transit (BRT) system linking the residential areas in the East and West, and the railway station, was recommended;

*Capacity of Sha Tau Kok Highway and Tolo Highway*

- (b) there was no reason for providing winding and bending roads. Signal-controlled junction should be replaced by roundabout for better traffic flow; and car parking should be provided underneath the elevated roads for resolving the problem of illegal parking;
- (c) there was grave concern on whether the Eagle's Nest Tunnel would have the spare capacity to divert the vehicular traffic generated by the new developments in the northern New Territories;

*Capacity for MTR*

- (d) the adopted design standard of 6 persons/m<sup>2</sup> on average inside the train cars was obsolete;
- (e) the increase in the number of train cars per hour during the peak hours for the North-South Corridor (from 240 to 243) serving the population in the northern New Territories was not sufficient;
- (f) the New Territories passengers would not use the SCL to go to Hong Kong Island, which would lengthen their travelling time. They would take the ERL instead;
- (g) the East Rail should be extended and its capacity should be increased. The NOL should be extended and include two stations at Fanling North, as there would be many residents working outside the district. The proposed rail linkage would relieve the burden on East Rail; and
- (h) the NDAs should not rely on the MTR, like Tseung Kwan O (TKO).

The public transport services in TKO shrunk significantly since the completion of the MTR TKO Line. Once the MTR TKO Line was found out of order (on 16.12.2013), the transport connection of TKO was disrupted seriously.

296. Members then went through the following responses of the relevant government departments given during PlanD's presentation, and/or in answering Members' enquiries at the hearing, and/or recorded in the Paper:

- (a) the traffic problem in TKO might be due to insufficient road transport provision but lessons were learnt. It was therefore intended that the existing infrastructure could be utilized to support the future development of KTN and FLN NDAs. The enhancement to the provision of public transport facilities in the area would be further examined. For the FLN NDA, the population would mainly concentrate around the two PTIs at the eastern and western parts, where public transport to the other districts would be available. For the KTN NDA, a PTI would also be provided in addition to the railway station. The future public transport routing and service arrangements were also being examined.

297. Members discussed and considered that the responses, which they accepted, had generally addressed the concerns raised in overall terms.

298. The Chairman said that three Members had declared interests in Group 1 and as such did not participate in the deliberation of Group 1 where transport issues were discussed. He recapitulated that as discussed earlier in the deliberation of Group 1, Members found that the findings of the TIA of the NENT NDAs Study, which had indicated that the additional traffic generated by the NDAs could be accommodated upon the completion of the proposed widening schemes, new roads and improvement works to the existing junctions, were generally acceptable. It was agreed that unless there were strong grounds or solid technical analyses, the findings of the TIAs could not be disputed. In response to Vice-chairman's enquiry, Mr K.K. Ling supplemented that the results of the TIAs had indicated that the existing transport system/network and the planned transport provision and improvement

work would be able to accommodate the future working and resident populations of the NDAs. Nonetheless, it would be crucial that the planned transport provision and improvement work be timely provided to meet the needs of the NDAs. The various technical assessments, including the TIA and EIA, had confirmed the technical feasibility of the proposed scale of the NDAs. A Member said that it would not be necessary for the TIA to demonstrate full feasibility of the NDAs on traffic terms at the current stage, rather, a regional TIA to examine the cumulative traffic impact on strategic road network system arising from the NDAs and other developments in the other areas in the pipeline so as to timely devise and implement traffic measures, rather than hardware, should be considered. Another Member pointed out that the transport model adopted by the Transport Department in the NENT NDAs Study was a strategic one taking into account the overall traffic conditions of the whole of Hong Kong and was considered sufficient to assess whether insurmountable traffic problems would arise due to the NDAs at the outset. Since the TIA had demonstrated that no insurmountable traffic problem would result from the NDAs from the strategic perspective, the land use proposals in the NDAs were acceptable in traffic terms. Depending on further assessments of traffic impact to be carried out at the local level during detailed design and implementation of the NDAs, e.g. on specific road junctions taking into account population of nearby developments, further traffic/road improvement measures could be timely devised and implemented to address any future traffic issues.

299. The Chairman said that during the discussion for Group 1, Members also considered it appropriate that the Government should assess the need for NOL extension in the area, namely, to FLN taking into account other planned developments, e.g. Queen's Hill and that the implementation of Kwu Tung Station and NOL as well as road improvement measures should tie in with the population intake of the NDAs. It had been generally agreed that timely provision of transport facilities was necessary and that the provision of the NOL would further enhance the rail services for the whole region.

300. The Chairman went on to recapitulate the features of the NDAs and other key points of discussion for Group 1 in the earlier session, namely that Kwu Tung Station was reserved on the LMCSL and that to take advantage of the railway station, more than 80% of the 100,000 planned population would reside within 500 m of catchment area of the railway station; that two PTIs would connect the NDAs' population with the ERL; and that Members rendered their support for the construction of Fanling Bypass and major road schemes

including widening of Tolo Highway/Fanling Highway. He added that the construction of those major railway and road widening schemes should tie in with the population intake of the NDAs, the details of which should be reflected in the Board's submission to the Government for further consideration outside of the statutory plan preparation process. The Government should be requested to monitor the traffic situation and devise/implement appropriate traffic measures timely, if required. Members agreed.

E. Sustainability / Ecological Concerns

(i) Sustainability concerns and urban-rural coexistence

301. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) natural resources and the ecological/sustainable system of the area would be destroyed. The rural area should be preserved for the next generation. Urban and rural could co-exist and balance should be maintained. For long-term development, Hong Kong should aim for sustainability.

302. Members then went through the following responses of the relevant government departments given during PlanD's presentation, and/or in answering Members' enquiries at the hearing, and/or recorded in the Paper:

- (a) with the KTN and FLN NDAs, the Long Valley at the convergence between Sheung Yue River and Shek Sheung River was the largest fresh water wetland in Hong Kong, and was located right in the middle of the extended town. Its ecologically important environment supported a diverse bird community. The Long Valley posed a challenge as well as an opportunity for planning the KTN and FLN NDAs. 37 ha of land in the core area of Long Valley generally of high ecological value were designated as a nature park to be implemented as part and parcel of the NDAs project. Being planned and to be implemented as part of the NDA development

package, the Long Valley Nature Park (LVNP) would become a “green lung” and an alternative type of “town park” contributing to a quality living and healthy environment for the extended town. The designation and implementation of the nature park would also enhance the ecology and compensate for the wetland loss due to the NDAs development. The nature park intended to showcase the harmonious blending of farming activities with nature conservation. The “AGR” zones of 46 hectares in area to the north and south of the nature park would be retained to encourage continuation of the current agricultural practice which would provide an effective buffer to protect the ecology of the nature park;

- (b) with the LVNP in the middle of the town, a form of urbanisation integrating urban and rural landscapes for Hong Kong was created. Apart from preserving land and natural resources, it would also promote agriculture. In addition, a major cluster zoned as “AGR” at KTS for agricultural rehabilitation had been identified. The Government would assist the farmers affected by NDAs development to re-establish their farming practices there;
- (c) about a total of 128 ha of land (about 21% of the area of KTN and FLN NDAs) fell within an area zoned “GB” on both the KTN and FLN OZPs for defining the limits of development areas and preserving existing natural features. There was a general presumption against development within this zone. In FLN NDA, the mitigation meanders in FLN Planning Areas 2 and 7 were designated as “CA”. Therefore, natural resources were preserved given the character and ecological value of the areas;
- (d) in view of the existing natural landscape features such as Long Valley, Sheung Yue River, fung shui woodland to the west of Ho Sheung Heung, natural ridgelines to the west and north, one of the major planning themes adopted in the NDAs development was ‘promoting urban-rural integration and respecting nature’;

- (e) an EIA prepared under the EIAO had been conducted to confirm that the proposed KTN and FLN NDAs development was environmentally acceptable. The NENT NDAs Study was a Schedule 3 designated project under the EIAO Ordinance and an EIA Report was prepared to confirm the environmental acceptability of the proposed developments. The EIA Report was reviewed in strict accordance with the statutory EIA Ordinance process, including public inspection of the EIA Report and consultation with the Advisory Council on the Environment (ACE). On 9.9.2013, the ACE considered and endorsed the NENT NDAs Study EIA Report with conditions and recommendations. Approval of the EIA Report was given by the Director of Environmental Protection (DEP) on 18.10.2013.; and
- (f) mitigation measures recommended in the EIA Report would be implemented by the project proponents as appropriate and, where necessary, environmental monitoring and audit programme would be carried out to ensure that mitigation measures were implemented in a timely and effective manner.

(ii) “Green Belt” (“GB”)

303. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) “GB” would be reduced and ecological buffer area would be destroyed. NENT was a crucial green buffer between Shenzhen and Hong Kong. Rivers in Fanling, Sheung Shui and Kwu Tung which linked with Long Valley serve as a green barrier in order to contain the urban sprawl. The area had high ecological value and it should be preserved. The current land use should be maintained or preserved. The ‘green buffer’ could alleviate air pollution in the area which would directly affect the living environment/quality in the NDAs. Rural area/green belt should not be developed for any irrational excuse.

These valuable land resources should not be destroyed. Countryside might also be beneficial in terms of tourism, public education and research, and micro-climate, etc. The countryside of Hong Kong was renowned worldwide. The rural area in the New Territories was a backyard garden for Hong Kong residents to live, play and experience agriculture, and should be preserved;

- (b) green belt could be used for eco-tourism, cycling, bird-watching, hiking and farming to produce high quality agricultural products. Green belt was one of the vital elements of a low-carbon city;
- (c) development area of NDAs should be reduced in order to provide a buffer zone between developments and rural area; and
- (d) the plans for the NDAs would have a domino effect and lead to more destruction of the rural New Territories.

