

**Minutes of 1076th Meeting of the
Town Planning Board held on 19.12.2014**

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 Eddie C.M. Hui

Dr C.P. Lau

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Mr Laurence L.J. Li

Ms Anita W.T. Ma

Professor K.C. Chau

Mr H.W. Cheung

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Mr H.F. Leung

Mr Stephen H.B. Yau

Mr F.C. Chan

Mr Peter K.T. Yuen

Deputy Director of Environmental Protection
Mr C.W. Tse

Assistant Director (Regional 3), Lands Department
Mr Edwin W.K. Chan

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

Chief Engineer (Works), Home Affairs Department
Mr Frankie W.P. Chou

Director of Planning
Mr K.K. Ling

Deputy Director of Planning/District
Ms Christine K.C. Tse

Secretary

Absent with Apologies

Professor P.P. Ho

Dr W.K. Yau

Ms Bonnie J.Y. Chan

Mr Lincoln L.H. Huang

Ms Christina M. Lee

Dr Eugene K.K. Chan

Mr Francis T.K. Ip

Mr David Y.T. Lui

Mr Frankie W.C. Yeung

In Attendance

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

Chief Town Planner/Town Planning Board
Ms Lily Y.M. Yam (Agenda Items 1 to 3)
Mr Louis K.H. Kau (Agenda Items 4 to 15)

Senior Town Planner/Town Planning Board
Mr J.J. Austin (Agenda Items 1 to 3)
Ms Johanna W.Y. Cheng (Agenda Items 4 to 15)

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1075th Meeting held on 5.12.2014

[The meeting was conducted in Cantonese.]

1. The minutes of the 1075th meeting held on 5.12.2014 were confirmed without amendments.

Agenda Item 2

[Open Meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

(i) **New Town Planning Appeal Decision Received**

Town Planning Appeal No. 8 of 2013 (8/13)

Proposed House (New Territories Exempted House (NTEH) – Small House) in “Village Type Development” and “Agriculture” Zones and an area outside the Outline Zoning Plan, Government Land in D.D. 15, Shan Liu, Tai Po

(Application No. A/NE-TK/429)

2. The Secretary reported that an appeal decision was received from the Appeal Board Panel (Town Planning) (ABP). The appeal was lodged by the Appellant on 7.8.2013 against the decision of the Town Planning Board (the Board) to reject on review an application (No. A/NE-TK/429) for a proposed House (New Territories Exempted House (NTEH) – Small House) at a site zoned “Village Type Development” (“V”) and “Agriculture” (“AGR”) on the approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/17 and an area outside the OZP.

3. The appeal was heard by the Town Planning Appeal Board (TPAB) of ABP on 3.9.2014 and dismissed on 2.12.2014 mainly on the following grounds:

- (a) the proposed development would affect the existing slope features the stability conditions of which, due to illegal site formation, were unknown. The adverse geotechnical impact on the surrounding areas was not merely of technical, but also safety concern. It was considered reasonable for the Board to require the Appellant to provide site formation submission having regard to the stability of the slope features, even if the submission was expensive and without any assurance that the application would be approved;
- (b) the proposed development would likely involve site formation and slope stabilisation works resulting in clearance of mature trees and dense vegetation that would cause irreversible damage to the landscape quality of the area surrounding the Pat Sin Leng Country Park. The proposed development did not comply with assessment criterion (h) of the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories (the Interim Criteria);
- (c) the Appellant did not provide conclusive evidence to refute the views of the Director of Planning on the planning intention of the “AGR” zone and the views of the Director of Agriculture, Fisheries and Conservation on the rehabilitation potential of the site. In this regard, the TPAB considered that the proposed development was not in line with the planning intention of the “AGR” zone;
- (d) the TPAB had to exercise its discretion within the parameters of the OZP. Whether there was room for improving the “AGR” zone of the OZP was irrelevant. The Appellant’s submission of adverse views against the OZP did not advance his appeal; and
- (e) notwithstanding that the proposed Small House footprints fell entirely within the village ‘environs’ (‘VE’), there was a general shortage of land in meeting the demand for NTEH in Shan Liu Village, and more than 50% of the proposed Small House footprint fell within the “V” zone, the

Interim Criteria also expressly provided that the above scenario for favourable consideration would only apply if the other assessment criteria could be satisfied. Assessment criterion (h) of the Interim Criteria was not satisfied in the present case. Although the TPAB had sympathy for the Appellant, the paramount consideration was whether the adverse geotechnical and landscape impacts caused by the proposed development was a serious issue.

4. A copy of the Summary of Appeal and the TPAB's decision had already been sent to Members for reference.

[Dr Wilton W.T. Fok arrived to join the meeting at this point.]

(ii) Abandonment of Town Planning Appeal

Town Planning Appeal No. 2 of 2014 (2/14)

Temporary Open Storage of Construction Materials with Ancillary Workshop for a Period of 3 Years in “Village Type Development” and “Agriculture” Zones, Lot 1082 RP (Part) in D.D. 113 and Adjoining Government Land, Pat Heung, Yuen Long, New Territories

(Application No. A/YL-KTS/610)

5. The Secretary reported that an appeal had been abandoned by the appellant of his own accord. Town Planning Appeal No. 2/14 was received by the Appeal Board Panel (Town Planning) (ABP) on 9.4.2014 against the decision of the Town Planning Board (the Board) on 24.1.2014 to reject on review an application (No. A/YL-KTS/610) for temporary open storage of construction materials with ancillary workshop for a period of 3 years at the site which was partly zoned “Village Type Development” and partly zoned “Agriculture” on the approved Kam Tin South Outline Zoning Plan No. S/YL-KTS/11. It was abandoned by the appellant on 8.7.2014 and on 11.7.2014, the ABP formally confirmed that the appeal was abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations. ABP's letter confirming the abandonment of the appeal was received by the Board on 15.12.2014.

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

(iii) New Town Planning Appeals Received

(1) Town Planning Appeal No. 12 of 2014 (12/14)

Temporary Open Storage of Vehicles Prior to Sale for a Period of 3 Years in “Village Type Development” Zone, Lots 2096 S.B ss.4 S.A, 2097 S.B ss.2, 2097 S.B ss.3 in D.D. 111 and Adjoining Government Land, Kam Tin Road, Pat Heung, Yuen Long

(Application No. A/YL-PH/688)

6. The Secretary reported that a Notice of Appeal was received by the Appeal Board Panel (Town Planning) (ABP) on 25.11.2014 against the decision of the Town Planning Board (the Board) on 10.10.2014 to reject on review an application (No. A/YL-PH/688) for temporary open storage of vehicles prior to sale for a period of 3 years at Lots 2096 S.B ss.4 S.A, 2097 S.B ss.2, 2097 S.B ss.3 in D.D. 111 and Adjoining Government Land, Kam Tin Road, Pat Heung, Yuen Long. The site was zoned “Village Type Development” (“V”) on the approved Pat Heung Outline Zoning Plan No. S/YL-PH/11. The application was rejected by the Board for the following reasons:

- (a) the development was not in line with the planning intention of the “V” zone which was intended for development of Small Houses by indigenous villagers. The development was not compatible with the surrounding land uses which were predominated by residential dwellings/structures. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis;
- (b) the application did not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13E) in that there was no exceptional circumstance that warranted sympathetic consideration, and that there was adverse departmental comment against the development;
- (c) the applicant failed to demonstrate that the development would not generate

adverse environmental, landscape and drainage impacts on the surrounding areas; and

- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for other similar uses to proliferate into the “V” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

7. The hearing date of the appeal was yet to be fixed. The Secretary would represent the Board on all matters relating to the proceedings of the ABP in the usual manner.

(2) Town Planning Appeal No. 13 of 2014 (13/14)

Proposed Temporary School (Kindergarten) for a Period of 3 Years in
“Residential (Group C) 1” Zone, 2 Essex Crescent, Kowloon Tong
(Application No. A/K18/304)

8. The Secretary reported that a Notice of Appeal was received by the Appeal Board Panel (Town Planning) (ABP) on 1.12.2014 against the decision of the Town Planning Board (the Board) on 19.9.2014 to reject on review an application (A/K18/304) for a proposed temporary school (kindergarten) for a period of 3 years at 2 Essex Crescent, Kowloon Tong. The site was zoned “Residential (Group C)1” (“R(C)1”) on the draft Kowloon Tong Outline Zoning Plan No. S/K18/18. The application was rejected by the Board for the following reasons:

- (a) the previous temporary approval for kindergarten use was granted on sympathetic grounds on consideration that a temporary replacement kindergarten in the same area was urgently required in the middle of a school term to accommodate students displaced by another kindergarten in the area to be closed. There were no special circumstances that warranted the same sympathetic consideration of the current application;
- (b) the application would involve the intake of additional students by the proposed kindergarten, leading to an overall increase in student population

for the Kowloon Tong area hence increase in traffic. This would aggravate the existing traffic congestion in the vicinity of the site during school peak hours and did not comply with the Town Planning Board Guidelines No. 23A in that the proposed kindergarten was not sustainable in terms of the capacity of the roads in the locality and its surrounding areas; and

- (c) the traffic congestion problem in the area near the site was already serious. The approval of the application would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such similar applications would aggravate the traffic condition of the Kowloon Tong Garden Estate.

9. The hearing date of the appeal was yet to be fixed. The Secretary would represent the Board on all matters relating to the proceedings of the ABP in the usual manner.

(iv) Appeal Statistics

10. The Secretary reported that as at 19.12.2014, 15 cases were yet to be heard by the Appeal Board Panel (Town Planning). Details of the appeal statistics were as follows:

Allowed	:	32
Dismissed	:	135
Abandoned/Withdrawn/Invalid	:	185
Yet to be Heard	:	15
Decision Outstanding	:	0
<hr/>		
Total	:	367

(v) Approval of Draft Plans

11. The Secretary reported that on 2.12.2014, the Chief Executive in Council approved the following draft plans under section 9(1)(a) of the Town Planning Ordinance:

- (a) Ma On Shan Outline Zoning Plan (OZP) (to be renumbered as S/MOS/20);

- (b) Pak Shek Kok (East) OZP (to be renumbered as S/PSK/13); and
- (c) Kam Tin North OZP (to be renumbered as S/YL-KTN/9).

12. The approval of the above plans was notified in the Gazette on 12.12.2014.

(vi) Reference Back of Approved OZPs

13. The Secretary reported that on 2.12.2014, the Chief Executive in Council referred the approved Aberdeen & Ap Lei Chau Outline Zoning Plan (OZP) No. S/H15/29 to the Town Planning Board for amendment under section 12(1)(b)(ii) of the Town Planning Ordinance. The reference back of the above OZP was notified in the Gazette on 12.12.2014.

Agenda Item 3

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments in respect of the Draft Tai Ho Development Permission Area Plan No. DPA/I-TH/1

(TPB Paper No. 9806)

[The hearing was conducted in Cantonese and in English.]

14. The following Members had declared direct interests on this item:

- | | |
|---------------------|---|
| Dr C.P. Lau | - being a member of the Heung Yee Kuk (HYK) which had submitted a representation (R188) |
| Dr W.K. Yau | - being a co-opted Councillor of HYK which had submitted a representation (R188) |
| Mr Patrick H.T. Lau | - having business dealings with Sun Hung Kai Properties Ltd. (SHK) and Swire Properties Ltd., which had submitted a representation (R197) |

Ms Julia M.K. Lau)
Mr Dominic K.K. Lam) having business dealings with SHK which had
Mr Ivan C.S. Fu) submitted a representation (R197)
Ms Janice W.M. Lai)

15. The following Members had declared remote or indirect interests on this item:

Dr Eugene K.K. Chan - being a Convenor of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from SHK, one of the representers (R197)

Ms Christina M. Lee - being a Director of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from SHK, one of the representers (R197)

Mr H.F. Leung - having conducted training courses that were not related to the item under consideration for Swire Properties Ltd., one of the representers (R197)

16. Members agreed that those Members who had declared direct interests should be invited to withdraw from the meeting temporarily while those who had declared remote or indirect interests should be allowed to stay in the meeting and participate in the discussion. Members noted that Dr W.K. Yau, Dr Eugene K.K. Chan and Ms Christina M. Lee had tendered their apologies for not attending the meeting while Dr C.P. Lau, Ms Julia M.K. Lau, Mr Dominic K.K. Lam, Mr Patrick H.T. Lau, Mr Ivan C.S. Fu and Ms Janice W.M. Lai had not yet arrived to join the meeting.

17. The Chairman said that the representations and comments would be considered collectively in two groups and that the deliberation session would be held after the presentation and question sessions for the two groups.

18. The Secretary reported that on 16.12.2014 and 17.12.2014, the Board received 126 emails (in standard format) submitted in the name of villages and from Committee Members/members of HYK, members of various rural committees and district councils,

and individuals objecting to the Draft Tai Ho Development Permission Area (DPA) Plan. They requested that the “Village Type Development” (“V”) zone should be enlarged and objected to the large amount of private land being zoned for “Site of Special Scientific Interest” (“SSSI”) which deprived the villagers’ farming rights without compensation. A sample of the emails and a list showing the name of the senders had been tabled at the meeting for Members’ reference. The full set of emails had been deposited at the Town Planning Board Secretariat for Members’ inspection.

Group 1 - R1 to R187, C1, C2, C27 to C41, C47, C58, C59, C66, C67, C69 to C130 and C196 to C206

Presentation and Question Sessions

19. The Chairman said that reasonable notice had been given to the representers and commenters of Group 1 to invite them to attend the hearing. However, some of the representers and commenters had either indicated not to attend the meeting or made no reply. Members agreed to proceed with the hearing in the absence of these representers and commenters.

20. The following Government representatives, the representers and their representatives were invited to the meeting at this point:

- | | |
|---------------------|--|
| Mr Ivan M.K. Chung | - District Planning Officer/Sai Kung & Islands (DPO/SKIs), Planning Department (PlanD) |
| Mr Richard Y.L. Siu | - Senior Town Planner/Islands 1(STP/Is1), PlanD |
| Mr Gary T.S. Lui | - Town Planner/Islands 6, PlanD |
| Dr Jackie Yip | - Senior Conservation Officer (Technical Services) (SCO/TS), Agriculture, Fisheries and Conservation Department (AFCD) |
| Mr Cary P.H. Ho | - Senior Nature Conservation Officer (South) (SNCO/S), AFCD |

R4 (WWF – Hong Kong)

- | | |
|---------------------|--------------------------------|
| Mr Andrew C.M. Chan | - Representer’s representative |
|---------------------|--------------------------------|

R5 (Kadoorie Farm & Botanic Garden Corporation)

Dr Chiu Sein Tuck)
Mr Tony H. M. Nip) Representer's representatives
Ms Woo Ming Chuan)

R7 (Designing Hong Kong Limited)

Ms Debby K.L. Chan - Representer's representative

21. The Chairman extended a welcome and explained the procedure of the hearing. He then invited DPO/SKIs to brief Members on the background of the representations.

22. Mr Ivan M.K. Chung (DPO/SKIs) referred Members to two typos in page 1 of the TPB Paper and said that the words '(71)' under commenters for Group B should be amended to read as '(82)' and that the words 'C28 C41' should be amended to read as 'C28 to C41'.

23. With the aid of a Powerpoint presentation, Mr Richard Y.L. Siu (STP/Is1) made the following main points as detailed in the Paper:

Background

- (a) on 28.3.2014, the draft Tai Ho DPA Plan No. DPA/I-TH/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 642 representations were received. On 18.7.2014, the representations were published for public comments and, in the first three weeks of the publication period, a total of 206 comments were received;
- (b) on 21.11.2014, the Board decided to consider the representations in 2 groups as follows:
 - (i) Group 1 - collective hearing of 187 representations (R1 to R187) and 95 comments (C1, C2, C27 to C41, C47, C58, C59, C66, C67,

C69 to C130 and C196 to C206) submitted by green/concern groups and individuals supporting the DPA Plan and the designation of the “SSSI” zone at Tai Ho Stream; and

- (ii) Group 2 - collective hearing of 455 representations (R188 to R642) and 111 comments (C3 to C26, C42 to C46, C48 to C57, C60 to C65, C68 and C131 to C195) submitted by HYK, members of Islands District Council (IsDC), the Mui Wo Rural Committee (MWRC), the Lantau Island Association of Societies and individuals opposing the designation of the “SSSI” zone, the “V” zone and the “Unspecified Use” area;

Group 1

The Representations

- (c) there were 187 representations in Group 1 (i.e. R1 to R187), all of which supported the DPA Plan;
- (d) 7 representations (R1 to R7) were submitted by green/concern groups including The Conservancy Association (R1), Green Sense (R2), Green Power (R3), WWF – Hong Kong (R4), Kadoorie Farm & Botanical Garden Corporation (KFBG) (R5), Hong Kong Bird Watching Society (R6) and Designing Hong Kong Limited (DHKL) (R7). The remaining 180 representations (R8 to R187) were submitted by individuals;

Grounds of Representations and Representers’ Proposals

- (e) the main grounds of the supportive representations were summarised as follows:
 - (i) supported the draft DPA Plan and the designation of “SSSI” zoning for Tai Ho Stream (R1 to R187);

Ecological, Conservation and Recreational Value

- (ii) Tai Ho (the Area) was of high ecological importance. It was one of the Priority Sites for Enhanced Conservation under the New Nature Conservation Policy. There were species of conservation interest in the area, including endangered species. Tai Ho Stream was also an Ecologically Important Stream (EIS). Development along and adjacent to the stream was not supported (R1 to R6 and R182);
- (iii) the designation of “Unspecified Use” areas had not taken into account the conservation, ecological and landscape value of these areas which were located close to the country park and the “SSSI” zone (R2 and R7);
- (iv) Tai Ho was of considerable recreational value as there was an ancient trail (the Tung Mui Ancient Trail) in the Area. Tai Ho also possessed various cultural heritage resources including the Watchtower and Entrance Gate at Pak Mong Tsuen, as well as sites of archaeological interest which should be preserved (R5 and R7);
- (v) a conservation planning approach with planning requirements on development was needed for Tai Ho so that the right of private landowners would not be deprived of (R186);

Adverse Impacts of Small House development

- (vi) the “V” zone boundaries were supported to safeguard the natural habitats and retain the natural character of the Area (R173 to R180);
- (vii) there were concerns on expanding the “V” zone as it might threaten the ecological and aesthetic value of country park ‘enclaves’ (CPE) and country park. Sewage treatment by on-site septic tank and soakaway (STS) system only was ineffective in preventing pollutant from discharging directly to stream courses (R1, R2 and R5);

Future Development of Tai Ho

- (viii) development which could satisfy local development needs while preserving the cultural heritage and local characteristics was supported. Development and conservation should co-exist in harmony (R9 to R96, R100 and R108 to R109);
 - (ix) a balanced development at Tai Ho could facilitate the development of ‘Bridgehead Economy’ on Lantau with the commissioning of the Hong Kong – Zhuhai – Macao Bridge (HZMB) (R149 to R159); and
 - (x) Tai Ho was suitable for housing development to alleviate the housing demand in the territory (R160 to R172);
- (f) the representers’ proposals were summarised as follows:

Designation of Conservation Zonings and Country Park

- (i) the important habitats of Tai Ho, especially the riparian zone of Tai Ho Stream, should be designated as “Conservation Area” (“CA”) and the Area should be incorporated into the country park. Government land in Tai Ho should be incorporated into the country park while private land should be designated as “CA”. There was a proposal to zone the ‘fung shui’ woodland behind Pak Mong Village as “CA” (R1, R2 and R7);
- (ii) the “SSSI” zone should be extended to cover larger areas of intertidal mudflat at Tai Ho Wan or the estuary should be rezoned as “Coastal Protection Area” (“CPA”) and the “SSSI” zone should be extended to at least 50m from the stream bank on both sides and to the tributary flowing from Tai Ho San Tsuen. Maintenance or repair of watercourse, nullah, sewer and drains should be strictly controlled in the SSSI or upstream of the SSSI (R3, R4, R6, R173 to R180 and R182);

Development restrictions within the “V” zones

- (iii) some representers considered that the “V” zones should be restricted to existing developed areas and/or private lots with building entitlement. House (New Territories Exempted House (NTEH) only)’ use within the “V” zone should be moved from Column 1 to Column 2 and any demolition and alteration of existing houses within the “V” zone should require planning permission from the Board. ‘House (other than NTEH)’ use should be deleted from Column 2 of the Notes of the “V” zone so that house development within the “V” zone would not be allowed (R1, R5 and R6);

Expansion of “V” boundaries

- (iv) other representers considered that preparation of OZP should be expedited to confirm the “V” zone boundary so that the rights of indigenous villagers would not be deprived of (R8, R97 to R99, R101 to R107 and R110 to R148);

Designation of “Comprehensive Development Area” zones

- (v) “Comprehensive Development Area” (“CDA”) zones should be designated for the Area to balance village development, nature conservation and economic development (R149 to R159); and

Suspend the processing of Small House applications and preparation of village layout plan

- (vi) the granting of the right for Small House development to indigenous villagers should be immediately suspended. Village layout plans should be prepared for all village zones and areas to avoid haphazard development (R7 and R181);

The Representations

- (g) there were 455 representations in Group 2 (i.e. R188 to R642), all of which were adverse representations;
- (h) 5 representations were submitted by rural groups including HYK (R188), members of IsDC (R189 and R190), MWRC (R191), and the Lantau Island Association of Societies (R192). 2 representations were submitted by landowners (R196 and R197), and the remaining 448 representations were submitted by individuals (R193 to R195 and R198 to R642);

Grounds of Representations and Representers' Proposals

- (i) the main grounds of the opposing representations were summarised as follows:

Rights of Indigenous Inhabitants

- (i) the draft DPA Plan had deprived the indigenous inhabitants of their rights for Small House development and the development potential of private land (R188 to R193, R198 to R642);

Opposing the "V" zone boundaries

- (ii) the "V" zones were too small which could not reflect the actual uses of land, ignored the rights of villagers and could not meet the Small House demand. In particular, Wong Kung Tin Village and some old house lots were not zoned as "V" (R188, R189, R191, R192, R195 and R198 to R642);
- (iii) the "V" zone of Pak Mong Village only covered the existing village buildings which could not satisfy the Small House demand nor provide sufficient land for village expansion or the provision of

village facilities (R196);

- (iv) the “V” zones had restricted the building height of old house lots and deprived the rights of concerned landowners. The rights of indigenous villagers should be protected in accordance with Articles 105 and 120 of the Basic Law (BL 105 and BL 120) (R191 and R193);

Opposing the “SSSI” zone

- (v) it was unfair that development of private land within the “SSSI” zone , especially those owned by Tso/Tong, had been frozen without any compensation to the landowners. The planning controls within the “SSSI” zone were also contradictory (R188 to R191, R193 and R198 to R642);
- (vi) the ecological value of the SSSI was doubted. There was discrepancy between the content in the Explanatory Statement and the villagers’ observation, such as the number and types of fish species found and the conservation value of the mangroves at the estuary. The classification of Tai Ho Stream as a river was misleading (R188, R190, R191, R195 and R198 to R642);

Opposing the “Unspecified Use” Designation

- (vii) the designation of “Unspecified Use” area had deprived landowners of the development rights and potential of private land in the Area. There was insufficient information to justify the designation of large areas of land as “Unspecified Use” area (R189, R191 to R193, R195 and R198 to R642);
- (viii) landownership within Tai Ho should be considered and some form of balance between development and conservation should be achieved. Land could be better utilised while measures to conserve

the natural setting and cultural heritage could be incorporated into the development (R197);

- (ix) there was an opportunity to provide additional housing in Tai Ho Valley in a form compatible with other development plans in Lantau, e.g. Tung Chung New Town Study (R197);

Insufficient Public Consultation

- (x) there were objections to incorporate Wong Kung Tin Village and A Po Long Village into conservation areas without prior consultation with the villagers and local people (R194); and
 - (xi) there was insufficient public consultation during the preparation of the draft DPA Plan. The publication of the draft DPA Plan without proper public consultation had deprived villagers of their rights and was unreasonable. The short publication period and the posting of notice at the wrong locations resulted in the villagers not receiving the information regarding the draft DPA Plan (R630);
- (j) the representers' proposals were summarised as follows:

Expansion of "V" zone boundaries

- (i) the "V" zone boundaries of all villages (including Wong Kung Tin) should follow the village 'environs' ('VE') and include some additional government land to provide land to meet the demand for Small House development. There were proposals to expand the "V" zone of Pak Mong Village to areas with less conservation value in order to consolidate Small House developments in the three villages to one area to facilitate a more orderly development pattern (R191, R196 and R198 to R642);

Designation of "CDA" zones

- (ii) the least environmentally sensitive areas in the western part of Tai Ho Valley and an area in the east of Tai Ho Wan should be designated as “CDA” for low- to medium-density residential developments and tourism-related facilities. The areas surrounding the proposed “CDA” zone comprising mainly of slopes and vegetated areas should be zoned as “Green Belt” (“GB”) while “Unspecified Use” area could be retained in front of Pak Mong Village (R197);

Proposed amendments to the “SSSI” zone and “Unspecified Use” area

- (iii) private land should be excluded from the “SSSI” zone and “Unspecified Use” area, or compensation should be provided to property owners (R191 and R198 to R642); and

Provision of Facilities in the Area

- (iv) road access and drainage and sewerage facilities should be provided for Pak Mong Village, Ngau Kwu Long Village and Tai Ho Village. The incorrect contents of the DPA Plan should also be deleted or amended. A comprehensive survey of the ecological value of Tai Ho should be conducted (R191 and R198 to R642);

Comments on Representations

- (k) Among the 206 comments on representations received, 195 comments (C1 to C195) were related to specific representations while 11 comments (C196 to C206) were not related to any specific representations. The comments could be categorised into 4 groups as follows:
 - (i) Group A consisted of 6 comments (C1, C2, C27, C130, C198 and C199) submitted by green/concern groups and individuals supporting the supportive representations or opposing the adverse representations

on environmental grounds;

- (ii) Group B consisted of 82 comments (C28 to C41, C47, C58, C59, C66, C67, C69 to C129, C196 and C197) submitted by individuals supporting the supportive representations and proposing timely preparation of OZP with the designation of conservation and development zonings;
- (iii) Group C consisted of 7 comments (C200 to C206) submitted by individuals proposing to designate areas to the north of Pak Mong Village as “V” zone; and
- (iv) Group D consisted of 111 comments (C3 to C26, C42 to C46, C48 to C57, C60 to C65, C68 and C131 to C195) submitted by Members of IsDC, local residents’ organisations and individuals supporting the adverse representations or opposing the supportive representations on the grounds that the ecological information of Tai Ho SSSI was outdated and the limited “V” zone areas did not respect the development rights of private land in the Area;

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

Tai Ho Area and Its Surroundings

- (1) Tai Ho was located to the east of Tung Chung on the northern part of Lantau Island, fronting North Lantau Highway (NLH). The Area mainly consisted of Tai Ho Wan; natural vegetated areas including agricultural land, woodlands, shrubland and streams; several pieces of isolated vegetated upland in the south including Hung Fa Ngan, A Po Long, Wong Kung Tin and a rectangular plot of land to the east of Tin Liu; and village settlements. The topography of the Area was generally flat at the centre with terrain descending from the country park in the south towards the seashore in the north;

- (m) the Area had rich natural landscape resources including woodlands, shrubland, grassland, ‘fung shui’ woodland, valley, knolls, and streams. There were also natural coastal features including the estuary, shorelines and inter-tidal mudflats at Tai Ho Wan. In particular, Tai Ho Stream constituted a significant landscape feature with high conservation and scientific value;

- (n) Tai Ho Stream (main stream), its estuary and the lower and middle reaches of its three major tributaries were designated as an SSSI in 1999. The stream supported the highest diversity of freshwater and brackish-water fish in Hong Kong with a total of 67 species recorded, including the rare Largesnout Goby (*Awaous melanocephalus* 黑首阿胡鰕虎魚) and the rare migratory fish Ayu (*Plecoglossus altivelis* 香魚). A mangrove stand of about 2 ha in area could be found at the coastal mudflat, with a total of six out of eight mangrove species recorded in Hong Kong. The Seagrass (*Halophila beccarii* 貝克喜鹽草) had been recorded near the estuary of Tai Ho Stream. Horseshoe crabs (*Carcinoscorpius rotundicauda* 圓尾鬚), a species of conservation importance, had also been recorded in the mudflat within the boundary of Tai Ho Stream SSSI;

Responses to the Grounds of Representations and Representers’ Proposals

- (o) the responses to the grounds of representations and representers’ proposals were summarised as follows:

Ecological, Conservation and Recreational Value (R1 to R7 and R182)

- (i) information on the ecological, conservation and recreational value of the Area and expert advice from concerned government departments would be taken into account in the subsequent preparation of the OZP for the Area;

Designation of “CDA” zones (R149 to R159 and R197)

- (ii) a Planning, Engineering and Architectural Study for Topside Development at Hong Kong Boundary Crossing Facilities (HKBCF) island of HZMB (the Study) would be commissioned to investigate the feasibility and viability of commercial and other developments on the HKBCF island. Instead of Tai Ho, the HKBCF island could better serve as a gateway to the Western Pearl River Delta. Proposals advocating for development to be commensurate with 'Bridgehead Economy' at Lantau would be further studied at the preparation of OZP stage;
- (iii) Director of Agriculture, Fisheries and Conservation (DAFC) advised that it might not be appropriate to designate sensitive habitats as development zones, i.e. "CDA";

Designation of Conservation Zonings and Country Park (R1 to R7, R173 to R180 and R182)

- (iv) the details of designating conservation zonings would need to be carefully studied in the course of OZP preparation to ensure striking a balance between the rights of indigenous villagers of Tai Ho and nature conservation;
- (v) on the proposal to designate Tai Ho as a country park, DAFC advised that the suitability of an area to be incorporated into a country park would need to be assessed against the established principles and criteria including its conservation value, landscape and aesthetic value, recreational potential, size, proximity to existing country park, land status and land use compatibility;
- (vi) the statutory planning control for the "SSSI" zone was the same as other SSSIs in the territory. On the proposal to extend the boundary of the "SSSI" zone, DAFC advised that there was no plan for the time being to enlarge the area of the Tai Ho Stream SSSI

which encompassed the main stream, its estuary and the lower to middle reaches of the three major tributaries;

Designation of “V” zones (R1, R2, R5, R6, R8, R97 to R99, R101 to R106, R110 to R148, R191 and R198 to R642)

- (vii) the use of septic tank as a sewage treatment and disposal option in rural areas with small population was an option to be considered. For the protection of water quality near the stream, the design and construction of on-site STS system for any development proposals/submissions would need to comply with relevant standards and regulations, including Environmental Protection Department’s (EPD) Practice Note for Professional Person No. 5/93 (ProPECC 5/93). Moreover, operation and maintenance practices for septic tanks such as desludging practices were set out in EPD’s “Guidance Notes on Discharges from Village Houses”;
- (viii) placing ‘House (NTEH only)’ use under Column 1 of the Notes of the “V” zone was in line with the planning intention of the “V” zone which was primarily intended for development of NTEH/Small Houses by indigenous villagers, and there was sufficient planning control for other house developments within the “V” zone through the planning application system;
- (ix) the boundaries of the “V” zone on the draft DPA Plan were drawn up provisionally to reflect mainly the existing village clusters. District Lands Officer/Islands (DLO/Is) advised that no existing house/structure was found within the ‘VE’ of Wong Kung Tin. The boundaries of the “V” zone would be reviewed at the preparation of OZP stage taking into account the results of relevant assessments/studies on various aspects including the Small House demand, ecology, environment, geology, infrastructure, landscape and traffic;

Right of Indigenous Villagers (R188 to R193 and R198 to R642)

- (x) most of the building lots were covered by the “V” zones, where ‘House (NTEH only)’ was always permitted. Private lots with existing structures which were scattered and isolated from the existing village clusters were covered by the “Unspecified Use” area, where rebuilding of NTEH and replacement of an existing domestic building by a NTEH were always permitted whilst planning application for new house development could be considered by the Board on its individual merits. There was also provision for ‘Agricultural Use’ on land within the boundary of the draft DPA Plan. There was no deprivation of landowners’ rights in using their land;
- (xi) as far as BL 6 and BL 105 were concerned, the draft DPA Plan would not affect any landowner’s right to transfer or assign his/her interest in land; nor would it leave the land concerned without any meaningful use or any economically viable use; hence there was no ‘deprivation’ of the landowner’s property right. The zoning restrictions were to pursue the legitimate aim of better planning control and the land concerned could be put to ‘always permitted uses’ and other uses as long as planning approval was obtained. As regards BL 120, the purpose was to provide for the validity beyond 30 June 1997 of the leases referred thereto. As the land in question was subject to the town planning regime under the Ordinance before the establishment of the HKSAR, BL 120 would not have the effect of exempting the land in question from the town planning regime under the Ordinance after 30 June 1997. The planning restrictions and zoning of the land in question imposed by the draft DPA Plan would not be inconsistent with BL 120;

Opposition to the “SSSI” zone and “Unspecified Use” designation (R188 to R191, R193 and R198 to R642)

- (xii) regular ecological surveys on Tai Ho Stream had been carried out by AFCD and the ecological database had been updated since 2002. Tai Ho Stream and its estuary supported the greatest diversity of freshwater and brackish-water fish in the territory, with 67 species of fish recorded so far. The stream was also a known habitat for the rare migratory Ayu (*Plecoglossus altivelis*, 香魚), which was also reported in some recent Environmental Impact Assessment (EIA) studies on Tai Ho. The well-established mangroves at the estuary of Tai Ho Stream provided an important nursery ground for fish;

Insufficient Public Consultation (R194 and R630)

- (xiii) no public consultation was conducted prior to the publication of the draft DPA Plan in order to avoid an unfavourable *fait accompli* situation. Nevertheless, consultation with MWRC and IsDC on the draft OZP was conducted on 7.4.2014 and 28.4.2014 respectively. Besides, the statutory plan-making process, which involved the exhibition of the draft DPA Plan for public inspection, submission of representations and comments by the public, as well as the hearing of representations and comments received, was itself a public consultation process under the Ordinance;

Provision of Facilities in the Area (R191 and R198 to R642)

- (xiv) while the provision of infrastructure and facilities were generally regarded as works coordinated or implemented by the Government which were always permitted on the draft DPA Plan, the appropriateness to provide such facilities required detailed consideration and assessments on *inter alia* the provision standards and resource availability. The need for providing such facilities and designation of appropriate zonings, if required, would be further studied at the preparation of the OZP stage; and

Suspend the Processing of Small House applications and Resume the

Preparation of Village Layout Plans (R7 and R181)

(xv) the processing of land grant applications under the Small House policy was outside the purview of the Board; and

(xvi) the preparation of new village layout plans for villages covered by existing OZPs would depend on such factors as implementation prospect of the layout plans, manpower and priority of work. For new DPA Plans which had just been completed, OZPs with specific land use zonings should be prepared before layout plans were contemplated;

PlanD's Views

(p) PlanD noted the supportive representations (R1 to R187) and their concerns on the conservation of the Area; and

(q) PlanD did not support the adverse representations (R188 to R642) and considered that the DPA Plan should not be amended to meet the representations.