304. Members then went through the following responses of the relevant government departments given during PlanD's presentation, and/or in answering Members' enquiries at the hearing, and/or recorded in the Paper:

- (a) the KTN and FLN NDAs were separated from Shenzhen by the ex-frontier closed area, the natural environment of which had been largely preserved. The FCA Study recognized the strategic role of the Closed Area for creation of a belt of conservation, cultural heritage and sustainable uses between Hong Kong and Shenzhen. Development of KTN and FLN NDAs would not affect the green buffer zone between the two cities;
- (b) a comprehensive planning and urban design framework optimizing opportunities afforded by the NDA and the adjoining Fanling/Sheung Shui New Town and the surrounding natural and landscape features had been formulated to create a quality and green living environment and socially integrated communities;

- (c) about a total of 128 ha of land (about 21% of land area in KTN and FLN NDAs) fell within an area zoned “GB”, which would serve as buffer zone in both the KTN and FLN OZPs. The planning intention of “GB” was primarily for defining the limits of urban and sub-urban development areas by natural features. There was a general presumption against development within the zone;
- (d) in KTN NDA, the area along Ma Tso Lung Stream was designated as “GB” to protect the habitats for wildlife associated with the Ma Tso Lung Stream. In FLN NDA, the mitigation meanders in Planning Areas 2 and 7 were designated as “CA”. They were formed as a result of the channelisation of Ng Tung River and were reserved for retaining the uncommon fish species Rose Bitterling and for the provision of a habitat suitable for re-location of the Man Kam To Road egret; and
- (e) with a view to better utilizing the land resources, high-density developments were mainly designated at locations well-served by transport and infrastructure. Other areas such as Ma Tso Lung Stream, the mountain and feng shui woodlands incorporated in the OZPs would serve as a buffer. Land would not be resumed within the “GB” and “AGR” zones and the current agricultural activities thereat could continue.

(iii) Special Species

305. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) special aquatic species such as Rose Bitterling was found in Ng Tung River, yet no consideration was made in relation to such concern. In addition, construction works would destroy the ecology and threaten the special species;



- (b) there were more than 200 bird species in the NDAs. Among them, 11 species were endangered and threatened birds, they were found especially in Long Valley;
- (c) according to the recommendations of the 'Main Drainage Channels for Fanling, Sheung Shui and Hinterland EIA Report' (1998), a number of meander management measures including hydroseeding along the river embankment, and tree plantings on both sides of Ng Tung River were proposed. It was anticipated that these management measures would bring a number of benefits to the ecology of the area, such as creation of pond habitat on the floodplain and provision of habitats for dragonfly breeding and foraging. Despite the implementation of the meander management measures, the ecological value of the retained meanders of Ng Tung River and their mitigation plantations remained to be of low to moderate value, as assessed in the EIA Report. The management strategy was not effective and the retained meanders should be used for agricultural instead of ecological purpose;
- (d) according to the representors' site visits at a night in July 2010, a number of fauna species in the fields of Ma Shi Po including *Hoplobatrachus tigerinus*(虎紋蛙), *Gryllotalpa orientalis* (東方螻蛄), *Lariniaria argiopiformis* (黃金肥蛛), leech (水蛭) and other insects and amphibians, were found. Such species were beneficial to the nature and human; and
- (e) alternative locations proposed by some villagers for the Man Kam To roundabout would affect the migratory birds.

306. Members then went through the following responses of the relevant government departments given during PlanD's presentation, and/or in answering Members' enquiries at the hearing, and/or recorded in the Paper:

- (a) based on the recommendation of the EIA Report to address the

concern on protecting the habitats of Rose Bitterling and safeguard their population, the concerned meanders in FLN Planning Areas 2 and 7 were zoned as “CA” for reserving the habitats for Rose Bitterling;

- (b) according to the approved EIA for the NENT NDAs Study, the loss of the Man Kam To Road egretty would be compensated by the creation of egretty nest site habitat (appropriate tree and bamboo species) in two mitigation meanders to be retained on the north side of Ng Tung River in FLN Planning Areas 2 and 7. Both mitigation meanders were zoned “CA” on the FLN OZP for provision of habitat suitable for relocation of the Man Kam To Road egretty. There was a general presumption against development in the “CA” zone. The adjoining areas of the two meanders were zoned “AGR”/“GB” on the OZP which was intended primarily for agricultural activities and to provide an ecological buffer for adjacent meander. There was also a general presumption against development within the “GB” zone. Human disturbance to this area would be low; and
  
- (c) according to the EIA Report, the meanders of Ng Tung River in FLN were of low to moderate ecological value as they were small areas of semi-natural habitat which were highly disturbed by human activities and had a small number of fauna of conservation significance. In accordance with one of the approval conditions of the EIA Report, two meanders at Ng Tung River (i.e. in Fu Tei Au and Sheung Shui Wa Shan) in FLN Planning Areas 2 and 7 were retained as habitats for the uncommon fish species Rose Bitterling and were zoned “CA”. A detailed proposal would be submitted on the relocation plan of the Rose Bitterling and subsequent monitoring to demonstrate that the mitigation measures proposed were effective prior to commencement of construction works. The remaining two meanders where Rose Bitterlings were recorded in Planning Areas 6 and 10 in FLN and the riverside promenade were zoned as “O”, “R(B)” and “G/IC” under the FLN OZP. As advised by DEP, the said requirements had been

included in the respective environmental permits, and it was a statutory requirement under the EIAO that the permit holder(s) should implement the mitigation measures and monitoring programme as described in the submitted plans.

(iv) Long Valley and Its Adjacent Areas

307. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) the extent of wetland and agricultural land in the Long Valley and Ho Sheung Heung (HSH) area had been reduced over the years, some were due to the channelisation of Sheung Yue River in the past and some were lost due to other developments in recent years;
- (b) the “OU” annotated “Nature Park” zoning and the related land resumption were considered unnecessary as the existing farming practice had been carried on without the provision of a “Nature Park” zone. Besides, the ecological value of Long Valley could not be preserved by a man-made park managed by LCSD, which had no expertise in this area. Furthermore, the current farming practice of Long Valley was wet cultivation. Local farmers could not benefit from the LVNP as they would have to change their farming practice, i.e. from dry to wet cultivation. Farmers who were used to practice dry cultivation elsewhere might not be able to relocate to Long Valley; and
- (c) agricultural and environmental conservation was inter-related in Long Valley, where wetland farming was practiced together with the ecology conservation projects. The Government should stop reducing agricultural land.

308. Members then went through the following responses of the relevant government departments given during PlanD’s presentation, and/or in answering Members’ enquiries at

the hearing, and/or recorded in the Paper:

- (a) the area of highest ecological value in the NDAs was Long Valley which was a site of ecological significance in Hong Kong context due to its being the largest remaining contiguous area managed for the production of wet agricultural crops. These, in combination with the other habitats in the Long Valley area, supported a diverse fauna, of which the bird community, especially the freshwater-associated wetland bird community, was of high significance. Accordingly, 37 ha of land reserved for LVNP, the largely wetland area south and east of the Sheung Yue River and south and west of the Shek Sheung River, were zoned as “OU (Nature Park)”, the planning intention of which was intended primarily for the development of a Nature Park to protect and enhance existing wetland habitats for the benefit of the local ecology and promotion of nature conservation and education as well as for wetland compensation arising from the NDAs. The primary intention was to discourage new development unless it was required to support the conservation of the ecological integrity of the wetland habitats or the development of an essential infrastructure project with overriding public interest;
- (b) according to EIA, the areas to the north and south of the LVNP were not of the same ecological value. The area to the north (including the agricultural land in HSH) and south of LVNP were zoned as “AGR(1)” and “AGR” respectively to protect the different ecological values of the concerned area while serving as buffers for the LVNP; and
- (c) the area to the north of LVNP, which included a significant proportion of wet agricultural land, was assessed as being of high ecological value. For the area to the south of LVNP, it was largely a mosaic of plantation, orchard, grassland, dry agriculture and housing, which were of low ecological value in general. The current “AGR(1)” and “AGR” zonings of the farmlands to the north and south of the LVNP

respectively had reflected the existing agricultural use and character and ecological values of the areas. Development, including the construction of NTEHs, in the area would be subject to planning approval of the Board and the ecological factor would be given due consideration.

309. The Chairman recapitulated that the representers had made the following proposals in their written and oral submissions:

- (a) for preserving agricultural land north of Long Valley, the area should be rezoned as "CA " or be part of LVNP;
- (b) with a view to sufficiently protecting the existing ecological condition of Long Valley and HSH, further loss of wetland habitat should be avoided and the LVNP should be enlarged to include the existing agricultural land in the surrounding areas. Moreover, a buffer area should be provided and the rural character of LVNP should be maintained. Appropriate conservation zonings should be given to the existing agricultural land at HSH and Long Valley to provide long-term protection;
- (c) some representers were concerned that the proposed Small House or the business and technology park developments in the NDA would affect the flight path of the migratory birds; and
- (d) the land originally reserved for Police Driving and Traffic Training Complex and the use of Water Supplies Department (WSD), areas to the south of Ng Tung River and to the north of Sheung Shui Heung, and LVNP should be combined for conservation purpose.

310. Members then went through the following responses of the relevant government departments given during PlanD's presentation, and/or in answering Members' enquiries at the hearing, and/or recorded in the Paper:

- (a) the planning intention of the “AGR(1)” zone was primarily to retain and safeguard the existing agricultural land/farm/fish ponds for agricultural purposes, which were at present predominately under active agricultural use, and to serve as a buffer to give added protection to the proposed LVNP. It was also intended to protect the area under the flight path of birds between HSH egretty and Long Valley. The ecological concerns of the farmland in the area had been explicitly spelt out in the Notes and ES of the KTN OZP. The proposed “AGR(1)” zone would provide sufficient planning control over the area;
- (b) for the “AGR(1)” zone in the HSH area, its zoning was intended to protect the area under the flight path of birds between HSH egretty and Long Valley. The ecological concerns of the farmland in the area were explicitly spelt out in the Notes and ES of the KTN OZP. As filling of pond/land would have adverse environmental impacts on the area, planning permission from the Board would be required for such activities including the filling of land up to 1.2m which was normally permitted in “AGR” zone;
- (c) the proposed “AGR” and “AGR(1)” zones respected the existing development right of the private land owners, so that they might continue the current farming activities without damaging the ecological value of the area. The EIA considered that the “AGR” and “AGR(1)” zones were sufficient to protect the different ecological values of the concerned area;
- (d) the EIA under the NENT NDAs Study had recommended that the direct loss of wetland habitats and increased disturbance to wetland habitats caused by the NDAs development would be mitigated by compensatory habitat enhancement and management in the LVNP while mitigation measures to reduce disturbance impacts would be proposed for the other waterbirds as recommended by the EIA which was approved with conditions by the Director of Environmental

Protection (DEP). As part and parcel of the NENT NDAs, the 37 ha of agricultural land in the proposed LVNP would be resumed by the Government and put under AFCD's management. The existing mosaic of wetland and non-wetland habitats intrinsic to the ecological value of Long Valley would be maintained. The EIA had concluded that the future developments within the NDAs would be environmentally acceptable with the implementation of the proposed mitigation measures for construction and operation phases;

- (e) it was understood that stakeholders' concerns were diverse over the implementation of LVNP. Existing farmers were concerned whether they would be allowed to continue farming or they would be eligible for relevant allowances. Green groups were worried as to how the LVNP would be maintained and managed. AFCD and CEDD would continue to discuss with the different stakeholders with a view to formulating the detailed Habitat Creation and Management Plan (HCMP) for the LVNP;
- (f) an Ecological Impact Assessment (EcoIA) had been conducted to address the potential ecological impacts arising from the development of the NDAs. It was found in the EcoIA of the EIA Report that there were low or low to moderate severity of impacts to birds (including wetland-dependent, non wetland-dependent, and bird species utilising dry agricultural land and woodland) arising from the NDAs development in the absence of mitigation measures. After implementation of the mitigation measures, no significant adverse residual ecological impacts were predicted. While mitigation measures to reduce disturbance impacts on waterbirds using the main river channels were proposed, disturbance impacts to the more sensitive species on the Sheung Yue and Ng Tung River channels would be mitigated in full by provision and management of compensatory wetland habitat within Long Valley; and
- (g) regarding the proposal of combining the land originally reserved for

Police Driving and Traffic Training Complex and the use of WSD, areas to the south of Ng Tung River and to the north of Sheung Shui Heung, and the Nature Park of Long Valley for conservation purpose, overall, there were no high ecological value habitats at the sites. For the WSD facilities in FLN Planning Area 1, they were to reflect the existing use and were reserved for the future pumping station of the nearby Sheung Shui Water Treatment Works. For the area to the south of Ng Tung River and to the north of Sheung Shui Heung, the land was zoned “GB” in the Fanling/Sheung Shui OZP. AFCD confirmed that these areas were not of high ecological or conservation value. A “CA” zoning would not be justified.

(v) Ma Tso Lung Stream

311. The Chairman recapitulated that the representers had made the following proposal in their written and oral submissions:

- (a) traffic linkage to KTN near Ma Tso Lung Stream (MTL Stream) should be removed for better protection of the stream; and
- (b) the MTL Stream and its marsh (KTN Planning Areas 2 and 8) should be zoned “CA” to avoid ecological impacts on the Three-banded Box Terrapin and other fauna, and the proposed land uses nearby should be relocated to the ‘brownfield’ sites within the KTN NDA.

312. Members then went through the following responses of the relevant government departments given during PlanD’s presentation, and/or in answering Members’ enquiries at the hearing, and/or recorded in the Paper:

- (a) according to the EcoIA of the EIA Report, the upper and midstream sections of MTL Stream were of high ecological value because of the presence of Three-banded Box Terrapin, whereas the lower section of the stream was of moderate to high ecological value due to the presence of several species of conservation significance and the



importance of riparian corridor. In view of the above, no development had been proposed in the upper section of the stream, whereas the land area along MTL Stream in KTN Planning Areas 2 and 8 was designated as “GB” to protect the habitats for wildlife associated with the MTL Stream;

- (b) the proposed “GB” zone should have adequate planning protection as there was a general presumption against development within the “GB” zone. It was also stated in the ES that any diversion of stream, filling of land/pond or excavation of land shall not to be undertaken without the permission from the Board;
- (c) in order to minimize the impact on the lower section of the MTL Stream, the Rural Road R1 would cross the stream on viaduct. A buffer zone of 15-30m as appropriate was proposed on both sides (not less than 45m in total width) of MTL Stream north of the point where it was crossed by the Road R1. In addition, a 1.2m high permanent solid faunal barrier would be built along the at-grade portion of Rural Road R1 to minimize mortality impacts of terrestrial meso-fauna. The above measures were considered sufficient to protect the MTL Stream from Rural Road R1. The EIA Report had also concluded that the proposed “GB” zoning with implementation of proposed mitigation measures would be environmentally acceptable; and
- (d) the provision of Rural Road R1 was essential. The Rural Road R1 would provide access to the sites proposed for sports ground/sports complex, research and development use and sewage pumping station at the north-western tip of the KTN NDA. The road could also improve the connectivity of the existing rural settlement in the MTL area with the town centre of the NDA.

(vi) Problem with the Environmental Impact Assessment (EIA)

313. The Chairman recapitulated that the representers had made the following major

points in their written and oral submissions:

- (a) the EIA was approved without comprehensive consideration and the suggested mitigation measures had not been proven to be feasible. For instance, the proposed relocation of the Man Kam To Road egretry to Fu Tei Au due to the construction of a new road junction should first be demonstrated successful with scientific evidence prior to the commencement of works. Besides, according to a non-official ecological survey conducted from 2010 to 2011, 30 to 40 species of vegetables and flowers were found in Ma Shi Po. The vegetables and flowers there deserved the right to stay within the NDAs and should not be removed as a result of the development. Furthermore, the affected residents would suffer from the nuisance arising from the construction works of the NDAs development;
- (b) the EIA had not assessed the environmental and ecological impacts under the scenario of not implementing the project or implementing the project at other alternative locations. The EIA also neglected the residents and the social activities within the study area, and the impacts on the local community; and
- (c) the ACE was a “rubber stamp” for the Government decisions. The EIA of the NENT NDAs Study was approved though the issues related to the agricultural, environmental and social aspects had not been properly addressed.

314. Members then went through the following responses of the relevant government departments given during PlanD’s presentation, and/or in answering Members’ enquiries at the hearing, and/or recorded in the Paper:

- (a) the NENT NDAs Study which covered KTN and FLN NDAs was a designated project (DP). The EIA Report was to address the environmental impacts for the works proposed under the NENT NDAs;

- (b) the EIA had concluded that the future developments within the NDAs would be environmentally acceptable with the implementation of the proposed mitigation measures for construction and operation phases; and
- (c) on 9.9.2013, the ACE considered and endorsed the NENT NDAs Study EIA Report with conditions and recommendations. Approval of the EIA Report was given by DEP on 18.10.2013.

315. The Chairman recapitulated that the representers had made the following proposal in their written and oral submissions:

- (a) as there would be severe environmental nuisance during the construction of the NDAs, the residual area of Tin Ping Shan Tsuen should be included in the NENT NDAs.

316. Members then went through the following responses of the relevant government departments given during PlanD's presentation, and/or in answering Members' enquiries at the hearing, and/or recorded in the Paper:

- (a) the EIA Report had concluded that with implementation of the proposed mitigation measures, the NDAs development would be environmentally acceptable. The Government would ensure that appropriate mitigation measures would be taken to mitigate the adverse environmental impacts arising from the relevant construction works. There was no planning justification to incorporate Tin Ping Shan Tsuen into the boundary of FLN NDA, noting that the area was not required for specific public purpose.

(vii) Other Conservation Related Issues

317. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) “GB”, “CA”, “AGR” zones, natural environment/habitat and Country Park/countryside area should be protected and preserved;
- (b) “GB” and habitat protection should be strengthened to safeguard living environment for various species of fauna/flora;
- (c) a buffer area to prevent urban sprawl and sustainable development should be encouraged; and
- (d) historical heritage should be preserved.

318. Members then went through the following responses of the relevant government departments given during PlanD’s presentation, and/or in answering Members’ enquiries at the hearing, and/or recorded in the Paper:

- (a) one of planning themes of the KTN and FLN NDAs was to preserve the ecological area. As part and parcel of the NDAs development, some 37 ha of land in the core area of Long Valley generally of high ecological value would be designated as a Nature Park to allow continuation of current farming activities;
- (b) special consideration had been paid to ecological resources within and in the vicinity of the NDAs to avoid/minimise adverse effects on their ecological value and natural habitats. They had been accorded with appropriate zonings including “OU(Nature Park)”, ‘AGR’, “GB” and “CA” etc;
- (c) regarding the use within the “GB” zone, cycle track, bird-watching, agricultural uses were always permitted under “GB” zone. However, as there was a general presumption against development within the zone, ‘hotel’ use was not allowed. Nevertheless, to support eco-tourism, ‘nature trail’, ‘picnic area’, ‘tent camping ground’ uses were always permitted in “GB” zone;

- (d) the area with high ecological value in KTN and FLN NDAs had been preserved;
- (e) there was no country park within the NDAs. The EIA Report of NENT NDAs had concluded that the proposed zonings for the NDAs with the implementation of proposed mitigation measures would be environmentally acceptable. In addition, concerned departments, including AFCD and EPD considered that the above zonings appropriate and should have provided the necessary planning protection;
- (f) it was one of the key guiding principles to strike a proper balance between development and heritage conservation. The CHIA had been conducted for the NDAs to ensure that heritage conservation and development could be properly coordinated; and
- (g) the NENT NDAs Study had completed the baseline survey of built heritage. The traditional rural cultural heritage would be retained/preserved in the NENT NDAs.