24. The Chairman then invited the representers' representatives to elaborate on their representations.

Representation No. R4

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

(a) he appreciated the arrangement of separating the green groups from the villagers for conducting the oral presentations;

(b) he supported the general planning intention of the Tai Ho DPA Plan to conserve the rich natural landscape resources of the Area and the "SSSI" zoning of Tai Ho Stream to protect it against future development;

- (c) for the OZP which would be prepared at the next stage, the following land use zonings were recommended:
 - (i) the riparian zone along the SSSI should be zoned as “CA”;
 - (ii) the tributaries of Tai Ho Stream and the freshwater marsh should be designated with conservation zonings;
 - (iii) the coastline of Tai Ho Wan should be zoned as “CPA” to prevent any development in the area;
 - (iv) the Tai Long Wan approach should be adopted for the future OZP; and
 - (v) in the long run, the ‘enclave’ should be incorporated into the Lantau North (Extension) Country Park;
- (d) the existing landscape of Tai Ho consisted of mudflats and vegetation with some village houses, giving it a natural setting and a high landscape value. The ‘enclave’ formed an important visual and ecological corridor for the area;
- (e) in terms of conservation value, Tai Ho was a Priority Site of Enhanced Conservation under the New Nature Conservation Policy;
- (f) Tai Ho Stream was designated as an EIS and an SSSI, with 67 species of freshwater and brackish-water fishes recorded. The stream was the only known location in Hong Kong where the rare migratory fish Ayu (*Plecoglossus altivelis*) was recorded. Besides, the Horseshoe crab and Seagrass, which were species of conservation importance, were found in Tai Ho Wan;
- (g) even though parts of Tai Ho Stream had been channelised, it was

well-vegetated and its natural status had remained intact. As Tai Ho Stream was one of the few remaining medium-sized natural stream courses that ran continuously from an upland to a lowland estuary, it had high conservation value;

- (h) while supporting the “SSSI” zoning of Tai Ho Stream, the riparian area of the stream should also be designated with conservation zonings to prevent any development in the riparian zone from polluting the stream. The tributaries of Tai Ho Stream, which fell outside the “SSSI” zone, should also be designated with conservation zonings in view of their natural status and in order to prevent any foul water from flowing through the tributaries downstream into Tai Ho Stream;
- (i) in view of the large size of the intertidal mudflat and backshore mangroves, Tai Ho Wan and its coastline should be zoned “CPA” to protect the existing habitat for the Seagrass and Horseshoe crabs;
- (j) a precautionary approach should be adopted to protect sensitive habitats from sewage which would inevitably be generated from Small House developments; and
- (k) when preparing the OZP for Tai Ho, the Tai Long Wan approach should be adopted whereby only land with building status should be zoned as “V” while all other areas should be designated with conservation zonings.

[Actual speaking time: 10 minutes]

Representation No. R5

26. Mr Tony H.M. Nip requested an extension of presentation time to 15 minutes. The Chairman agreed. With the aid of a Powerpoint presentation, he made the following main points:

- (a) he appreciated the arrangement of separating the green groups from the villagers for conducting the oral presentations;

- (b) Tai Ho was ecologically important mainly due to the presence of the rare migratory fish Ayu (*Plecoglossus altivelis*) which was first recorded in the area in 1985 and was subsequently recorded in other studies;
- (c) as the Ayu fish was a diadromous species, i.e. the fish utilised both the sea and freshwater stream habitats and needed to return from the sea to the stream of its birthplace to spawn, any change in the habitat of the stream or the blocking of its route from the sea to the stream of its birthplace would severely affect the survival of the species;
- (d) the Ayu fish found at Tai Ho Stream should be differentiated from the Ayu fish that was available in the supermarkets as the latter was of another species which was reared in fish-farms in Japan and Taiwan and was a landlocked species rather than a diadromous species. In view of the rarity of the migratory Ayu fish, it had been classified as an 'Endangered' species in China;
- (e) when preparing the list of endangered species under the Convention on Biological Diversity, AFCD agreed that the Ayu fish was still in existence in Hong Kong but was already critically endangered;

[Ms Anita W.T. Ma arrived to join the meeting at this point.]

- (f) Tai Ho had long been recognised by AFCD to be of conservation importance. It was designated as an SSSI in 1995 and listed as a Priority Site for Enhanced Conservation under the New Nature Conservation Policy in 2004. Tai Ho Stream was listed as an EIS in 2005;
- (g) Tai Ho had been recognised by PlanD to be of conservation importance as the area had been designated for conservation purposes in various versions of the Lantau Concept Plan and in the Recommended Development Strategy of the South West New Territories Development Strategy Review;

- (h) the conservation importance of Tai Ho was recognised by other government departments such as EPD who had turned down the environmental impact assessment (EIA) submitted for a proposed reclamation project at Tai Ho Wan and the EIA for the proposed Lantau North-South Road Link project suggested by Highways Department that passed through the area;
- (i) besides serving as a foraging ground for Horseshoe crabs, the shore and estuary of Tai Ho Wan was also their breeding and nursery ground. Moreover, the Scaly Neon Goby, which was an endangered species, was found along Tai Ho Stream and along an unnamed stream to the east of Tai Ho Wan. The Ayu fish had also been found at another stream that drained into Tai Ho Wan. In this regard, besides Tai Ho Stream which was designated as SSSI, the other streams in the area also provided an important habitat for the endangered species;
- (j) Tai Ho was of considerable recreational value as the Island Nature Heritage Trail and the Hong Kong Olympic Trail, which were popular hiking trails for overseas tourists, passed through Tai Ho;
- (k) according to the SSSI Register, the riparian corridor of streams designated as SSSI should be preserved as a buffer as far as possible through appropriate land use zonings so that activities that would affect the water quality and flow of the stream could be avoided;
- (l) according to a recent news report, 70% of the private land in Tai Ho and Pak Mong had already been sold to three private developers comprising SHK, Swire Properties Ltd and HK Land Ltd;
- (m) they did not wish to see Tai Ho, which was an important natural heritage, to be developed into an urban area, as envisaged in one of the plans for the development of the airport at Chek Lap Kok made in the early 1990s;
- (n) making reference to the experience of Sha Lo Tung, the Board should draw up an OZP where only land with building lot status would be zoned as “V”

and the other parts of the OZP would be designated with conservation zonings in order to preserve the natural environment for the enjoyment of the general public; and

- (o) contrary to the photo in Plan H-4c of the Paper showing Pak Mong Stream as a rock bed with man-made features and devoid of vegetation, another photo taken at a short distance upstream showed the same stream at a very natural state with dense vegetation on both sides. In this regard, the Board should carefully consider whether Pak Mong Stream was suitable to be zoned as “CDA” as suggested by some representers.

[Actual speaking time: 20 minutes]

27. On the hearing arrangement, the Chairman said that it was the normal practice of the Board to divide large numbers of representations and comments into groups to facilitate more focused consideration of the representations and comments as appropriate. So far, representers with different views on the planning of country park ‘enclaves’ had made their oral presentations to the Board in an orderly manner.

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

Representation No. R7

28. With the aid of a Powerpoint presentation, Ms Debby K.L. Chan made the following main points:

- (a) the couplet at the entrance to Pak Mong Village indicated that visitors were welcome to the village to enjoy the natural environment;
- (b) Tai Ho was surrounded on three sides by the country park with one side facing the sea;
- (c) the DPA Plan and the general planning intention to conserve the natural environment of the Area was supported. However, additional protection was required;

- (d) as most of the villagers were already living in the urban area, they did not face an imminent housing need. The villagers' claim that they would rehabilitate agricultural activities was doubted as the village was not provided with any basic facilities;
- (e) while the villagers claimed that the mangroves were a recent phenomenon as the land covered by the mangroves used to be agricultural land, the aerial photo provided in a news report in September 2014 indicated that the mangroves had been in existence in the locality since 1984;
- (f) mangroves were beneficial to the village community. The villagers had cleared the mangroves in the name of agricultural rehabilitation. One would cast doubt on whether their objective was for the perpetuation of village life or for the clearance of land for Small House development;
- (g) according to information provided on the Board's website, since June 2010, 14 planning applications out of 29 received for Small House development on land designated as "Unspecified Use" on various DPA Plans had been approved with conditions. This showed that the "Unspecified Use" designation was inadequate as a measure to prevent development from taking place;
- (h) Small House developments would tend to have an adverse impact on the environment. Taking Ho Chung Village as an example, the septic tanks found along the narrow pavements were a safety concern for villagers as the pavements were always wet and slippery. The high water table in the vicinity and the expedient sewage connections also resulted in sewage flowing through the drains and onto the pavements, causing a health concern;
- (i) it was uncertain whether the percolation tests that were required to be submitted to LandsD together with the Small House applications would be evaluated by the expert departments as it was recently found out that there

was a standing instruction from EPD indicating that there was no need to circulate Small House applications and information on sewage systems to EPD for consideration;

- (j) most of the private land in Tai Ho had already been sold to private developers; and
- (k) none of the government departments had the responsibility to prevent or stop the villagers from destroying the mangroves and other vegetation on land that no longer belonged to the villagers.

[Actual speaking time: 13 minutes]

29. As the presentation from the representers' representatives had been completed, the Chairman invited questions from Members. There were no questions from Members.

30. As Members had no questions to raise and the representers' representatives had nothing to add, the Chairman said that the hearing procedure for Group 1 had been completed and the Board would deliberate on the representations in their absence and would inform the representers of the Board's decision in due course. The Chairman thanked the representers' representatives and the government representatives for attending the hearing. They all left the meeting at this point.

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

[Mr Frankie W.P. Chou left the meeting at this point.]

Group 2 – R188 to R642, C3 to C26, C42 to C46, C48 to C57, C60 to C65, C68 and C131 to C195

Presentation and Question Session

31. The Chairman said that reasonable notice had been given to the representers and commenters of Group 2 to invite them to attend the hearing. However, some of the representers and commenters had either indicated not to attend the meeting or made no reply. Members agreed to proceed with the hearing in the absence of these representers and commenters.

32. The following Government representatives, the representers and commenters and their representatives were invited to the meeting at this point:

Mr Ivan M.K. Chung - DPO/SKIs, PlanD
Mr Richard Y.L. Siu - STP/Is1, PlanD
Mr Gary T.S. Lui - Town Planner/Islands 6, PlanD
Dr Jackie Yip - SCO/TS, AFCD
Mr Cary P.H. Ho - SNCO/S, AFCD

R188 (HYK)

Ms Carmen K.M. Chan)
Mr Henry H.K. Chan)
Mr Li Yiu Ban) Representer's representatives
Mr Randy H.K. Yu)
Mr Francis T. Lau)
Ms Chan Chui Man)

R189 (Wong Fuk Kan, District Councillor)

Mr Wong Fuk Kan - Representer

R190 (Yu Hon Kwan, District Councillor)

Mr Randy H.K. Yu - Representer

R194 (Tang Ka Hung)

Mr Tang Ka Hung - Representer

R195 (Cheung Tsan Loy), R410 (Lam Siu Wah), R413 (林富), R427 (Lum Man

Ching)

Mr Cheung Tsan Loy - Representer and Representers' representative

R197 (SHK, Swire Properties Ltd and HK Land Ltd)

Mr Ian Brownlee) Representers' representatives

Mr Benson K.K. Poon)

R200 (麥秀梅), R202 (李惠堂), R203 (張綺寧), R205 (嚴麗英), R208 (Cheung Chee Hung), R209 (Lau Wai Yuk), R210 (杜煥游), R211 (鄭焯文), R213 (Chan Oi Kwan), R214 (呂樂勤), R215 (呂海勤), R216 (吳綺雲), R218 (Cheung Kwok Wing), R219 (劉錦紅), R369 (Wong Suk Kuen), R440 (李銀艷), R441 (蘇錦泉)

Mr Cheung Chee Hung - Representer and Representers' representative

R226 (Cheung Kwok Keung)

Mr Cheung Kwok Keung - Representer

R246/C10 (Ho Chun Wai)

Mr Ho Chun Wai - Representer and Commenter

R250/C9 (Ho Ka Kit), R391 (Lum Man Chiu), R405 (林敏健), R428 (林禮華)

Mr Ho Ka Kit - Representer and Representers' representative

R370 (林勇全), R371 (林秀梅), R375 (林慶芳), C194 (Lam Chu)

Mr Lam Chu - Representers' representative and Commenter

R414 (林慶忠), R415 (林慶貴), R523/C201 (Kwok Shing Chung), R540 (Kwok Wai Man, Raymond), R640 (Tsang Ding Hang)

Mr Kwok Shing Chung - Representer, Commenter and Representers' representative

R386 (林理群), R412 (林志光), R425 (林福鴻), R432 (Chow Cheung Fuk)

Mr Chow Cheung Fuk - Representer and Representers' representative

R539 (Kwok Wing Choi)

Mr Kwok Wing Choi - Representer

R384 (林慶蓮), R390 (林敏信), R442 (鄭嘉欣), R445 (郭慧芳), R631 (Lam Ka Chu), R632 (Yu Wai Lun), R638 (Cheung Shuk Yi, Polly), R641 (謝錦妹)

Mr Lam Ka Chu - Representer and Representers' representative

33. The Chairman extended a welcome and explained the procedure of the hearing. He then invited DPO/SKIs to brief Members on the background of the representations.

34. With the aid of a Powerpoint presentation, Mr Richard Y.L. Siu repeated the presentation as recorded in paragraph 23 above.

35. The Chairman then invited the representers and commenters and their representatives to elaborate on their representations/comments.

Representation No. R188

36. Ms Carmen K.M. Chan made the following main points:

- (a) HYK was formally established in 1926 and became a statutory body in the 1950s under the Heung Yee Kuk Ordinance (Cap. 1097). Even though one of the objectives of HYK as a statutory body was to advise the Government on social and economic developments in the interests of the welfare and prosperity of the people of the New Territories, HYK had not been consulted by the Government on the draft Tai Ho DPA Plan;
- (b) they objected to the small size of the "V" zone which failed to reflect the actual conditions and the needs of the villagers. There was an enormous discrepancy between the boundaries of the 'VE' shown on Plan H-6 and the boundaries of the "V" zones shown on Plan H-2a of the Paper. Many villagers also complained that some private lots with building entitlement had not been zoned as "V";
- (c) it was unfair to the villagers as private land and Tso/Tong land at the mouth

of Tai Ho Stream had been zoned as “SSSI” where ‘Agricultural Use’ was a Column 2 use. This meant that the use of the land for farming purposes would require planning permission from the Board;

- (d) Tai Ho possessed the pre-requisites for development as paved roads, water supply and electricity supply were already available. The villagers only wanted Small House development within the ‘VE’ and the use of their land within the “SSSI” zone for farming purposes; and
- (e) village development and nature conservation were not necessarily conflicting as Tai Ho Village had been in existence for a few hundred years already and the natural environment had not been disturbed. In this regard, the Board should plan for the sustainable development of Tai Ho.