319. Members discussed and considered that the responses, which they accepted, had generally addressed the concerns raised in overall terms.

320. The Chairman recapitulated that the commenters had made the following major points in their written and oral submissions:

- (a) the NENT NDAs plan should be more sustainable, and should not unduly favour commercial and economic growth. Sustainable development and preservation of the area was important to Hong Kong and the next generation;
- (b) the construction of police driving training facilities at Fu Tei Au should not be proceeded with. The land originally planned for police

training and the proposed pumping station of the Sheung Shui Water Treatment Works, together with the areas south of Ng Tung River and north of Sheung Shui Heung, and Long Valley in Kwu Tung North, should be planned for conservation purposes. Fu Tei Au Tsuen should be planned for agricultural land use and the whole Fu Tei Au area should be reserved for conservation;

- (c) the public concern for carbon reduction should be put into practice locally, such as re-establishing local agriculture, reducing consumption of electronic products and electrical appliances, creating a walking and cycling friendly environment, etc;
- (d) the focus of town planning should be shifted to soil-centred planning and human-centred planning, not covering up the already scarce soil with concrete, nor uprooting the trees, families or communities;
- (e) Hong Kong destroyed its soils and land in a continuous manner. There should be an awareness of this and ways to protect our land should be explored;
- (f) it was important for people to rethink their connection with nature and be aware of sharing the earth with other earthlings;
- (g) “GB” zoning was proposed in areas with existing agricultural land. If there was still active cultivation thereon, the zoning of the land concerned should remain as “AGR”;
- (h) forests were removed to make way for developments, thereby destroying the food source of the bees; and
- (f) the EIA could not objectively assess elements such as ecology, fishery, landscape, visual impacts and cultural heritage, and many construction procedures could not be managed and monitored closely. Environmental impacts should be considered more thoroughly and the

ecological value of the area was considered insufficiently recognized.

321. Noting that the comments made were similar to the representations, Members considered that the responses to the representations had addressed the concerns raised by the commenters in overall terms.

#### F. Environmental Nuisance and Toxic Substance/Health Risk

##### (i) Police Driving and Traffic Training Complex

322. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) there would be environmental nuisance, including potential hazards, noise and traffic impacts to be created by the proposed Police Driving and Traffic Training Complex in Fanling, affecting both the residents and birds.

323. Members then went through the following responses of the relevant government departments given during PlanD's presentation, and/or in answering Members' enquiries at the hearing, and/or recorded in the Paper:

- (a) the planning intention of the "G/IC" zone was primarily for provision of the GIC facilities serving the needs of the local residents and/or a wider district, region or the territory. The two proposed "G/IC" sites for Police Driving and Traffic Training Complex, and Weapons Training Division development at Fu Tei Au in FLN Planning Area 3 were located to the north of Ng Tung River and at some distance from the major residential areas. They fell within the 1km Consultation Zone of the Sheung Shui Water Treatment Works which was a potentially hazardous installation. Development thereon was subject to environmental constraint. Hence, low-density non-domestic uses at the sites were considered more compatible with the adjacent developments and could provide buffer to the residential

developments in the vicinity against the Treatment Works;

- (b) the subject sites were intermixed with squatters, open storage, plantation, farmland, a pond and a mitigation meander with mitigation plantation around. It was only used by a low diversity of wetland species in small numbers. Overall, there were no habitats with high ecological value. The ecological function of the area would be compensated in the LVNP. According to the EIA Report, the proposed police facilities would not have adverse environmental impacts on the areas;
- (c) the “CA” zone to the west of the police facilities would be protected by a buffer of “AGR” zone. The NDAs development was a designated project under the EIAO, and therefore must comply with the statutory EIA procedures. The EIA for the NDAs was comprehensive and in-depth. It ensured that there were adequate and feasible mitigation measures to minimise the environmental impacts and to meet relevant environmental standards; and
- (d) land use planning was an on-going process. The views on the proposed location of the Police Driving and Traffic Training Complex would be taken into account at an opportune time.

(ii) Toxic Substances

324. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) the toxic substance (e.g. Arsenic, heavy metal) in the development area would cause environmental health problems and food safety problems. Such problems were considered inevitable despite proper construction management.



325. Members then went through the following responses of the relevant government departments given during PlanD's presentation, and/or in answering Members' enquiries at the hearing, and/or recorded in the Paper:

- (a) the EIA Report concluded that the high level of Arsenic (i.e. ranging from 24 mg/kg to 430 mg/kg) were identified at three government sites in KTN and was naturally occurring. A detailed Health Risk Assessment (HRA) on Arsenic had been conducted to determine the acceptable level of Arsenic and to devise appropriate and feasible treatment methods for soil with higher Arsenic level. Based on the ground investigations conducted during the EIA study, the extent of potential contamination was relatively localised, and the likely contaminants were generic and readily remediated. Remediation methods available in the market were well established and possible contaminants could be dealt with by sufficient local remediation experience. The HRA recommended treatment of soil with high Arsenic concentration by solidification/stabilisation method and the treated soil would be reused on site. Similar treatment method had been successfully used in other local projects. The exact amount of soil that required treatment would be ascertained when the respective sites were resumed and handed over to the project proponent prior to the construction phase; and
  
- (b) the requirements for conducting the detailed survey and submission of detailed Arsenic management plan to ascertain the actual extent of soil that would require treatment and to re-confirm the soil treatment and disposal methods had been included as one of the approval conditions of the EIA Report. As such, it was considered that there was no insurmountable contamination issue within the KTN NDA.

(iii) Other Environmental Concerns

326. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) the NENT NDAs plan would generate significant waste/pollution and daily waste, which could not be recycled, during implementation phase of the NDAs; and
- (b) ecology was forced to pay an extremely high cost for development. Under the current system, farmers and ecology at the bottom level of the ecological pyramid would continue to bear the cost while big consortia would keep on monopolizing the profits of development. Although the EIA submissions were required for development, they were just technical means adopted by government technocrats to justify development and provided no solution to the agricultural problem.

327. Members then went through the following responses of the relevant government departments given during PlanD's presentation, and/or in answering Members' enquiries at the hearing, and/or recorded in the Paper:

- (a) regarding the waste to be generated during construction phase, measures including on-site sorting and reusing excavated fill materials, were proposed to minimise the surplus materials to be disposed of. In the EIA Report, recommendations had been made for implementation by the contractors during the construction period to minimise waste generation and off-site disposal. The disposal quantities for construction and demolition (C&D) materials and their disposal methods had also been assessed. Construction work was not allowed to commence until all issues on management of C&D materials had been resolved and all relevant arrangements had been endorsed by the relevant authorities including Public Fill Committee (PFC) and EPD;
- (b) the developments in NDAs would generate municipal solid waste, chemical waste and sewage sludge. Recommendations were made to ensure proper treatment and disposal of these wastes;

- (c) in order to formulate a comprehensive plan for developing a sustainable, environmentally friendly and energy efficient community in NDAs, the green initiatives, such as low-emission transport system, renewable energy, and built form in design in relation to various themes for the developments and infrastructure of the NDAs were proposed. These proposed green initiatives would be the technical guidelines for future developers' considerations and the implementation of green initiatives would be subject to separate EIA studies (if identified as Designated Projects) (DPs) and engineering findings during the detailed design stage; and
- (d) the NENT NDAs Study which covered KTN and FLN NDAs was a DP. The EIA Report was to address the environmental impacts for the works proposed under the NENT NDAs.

328. The Chairman recapitulated that the commenters had made the following major points in their written and oral submissions:

- (a) construction works would expose the soil containing high portion of toxic substance (Arsenic), which would cause environmental nuisance and health problems in the NDAs;
- (b) the Government should restore the land from carpark, scrapyard and container yard as soon as possible as rehabilitation and soil decontamination took time;
- (c) the EIA could not objectively assess aspects such as ecology, fishery, landscape, visual impact and cultural heritage and many construction procedures could not be managed and monitored closely;
- (d) there would be environmental nuisance, including hazard, noise and traffic impacts created by the Police Driving Training and Traffic Complex in Fanling. Part of the site should be used for welfare

services purpose; and

- (e) the NDAs development would generate a large amount of construction waste that would require additional landfill capacity and incinerators.

329. Noting that the comments made were similar to the representations, Members considered that the responses provided to the representations had addressed the concerns raised by the commenters in overall terms.

#### G. Transparency of the Plan Making Process/Insufficient Information for public Inspection and Discussion

##### (i) The Consultation Process

330. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) there was insufficient public consultation, and the affected residents/villagers were not well informed nor properly consulted on the NENT development proposal. That was unfair. The Board should be more transparent and all discussions should allow public hearing and online broadcast;
- (b) the top-down town planning system in Hong Kong was inappropriate. The local villagers did not request changes but the Government forced them to sacrifice their homes for the future development of Hong Kong. The local residents should be allowed to actively participate in the planning process of the NDAs; and
- (c) the design of NDAs had not incorporated the public views collected during three rounds of public engagement. The requests of residents and farmers were ignored and the villages and farmlands next to Ng Tung River would be destroyed.