37. Mr Francis T. Lau made the following main points:

- (a) it was unfair to use private land for public enjoyment by designating them with conservation zonings;
- (b) according to AFCD’s criteria for considering whether a site should be designated as SSSI, there was no consideration of the human factor (i.e. the impact of the SSSI designation on the villagers) nor consideration of mitigation measures to alleviate the impact;
- (c) the DPA Plan should be withdrawn as the human factor had not been taken into account;
- (d) in order to reduce the conflict between the green groups and the villagers, the views of all the stakeholders collected during public consultation should be taken into account and the DPA Plan should be appropriately amended;
- (e) upon the designation of Tai Ho Stream as an SSSI in 1999, the Government should have commenced planning for the provision of a public sewer to serve the community. Had public sewers been provided, village

development would no longer affect the SSSI and the current conflict between the green groups and the villagers would not have arisen; and

- (f) it was unfair to preserve the natural environment and views for enjoyment of the general public at the expense of the villagers who had to bear the costs of nature conservation and face various restrictions in the use and development of their land.

38. The Chairman reminded the representers' representatives to keep their presentations short and to finish their oral presentation within the 10-minute limit allotted to representation No. R188.

39. Mr Randy H.K. Yu made the following main points:

- (a) the existing village had not been deserted as some villagers were still living there and other villagers would return during festivals;
- (b) some villagers had sold their land several years ago, but it was only due to the need to make a living. There was never the intention to request the Government for additional land for Small House development, as claimed by some representers;
- (c) the "SSSI" zoning was objected to as it had resulted in stoppage of the construction of 2 Small House applications that had already been approved by the District Lands Officer (DLO). The main problem was the septic tank which was considered to be too close to Tai Ho Stream and needed to be relocated at least 15 metres away from the stream, which was impracticable. In this regard, the right of the villagers to build Small House had not been protected as required under BL 105; and
- (d) the DPA Plan should strike a balance between sustainable development, human needs and nature conservation and should not be tilted towards nature conservation.

40. Mr Henry H.K. Chan made the following main points:

- (a) the role of HYK was to serve as a bridge between the villagers and the Government and to find a solution to the problem;
- (b) while the Board had the power to designate areas for conservation purposes, it did not have the power to pay compensation to the affected parties, and the costs of conservation had to be borne by the villagers and landowners which was unfair; and
- (c) the Board should not designate areas with conservation zonings such as “SSSI” unless a compensation mechanism was available to pay the costs of conservation.

41. Mr Li Yiu Ban made the following main points:

- (a) it was sarcastic that while Tai Ho did not even have a road connection to the North Lantau Highway, lots of development were taking place on the other side of the highway;
- (b) although regular ecological surveys were conducted by AFCD, only new species recorded would be added to the list. Villagers indicated that the Ayu fish had not been seen in the area for many years, but species that were no longer found would not be deleted from AFCD’s list. He doubted whether the survey results were a true reflection of the stream’s existing ecological condition;
- (c) farming activities played an important role in the food chain of fishes in Tai Ho Stream. If farming was prohibited, the food chain would be disrupted and some species would inevitably become extinct. Instead of an “SSSI” zoning, Tai Ho Stream should be zoned as “Agriculture” (“AGR”) to encourage agricultural rehabilitation, particularly rice farming;
- (d) the Government should encourage and promote leisure farming in Tai Ho,

which could become an eco-tourism attraction in its own right;

- (e) as any Small House development would require planning permission from the Board, the area should be zoned as “AGR” instead of “SSSI”; and
- (f) the Government should provide compensation to the landowners if it wanted to retain the mangroves along the coastline as the concerned land was under private ownership.

[Actual speaking time: 35 minutes]

42. The Chairman reminded the representers/commenters that each presentation was only allotted a speaking time of 10 minutes. Noting that R188 had taken up some 35 minutes in the presentation, other representers which were related to R188 were reminded to try to shorten the presentation so as to catch up with the original schedule of the meeting.

Representation No. R189

43. Ms Wong Fuk Kan made the following main points:

- (a) the villagers of Tai Ho, Ngau Kwu Long and Pak Mong had been farming in the area for ages. At that time, there was a great variety of flora and fauna in the area;
- (b) in the 1950s, many villagers had to leave the village to make a living. As wild grasses and shrubs took over the abandoned agricultural land, many species of flora and fauna disappeared due to the change in habitat;
- (c) AFCD’s ecological surveys were not an accurate reflection of Tai Ho Stream’s existing ecology. As the survey would only add new species recorded onto the list without deleting species that were no longer found, the number and type of fish species that were found by the villagers were much less than those mentioned in the ecological surveys. It was also uncertain why the mangroves at Tai Ho, which could be easily found in other parts of

Lantau Island, were classified as 'rare';

- (d) the natural habitat of Tai Ho Stream had already been destroyed by the construction of the North Lantau Highway which severely affected the flow of the stream and caused the accumulation of sediment at the estuary of the stream. The water depth at the estuary had become so shallow that the Ayu fish could no longer reach the main stream from the sea;
- (e) the water quality at the estuary of Tai Ho Stream had become worse due to various construction projects on the other side of the North Lantau Highway, including the HZMB and the reclamation works at Tung Chung East and Siu Ho Wan;
- (f) the IsDC raised strong objection to the DPA Plan when it was consulted in April 2014;
- (g) many villagers wanted to return to the village when they retired. However, the proposed "V" zone was totally inadequate to cope with the demand for Small House development; and
- (h) Members of the Board should pay a visit to Tai Ho to understand the area's existing ecological conditions, delete the "SSSI" zone and increase the size of the "V" zone.

[Actual speaking time: 8 minutes]

Representation No. R190

44. Mr Randy H.K. Yu made the following main points:

- (a) the Board should strike a balance between nature conservation and development and should not favour the people who would only visit the place once every few months at the expense of the villagers who lived in the area;

- (b) there was no basis for some of the representers to claim that the villagers had destroyed the mangroves and cleared the vegetation without any intention to farm the land;
- (c) the local stakeholders consulted, including IsDC and MWRC, unanimously opposed the DPA Plan;
- (d) the sustainable development of the 3 recognised villages in the Tai Ho area had been neglected by the Government. If a road connection was provided to the area, more villagers would return to live in the 3 villages. Although a paved road was in existence, certain parts of the road were not wide enough for vehicles to pass through. As emergency vehicles could not reach the villages, an elderly person had died recently due to delay in treatment;
- (e) as villagers had moved to the urban area to make a living, their agricultural land was abandoned, allowing the mangroves to gradually invade the abandoned fields. The recent clearance of vegetation by the villagers was only an act to take back the use of their own land;
- (f) due weight should be given to the economic development of the area to cater for the needs of the existing villagers, and villagers who wished to return to the villages to pursue agricultural rehabilitation;
- (g) the media reports about the villagers selling their land to private developers and applying for additional government land for Small House development were not true; and
- (h) the rehabilitation of farmland would not adversely affect the natural habitat of the area. In this regard, the Board should rezone all private land from “SSSI” to “AGR”.

[Actual speaking time: 9 minutes]

Representation No. R194

45. Mr Tang Ka Hung made the following main points:

- (a) it was inappropriate to freeze the use of land owned by the villagers in the name of conservation;
- (b) he doubted the conservation value of the Ayu fish which was very common in Taiwan;
- (c) it was inappropriate to designate the private land in Wong Kung Tin Village for conservation purposes without paying compensation to the villagers;
- (d) while the conservationists would only visit the place once in a while to enjoy the natural setting, the villagers were forced to give up the use of their land, which was unfair; and
- (e) the “V” zone for the villages should be enlarged to allow more Small House development.

[Actual speaking time: 5 minutes]

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

Representation No. R195, R410, R413 and R427

46. Mr Cheung Tsan Loy, a villager of Tai Ho Village, made the following main points:

- (a) he claimed that he had been a victim of Government’s policies;
- (b) even though an application for Small House development was first submitted in 1978, a Small House had yet to be built by members of his family due to various reasons including Government bureaucracy and objections that the proposed site was too close to the stream;

- (c) instead of planning for the needs of the villagers, the DPA Plan was only concerned with nature conservation; and
- (d) Government should work for the benefit of the villagers by providing suitable land for Small House development.

[Actual speaking time: 7 minutes]

Representation No. R197

47. With the aid of a Powerpoint presentation, Mr Ian Brownlee made the following main points:

- (a) SHK, Swire Properties Ltd and HK Land Ltd together owned about 66% of the private land within the DPA Plan;
- (b) with an archaeological site that had a history of over 4,000 years, a village settlement at Pak Mong with a history of over 300 years and special heritage features within the village, the “V” zone proposed in the DPA Plan was not the appropriate solution;
- (c) since 1999, the current landowners had made several submissions to the Government on the development of Tai Ho including a comprehensive development area (CDA) proposal, an ecological and heritage park proposal that was supported by the Antiquities Advisory Board, and an ecological park proposal;
- (d) in the Recommended Outline Development Plan (RODP) for the Tai Ho area prepared by the Government in 1998, the southern part of the valley was proposed for residential development. It was on the basis of that RODP that the representer started negotiations with the villagers on the purchase of the land to implement the RODP. However, the RODP was subsequently revised and the residential development proposal in the Tai Ho area was dropped by the Government;

- (e) the representer subsequently submitted a CDA proposal which would keep Tai Ho valley as an ecological and heritage park and locate the new developments at two sites, one near Pak Mong Village and the other near Siu Ho Wan. In 2002, another proposal involving a linked-site concept was submitted, with Tai Ho valley being conserved and the development potential of the conservation area being shifted to two sites in Tung Chung;
- (f) under the New Nature Conservation Policy announced by the Government in 2004 where Tai Ho was identified as a Priority Site for Enhanced Conservation, Private-Public Partnership was one of the options for taking forward the new policy. Under the new policy, development at an agreed scale was allowed at the less ecologically sensitive portion of an ecologically important site, provided that there was a viable and acceptable plan and an undertaking to conserve the remaining part of the site on a long-term basis. Moreover, non in-situ land exchange with full justifications could be considered;
- (g) the previous proposals for Tai Ho submitted by the representer were generally in line with the new policy as the proposed developments were located in the peripheral areas that were less ecologically sensitive while areas of ecological importance would be conserved;
- (h) the existing village of Pak Mong would be retained and the village expansion areas would be located in the peripheral areas. A large number of villagers had agreed to sell their land to the developer who would provide them with new village houses connected to public sewers in the proposed village expansion areas. Moreover, buildings within the village that were of historic significance were proposed to be managed and maintained by a trust fund;
- (i) although the Tai Ho Ecological Park proposal submitted in 2006 was supported by the Task Force on the New Nature Conservation Policy and the Nature Conservation Subcommittee of the Advisory Council on Environment, the proposal had been bogged down by land issues, including

the problem of non in-situ land exchange;

[Mr Stephen H.B. Yau left the meeting at this point.]

- (j) the representer considered the current DPA Plan to be an opportunity for its previous proposals to be implemented, with slight adjustments. With the proposed extension of Tung Chung New Town to the east, Pak Mong Village would only be 800 metres away from the future MTR station. This new planning context should be taken into account. The proposal submitted in the representation was for areas surrounding Pak Mong Village and near Siu Ho Wan, which were less ecologically sensitive areas, to be rezoned as “CDA” while the area of archaeological concern near Pak Mong Village should be designated as “Unspecified Use” as special treatment of that area was required;

[Mr H.F. Leung left the meeting at this point.]

- (k) the new OZP to be prepared should take into account the New Nature Conservation Policy and recognise the opportunity for both additional residential development and eco-tourism in the area; and
- (l) the landowners and villagers, who were the main stakeholders, should be consulted as opposed to the green groups whose interests were only peripheral. The landowners were prepared to take the lead in the process and there was scope for a win-win-win outcome for all the stakeholders.

[Actual speaking time: 13 minutes]

Representations No. R200, R202, R203, R205, R208, R209, R210, R211, R213, R214, R215, R216, R218, R219, R369, R440 and R441

48. Mr Cheung Chee Hung, the indigenous inhabitants representative of Pak Mong Village, made the following main points:

- (a) the three Villages of Pak Mong, Ngau Kwu Long and Tai Ho had several

hundred years of history in the area. The villagers were mainly farmers who cultivated the land and raised poultry, working hard while conserving the area's natural habitat;

- (b) as farming started to decline in the 1980s, the villagers were forced to abandon their farmland and moved to the urban area to find work. Nevertheless, the villagers would return to the village during festivals and holidays. At present, about 30 to 40 villagers were still living in Pak Mong Village;
- (c) the infrequent daily bus services to and from Pak Mong Village was a major hurdle for villagers who wished to moved back to the village;
- (d) when the Chek Lap Kok Airport was at the planning stage, there were plans for Tai Ho to be developed into a New Town, providing a highway to link up Mui Wo in the southern part of Lantau Island. Unfortunately, due to objections from the green groups on the grounds that the proposed highway would adversely affect the owls found at A Po Long, the proposal was subsequently dropped. The Tai Ho New Town proposal also fell through;
- (e) the natural habitat in the Pak Mong area had been destroyed by the North Lantau Highway. As the flow of water at Tai Ho Wan was adversely affected by the new highway, the original beach to the north of Pak Mong had turned into a mudflat with mangroves;
- (f) in the 1980s, a scholar from the University of Hong Kong conducted a 3-month study of Tai Ho Stream and found 87 species of fish in the stream, which was more than the 67 species identified in recent studies;
- (g) while the Ayu fish might be rare in Hong Kong, the fish was commonly found in Taiwan and Fujian;
- (h) the villagers objected strongly to the DPA Plan because the proposed "V" zone was inadequate to meet the 10-year Forecast Demand of about 80

Small Houses and the area covered by the “V” zone comprised mainly Tso/Tong land which could not be used for Small House development;

- (i) in Tai Ho Village, a lot of private land was covered by the “SSSI” zoning. Similar to the subsidy that was provided to owners of vehicles that did not meet the latest environmental standards to encourage them to replace their vehicles, the Government should compensate landowners by resuming all private land that was zoned as “SSSI”;

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

- (j) the villagers were discontented as they had never been consulted on the DPA Plan;
- (k) the “V” zone should be expanded to follow the boundaries of the village ‘environs’;
- (l) the planning of the area was a failure. The villages had never been provided with a proper vehicular access and a few villagers had died in the last few years due to the failure to provide timely emergency services; and
- (m) the provision of telecommunications in the area was inadequate. A proposal by a telecommunications company to build a radio base station at Tai Ho had been dropped due to the objection raised by the green groups to the proposed site formation works which required the use of heavy mechanical equipment.

[Actual speaking time: 17 minutes]

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

Representation No. R226

49. With the aid of a Powerpoint presentation, Mr Cheung Kwok Keung, an indigenous villager of Tai Ho Village, made the following main points:

- (a) while the conservation of the area was supported, the DPA Plan was objected to due to the restrictions imposed on the villagers on the use of their land;
- (b) even though he had moved out from the village at a young age, he and his family always went back to the village during holidays to stay with relatives and play in the fields. The villagers had a special affection for the village which should be taken into consideration in the planning process;
- (c) Tai Ho had a long history. The place could be identified on a map that was drawn during the Ming dynasty;
- (d) in the past, the only route to the urban area was by way of a footpath leading to Mui Wo and then by ferry from Mui Wo to Central;
- (e) the gathering of the villagers during festivals was a reflection of the strong bond among villagers of the same village;
- (f) an old photo of Tai Ho Wan showed that its habitat had changed from that of a beach to the current mudflat with mangroves;
- (g) comparing an old photo of Ngau Kwu Long Village with a recent photo, except for the redevelopment of some old village houses into more modern NTEH-type houses, not much had changed;
- (h) the school, the community hall and the village office serving the villages of Pak Mong, Ngau Kwu Long and Tai Ho were all built by the villagers themselves;
- (i) there was concern whether the daily maintenance of village houses or the maintenance of graves would require the prior approval of the Board in the “SSSI” zone;

- (j) in the past, a ferry service from Tai Ho to Tsuen Wan was operated by the villagers once a week or during festival periods;
- (k) there was concern that water for irrigation of the fields could no longer be extracted from Tai Ho Stream once it was zoned as “SSSI”;
- (l) the North Lantau Highway had completely disrupted the habitat of Tai Ho Wan, changing it from a bay with clear waters into one with stagnant waters and mudflats; and
- (m) it was unfair that land with building status had not been zoned as “V” on the DPA Plan. The small size of the “V” zone would severely restrict development and adversely affect the survival of the village.

[Actual speaking time: 10 minutes]

Representation No. R246 and Commenter No. C10

50. Mr Ho Chun Wai, a villager of Tai Ho Village, made the following main points:

- (a) strongly objected to the DPA Plan and the “SSSI” zoning for Tai Ho Stream;
- (b) it was unreasonable that the current “V” zone for Tai Ho Village did not cover his village house;
- (c) the residents of Tai Ho Village had never stopped using water from the stream for their daily needs, notwithstanding that the village had been provided with piped water more than 10 years ago;
- (d) while the green groups were making a profit from the eco-tours to Tai Ho which were operated on a monthly basis, the villagers were made to suffer as their privacy had been adversely affected;

- (e) the villagers were unable to return to the village on a regular basis mainly due to the inconvenience of the existing transport facilities serving the village. This, however, had been used as a pretext by the green groups to claim that the village houses had already been abandoned;
- (f) the “SSSI” zoning of Tai Ho Stream would deprive the villagers of their right to use the stream, which was unfair; and
- (g) with a total population of 180 persons in Tin Liu Village and Tai Ho Village, the current “V” zone could only accommodate 6 Small Houses which was totally inadequate. The “V” zone should be appropriately enlarged to serve the needs of the villagers.

[Actual speaking time: 8 minutes]

[Mr Stanley Y.F. Wong left the meeting temporarily and Mr Sunny L.K. Ho left the meeting at this point.]

Representation No. R370, R371, R375 and Comment No. C194

51. Mr Lam Chu made the following main points:

- (a) the Government should learn from history and differentiate between those policies that benefit the people and those that would adversely affect the people;
- (b) with the continued immigration from Mainland Hong Kong, it was not certain whether the proposed provision of housing was for the benefit of the local people or for the Mainlanders;
- (c) it was unwise of the Government to marginalise the local villagers with plans that could result in the elimination of the villages;

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

- (d) the Government should have consulted the local villagers before preparing the DPA Plan. Even though the villages were quite remote, the villagers were willing to cooperate with the Government provided that it was working for the benefit of the people and the measures were reasonable;
- (e) local villagers had been cooperative on numerous occasions which required the relocation of villages. Examples included the construction of Shek Pik Reservoir, the development of the new airport at Chek Lap Kok and the development of Tung Chung New Town;
- (f) the Government had neglected the needs of the remote villages and implemented policies that were unfair to these villages;
- (g) the three villages had a history of at least 300 years, tilling the land and fishing from the sea. During the Japanese occupation, Ngau Kwu Long Village had been burnt to the ground. The existing pier at Pak Mong, the power generating equipment and electricity posts as well as the bridge over Tai Ho Stream were built in the 1950s by British soldiers stationed in the area nearby;
- (h) agricultural land should be zoned for agricultural purposes and the “SSSI” zoning should not cover any private land held by the villagers unless the landowners were provided with proper compensation;
- (i) the villagers who had been farming the land for so many years had more knowledge than the pseudo-conservationists on how to protect the environment and conserve the existing natural habitat;
- (j) in order to prevent thieves from cutting the Incense Trees, the villagers had to close the village gates and prevent outsiders from trespassing. However, while the pseudo-conservationists blamed the villagers for closing the village, they themselves were making money out of the eco-tours which trespassed the private land of the local villagers, caused noise pollution and left behind unwanted rubbish;

- (k) it was unfair that the land that was zoned “SSSI” was mostly private land with Government land comprising only a minor portion;
- (l) the footpath that passed through the abandoned agricultural land was in fact private land which was offered by the landowners as a common footpath for use by all the villagers. The pseudo-conservationists, however, made unsubstantiated claims that the footpath belonged to the public and everybody had the right to use it;
- (m) although 70% of the land owned by villagers had been sold, the money gained was mainly used to rebuild the old village houses in the existing villages. The felling of mangroves was to facilitate agricultural rehabilitation; and
- (n) the pseudo-conservationists should consider buying all the private land within the conservation areas from the villagers so that they could do whatever they wanted with the land.

[Actual speaking time: 26 minutes]

52. The meeting was adjourned for lunch break at this point.

53. The meeting was resumed at 2:10 p.m.

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

Mr Thomas T.M. Chow	Chairman
Mr Stanley Y.F. Wong	Vice-Chairman
Mr Roger K.H. Luk	
Professor S.C. Wong	
Dr C.P. Lau	
Ms Julia M.K. Lau	
Mr Laurence L.J. Li	
Professor K.C. Chau	
Mr H.W. Cheung	
Mr Ivan C.S. Fu	
Ms Janice W.M. Lai	
Mr Dominic K.K. Lam	
Mr Patrick H.T. Lau	
Mr F.C. Chan	
Mr Peter K.T. Yuen	
Deputy Director of Environmental Protection	
Mr C.W. Tse	
Assistant Director (Regional 3), Lands Department	
Mr Edwin W.K. Chan	
Director of Planning	
Mr K.K. Ling	

Agenda Item 3 (cont'd)

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in respect of the Draft Tai Ho Development Permission Area Plan No. DPA/I-TH/1

(TPB Paper No. 9806)

[The hearing was conducted in Cantonese and in English.]

55. The Chairman invited the representers and commenters of Group 2 and their representatives to continue with their presentations.

Representation No. R414, R415, R523/C201, R540 and R640

56. Mr Kwok Shing Chung, an indigenous villager of Pak Mong Village, made the following main points:

- (a) Pak Mong Village had a history of 600 years;
- (b) with the introduction of the DPA Plan, the villagers would need to obtain planning permission from the Board before any farming activity or Small House development could take place. This had deprived the rights of the villagers;
- (c) out of a total land area of 230 ha, only 1.27 ha (0.64%) of land covering the existing village houses was zoned as "V". The DPA Plan had neglected the 10-year Small House demand forecast of 200 Small Houses for the three villages in Tai Ho;
- (d) as it was the right of an indigenous villager to build a Small House, the "V" zone proposed in the DPA Plan was unreasonable. The Government should have consulted the villagers before drawing up the DPA Plan so that it could accurately reflect the needs of the villagers. The villagers could always provide evidence to prove the landownership status to address concerns that the houses to be built only served the developers rather than

the indigenous villagers;

- (e) if the Government's concern was on the pollution caused by Small House developments, it should provide the village with public sewers to address the problem instead of prohibiting Small House development in the area;
- (f) most of the land that was zoned as "SSSI" was private land. As the "SSSI" zoning would deprive the land of its use value, the Government should either pay compensation to landowners or provide a mechanism for land exchange;
- (g) the good 'fung shui' of Pak Mong Village had been destroyed by the North Lantau Highway which passed right in front of the village. The 'fung shui' of the village was also adversely affected by the HZMB as the four link bridges in front of Tai Ho Wan were like sickles pointing at Pak Mong Village. As 'fung shui' was a cultural heritage of the Chinese people, it should not be considered as superstition but should be understood as a way for people to keep in harmony with their environment;
- (h) the three villages of Tai Ho possessed many cultural and historical heritage which were cherished by the local villagers and should be protected;
- (i) it was unfair that while 28 ha of land had been designated as 'VE' where Small House development was permitted, the new DPA Plan restricted the "V" zone to cover only the existing village houses with no additional area for new Small House development. This was an unreasonable statutory restriction on the right of the villagers to build Small Houses;
- (j) the numerous infrastructural works that were being carried out in the vicinity of Tai Ho such as the HZMB and the Tung Chung New Town Extension Project had been adversely affecting the three villages and its natural habitat in terms of air, water and noise pollution without any mitigation measures provided. Notwithstanding all the developments in the vicinity, the three villages did not see any benefits or improvements to

its living environment; and

- (k) the Government should meet the development needs of the villagers by zoning 6 ha of land in Pak Mong Village as “V”, paying compensation to the landowners with land within the “SSSI” zone, providing public sewers for the three villages in Tai Ho and providing a vehicular access linking the three villages to the highway network.

[Actual speaking time: 13 minutes]

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

Representation No. R386, R412, R425 and R432

57. Mr Chow Cheung Fuk, the indigenous inhabitants representative of Tai Ho Village, made the following main points:

- (a) objected to the DPA Plan which was not in line with BL 40, BL 105 and BL 120 which protected the rights of the villagers;
- (b) the amount of land that was zoned “V” was unreasonably small. Taking Tai Ho Village and Tin Liu Village as an example, with an existing population of about 180 persons, the size of the “V” zone was only large enough for the redevelopment of 6 village houses;
- (c) the “SSSI” zone covered Tai Ho Stream and its three tributaries. As any development within 30 metres of the “SSSI” zone was not permitted, this would deprive the three villages of their right to use their land;
- (d) in the past, the villagers had always been self-sufficient. However, with the construction of Shek Pik Reservoir and its system of catchwaters in the 1950s, the water resources of Tai Ho were adversely affected and the villagers were forced to leave their farms to find work in the urban area;
- (e) villagers who wanted to return to the village to retire could not do so as they

could no longer farm their land nor build Small Houses on their land;

- (f) even though new roads and railways had been constructed nearby, the villagers of Tai Ho had been marginalised as no vehicular access was provided to serve the villages. Precious lives had been lost in recent months as two villagers were unable to have access to timely emergency services; and
- (g) as two New Town Extension areas would be developed for Tung Chung, it was proposed to reserve an adequate amount of “V” land in the Tung Chung East Extension Area for the relocation of the existing villages of Tai Ho.

[Actual speaking time: 8 minutes]

Representation No. R539

58. Mr Kwok Wing Choi, a villager of Tin Liu Village, made the following main points:

- (a) the culprits who destroyed the natural habitat of Tai Ho were not the local villagers but the Government who constructed the North Lantau Highway and the four bridges of the HZMB;
- (b) for over 600 years, the villagers who had lived in the area had been conserving the natural habitat of Tai Ho Stream. There was no need for any additional controls by the Government;
- (c) without the provision of public sewers, any development or rebuilding of existing houses could not be carried out. The villagers were therefore forced to abandon their village;
- (d) those villagers who sold their land to the private developer had done so out of need. In his case, he had to sell the land to find money to pay for his father’s medical expenses;

- (e) while the land transaction with the private developer had yet to be completed, he was required to pay an inheritance tax to the Government amounting to over \$1 million as the land value was assessed based on the potential residential use of the land even though the site was now zoned as “SSSP”; and
- (f) there was no need for the DPA Plan and the Government should leave things as they were. In this way, the villagers would be able to continue with their way of living.

[Actual speaking time: 5 minutes]

Representation No. R384, R390, R442, R445, R631, R632, R638 and R641

59. With the aid of a Powerpoint presentation, Mr Lam Ka Chu, a villager of Ngau Kwu Long Village, made the following main points:

- (a) Ngau Kwu Long Village had a history of over 300 years. During the Japanese occupation, the village was burnt down as villagers had provided assistance to the guerillas. After the war, the villagers returned and rebuilt the village;

[Mr Stanley Y.F. Wong returned to join the meeting at this point.]

- (b) from 1968 to 1979, some villagers returned to the village and organised a collective farm, setting up a self-sustaining community. At that time, all the land that was available would be used for farming purposes;
- (c) in the 1980s, as Hong Kong’s economy developed at a rapid pace, the agricultural sector declined and villagers had to abandon their farmland to find work in the urban area. By 1990, only a few villagers remained in the village;
- (d) even though Tai Ho was identified in the 1990s as a possible new town in the development plan for the new airport at Chek Lap Kok, the only desire

of the villagers was for the sustainable development of the village;

- (e) according to the Explanatory Statement (ES) of the DPA Plan, Tai Ho was classified as having high landscape value. Notwithstanding that, four overhead bridges were planned at the mouth of Tai Ho Wan which significantly affected its landscape value;
- (f) the information provided in the ES was not entirely correct. For example, the paved area within the villages served not only as a place for ancestral worshipping activities but also as a playground for children, a place for banquets and a place for meetings. Moreover, instead of one outlet, there were actually three outlets underneath the North Lantau Highway that allowed water from Tai Ho Stream to flow to the sea. The existing population of 150 persons was also incorrect as the four villages had a total population of at least 700 villagers. The paragraph on the “SSSI” zone also failed to mention that about 50% of the land covered by the zoning was private land;
- (g) he strongly objected to the “V” zone which had a total area of only 1.27 ha and covered only land with existing buildings. Compared with the size of the ‘VE’ of about 28 ha, land available for Small House development had been significantly reduced. For Ngau Kwu Long Village, while the ‘VE’ had a size of 12 ha, the “V” zone was only 0.3 ha. Besides, some land with existing buildings or with building lot status had been excluded from the “V” zone. The facts, therefore, did not support the statement given in the ES that the general planning intention of the DPA Plan was to reflect the existing recognised villages and rural settlements of Tai Ho;
- (h) it was unreasonable to incorporate private land within the “SSSI” zone where ‘Agricultural Use’ would also require planning permission from the Board. The landowner should have the right to cultivate the land when he so desired;
- (i) instead of designating a 20-metre buffer as a conservation area for the SSSI

which would take up about 6 ha of land, the Government actually would not permit any development within 30 metres of the SSSI. A case in point was the Small House application by his uncle on a site that was nearly 40 metres away from Tai Ho Stream but was rejected by DLO on the grounds that it would adversely affect the SSSI;

- (j) the villagers of Ngau Kwu Long Village requested that a “V” zone of about 7 ha should be designated on the DPA Plan to cater for their needs for Small House development;
- (k) since the announcement of the New Nature Conservation Policy in 2004, nothing had been done to Tai Ho which was a Priority Site for Enhanced Conservation. The villagers’ request was for all private land to be excluded from the “SSSI” zone and that the “SSSI” zoning should cover only the mouth of Tai Ho Stream. Based on the experience of the villagers, about 80% of the fish species would only dwell at the mouth of the stream;
- (l) the Government should make good its promise and provide a “V” zone in the Tung Chung New Town Extension Area for the villagers as compensation for the loss of development potential of their land that was designated as SSSI;
- (m) the Government should consider developing a pedestrian walkway to allow visitors to appreciate the mangroves along the coast. Moreover, the Government should consider providing public sewers to serve the existing villages at Tai Ho;
- (n) the villagers were the victims of environmental degradation. In the 1950s, when a private contractor started to dredge sand from Tai Ho Wan, the embankments of the farmland along the coast started crumbling and mangroves began to invade the area. In this regard, the mangroves could be considered as a man-made phenomenon;
- (o) the proposal of the conservationists to designate a 50-metre buffer area for

the “SSSI” zone would mean that the entire Tai Ho Village would become sterilised. This would inevitably result in the abandonment of the village;

- (p) it was unfair to the villagers that most of the proposals suggested by the green groups including the designation of buffer areas and the reduction of the size of the “V” zone had been adopted in the DPA Plan; and
- (q) the villagers had lived in the area for a few hundred years already, cultivating the land and rearing pigs and poultry without causing any disturbance to the natural habitat of Tai Ho Stream. The villagers had demonstrated that they could live in harmony with the natural environment.

[Actual speaking time: 30 minutes]

60. As the presentation from PlanD’s representatives, the representers and commenters and their representatives had been completed, the Chairman invited questions from Members.

The “V” zoning

61. The Chairman enquired whether some existing village houses had not been covered by the “V” zone as suggested by some of the representers. In response, Mr Ivan M.K. Chung (DPO/SKIs) said that the existing “V” zone was drawn up based on information provided by the DLO and had covered all existing village houses and known building lots. Those lots with existing buildings that were outside the “V” zone were not building lots. As the purpose of the DPA Plan was to provide interim planning guidance and to facilitate development control pending the preparation of an OZP, the extent of the “V” zone would be carefully reviewed at the OZP preparation stage to ensure that it reflected the existing recognised villages and rural settlements in the area.

62. In response to the Chairman’s enquiry on whether some approved Small House applications had been required to stop construction works as claimed by the representers, Mr Chung said that there were two Small House applications which had been approved by the DLO prior to the exhibition of the DPA Plan. As the two

approved Small House developments were located within the “V” zone, they were always permitted and the exhibition of the DPA Plan did not affect their development. Mr Randy H.K. Yu (R188) said that he had made a mistake in his presentation in that the construction works for two Small House applications had been stopped due to the location of the septic tanks. He clarified that the construction works for the two Small Houses had not been put on hold.

63. The Chairman asked DPO/SKIs to explain the difference in the DPA Plan between the “V” zone and the ‘VE’. In response, Mr Chung referred to Plan H-6 of the Paper and said that the ‘VE’ of the recognised villages in Tai Ho covered an area of 26 ha. The ‘VE’ was mainly the administrative boundary adopted by LandsD where applications for Small House development would be considered under the Small House Policy. On the other hand, the planning intention of the “V” zone designated under the DPA Plan was to reflect existing recognised villages and to concentrate village type development for a more orderly development pattern, efficient use of land and provision of infrastructure and services. In this regard, the “V” zone and the ‘VE’ served different purposes and the boundaries of the “V” zone and the ‘VE’ might or might not coincide with one another. As the DPA Plan was an interim plan, the “V” zone would be carefully reviewed at the OZP preparation stage and the boundaries of the future “V” zone would be drawn up having regard to the existing ‘VE’, outstanding Small House applications, Small House demand forecast, local topography, existing village settlement pattern, ecologically important areas and other site specific characteristics.