331. Members then went through the following responses of the relevant government departments given during PlanD's presentation, and/or in answering Members' enquiries at the hearing, and/or recorded in the Paper:

- (a) the draft OZPs for KTN and FLN NDAs were derived from the recommendations of the NENT NDAs Study which adopted a three-stage Public Engagement (PE) Programme to facilitate public discussions and foster consensus-building. The Stage 1 PE (PE1) to solicit public views on the visions and aspirations for the NDAs, the Stage 2 PE (PE2) to engage the public on the Preliminary Outline Development Plans (PODPs) and PE3 to gauge public views on the RODPs of the NDAs. Subsequently, the revised RODP was prepared having regard to the public views collected in PE3 and promulgated in July 2013. During the consultation period, surveys, public forums, focus groups meetings were held to engage more stakeholders including local residents;
- (b) after the promulgation of the revised RODP, two new draft plans were prepared to take forward the recommendations of the NENT NDAs Study for the KTN and FLN NDAs. The draft KTN and FLN OZPs were gazetted on 20.12.2013, and they were exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). Relevant information was also available to the public. All the reports and information of the public engagement exercise and the responses had been uploaded to the Study's website for public inspection;
- (c) under the prevailing Ordinance, the plan-making process was open and transparent. Amendments to the draft OZPs were exhibited for public inspection for a period of 2 months in accordance with the provisions of the Ordinance. The exhibition process itself was a public consultation to seek representations and comments on the draft OZP. Subsequently, the representers, commenters or their representatives were invited to attend the hearing for giving oral

submissions;

- (d) the Board would consider the representations and comments in accordance with the provisions of the Ordinance. The Board would take full account of all the relevant planning considerations, the content of the representations/comments received during the statutory publication period as well as the oral submissions made by the representers/commenters or their representatives during the hearing sessions before making decisions on the representations and recommendation to the Chief Executive in Council on the subject OZPs; and
- (e) the North District Council and relevant Rural Committees were also consulted on the results of the NENT NDAs Study and the subsequent draft OZPs for KTN and FLN.

(ii) Insufficient information for public inspection and discussion

332. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) the elderly residents and villagers found it difficult to access information on the NDAs that were mostly available on the internet. All the details in the discussion and decision-making process should be explained to the representers in written form in bilingual format;
- (b) the documents and assessments presented by PlanD were too complicated for the public to understand; and
- (c) the Government should provide the information relating to land ownership patterns in the NENT NDA, so as to allow the public to determine if the planning of NENT NDAs had taken into account the respective developers' land holdings.

333. Members then went through the following responses of the relevant government departments given during PlanD's presentation, and/or in answering Members' enquiries at the hearing, and/or recorded in the Paper:

- (a) relevant information on the amendments to the OZP, including the relevant TPB Paper and minutes of the relevant TPB meeting, were available on the Board's website and the Planning Enquiry Counters of PlanD for public inspection. For matters relating to the consideration of representations and comments in respect of the draft KTN and draft FLN OZPs, a dedicated link, which included a notice board, had been set up in the Board's website. Information posted on the notice board would be updated as and when necessary;
- (b) in order to help the affected residents and provide information on the NDAs, a SST for each of the NDAs was set up. The SSTs would approach the affected residents and provide relevant updated information on the NDAs for facilitating the local residents to understand the development proposal and progress; and
- (c) NDAs were formulated based on various considerations including the strategic role of the NDAs, effective use of land resources, requirements of various land uses, land use compatibility, road network, GIC requirements, urban design and technical feasibility, etc. The development sites were then drawn up taken into account the planned land uses, open space network, cycle track/road network, major breezeway/air paths, etc. Individual land ownership was not a consideration in planning the respective land use zonings.

(iii) Town Planning Board

*Conflict of Interest and Hearing Process Biased and Unfair*

334. The Chairman recapitulated that the representers had made the following major

points in their written and oral submissions, which were not directly relevant to the land use proposals on the FLN and KTN OZPs:

- (a) the Government officials of the Development Bureau (DEVB) should not lead the decision-making process of the NENT NDAs, which was proposed by DEVB. The Government officials of DEVB would not have a neutral stance;
- (b) the Board's meeting was meaningless. There were too many official members within the Board. The fact that the Board was chaired by a government official and had all the non-official Members appointed by the Chief Executive, only acted as a 'rubber stamp' for the government decisions;
- (c) the decisions made by the Board were biased and unfair as deliberations at the Board meetings were not open to the public and views of individual Members were not disclosed;
- (d) all the Members should declare interests before making decisions, and they should not participate in decision-making in case of such conflict; and
- (e) many Members did not pay attention to the oral submissions of the representers. Whilst they joined and left the meeting frequently, they could still participate in the deliberation session; and
- (f) the hearing sessions were not well arranged. The hearings should be held in Fanling and Kwu Tung and not during office hours on weekdays. The 10-minute time limit allotted for each oral presentation was insufficient and should not be imposed.

335. Members considered and agreed with the following responses:

- (a) the Board was a statutory body established under the Ordinance. The conduct of the Board was subject to the provisions of the



Ordinance. The hearing meeting was conducted in accordance with the Ordinance and the “Guidance Notes on Attending the Meeting for Consideration of the Representations and Comments in respect of the Draft KTN OZP No. S/KTN/1 and the Draft FLN OZP No. S/FLN/1”, had been provided to all representers/commenters prior to the meeting;

- (b) based on legal advice, the Chairman’s capacity as an official member of the Board did not constitute conflict of interest. There were established guidelines in declaration of interests for the government officials and TPB Members;
- (c) the Board would consider all 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 affected by the presence of government officials in the Board;
- (d) at each hearing session, in case Members needed to declare interest on a particular item, such declaration would be properly recorded in the minutes. If the interest was considered direct, those Members would be invited to leave the meeting temporarily for that item. The register of declaration of interest by Members could be inspected by the public upon request;
- (e) all Members had paid careful attention to all the oral representations. They had asked for clarifications from both government representatives and the representers/commenters as needed; and
- (f) in accordance with Sections 2C(1) and 2C(2)(a) of the Ordinance, the deliberation on the OZPs would not be open to the public.

336. The Chairman said that the practice and procedures of the Board had been

explained to the representers and commenters in detail a number of times during the hearing sessions, including the rationale for the 10-minute speaking time. The designated TPB Conference Room on 15/F, North Point Government Offices was equipped with the necessary facilities for providing broadcasting and simultaneous interpretation services and the venue should be located close to the TPB Secretariat to ensure that the necessary clerical and technical supports could be provided in a timely manner. The meeting arrangements for the two OZPs had been thoroughly discussed and agreed by the Board. He said that there was a low number of attendance from representers/commenters at a number of hearing sessions. Most of the oral submissions could be completed within the designated time, which might have reflected that adequate time and opportunities had been given to the representers and commenters for making their oral submissions. The contents of both the written and oral submissions were taken into account in the deliberation of the OZPs. On the concern on sufficiency of information that was available to the public, he said that the relevant information on the two OZPs were available on the Board's website and the Planning Enquiry Counters of PlanD for public inspection, and that for matters relating to the consideration of representations and comments of the OZPs, a dedicated link, which included a notice board with powerpoint presentations and audio recording, had been set up in the Board's website. The proceedings of the hearing had been broadcast on-line. Two SSTs had been set up to assist the local inhabitants/stakeholders in understanding the proposals concerning the NDAs. There might be room for the Government to enhance communication with the local inhabitants/stakeholders and in the dissemination of information to the public on the NDAs. This should be reflected in detail in the Board's submission to the Government as suggestions for the Government's consideration outside of the statutory plan preparation process.

337. Members considered that the responses provided to the representations had addressed the concerns raised in overall terms.

338. The Chairman recapitulated that the commenters had made the following major points in their written and oral submissions:

*Consultation Process*

- (a) there had not been adequate consultation with the villagers. More

public engagement exercises, especially bottom-up engagement, and community planning and public discussions were proposed;

- (b) villagers of Sha Ling in Ma Tso Lung were not consulted until the third round of consultation as their area was not included in the NDAs until then;
- (c) the NDAs had not incorporated the public views collected during the three rounds of public engagement. A Task Force on the NENT development should be formed to collect public opinions on the NDAs;

*Conflict of Interest*

- (d) the parties officially consulted were dominated by those who had interests in the NENT such as the North District Council, and the advisory bodies established by the Government etc., and they would render their full support to the proposal. The whole NENT NDAs development was a transfer of benefits to the indigenous villagers, land owners and those who had interests in the NENT, it was a collusion between the Government and the capitalists. The consultation process was unfair and unrighteous;
- (e) there might have been conflict of interest in the decision-making party and the officials of DEVB should not lead the decision-making process. All the Board members should declare interests before making decisions, and they should not participate in decision-making in case of such conflict;
- (f) there was 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 plans and provide misleading information to the Board;

*Independency, Transparency and Decision Making of the Board*

- (g) there were many problems within the Board's current system. The public was totally disappointed with the unfairness of the system and this would lead to more radical social actions. The Board should be reformed or even abolished;
- (h) the Board should not rely too much on the professional views and assessment of government departments in deliberating the representations at the hearing;
- (i) Members could not fully understand the situation faced by the local villagers/residents in the NDAs and the sentiments involved. The Board should visit the local areas of NENT to understand the local culture and values and guard against the Government's short-sighted policies;
- (j) whether Members, who often held many other public or private positions, had the time to study the NENT NDAs and read other public opinion s available online in detail;
- (k) as Members were not elected by the public, representativeness of the Board was questioned;
- (l) the Board and the plan-making process should be more transparent. All discussions including deliberation should allow public hearing and online broadcast. Publishing newsletters to inform the public on updated information was suggested; and
- (m) the documents for the deliberation should be made available for public inspection.