64. In response to the Chairman’s enquiry on the criteria for drawing up the “V” zone, Mr Chung further added that the “V” zone on the DPA Plan had taken into account the existing building lots of the recognised villages, the existing village cluster and the Small House applications approved by DLO, but as an interim plan, it had not catered for the expansion needs of the villages. Those land with existing buildings but which were not building lots had not been included in the “V” zone. Notwithstanding that, the status of those buildings would not be affected as the maintenance, repair or demolition of the building, and the replacement of an existing domestic building by an NTEH was always permitted in areas that were designated as “Unspecified Use”.

The “SSSI” zoning

65. The Chairman enquired whether the “SSSI” zone covered any existing buildings or graves and whether the maintenance of such buildings and graves would require planning permission from the Board. In response, Mr Chung said that the “SSSI” zone mainly covered Tai Ho Stream and the estuary of the stream where no buildings or graves were in existence.

66. In response to the Chairman’s enquiry on whether the Ayu fish was ‘rare’, Dr Jackie Yip (SCO/TS, AFCD) said that while the Ayu fish used to be a fish that was commonly found, due to over-fishing and the degradation of its habitat in the last 10 years, the fish was now classified as an endangered species. The Ayu fish which were available in the markets as mentioned by some representers were mostly raised in fish farms.

67. The Chairman asked why ‘Agricultural Use’ could not be permitted as of right within the “SSSI” zone. In response, Dr Yip said that Tai Ho Stream had been designated as an SSSI mainly because it was one of the few remaining streams in Hong Kong with a natural stream course that ran from its upland origins down to its estuary, hence its high conservation value. The stream was also highly valuable as it had the largest number of fish species found, with 67 species recorded. She clarified that the figure of ‘67 fish species’ was based on all relevant information that was available including published documents, AFCD’s records and information from academic reports. As noted by some representers, AFCD’s website had adopted the figure of ‘48 fish species’ as that information was based solely on AFCD’s survey. AFCD’s main concern on farming activities within the “SSSI” zone was its possible adverse impact on the ecology of the stream’s fish species. In this regard, a planning application was considered necessary in order to assess on a case-specific basis whether the proposed farming activity would affect the various habitats that were of importance to the ecology of the fish including the habitat of the stream and the mangroves at the estuary of the stream.

68. In response to the Chairman’s enquiry on the need to incorporate the “SSSI” zone into the DPA Plan which was only an interim plan, Dr Yip said that as the SSSI had been designated by AFCD based on its special scientific value, it was the normal practice

for sites that were so designated to be zoned as “SSSI” on statutory plans. The Chairman further enquired whether a buffer area of 20 metres was more than adequate for the SSSI. In response, Dr Yip said that a conservation zone to protect the buffer area of the “SSSI” zone had yet to be determined. The extent of the buffer area would need to be determined at the OZP preparation stage.

69. A Member enquired whether the mangroves that had been cleared were on land that was zoned as “SSSI”. In response, Mr Lam Ka Chu (R631) said that the land where mangroves had been cleared was Tso/Tong land held by the villagers, even though it was zoned “SSSI” on the DPA Plan. As the land was under private ownership and had been leased for agricultural purposes, the landowners had the right to clear the land for cultivation.

The existing population

70. In response to the Chairman’s enquiry, Mr Ivan M.K. Chung (DPO/SKIs) said that the existing population of 150 persons was based on information provided in the 2011 Census. A Member enquired whether there was information on the number of outsiders living in the villages. In response, Mr Chung said that the information from the 2011 Census did not provide such details. Mr Lam Ka Chu (R631) said that all the existing residents at Ngau Kwu Long Village and Tai Ho Village were indigenous villagers. For Pak Mong Village, about 20% of the existing 80 to 90 permanent residents in the village were outsiders.

The Development Proposal of SHK, Swire Properties Ltd and Hong Kong Land Ltd

71. Noting that the development proposals suggested by R197 involved the relocation of the existing villages, a Member enquired whether the villagers were aware of and agreed with the proposal. In response, Mr Ian Brownlee (R197) said that according to the New Nature Conservation Policy of 2004, the purchase of land by the private sector for sustainable management was encouraged and it was in that context that the representer negotiated with the villagers for the purchase of their land in the area. It was therefore unfair to criticise the villagers for selling their land to the developer. The representer’s proposal was to retain the existing village with no further development

taking place there. All the proposed developments would take place in the peripheral areas that were not ecologically sensitive. About 170 village houses would be built for the villagers in the less sensitive areas with proper sewers provided while the main residential development of about 240,000m² GFA would be located at Pak Mong. In the prime conservation area, an ecological park was proposed where agricultural activities would be prohibited in order to preserve the streams and its natural habitat. The proposal was prepared in good faith by the developer together with the villagers with a view to conserving the heritage and the natural habitats of Tai Ho.

72. In response to the same Member's enquiry, Mr Brownlee said that the proposal was not to relocate the village, which would remain intact, but to designate the village expansion areas on land away from the existing villages. Mr Lam Ka Chu (R631) said that the proposal of R197, i.e. to retain the existing village and to place the village expansion areas at locations that were less ecologically sensitive, should be considered as an appropriate way forward for the villagers and the green groups.

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

[The meeting took a break of 5 minutes.]

Deliberation Session

74. Noting that the representations of Group 1 generally supported the draft DPA Plan and the zoning of Tai Ho Stream as "SSSI", the Chairman suggested and Members agreed that the supportive views should be noted.

75. Members noted the suggestion of the Group 1 representations that planning controls for the DPA Plan should be more stringent on the grounds that Tai Ho, which was one of the Priority Sites for Enhanced Conservation under the New Nature

Conservation Policy, was of high ecological importance. As the DPA Plan was an interim plan, Members agreed that detailed land use zonings would only be worked out at the preparation of the OZP stage, taking into account relevant assessments and studies and the expert views of the relevant government departments. Members also agreed that the “SSSI” zoning should be retained as the zoning was to reflect the status of Tai Ho Stream as an SSSI which had been designated by AFCD since 1999.

76. On the villagers’ concern that the DPA Plan had deprived the indigenous villagers of their rights for Small House development, Members noted that most of the building lots were covered by the “V” zones where ‘House (NTEH only)’ was always permitted. While some private lots with existing structures which were scattered and isolated from the existing village clusters had been designated as “Unspecified Use”, their development rights had not been deprived of as the rebuilding of NTEH and replacement of an existing domestic building by a NTEH were always permitted whilst planning application for new house development would be considered by the Board on its individual merits. Besides, the boundaries of the “V” zone on the draft DPA Plan, which were only drawn up provisionally, would be reviewed at the preparation of OZP stage.

77. Regarding the concern on sewage pollution caused by Small House developments, Members noted that there was sufficient control in the current administrative system to ensure that Small House developments within the “V” zone would not entail unacceptable impacts on the surrounding environment as the design and construction of on-site STS systems would need to comply with the relevant government standards and regulations. As for Small House developments outside the “V” zone, the Board would require the applicant to demonstrate to its satisfaction that the proposed Small House development would not cause any adverse environmental impact.

78. Members noted that while R197 had submitted a development proposal for the Board’s consideration, the proposal lacked detailed assessments to substantiate the proposed “CDA” zoning for large portions of the DPA Plan. Members agreed that the zoning and development proposals submitted by R197 could be further studied at the preparation of the OZP stage.

79. Members agreed that the villagers' proposal for the provision of roads linking up the three villages on the DPA plan could be considered at the OZP preparation stage.

80. Members also agreed that due to the high conservation value of the land zoned as "SSSI", 'Agricultural Use' should be retained as a use under Column 2 of the Notes, i.e. requiring the planning permission of the Board.

81. Members also noted that no existing village houses or graves were located within the "SSSI" zone so that the issue of obtaining planning permission for repair and maintenance did not arise.

82. The Vice-Chairman enquired whether there were precedent cases where the "V" zone of the DPA Plan had been enlarged at the OZP preparation stage. In response, Mr K.K. Ling, the Director of Planning, said that as the DPA Plan was only an interim plan, it was the normal practice for PlanD to contain the "V" zone within the existing village clusters and sites with known Small House approvals only. The exhibition of the DPA Plan formed the basis for consultation with the local villagers and other stakeholders with a view to drawing up an appropriate "V" zone at the OZP preparation stage to meet the needs of various parties. There had been cases where the "V" zone on the OZP had been enlarged, when compared with that shown on the DPA Plan.

83. After further deliberation, Members decided to note the supportive views of representations R1 to R187 and not to uphold the adverse representations R188 to R642 and the proposals from all representers. Members then went through the suggested reasons for not upholding the representations as detailed in paragraph 8 of the Paper and considered that they were appropriate.

Representation No. R1(part) to R8(part), R9 to R96, R97(part) to R99(part), R100, R101(part) to R107(part), R108, R109, R110(part) to R159(part), R160 to R172, R173(part) to R180(part), R181, R182(part) and R183 to R187

84. After deliberation, the Board decided to note the above representations. The Board also decided to advise the above representers of the following:

“(a) the DPA Plan is an interim plan which will be replaced by an Outline Zoning Plan (OZP) within 3 years. In the preparation of the OZP, land use zonings for the Area will be comprehensively reviewed subject to a more detailed analysis of the land use pattern, infrastructural provisions, environmental and ecological values and local need. Relevant stakeholders including green groups, the concerned government departments, District Council and Rural Committee will also be consulted (R1 to R187); and

Ecological, Conservation and Recreation Values of Tai Ho

(b) the views/information relating to the ecological, conservation and recreation values of the Area would be taken into account and further expert advice from concerned government departments would be sought for subsequent preparation of the OZP for the Area (R1 to R7, R182 and R186).”

Representation No. R1(part) to R8(part), R97(part) to R99(part), R101(part) to R107(part), R110(part) to R159(part), R173(part) to R180(part), R182(part) and R188 to R642

85. After deliberation, the Board decided not to uphold the above representations and that the Plan should not be amended to meet the representations for the following reasons:

“(a) the DPA Plan is prepared to provide interim planning guidance control for future development pending preparation of an OZP and to enable enforcement actions to be taken against any unauthorised developments and undesirable change of use. It will be replaced by an Outline Zoning Plan (OZP) within 3 years. Detailed land use zonings will be worked out during the OZP stage taking into account relevant assessments/studies on, inter alia, the land use pattern, infrastructural provisions, environmental and ecological values and local need in consultation with government departments concerned and relevant stakeholders including green groups, the concerned District Council and Rural Committee (R188 to R642);

Rights of Indigenous Inhabitants

- (b) in the draft DPA Plan, NTEH development is always permitted within the “V” zone. Rebuilding of NTEH and replacement of an existing domestic building by a NTEH are also always permitted whilst planning application for new house development could be considered by the Board on its individual merits. Moreover, there is provision for ‘Agricultural Use’ on land within the boundary of the draft DPA Plan. Therefore, there is no deprivation of landowners’ rights in using their land (R188 to R193, R198 to R642);

- (c) the right to build Small House by the indigenous villagers has already been qualified by the Town Planning Ordinance (Cap. 131) (the Ordinance) by the time the Basic Law came into force, and subjecting such a right to the planning controls that may be lawfully imposed pursuant to the Ordinance by way of the draft DPA Plan in question would not be inconsistent with the Basic Law (R188 to R193, R198 to R642);

- (d) the zoning restrictions on the draft DPA Plan pursue the legitimate aim of better planning control and the land concerned could be put to ‘always permitted uses’ and other uses as long as planning approval is obtained. Land was subject to the town planning regime under the Ordinance before the establishment of the HKSAR. The Basic Law would not have the effect of exempting the land in question from the town planning regime under the Ordinance after 30 June 1997 (R191);

Designation of “V” zones

Adverse Impacts of Small House Development

- (e) there is sufficient control in the current administrative system to ensure that individual Small House development within the “V” zone would

not entail unacceptable impacts on the surrounding environment. The design and construction of on-site Septic Tank and Soakaway system for any Small house development within the “V” zone need to comply with relevant standards and regulations, such as the Practice Note for Professional Person 5/93 “Drainage Plans subject to Comment by the Environmental Protection Department” promulgated by the Environmental Protection Department (R1, R2 and R5);

Development Restrictions within the “V” zones

- (f) putting ‘House (New Territories Exempted House only)’ use as a use that is always permitted within the “Village Type Development” (“V”) zone is in line with its planning intention. Besides, there is sufficient planning control for other house developments within the “V” zone through the planning application system (R1, R5 and R6);

Expansion of “V” zone boundaries

- (g) the current “V” zone boundaries are drawn up provisionally to reflect mainly the existing village clusters. It will be further reviewed and defined at the preparation of OZP stage taking into account the results of relevant assessments/studies on various aspects including the Small House demand, ecology, environment, geology, infrastructure, landscape, traffic, etc. (R8, R97 to R99, R101 to R107, R110 to R148, R191, R196 and R198 to R642);

Designation of Conservation Zonings and Country Park

- (h) the details of designating conservation zonings need to be carefully studied in the course of OZP preparation in consultation with the government departments concerned and relevant stakeholders to ensure a balance between the rights of indigenous villagers of Tai Ho and nature conservation would be struck (R1 to R7, R173 to R180 and R182);

- (i) whether an area is suitable for incorporation into a country park (CP) should be assessed against the established principles and criteria, which include conservation value, landscape and aesthetic value, recreation potential, size, proximity to existing CP, land status and land use compatibility, as well as other relevant considerations (R1 to R7);

Opposition to the “SSSI” zone and “Unspecified Use” designation as well as proposed amendments to the “SSSI” zone and “Unspecified Use” areas

- (j) the scientific value of Tai Ho Stream SSSI is reaffirmed by the regular ecological survey carried out and the ecological database has been updated since 2002. The SSSI was designated in 1999 as an administrative means to alert the government departments concerned about the importance of scientific interest found at the SSSI so that due consideration is given to conservation when developments at or near these sites are proposed. The “SSSI” zoning on the draft DPA Plan has duly reflected the SSSI boundary to provide planning guidance and control on the site (R188 to R191, R193 and R198 to R642);

Designation of “Comprehensive Development Area” (“CDA”) zone and Future Development of Tai Ho

- (k) the zoning and development proposals for Tai Ho will be further studied in consultation with concerned government departments at the preparation of the OZP stage (R149 to R159 and R197);
- (l) there are no detailed assessments submitted in the representation to substantiate that the proposed development and “Comprehensive Development Area” zoning are in the least ecologically sensitive portion of the priority site, and thus the proposal may not be in line with the principle of Public-private Partnership Scheme under the New Nature Conservation Policy (R197);

Suspend the processing of Small House applications and preparation of village layout plan

- (m) the processing of land grant applications under the Small House policy is outside the purview of the Board (R7);
- (n) for the new DPA Plans which have just been completed such as this DPA Plan, OZPs with the “V” zone will be further reviewed and defined before the need for preparation of new VLP is reviewed (R7);

Insufficient Public Consultation

- (o) there was no public consultation prior to the publication of the draft DPA Plan in order to avoid unfavourable *fait accompli*. Nevertheless, consultations with Mui Wo Rural Committee and Islands District Council on the draft DPA Plan have been conducted. Besides, the statutory plan-making process, which involves the exhibition of the draft DPA Plan for public inspection, submission of representations and comments by the public, as well as the hearing of representations and comments received, is itself a public consultation process under the Town Planning Ordinance (R194 and R630); and

Provision of facilities in the Area

- (p) while the provision of infrastructure and facilities are generally regarded as works coordinated or implemented by the Government which are always permitted on the draft DPA Plan, the appropriateness to provide infrastructure and utility facilities in the Area requires detailed consideration and assessments on, inter alia, the provision standards and resources availability in consultation with relevant government departments. As such, the need for providing such facilities in the Area and designation of appropriate zonings, if required, will be further studied at the preparation of the OZP stage (R191 and R198 to R642).”

[Ms Julia M.K. Lau and Professor C.P. Lau arrived to join the meeting at this point.]

Sha Tin, Tai Po & North District

Agenda Item 4

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations in respect of the Draft Ping Chau Development Permission Area Plan No. DPA/NE-PC/1
(TPB Paper No. 9807)

[The meeting was conducted in Cantonese]

86. The Chairman said that the Board had agreed that the representations in respect of the draft Ping Chau Development Permission Area Plan No. DPA/NE-PC/1 (the draft DPA Plan) would be heard in two groups. The Group 1 hearing was for consideration of 331 representations submitted by Sai Kung North Rural Committee (SKNRC), Sai Kung North Tung Ping Chau Affairs Committee (SKNTPCAC), village representatives (VRs) and individuals. The Group 2 hearing was for consideration of seven representations submitted by green/concern groups, including World Wide Fund for Nature Hong Kong and Kadoorie Farm & Botanic Garden.

Group 1 Hearing

(Representations No. R1 to R329, R336 and R337)

87. The Secretary reported that on 16.12.2014 and 17.12.2014, the Secretary of the Board received 59 emails (in standard format) in the name of various villages, from Committee Members/members of Heung Yee Kuk, and members of various rural committees and district councils objecting to the draft DPA Plan. They requested that sufficient area within each village should be zoned "Village Type Development" ("V") to meet the 10-year forecast Small House demand; Ping Chau Nai Tau and Ping Chau Tai Tong Village should be excluded from the Country Park; and basic utilities and infrastructure should be provided to Ping Chau. Members noted that a sample of the emails and a list of senders were tabled at the meeting and the full set of e-mails were deposited at the Secretariat for Members' information.

88. Members noted that a letter dated 18.12.2014 from the SKNRC objecting to the draft DPA Plan was tabled at the meeting. In addition, Members noted that a letter from the SKNTPCAC (R2) objecting to the DPA Plan dated 19.12.2014 and received on the day was being circulated around members at the meeting.

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

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

Mr C.K. Soh - District Planning Officer/Shia Tin, Tai Po and North, (DPO/STN) PlanD

Ms Channy C. Yang - Senior Town Planner/Country Park Enclave, PlanD

Ms Y.N. Ngar - Senior Country Park Officer (North-west), Agriculture, Fisheries and Conservation Department (AFCD)

Mr F.F. Yeung - Country Park Officer (North), AFCD

R2 - SKNTPCAC

R70 – Chow Chi Fu

R102 - 鄒宛庭

R103 - 李秋蘭

Mr Chow Chi Fu - Representer and Representers'

Representative

R4 – Tang Fuk Chuen

R220 – 鄧天來

R322 – Tang Wai Man

R323 – Fok Kwong Kit

Mr Tang Fuk Chuen - Representer and Representers' Representative

R68 - Li Yiu Bun

R72 - 林啤

R77 - 翁天生

R94 - 黃錦雄

R100 - 林蔡少娟

R110 - 方甘有

Mr Li Yiu Bun - Representer and Representers' Representative

R75 – Lee Wan Hoi

Mr Lee Wan Hoi - Representer

R228 – Tang Hing

Mr Choi Ming Chung - Representer's Representative

R235 - 袁發

Mr Yuen Chiu Chong - Representer's Representative

R263 – Chan Moon

Mr Chan Moon - Representer

R304 – Tang Fuk Hing

Mr Kong Chee Cheung - Representer's Representative

R272 – Tang Wai Chun

R306 – Yu Fung

Ms Wong So Chun

-

Representers' Representative

91. The Chairman extended a welcome and explained the procedures of the hearing. The Chairman said that the hearing would be conducted in two groups. As a large number of representers had registered to attend the hearing, it was necessary to limit the time for making oral submissions. The Board agreed on 21.11.2014 that each representer or his representative would be allotted 10 minutes for his presentation. The representers had been informed about this arrangement before the meeting. There was a timer device which would alert the representer or his representative 2 minutes before the allotted 10-minute time was to expire, and when the allotted 10-minute time limit was up.

92. The Chairman said that after the oral submissions, there would be a question and answer session. The Board would deliberate on the representations after completion of the presentation and question sessions for both Groups 1 and 2. He then invited the representatives of PlanD to give a presentation.

[Mr Ivan C.S. Fu, Mr Dominic K.K. Lam, Ms Janice W.M. Lai and Mr Patrick H.T. Lau arrived to join the meeting at this point.]

93. With the aid of a Powerpoint presentation, Mr C.K. Soh (DPO/STN) made the following main points as detailed in the Paper:

Background

- (a) the planning scheme area (the Area) of the draft DPA Plan was one of the Country Park enclaves identified to be covered by statutory plan. It comprised three portions of land with a total land area of about 28.91 ha (i.e. around 25% of the land area of Ping Chau Island (the Island)) which were not covered by the Plover Cove (Extension) Country Park (the Country Park);
- (b) a large part of the Island was included in the Country Park and was

surrounded by the Tung Ping Chau Marine Park (the Marine Park). The Island was also designated as a Site of Special Scientific Interest (SSSI) for its geology and unique sedimentary rock landscape. It was also one of the eight Geo-Areas of the Global Geopark of China (the Geopark);

- (c) there were five recognized villages on the Island, namely Ping Chau Chau Mei, Ping Chau Tai Tong, Ping Chau Chau Tau, Ping Chau Sha Tau and Ping Chau Nai Tau. The village clusters of the former four villages were covered by the draft DPA Plan. The Ping Chau Nai Tau including its village 'environs' ('VE') and large portions of the 'VE' of the other four villages fell within the Country Park;
- (d) on 28.3.2014, the draft DPA Plan was exhibited under section 5 of the Town Planning Ordinance (the Ordinance). During exhibition of the draft DPA Plan and publication of the representations, 338 representations and no comment were received;
- (e) on 21.11.2014, the Board decided to consider the representations in two groups:
 - (i) Group 1 was for consideration of 331 representations generally in opposition to the draft DPA Plan for reasons that there were inadequate "V" zones and they submitted proposals to expand the "V" zones. The representations were submitted by villagers and related parties; and
 - (ii) Group 2 was for consideration of seven representations generally supporting the draft DPA Plan and proposing to designate conservation zonings to protect the natural environment and expressing concerns on the adverse impacts of Small House developments. The representations were submitted by green/concern groups;

Grounds of Representations and Responses – Group 1

- (f) the major grounds of the representations considered under Group 1 were summarised in paragraph 2.3 of the Paper. Concerned government bureaux/departments had been consulted on the representations and their latest assessments were set out in the responses highlighted in paragraph 5.8 of the Paper. They were summarised below:

Inadequate Land zoned “V”

- (i) the “V” zones were insufficient to meet the demand for Small House development. The current Small House demand was 1,850 and the 10-year Small House demand forecast was 1,110. R2 (SKNTPCAC) indicated that the number of Small House applications submitted to the Lands Department (LandsD) was not less than 409. R1 (SKNRC) objected to not including all building lots within the ‘VE’ of the five recognised villages in the “V” zones and that no land was reserved for village expansion;
- (ii) their proposals were that all land within ‘VE’ of the five recognised villages and all land within the ‘Unspecified Use’ area be zoned “V”; and to reserve not less than 6 ha of land for each recognised village for Small House development;
- (iii) the responses to the above grounds were:
- boundaries of the current “V” zones were drawn up provisionally around existing clusters and building structures and having regard to approved Small House applications and existing ground features. The zoning boundaries would be further reviewed and defined during preparation of the Outline Zoning Plan (OZP);

- the entire 'VE' of Ping Chau Nai Tau and large portions of the 'VE' of the other four recognized villages fell within the Country Park and outside the boundary of the draft DPA Plan. Detailed zonings for the 'Unspecified Use' area would be drawn up during the preparation of the OZP;

Rights of Local Villagers

- (iv) due to designation of Ping Chau as Country Park and Marine Park and the lack of utilities and infrastructure on the Island, local villagers were deprived of their right for Small House development and agriculture use of their private land;
- (v) the response to the above ground was that there was no deprivation of landowners' property rights as there were provisions to cater for Small House development in the draft DPA Plan and agricultural use was always permitted on land within the boundary of the draft DPA Plan;

Provision of Infrastructure

- (vi) recognized villages should be provided with infrastructure including water, electricity, transport and telecommunications facilities. However, there was no planning for such infrastructure facilities and a lack of recreational facilities under the draft DPA Plan;
- (vii) the proposals were to designate a strip of land along the coast from Chau Mei Kok to Kang Lau Shek as an emergency vehicular access cum promenade and bicycle track (R2); to designate the areas near Chau Mei Kok, Tai Tong Wan and Kang Lau Shek for helicopter landing pads (R2); and to provide

a new multi-purpose pier and a road network, and to reserve landing points for water mains and gas pipeline in Ping Chau (R4);

- (viii) the response to the above grounds was that according to the covering Notes of the draft DPA Plan, local public works coordinated or implemented by the Government were always permitted;

Government Facilities in Ping Chau

- (ix) all Government facilities (except those for provision of electricity, water and social welfare services) should be removed from the 'VE' of the recognized villages;
- (x) the proposal was to zone the area in-between the police post and the radar station as "Government, Institution or Community" ("G/IC") (R2);
- (xi) the responses to the above grounds were that:
- only the Ping Chau Management Centre of AFCD fell within the 'VE' and it occupied a piece of Government land; and
 - the proposed "G/IC" zone currently fell within the 'Unspecified Use' area on the draft DPA Plan. Detailed zonings would be drawn up during the preparation of the OZP;

Other Views not directly related to the draft DPA Plan

- (xii) the other views not directly related to the draft DPA Plan were that recognized villages of Ping Chau Nai Tau and Ping Chau Tai Tong should be excised from the Geopark and the Country

Park (R1); all private land should be excised from the Geopark and Country Park (R1); “Green Belt” (“GB”) and other conservation zones should be designated on Government land outside the ‘VE’ in the Country Park (R2); agricultural land should not be incorporated into the Country Park (R3); local traditions, culture and language as well as unique village activities should be protected (R4); and objection to “GB” zone on the draft DPA Plan (R5 to R329); and

- (xiii) the response to the above grounds was that the other views/proposals not directly related to the draft DPA Plan fell outside the purview of the Board and had been relayed to relevant government departments for consideration as appropriate. Objection to the “GB” zone was irrelevant as there was no “GB” zone on the draft DPA Plan;

Grounds of Representations and Responses – Group 2

- (g) the major grounds of the representations considered under Group 2 were summarised in paragraph 2.4 of the Paper. Concerned government bureaux/departments had been consulted on the representations and their latest assessments were set out in the responses highlighted in paragraph 5.8 of the Paper. They were summarised below:

Support for the draft DPA Plan

- (h) the general planning intention to conserve and protect the natural environment of the Area and to confine the extent of “V” zones to avoid excessive Small House expansion was supported. The supporting views were noted;

Adverse Environmental Impacts from Small House Development

- (i) the main grounds were:

- Small House developments would become a potential source of water pollution affecting the water quality in the nearby sensitive marine waters and coral communities;
- information should be provided by VRs in support of the Small House demand forecast;
- the Tai Long Wan OZP approach should be adopted (i.e. requiring planning permission for New Territories Exempted Houses (NTEH) and eating place on ground floor of NTEH); and
- any plans by villagers that would provide eco-tourism without sacrificing the natural environment should be given serious consideration;

(ii) the responses to the above grounds were that:

- there was sufficient control in the current administrative system to ensure that individual Small House development and eating place use within the “V” zone would not create unacceptable environmental impacts; and
- each Country Park enclave should be considered on the circumstances and characteristics of individual areas. The intention of conserving the historic and archaeological value of Tai Long Wan area was not applicable to the Area;

Ecological Importance of the Area

(iii) the representers had provided ecological information to justify the conservation value of the Area, including that the Area supported a relatively large number of coral communities with relatively high density and coverage; a refuge and part of the migration path for terrestrial and sea birds; and woodlands were important habitats for terrestrial and forestry birds to roost;

- (iv) the proposal was to zone the ‘Unspecified Use’ area as “Conservation Area” (“CA”) or “Coastal Protection Area” (“CPA”) for better protection; and the woodlands and shoreline with coral communities should be protected by conservation zonings;
- (v) the responses to the above grounds were that:
- information relating to the ecological value of the Area was noted. Such information would be taken into account and further expert advice from the Director of Agriculture, Fisheries and Conservation would be sought in the preparation of the OZP; and
 - the proposals for better protection of important habitats and environmentally sensitive areas by appropriate conservation zonings were noted and would be further examined during the preparation of the OZP;

Public Consultation

- (i) the Tai Po District Council (TPDC) and SKNRC were consulted on the draft DPA Plan on 14.5.2014 and 13.5.2014 respectively. The SKNRC, that had submitted R1, objected to the draft DPA Plan mainly on the grounds that there was inadequate land zoned “V” to meet the Small House demand and it was proposed that “V” zones should be expanded, the private land should be excised from the Country Park and utilities and infrastructure should be provided to the villages. The TPDC noted the views of SKNRC and had no comment on the draft DPA Plan;

PlanD’s view

- (j) based on the planning considerations and assessment detailed in paragraph 5 of the Paper, PlanD noted the supporting views of R330 to

R335(part); and did not support R1 to R329, R336 to R338 and the remaining part of R330 to R335 and considered that the draft DPA Plan should not be amended to meet the representations.

94. The Chairman then invited the representers and their representatives to elaborate on their representations.

R4 – Tang Fuk Chuen

R220 – 鄧天來

R322 – Tang Wai Man

R323 – Fok Kwong Kit

95. With the aid of a Powerpoint presentation, Mr Tang Fuk Chuen made the following main points:

- (a) Ping Chau was surrounded by a Country Park, Geopark and Marine Park. Those areas that were intended for conservation had greatly affected the livelihood, economic development and traditions of the indigenous villagers. The villagers hoped that the Government could provide a sustainable way for Ping Chau to develop and to protect their traditional ways of living. Since Ping Chau was designated as a Geopark three years ago, the Government had stepped up prosecution of villagers. The Government had not provided the villages with any basic utilities. It was not fair that the entire village at Ping Chau Nai Tau and half of the village at Ping Chau Tai Tong were excluded from the draft DPA Plan, and this had in effect destroyed those villages;
- (b) Ping Chau was located very close to the Mainland, where there was a township with hotel and luxury apartment development amidst village areas, the Mirs Bay nuclear plant was nearby, there was also a natural gas tank which provided gas to Hong Kong. On the contrary, there were not even basic utilities on Ping Chau;

Existing Conditions of Ping Chau

- (c) photos of the following places in Ping Chau were shown:
- (i) the Ping Chau pier – the Government had plans to build a bigger pier some years ago; however, the plan was not taken forward due to objections from government departments. The existing pier was unsafe during times with strong waves and it was not accessible for people with disabilities;
 - (ii) Ping Chau Nai Tau - the entire village was within the Country Park and the village houses there were now dilapidated;
 - (iii) Ping Chau Sha Tau – about 5-minute walking distance from the pier. Some village houses faced the sea and were subject to destruction by strong waves. However, the Government had not done anything to protect villagers' properties and their lives;
 - (iv) Ping Chau Chau Tau – the village was further uphill from Ping Chau Sha Tau. There was a water well in that village but there was a government notice that the water in the well was not suitable for drinking;
 - (v) church at Ping Chau Tai Tong – as residents had moved out, the church was no longer in use. Villagers had maintained the church in clean conditions and hoped that it could be restored like the one in Sai Kung Yim Tin Tsai in future;
 - (vi) Ping Chau Chau Mei – there was an old house which was a graded building. However, the Government had not discussed with the property owner on ways to restore the building;
 - (vii) reservoir at Ping Chau Sha Tau – the reservoir was built by the colonial government and was fairly large in the past. However,

it had now dried up and the Government had no plan to restore it; and

- (viii) temples – the villagers had restored both the Tin Hau Temple and Tam Tai Sin Temple in Ping Chau Sha Tau as they wished to preserve their traditions;
- (d) some historic photos were shown about the previous living of villagers:
- (i) a photo taken in 1969 of the former Governor's visit to the school in Ping Chau. There were some 70 students in the photo;
 - (ii) an aerial photo taken in 1979 when part of Ping Chau was designated as Country Park. The photo showed that the village clusters of the five recognised villages that were surrounded by trees, large extent of farmland, local tracks, and other structures including the match factory, church, barrack and reservoir;
 - (iii) a lot plan showing that there was a large extent of private land in Ping Chau;
 - (iv) photos of Ping Chau Nai Tau and Ping Chau Tai Tong taken in the 60's to show villagers' living then. Ping Chau Nai Tau was now embedded amongst the trees. The former site of the match factory had been designated within the Country Park; and
 - (v) photos showing that there was electricity supply through power lines along the coastline of Ping Chau in 1975. However, those power lines were no longer in use;
- (e) other than developing eco-tourism, villagers should also be allowed to continue to live in Ping Chau. The unique local traditions, culture and village activities should also be preserved, such as festivals associated

with Tam Tai Sin, Tin Hau and 大王爺. For example, they could grow some tropical fruits or engage in agricultural rehabilitation in collaboration with green groups;

- (f) the access they proposed between Chau Mei Kok and Kang Lau Shek was not intended for vehicular access. That access path was currently only 0.9m wide, and it should be widened to allow for disabled access and to allow villagers to transport food and their necessities with more ease. A properly paved and tree-lined promenade, similar to those provided by the Leisure and Cultural Services Department in other areas in Hong Kong, could be provided at Ping Chau. In the geoparks on the Mainland, there were public access with grassland along the coastal area. The Government should also assist them in rebuilding the dilapidated houses;
- (g) videos were shown covering the following matters:
 - (i) the ancestors of the villagers made a living by fishing and farming. In the 50's to 60's, there were 2,000 villagers in Ping Chau and there were schools. The houses were built using sedimentary rocks on Ping Chau. Those rocks were currently protected as they had been designated as part of the Geopark. There was a Tin Hau Temple with a history of more than 100 years;
 - (ii) there were currently no electricity and water supplies in Ping Chau. Many villagers had already moved away and the houses had become dilapidated. There were only a few permanent residents in Ping Chau, but some villagers would go back during weekends to operate the stores for the visitors;
 - (iii) as there was no electricity supply, villagers had to use electricity generators that were very noisy. If more villagers were to return to live on Ping Chau and continued to rely on those

electricity generators, it would create major noise problem; and

- (iv) as Ping Chau was surrounded by a Country Park, Marine Park and Geopark, any applications for development would not be approved. Villagers were prohibited from fishing due to the Marine Park and that had actually affected the balance of the marine ecology. For example, the seaweed habitat had been wiped out by the sudden growth of sea urchins near Lung Lok Shui which had in turn affected the habitat of many other marine organisms;

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

- (h) the Government had recently built a new public toilet very close to the coastline and within the Country Park enclave. According to AFCD, the public toilet could serve the 70,000 visitors to Ping Chau and would not affect water quality in the Area. Similarly, the Government should provide the necessary utilities to cater for the sewage discharge from new village houses in Ping Chau;
- (i) the Board should not zone the entire coastline as “CPA” as this would prohibit the provision of public utility pipelines in future. They would accept zoning of a small stretch of coastline near Cham Keng Chau, where there was mainly rock cover as “CPA” with reserves for landing points for public utility pipelines. A properly paved and maintained promenade could be provided along the northern coast to allow easy public access; and
- (j) there was a lot of private land in Ping Chau and, if the Government would not assist the villagers, they had no choice but to block access to the Area. However, it was hoped that the villagers, green groups and the Government could work together for a better Ping Chau.