339. Noting that the comments made were similar to the representations, Members considered that the responses provided to the representations had addressed the concerns raised by the commenters in overall terms.

#### H. Other Representations in General or Related to Social/Political Perspectives

##### (i) Temporary uses and Graves

340. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) the NENT NDAs plan was in favour of the use of vehicle repair workshop and container vehicle park. The representers queried whether the container park and workshops were temporary in nature and the sites, after ruined by the temporary use, would be used for other developments. The temporary sites were equipped with drainage facilities and fire service installations. It was just another ‘demolish first and develop later’ case or collusion between the Government and the private sector; and
- (b) there were many graves in KTN.

341. Members then went through the following responses of the relevant government departments given during PlanD’s presentation, and/or in answering Members’ enquiries at the hearing, and/or recorded in the Paper:

- (a) according to Notes of the KTN and FLN OZPs, there was no area zoned “I(D)”, “OS”, or other zones in which ‘vehicle repair workshop’ and ‘container vehicle park’ uses were always permitted without approval from the Board. There was no ground to suggest that the draft OZPs were favourable to the use of vehicle repair workshop and container vehicle park;

- (b) presumably, the representer referred to the 'temporary use' under the OZP. According to the Notes of the OZP, any temporary use not exceeding three years, notwithstanding that the use or development was not provided for in terms of the OZP, required permission from the Board. The provision was to allow flexibility for temporary land uses on the site. In considering the planning application, the Board would take into account the relevant factors including the planning considerations, technical impacts and local comments, etc; and
- (c) the concern on the graves in KTN was noted. Permitted burial grounds were located at the hillslopes lying immediately north-west of Ho Sheung Heung, near Tit Hang at the north-western fringes and near Tsung Pak Long in the south-eastern part of the planning scheme area of the KTN OZP and they would generally be retained. The burial grounds were within "GB" zone, and there was a presumption against development in the "GB" zone.

(ii) Policies

342. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) the policies on housing, lands, population, conservation, agriculture, and Buildings Ordinance should be reviewed;
- (b) the review of policies including population policy and agricultural policy should be carried out prior to the implementation of the NDAs. Agricultural policy should be considered and formulated in order to provide affordable and comfortable living environment and a sustainable city in Hong Kong;
- (c) increasing population was the main reason for housing shortage. The population policy should be reviewed, so as to accurately predict the population growth to facilitate the demand of housing. Study on

prediction of population growth was needed in order to estimate the demand of housing developments to cater for the population growth. No development should be proposed until the population policy was reviewed;

- (d) there was no policy on population and immigration to provide a framework for population planning. It was not possible to plan without any knowledge on the future population. A population policy should be formulated to provide a population target for planning purpose instead of relying on an inaccurate forecast based on natural growth;
- (e) housing policy which favoured property development should be reviewed and rent control for private housing should be regulated in order to provide affordable housing to the low-income group;
- (f) lands policy should be reviewed in order to prevent land amalgamation by private developers. Small House policy should also be reviewed to provide more space for public housing or a type of housing which could benefit a wider population. The privilege of indigenous villagers to build small house should be eliminated as land resources should be fully utilized;
- (g) the Buildings Ordinance (design related) should be reviewed to facilitate optimal usage of a single building so as to reserve more space for housing/land development; and
- (h) the exchange rate of the Hong Kong dollar should be reviewed, and inflation and property prices should be reduced. Low tax rate and costs (e.g. water and electricity) could attract more companies to set up their factories in Hong Kong.

343. Members then went through the following responses of the relevant government departments given during PlanD's presentation, and/or in answering Members' enquiries at

the hearing, and/or recorded in the Paper:

- (a) the concerns on various policies, ordinances and exchange rate were noted. However, as the concerns were not related to the OZPs, which was to show the broad land use framework and planning intention for the area; and
- (b) AFCD had consulted the public on the review of the agricultural policy.

(iii) Relocating Government Offices into NDAs

344. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) the Government should take the lead to relocate some of its offices to the NENT NDAs so as to bring about economic vibrancy and to attract the business sector to relocate into the NDAs.

345. Members then went through the following responses of the relevant government departments given during PlanD's presentation, and/or in answering Members' enquiries at the hearing, and/or recorded in the Paper:

- (a) some 58 ha of land in FLN and KTN NDAs were reserved for GIC uses, which were primarily for GIC uses such as schools and community facilities.

(iv) NDA boundaries

346. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

- (a) there was objection to excise Fanling North from the fanling/Sheung Shui OZP No. S/FSS/18; and



- (b) the proposed development in Ping Che/Ta Kwu Ling were not suitable and should be suspended.

347. Members then went through the following responses of the relevant government departments given during PlanD's presentation, and/or in answering Members' enquiries at the hearing, and/or recorded in the Paper:

- (a) FLN NDA was an extension of Fanling/Sheung Shui New Town. The draft FLN OZP had incorporated the northern and north-eastern parts of the Fanling/Sheung Shui OZP No. S/FSS/18. The KTN and FLN OZPs were prepared to take forward the recommendations of the NENT NDA Study for the KTN and FLN NDAs;
- (b) the objective of the draft FLN OZP was to delineate the planning scheme area for the FLN NDA and to set out the broad land use zonings and major road network within FLN NDA. It also provided the statutory land use framework within which the development of the NDA would be put under statutory planning control; and
- (c) Ping Che/Ta Kwu Ling was not included in KTN and FLN OZPs.

348. The Chairman said that the NTN study would also examine the area of Ping Che and Ta Kwu Ling including the brownfield sites in the areas for the purpose of identifying land for meeting the housing and other needs of Hong Kong. Members noted.

(v) Others

349. The Chairman recapitulated that the representers had made the following major points in their written and oral submissions:

*Funding for Advance Works of NDA*

- (a) the funding application for advance works of the NDAs was unreasonable as Board had not approved the OZPs yet. The Board would become a rubber stamp as the funding for the advance works such as site formation was approved before the completion of the hearing sessions;

*Civil Rights*

- (b) according to the International Covenant on Economic, Social and Cultural Rights and Article 11 of the Basic Law, the right to live should be protected. The property right should also be protected unless there was very strong justification. Such right had not been protected in the development process such as Tai Hom Village and Tsoi Yuen Tsuen;
- (c) the Government policy had deviated from the fundamental principles of civil rights and principles of a fair society and people's right to live in dignity had not been upheld in the development process;

*Lack of Credibility*

- (d) the discontent of the community on constitutional matters had already caused tens of thousands of people to take to the street. The proposed NENT NDAs, which would have adverse impacts on the rural environment and was seen as a project benefitting mostly the Mainlanders, had also been met with great resistance due to the contentious nature of the proposal. The community saw that they were coerced to accept a development that would not be beneficial to them. The implementation of the NDAs would not be successful in the absence of public support. Members should consider the proposed development from a new perspective. There would be far-reaching effects on Hong Kong if a wrong decision was made;

- (e) the approval of the OZPs would force more people to engage in social movements, demonstrations and confrontation with the Government;

*Judicial Review*

- (f) the NDAs development would be subject to judicial review due to the following grounds: (1) 1200 ha of land reserved for Small House should be released instead; (2) the rights of farmers, which were also considered as indigenous villagers, should be respected under the Basic Law; and (3) the site of the Fanling Golf Course was readily available as an alternative for the current planning scheme;

*Vibrancy and Vitality*

- (g) the vibrancy of the town district centres in the NDAs should be enhanced with the provision of retail and other supporting facilities. Proactive measures to enhance the re-establishment of the social fabric such as special rehousing arrangement for the elderly in the lower floors, provision of appropriate social welfare facilities and social services to cater for the needs of the relocated residents should be studied/reviewed;

*The Link*

- (h) most of the shopping malls in public housing estates in Hong Kong were managed by the Link, which had been accused of causing many social problems such as the increase in shop rental resulting in the removal of local shops and surge of daily goods price, outsourcing of cleansing and security jobs resulting in reduced income of concerned workers, eviction of hawkers resulting in impacts on local economy, etc. It was likely the shopping malls in public housing estates of the NDAs would also be managed by the Link, and the same problems would occur;

- (i) the Link was a listed company and its profit would be taken up by its shareholders. It was starting to sell out some of its assets. As such, assigning the shopping malls to the Link would involve a transfer of public resources to the private sector, which was not to the benefit of the public as a whole;

*Other Views*

- (j) local animals should be taken care of in the NDAs development;
- (k) the government land should be sold at 50% of the market price for Small House development; and
- (l) law should be enacted forbidding the local villagers to sell their Small Houses to the developers.

350. Members noted that in order to meet the medium-term housing needs with the target for the first population intake in 2023 and provision of community facilities, it was necessary to proceed with the detailed design and site investigation of the advance works for KTN and FLN NDAs, including site formation for housing and community facilities and related engineering infrastructure works. To ensure the timely provision of adequate infrastructure, the detailed design and site investigation for site formation and engineering infrastructural works for housing and supporting facilities included in the Advance Works Package had to commence in end 2014. The Chairman remarked that the issue on funding for the advance works of the NDAs was not related to the work of the Board. As background information, he said that a detailed implementation programme with phasing and packaging of works for the NDAs was being formulated. Preparatory work for the major works of the NDAs would commence in 2018 and the seeking of approval of the related funding from the LegCo would be around 2017.

351. Members noted that to add vibrancy and vitality to the KTN and FLN NDAs, pedestrian shopping streets with terraced podium would be provided at selected sites abutting the open space spine at the KTN and FLN District Centres. Under the Advanced

Works of the KTN and FLN NDAs, an Urban Design Study was being carried out to further explore how the town plazas could enhance the vibrancy of the town centre. The Chairman said that the concerns on management and implementation of retail facilities in public housing estates were not related to the OZPs, and the concerns on various policies and other ordinances were also outside the purview of the Board.

352. The Chairman recapitulated that the commenters had made the following major points in their written and oral submissions:

- (a) the designation of a nature park in the middle of agricultural land meant huge amount of public money would be spent on resumption of the land for the establishment of the nature park. Such rezoning would be subject to judicial review;
- (b) all the activities would be connected from the underground Kwu Tung railway station to subways or elevated walkways through different shopping malls. People would only use the shopping malls as their areas of activities and people were forced to consume in large chain stores;
- (c) the existing executive-led political system and consultation mechanisms were unfair and ineffective. The LegCo, which approved the funding application of the NENT NDAs, was dominated by functional constituencies with special rights. It would be wrong for the Board to act as an agent for the non-democratic political system;
- (d) the funding application for advance works of the NDAs was unreasonable as the Board had yet to approve the OZPs;
- (e) population policy, holistic land research and or long-term plans should be conducted prior to the NENT NDAs development. Some commenters considered population and housing issues not as urgent as predicted, and that the development of the NDAs development was

unnecessary and should not be implemented hastily. Others believed the NENT NDAs could not solve housing and population issues at all;

- (f) Hong Kong's current Gini coefficient was 0.537, indicating a poverty gap reaching a critical situation. The NENT NDAs would likely push up the Gini coefficient, thereby worsening the situation;
- (g) a report from Oxfam Hong Kong was quoted stating that about one-sixth of the children in poor family were suffered from malnutrition. About 10% of the low-income families, their expenditure on food was lower than 10% to 15% of their income. This was due to the need to pay for the high property prices and rent;
- (h) the Government's housing policy could not meet the needs of the public, for instance, there was the abandonment of rent control in Hong Kong and the Government had tolerated the URA in its operation with commercial principle. Many project sites owned by the URA could, in fact, be used for public housing development;
- (i) the affected population would be about 8,000 as quoted in the Stage 1 Public Engagement document of the NENT NDAs Study. The figure was reduced to about 5,000 as quoted in Stage 2 Public Engagement document. The reduction of about 3,000 persons was a result of forced displacement of local residents and occupiers by the land owners who were eager to dispose their land for the development of NENT NDAs;
- (j) Hong Kong people were merely striving for self-administration. The Chief Executive should stop accusing people for seeking independence from China. The Chinese government should not marginalize Hong Kong and universal suffrage was requested;
- (k) the reason why the Government could not address the housing shortfall in Hong Kong was due to the lack of democracy in the public

sector leading to collusion between Government and the business sector;

- (l) the Landlord and Tenant (Consolidation) Ordinance should be amended to protect the farmers and tenants living in squatters in the New Territories;
- (m) the industrial building revitalization policy had failed. The policy had resulted in the discontinuation of their operations or relocation to other premises but at a much higher rental;
- (n) the Government had never had any long-term policy for sustainable development of the rural area; and
- (o) it was stated in Article 11(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) that the States Parties to ICESCR recognized the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The Covenant had been applicable to Hong Kong since 1976.

353. Noting that some comments made were similar to the representations, Members considered that the responses provided to the representations had addressed the concerns raised. The concerns on various policies and other ordinances were not related to the OZPs and were outside the purview of the Board.

354. Having thoroughly considered the grounds raised by the representers/commenters in the written and oral submissions, government departments' responses, and other relevant planning considerations, Members agreed that there was no need to amend the OZPs to meet the representations in Group 4.

355. After further deliberation, the Board, at this point, noted the supportive views of Representations No. KTN-R1 to R4 and FLN-R1 to R3 in Group 4.

356. After further deliberation, the Board, at this point and subject to a final decision to be made on all the representations, decided not to uphold the adverse Representations No. KTN-R15, R18 to R23, R25, R26, R28 to R30, R33 to R50, R52 to R72, R74 to R92, R95 to R165, R167 to R20727, R20729 to R20779; and FLN-R15, R18 to R27, R29, R34, R39, R40, R42, R43, R47 to R52, R54 to R56, R58 to R77, R81 to R87, R89 to R99, R539, R540, R543 to R612, R614 to R21229 in Group 4<sup>1</sup>. Members then went through the reasons for not upholding the representations in paragraph 7.2 of TPB Paper No. 9748 and considered that they should be suitably amended. The reasons were:

“Lack of Necessity for New Development Areas (NDAs) / Intention of the Outline Zoning Plans (OZPs) / Land Utilisation / Development Intensity / Urban Design

- (1) the Kwu Tung North (KTN) and Fanling North (FLN) OZPs have been prepared on the basis of the findings and recommendations of the North East New Territories (NENT) NDAs Study. The relevant technical assessments, including an environmental impact assessment (EIA) prepared under the Environmental Impact Assessment Ordinance (EIAO), traffic impact assessment (TIA) and air ventilation assessment (AVA), etc., have demonstrated that the NDAs development is technically feasible in traffic and transport, drainage and sewage, ecology, environment, water supply and public utilities, air ventilation and sustainable development aspects. The draft OZPs are to facilitate the implementation of the KTN and FLN NDAs which are major

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<sup>1</sup> Representations No. KTN-R449, R765, R1227, R1228, R1229, R1230, R1310, R1623, R1624, R1625, R1733, R1737, R2183, R2426, R2469, R3284, R3289, R3290, R3294, R3295, R3299, R3309, R3310, R3311, R3401, R3656, R3664, R3684, R3687, R3857, R3869, R4078, R4143, R4336, R4501, R4525, R4701, R4949, R4974, R5316, R5513, R5925, R5970, R6080, R6300, R6372, R6760, R7187, R7922, R7985, R8119, R8124, R8594, R8672, R9340, R9475, R9662, R10018, R10170, R10763, R10850, R11053, R11473, R11716, R11725, R11819, R12098, R12438, R12570, R12595, R13155, R13254, R13427, R13560, R13609, R13771, R13869, R13895, R14118, R14433, R14947, R15226, R15512, R15529, R15626, R15671, R16242, R16269, R16448, R16730, R16910, R17165, R17468, R17522, R17548, R17567, R17608, R17634, R17688, R17874, R18198, R18622, R18960, R19515, R19897, R20223, R20247, R20306, R20388 and R20540; and FLN-R896, R1211, R1684, R1685, R1686, R1687, R1760, R1924, R2045, R2047, R2048, R2182, R2186, R2633, R2876, R2919, R3734, R3739, R3740, R3744, R3745, R3749, R3759, R3761, R3851, R4106, R4114, R4134, R4137, R4307, R4319, R4528, R4593, R4786, R4951, R4975, R5151, R5399, R5424, R5766, R5963, R6375, R6420, R6530, R6750, R6822, R7210, R7637, R8372, R8435, R8569, R8574, R9044, R9122, R9790, R9925, R10112, R10468, R10620, R11213, R11300, R11503, R11924, R12167, R12176, R12270, R12550, R12890, R13021, R13046, R13606, R13705, R13878, R14011, R14060, R14222, R14320, R14346, R14569, R14884, R15398, R15677, R15963, R15980, R16077, R16122, R16693, R16720, R16899, R17181, R17361, R17616, R17919, R17973, R17999, R18018, R18059, R18085, R18139, R18325, R18649, R19073, R19411, R19966, R20348, R20674, R20698, R20757, R20839 and R20991 were taken out.



sources of land supply to meet the medium- to long-term housing, social and economic development needs of Hong Kong;

- (2) under the NENT NDAs Study, the NDAs development has made the best use of scarce land resources and opportunities have been taken to review the development intensity of the housing sites. After balancing different considerations, the development intensity for various housing sites have been increased. The overall public-private housing ratio of the two NDAs is 60:40 to ensure a balanced and socially integrated community. The housing split is in line with the Long Term Housing Strategy and the 2014 Policy Address;
- (3) the KTN and FLN NDAs have been designed with due respect to their surrounding natural environment. About 128 ha of land falls within an area zoned “Green Belt” (“GB”), which would serve as buffer zone in both KTN and FLN OZPs and help prevent urban sprawl;
- (4) a comprehensive breezeway system is introduced in the NDAs and a number of major air paths have been incorporated in the OZPs to facilitate wind permeability in the forms of NBA, open space, terraced podium design and building height profiles, etc. The building height restrictions shown on the OZPs have taken the findings of the AVA into consideration;
- (5) to implement the NDAs, it is unavoidable that land has to be cleared or resumed for the provision of road infrastructure, public housing, public facilities as well as residential and commercial developments. To help maintain the social fabric of the existing communities, two sites in KTN and FLN respectively have been reserved for local rehousing;
- (6) the Dills Corner Garden (DCG) is located at the future Town Centre of the KTN NDA. Keeping the existing premises at DCG in-situ will adversely affect the planning and implementation of the KTN NDA Town Centre and will not be an optimal use of land resources;

- (7) adequate government, institution or community (GIC) facilities including residential care home for the elderly, clinic, school, etc. have been planned for the NDAs in accordance with the Hong Kong Planning Standards and Guidelines requirements. As these GIC uses are of different functions and requirements, it is not appropriate to restrict the maximum plot ratio for the “Government, Institution or Community” (“G/IC”) sites so as to allow greater design flexibility;
- (8) according to the EIA Report, the proposed Business and Technology Park is considered environmentally acceptable and with all the proposed measures in place, no significant adverse impacts on Long Valley Nature Park (LVNP) and fauna are predicted;

#### Preservation of Local Agriculture and Local Industry

- (9) with a view to promoting urban-rural integration while recognising the importance of agriculture to Hong Kong, agricultural land has been retained within the two NDAs to allow farmers to continue their farming practices;
- (10) in implementing the NDAs, it is unavoidable that some existing farmers will be affected by the proposed NDA development. To facilitate agricultural rehabilitation/resite for affected farmers, fallow agricultural land are provided in the proposed LVNP and adjoining areas, as well as Kwu Tung South;
- (11) regarding the concerns of reserving agricultural land in Fu Tei Au, it should be noted that a total of 58 ha of land have been retained in the KTN and FLN OZPs to allow for continuation of the existing farming practices. There is no justification for the Government to reserve further land in Fu Tei Au for agricultural purpose.
- (12) the Mapopo community farm in Ma Shi Po is planned for medium to high density residential development at the District Centre under the

FLN OZP. The proposal of retaining the concerned area for agricultural use is not supported as it will significantly affect the FLN NDA development;

- (13) there is no strong justification for the proposal of preserving the cultivated land in Wa Shan as most of the concerned area is zoned either “GB” or “Conservation Area” (“CA”) where agricultural uses are always permitted;
- (14) for the proposal of allowing the Ng Tung Riverside for agricultural activities, the concerned area is zoned “Open Space” (“O”) with the intention to provide a continuous strip of open space for the public enjoyment. The proposal is not supported;
- (15) in implementing the NDAs, it is inevitable that some existing rural industries/businesses would be affected. However, sufficient land at appropriate locations have been designated as “Industrial (Group D)”, “Open Storage” and “Other Specified Uses” (“OU”) annotated “Port Back-up Uses” zones on the respective statutory town plans to meet the demand for such uses;
- (16) given its strategic location, a cluster of sites have been designated for high-technology, innovative and cultural industries where Hong Kong enjoys clear advantages. The retail, service industry and community facilities will also be available to provide different types of job opportunities, including some with lower skill level requirements. It is estimated that the KTN and FLN NDAs will provide about 37,700 jobs;

#### Land Acquisition / Reprovisioning, Rehousing and Compensation

- (17) the concerns on land acquisition/exchange would be dealt with at the implementation stage of the NENT NDAs and are not related to the OZPs as well as outside the purview of the Town Planning Board (the

Board);

- (18) among the estimated 60,000 new flats to be provided in KTN and FLN NDAs, 60% of them, i.e. 36,000 units, will be subsidised housing units. To achieve early delivery of land to meet the housing and economic needs and ensure timely provision of a comprehensive range of commercial, retail, open space and GIC facilities in tandem with the population build-up, an implementation programme with proper phasing and packaging of works for the NDAs development has been formulated. Detailed design for site formation and engineering infrastructural works for part of the housing and supporting facilities included in the Advance Works Package is planned to commence in 2014, to enable construction to start in 2018 and first population intake in 2023;

#### Transportation Concerns

- (19) the TIA under the NENT NDAs Study has confirmed that with the proposed highway improvement, the road network can address the traffic demand from the NDAs. Flexibility for environmentally friendly transport facilities has been allowed. Public transportation, cycling and pedestrian networks would also be provided. The KTN and FLN NDAs development is technically feasible from traffic and transportation point of view;
- (20) the need for Fanling Bypass, linking FLN and Fanling Highway, has been confirmed by the TIA under the NENT NDAs Study. Refinement of its alignment will be further considered/explored in detailed design and construction study. There is no justification for its deletion or postponement;
- (21) regarding the concerns on environmental and drainage impacts of road construction, the EIA conducted under the NENT NDAs Study has confirmed that there is no insurmountable environmental and drainage

problem and appropriate mitigation measures will be taken during road construction. Details about the road construction will be examined in the detailed design stage;

- (22) the East Rail carrying capacity would be enhanced in the long term with the commissioning of the proposed Shatin to Central Link and Guangzhou-Shenzhen-Hong Kong Express Rail Link. The provision of the Northern Link (NOL) would further enhance the rail services for the whole region;
- (23) according to the Railway Development Strategy 2014, the proposed NOL has the function of connecting the existing West Rail Line and Lok Ma Chau Spur Line, aiming to enhance east-west connectivity, serve the KTN NDA, improve network robustness and facilitate cross-boundary movements. In the FLN NDA, design flexibility is allowed for possible new rail infrastructure in future;

#### Sustainability / Ecological Concerns

- (24) in planning the NDAs, 'Green New Town' concept has been adopted with a view to integrating the existing natural resources such as Long Valley, Sheung Yue River and fung shui woodland to the west of Ho Sheung Heung with the new town development;
- (25) land has been zoned on the OZPs as "CA", "GB", "OU" annotated "Nature Park" and "Agriculture" respectively at appropriate locations for preserving the natural habitats and resources in accordance with their character and ecological value. Disturbance impacts to the more sensitive species in the Sheung Yue and Ng Tung River channels will be mitigated in full by provision and management of compensatory wetland habitat within Long Valley;
- (26) in order to minimise the impact on the lower section of Ma Tso Lung (MTL) Stream, various measures such as a buffer zone on both sides of

MTL Stream, the proposed Rural Road R1 crossing the stream on viaduct and a 1.2m high faunal barrier along Rural Road R1 will be adopted. According to the EIA Report, the “GB” zone together with the above measures are sufficient to protect MTL Stream from the proposed Rural Road R1;

Environmental Nuisance and Toxic Substance / Health Risk

- (27) the EIA prepared under the EIAO has confirmed that the proposed KTN and FLN NDAs development is environmentally acceptable. The EIA was considered and endorsed by the Advisory Council on the Environment with conditions and recommendations, and approval was subsequently given by the Director of Environmental Protection;
- (28) the EIA has confirmed that the proposed Police facilities at Fu Tei Au in FLN Planning Area 3 would not have adverse environmental impacts on the area. Having considered the constraints and characteristics of these “G/IC” sites as well as the local, district and regional/territorial needs for such services, the “G/IC” sites should be retained for the Police Driving and Traffic Training Division and Weapons Training Division;
- (29) as confirmed by the detailed Health Risk Assessment on Arsenic, there is no insurmountable contamination issue within the KTN NDA;

Transparency of the Plan-Making Process / Insufficient Information for Public Inspection and Discussion

- (30) the KTN and FLN OZPs have been prepared to take forward the recommendations of the NENT NDAs Study, for which there were extensive public consultations. The KTN and FLN OZPs were also exhibited for public inspection under the Town Planning Ordinance. The plan-making process is open and transparent;

Other Representations in General or Related to Social / Political Perspectives

- (31) the concerns on various policies and other ordinances are not related to the OZPs and outside the purview of the Board;

*Proposals*

Long Valley and its Adjacent Areas should be rezoned to “CA”

- (32) for the area to the north of LVNP, there is no planning justification for rezoning it to “CA”;
- (33) regarding the proposal of combining the land originally reserved for Police Driving and Traffic Training Complex and the use of the Water Supplies Department, areas to the south of Ng Tung River and to the north of Sheung Shui Heung, and the Nature Park of Long Valley for “CA” zone, there is no strong justification for such;

Central Park in FLN

- (34) given the central location and functions of the proposed Central Park in the Shek Wu San Tsuen area, there is no planning justification for the proposed rezoning of the “O” zone;

Traffic Network near MTL Stream

- (35) the proposed “GB” zoning should provide adequate protection of MTL Stream as there is a general presumption against development within the “GB” zone. This is no planning justification for rezoning it to “CA”; and

Inclusion of Residual Area of Tin Ping Shan Tsuen in the NENT NDAs

- (36) there is no strong planning justification to include the representation site into the KTN or FLN OZP.”

357. After further deliberation, the Board, at this point, noted the comments of Representations No. KTN-R1 to R4 and FLN-R1 to R3 in Group 4, and agreed to advise the representers that:

- “(1) sufficient land at appropriate locations have been reserved on the respective statutory town plans to meet the demand for agricultural and rural industrial land;
- (2) to help maintain the social fabric of the existing communities, sites have been reserved for local rehousing of eligible clearerees affected by the NDAs development;
- (3) to achieve early delivery of land to meet the housing and economic needs and ensure timely provision of a comprehensive range of commercial, retail, open space and GIC facilities in tandem with the population build-up, an implementation programme with proper phasing and packaging of works for the NDAs development has been formulated; and
- (4) declared monuments and graded historic buildings in the KTN and FLN NDAs have been identified and would be preserved. Further detailed heritage impact assessment would be conducted at the detailed design and implementation stage to assess the conservation value of other potential heritage buildings/structure.”

358. The Chairman then summed up the views made by Members in the deliberation of the representations and comments in all the four groups. Members agreed that the Board’s decision on the OZPs should be based on the overall public interest of the community at large and that the new town approach was an efficient and sustainable way of



providing land to meet the development needs of Hong Kong. The land use proposals in the two draft OZPs had duly balanced the different needs of Hong Kong. The various technical assessments had confirmed the technical feasibility of the NDAs. While the land use proposals on the two OZPs were generally considered acceptable, Members were of the views there were a number of issues and concerns raised by the representers/commenters, albeit outside the scope of the two OZPs, were related to the detailed design and implementation of the NDAs, which should be properly and proactively addressed by the Government at the detailed design stage. In that regard, Members agreed that a submission summarising the Board's suggestions on such issues/concerns should be prepared for consideration by the Government outside of the statutory plan preparation process. Members agreed that discussion with regard to the Board's views on the issues would continue on 29.4.2015.

359. The meeting was adjourned at about 5:30 p.m..