[Actual speaking time of R4, R220, R322 and R323: 40 minutes]

R68 - Li Yiu Bun

R72 - 林啤

R77 - 翁天生

R94 - 黃錦雄

R100 - 林蔡少娟

R110 - 方甘有

96. Mr Li Yiu Bun made the following main points:

- (a) the Government had not taken care of villagers of Ping Chau, and there were no electricity and water supplies and no public transport. There were no basic facilities for villagers to continue living on the Island;
- (b) Ping Chau was much more vibrant in the 70's and 80's compared to the current conditions. If the Government was not providing basic utilities to the Island, it would become more desolate in the next decade;
- (c) the villagers were very keen to preserve their traditions related to the Tam Tai Sin Temple and Tin Hau Temple. The villagers raised money to renovate those temples. Despite the harsh conditions on the Island, some 300 to 400 villagers had gathered some years ago for a festive celebration of Tin Hau Festival;
- (d) the villagers were considering plans to improve their transport facilities;
and
- (e) the Government was urged to plan for the villagers and give them a chance to move back to live in Ping Chau.

[Actual speaking time of R68, R72, R77, R94, R100 and R110: 6 minutes]

[Mr Roger K.H. Luk left the meeting at this point.]

R2 - SKNTPCAC

R70 – Chow Chi Fu

R102 - 鄒宛庭

R103 - 李秋蘭

97. Mr Chow Chi Fu, VR of Ping Chau Tai Tong, made the following main points:

- (a) Ping Chau had a land area of 116 ha, 87.09 ha (75.1%) was designated as Geopark and Country Park. The land zoned “V” on the draft DPA Plan was not sufficient to satisfy the current and projected 10-year Small House demand;

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

- (b) since designation of the Marine Park in 2000 and designation of the Geopark some three years ago, the Government had not provided any public facilities in the Area. The only facility was a public toilet for use by the 70,000 visitors to the Island. The public toilet was some 5m from the coastline and there were two pipes connected to the pier, one pipe was for provision of fresh water and the other pipe was for sucking away sewage. This demonstrated that it was technically feasible to build new houses near the coastline without causing pollution;
- (c) the Government had told the villagers that electricity and water would not be supplied to Ping Chau as there was no population and its provision was not economically viable. However, the Government had an obligation to provide electricity, water supplies and sewerage facilities to Ping Chau rather than requiring villagers to provide such for themselves;
- (d) a video was shown about the demonstration held in Ping Chau where villagers cut down trees in objection to the Government’s policy for conservation of Ping Chau. They requested that the right of private land owners should be respected and that Ping Chau Nai Tau should be

excluded from the Country Park. Ping Chau had a history of 6,500 years. There were some 3,000 population in the 50's and 60's but there were only 2 to 3 permanent residents at present. Some villagers would go back to the Island in the weekends. The Government had not provided electricity, water supplies and transportation to Ping Chau. Most villagers had moved out and the houses on the Island had mostly fallen apart. In fact, many villagers wanted to move back to live in Ping Chau and the Government should facilitate a sustainable development of their villages;

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

- (e) private property rights should be respected. If the Government did not co-operate with the villagers, they could exercise their right to cut down the trees within private land in the Country Park or block access to private land in Ping Chau. The Government's conservation policy on their private land had ignored their rights and wishes;
- (f) the respective villages in Ping Chau had some 400 indigenous villagers entitled to build Small Houses (109 for Ping Chau Chau Mei, 118 for Ping Chau Tai Tong, 102 for Ping Chau Sha Tau, 61 for Ping Chau Chau Tau and 19 for Ping Chau Nai Tau). Assuming that 40 Small Houses could be built on one ha of land, the respective land requirements for Small House developments were 2.8 ha for Ping Chau Chau Mei, 3 ha for Ping Chau Tai Tong, 2.6 ha for Ping Chau Sha Tau, 1.5 ha for Ping Chau Chau Tau and 0.5 ha for Ping Chau Nai Tau. That had not taken into account many of the indigenous villagers overseas who would return to Ping Chau to build Small Houses. The Small House forecast they provided was fully justified; and
- (g) a video was shown about an old lady villager of Ping Chau who had moved to Tai Po some forty years ago. The old lady and some other villagers were very eager to revisit Ping Chau to reminisce their past living in Ping Chau. Her daughters operated a store on the Island and

would return there every weekend. Although many other villagers, like the old lady, had wanted to return to live in Ping Chau, it was not possible as there were no electricity, water and sewerage facilities. The old lady in the video had sadly passed away before her wish was realised. The Board was urged to reserve some land for provision of public utilities so that villagers would be able to return to live on the Island.

[Actual speaking time of R2, R70, R102 and R103: 20 minutes]

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

R75 – Lee Wan Hoi

98. Mr Lee Wan Hoi made the following main points:

- (a) he was the VR of Ping Chau Chau Mei and a member of the SKNRC. The villagers were very disappointed with the draft DPA Plan;
- (b) he was an indigenous villager born in Ping Chau and had lived there in his early childhood. His ancestors as well as his parents made a living by building boats and fishing. With the aid of a picture, he said that in the 50's to 60's, Ping Chau was a very vibrant community and there were some 50 houses with an estimated population of 200 to 300. Those villagers, who had moved overseas and to other places in the New Territories, had many offsprings. They had submitted some 100 Small House applications of indigenous villagers to the Government for approval. At one time, there was a population of 3,000 in Ping Chau who owned 10 to 20 fishing boats;
- (c) living in Ping Chau was difficult in the past, but the villagers were happy. There was no major restriction on how they could use their land. The colonial government had taken care of the villagers in Ping Chau. They had built a school in Tai Tong and the Government had used marine police boats to transport potable water for their use. They used to cut down trees and grass as fuel for cooking in the old days. Hence, there

was virtually no vegetation on Ping Chau as shown in an old aerial photo taken at the time when Ping Chau was designated as Country Park;

- (d) he moved to Tai Po together with his family in 1963. They had tried to apply for building a house in Ping Chau but it was rejected by the Government. Instead, they had built a house in Tai Po;
- (e) some villagers had wanted to build a house in Ping Chau and return to live there. However, it was not possible as there were no electricity, water and gas supplies and inadequate road or water transportation;
- (f) the Government had totally ignored the rights of the villagers by designating Ping Chau as a Country Park and other conservation areas. It was not fair for Government to use their private land resources to satisfy the needs of visitors. The villagers only wanted to exercise their right to use their own land that they inherited from their ancestors. Indigenous villagers' rights were protected under Article 41 of the Basic Law;

[Mr F.C. Chan left the meeting at this point.]

- (g) the Government had previously promised villagers that they would be allowed to build houses within 300 ft from houses in the village cluster. However, the Government had not honoured that promise and had even reduced the land for Small House development;
- (h) about 70% to 80% of private land in Ping Chau had been designated for conservation purpose. The Government had the responsibility to build a sewerage system to address potential water pollution concerns of Small House developments raised by green groups. Otherwise, the Government should resume their land and compensate the villagers. There could also be plans to relocate all the villages elsewhere, and then the Government could develop Ping Chau into a major tourist attraction with the rock landscape as well as the unique architecture of the

traditional houses on the Island;

- (i) even though Ping Chau had been designated as a world-class Geopark, the Government had not provided any facilities to support it. There was even no water for flushing the public toilet. The Government should provide Ping Chau with the basic utilities and the villagers should be allowed to exercise their right to use their own land.

[Actual speaking time of R75 – 21 minutes]

99. As the presentation of R75 was much longer than 10 minutes, the Chairman reminded the attendees to try to complete their presentations within their entitled time.

R228 – Tang Hing

100. Mr Choi Ming Chung, VR of Ping Chau Sha Tau, said that he objected to the land use planning at Ping Chau Sha Tau. He also said that as there was no telecommunication network on Ping Chau, there was no means to place an emergency call.

[Actual speaking time of R228: 1 minute]

R235 – 袁發

101. Mr Yuen Chiu Chong made the following main points:

- (a) he was the VR of Ping Chau Nai Tau. Their village was one of the five recognised villages in Ping Chau, but it was being neglected in the current planning as the village was within the Country Park;
- (b) with the aid of an old aerial photo, he said that at the time when the Government designated Ping Chau as a Country Park, most private land was farmland and there were only some trees around the village houses. There was no justification to include Ping Chau Nai Tau within the Country Park. In fact, they had continued to pay tax for their land;

- (c) they objected to Ping Chau Nai Tau being included in the Country Park. The villagers of Ping Chau Nai Tau should be allowed to use their own land and many villagers supported him to fell trees on their private land; and
- (d) there were only 19 applications for Small House development from villagers of Ping Chau Nai Tau because he had advised his own villagers that the chance of getting approval was slim as their village was within a Country Park.

[Actual speaking time of R235: 6 minutes]

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

R263 – Chan Moon

102. Mr Chan Moon made the following main points:

- (a) he was the VR of Ping Chau Chau Tau. The villagers would not object to conservation if they were allowed to use their own private land for Small House development and leisure farming, which was regarded as sustainable development;
- (b) in the past, villagers had moved out of the Island or overseas to make a living. However, starting in 2010, there were a lot of villagers returning to Hong Kong. They wanted to build houses in Ping Chau;
- (c) some villagers had already submitted applications for building Small Houses to LandsD. However, there was insufficient land zoned “V” to satisfy the Small House demand and for future village expansion;
- (d) the Government had built a public toilet on the Island to cater for 70,000 visitors. Each Small House would only accommodate a few people and

should not create any major environmental impacts; and

- (e) about 60% to 70% of land in Ping Chau was under private ownership. If the Government would not address their concerns, they had no choice but to block access to the villages.

[Actual speaking time of R263: 3 minutes]

R304 – Tang Fuk Hing

103. Mr Kong Chee Cheung made the following main points:

- (a) the enclaves had beautiful scenery, but many of them were inaccessible. The Government should better plan for the road and transport infrastructure as well as water and electricity supplies to the enclaves;
- (b) Ping Chau Nai Tau was included into a Country Park on a mandatory basis without compensation. However, in places overseas, the country park authority could offer to buy the private properties that were included in country parks;
- (c) according to AFCD, only two applications for new Small Houses and two applications for Small House redevelopment had been approved within the Country Park area. The chance of approving Small House applications in Ping Chau Nai Tau was very slim. The Government should consider excluding Ping Chau Nai Tau from the Country Park. If not, a larger “V” zone should be provided in other villages so that villagers of Ping Chau Nai Tau could apply to build Small Houses outside their own village;
- (d) the road infrastructure in Ping Chau should be improved. The minimum width for a disabled access was 1.12m. The existing footpath should be widened preferably to 2.5m and should link up all five recognised villages in Ping Chau;

- (e) more “G/IC” zones should be included in the draft DPA Plan to make provision for facilities such as public toilets and refuse collection points to meet the needs of villagers when they returned to live on the Island;
- (f) most of the private land in Ping Chau was designated as Country Park. The Government should consider excluding some private land from the Country Park and zoning them as “V”; and
- (g) in general, the Board should designate larger “V” zones in enclaves, especially for those with road access. A minimum number of village houses were required to make it economically viable for villagers to invest in building more sophisticated sewage treatment systems, such as the membrane system, instead of relying on septic tanks. The areas zoned “V” could also be used for agriculture or amenity purposes if they were not needed for building Small Houses. Villagers were generally very environmental friendly and would not destroy the environment on purpose.

[Actual speaking time of R304: 10 minutes]

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

R272 – Tang Wai Chun

R306 – Yu Fung

104. With the aid of a Powerpoint presentation, Ms Wong So Chun made the following main points:

- (a) she was from So Lo Pun but knowing how Ping Chau had been neglected over the years, she had offered to make a presentation for the villagers of Ping Chau;
- (b) within Ping Chau, 2.15 ha of land was zoned “V” and 26.76 ha of land

was designated as 'Unspecified Use' area. They were respectively equivalent to 1.8% and 23.2% of the land area in Ping Chau. This meant that only a very small proportion of land in Ping Chau was zoned for Small House development;

- (c) according to information on land utilisation in Hong Kong in 2013, about 66.5% of land was green areas (woodland/scrubland/grassland/wetland) and only 6.9% of land was for residential use (including private and public residential and rural settlement). In addition, only 1.2% of land area was for open space use and only 6.1% of land was for agriculture/fish pond use. It appeared that as green areas/Country Park were too dominant and had affected village developments, one should consider whether Country Park boundaries could be reviewed;
- (d) the Government accepted that there were five recognised villages in Ping Chau. However, it designated a Country Park, Marine Park and Geopark in Ping Chau that imposed a lot of restrictions on villagers' right to use their own land. Villagers were often asked to provide justifications for their plans to rehabilitate their own village or their agricultural land, and villagers were often alleged of 'destroy first, build later' and aiming to sell off their private land to developers. Those biased views were unfair to villagers as not all villagers thought alike. Anyhow, there was no reason to restrict villagers from buying and selling their own land;
- (e) the draft DPA Plan had not made provision for water and electricity supplies but reduced agricultural land and put more control on the villagers' land. The draft DPA Plan would not benefit the villagers in any way and they would not support it;
- (f) the Government had to rethink about village development from a new perspective. There were new solutions to address the existing problems. For example, development of eco-tourism and holiday homes; development of eco-village; use of new technologies such as membrane

bio-reactor bio-toilet, grout curtain or eco-septic tanks to address the sewage problem; rebuilding the reservoir and use of water tanks to address the water supply problem; and use of solar panels or biogas to address the electricity supply problem. The Government should try to provide basic utilities to villages in remote areas; if not, the Board should at least reserve sufficient land for Small House development so as to allow for sustainable development of the villages;

- (g) without the support from the Government, the villagers could only voice out their objections through united acts such as removal of weeds and trees. Some of the trees had grown over the fallen debris of the houses and had to be removed for redevelopment. The villagers in Tai Ho, Sha Tau Kok, So Lo Pun and Ping Chau had raised their strong objections to the draft OZP/DPA plans. If the private property rights of the villagers were not respected, they might be forced to block access to the villages or even fell more trees; and
- (h) the Board was asked to listen to the concerns of the villagers and to allow an opportunity for the Government and villagers to co-operate to take forward an implementable policy for conservation and sustainable village development.

[Actual speaking time of R306 and R272: 12 minutes]

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

105. As the representers had completed their presentations, the Chairman then invited questions from Members.

106. The Vice-chairman asked DPO and the attendees to clarify the different figures in Small House demand. In the letters from SKNRC dated 13.5.2014 and the letter from SKNTPCAC dated 27.5.2014, it was indicated that for the five recognised villages in Ping Chau, there were 409 applications for Small House development, currently there were 1,850 indigenous villagers and the number of indigenous villagers in the next 10-year

would be 1,110. However, in PlanD's presentation, it was indicated that there were 63 current applications for Small House development and the 10-year Small House demand forecast was 2,200. In response, Mr C.K. Soh (DPO/STN) said that the figures of 63 current Small House applications and 10-year Small House demand forecast of 2,200 were for the four recognised villages within the boundaries of the draft DPA Plan. If all of the five recognised villages in Ping Chau were to be included, there should be 65 current Small House applications and the 10-year Small House demand forecast should be 2,584.

107. Mr Chow Chi Fu (R70) said that the figure of 65 Small House applications was the status before March 2014. As indicated in their letter dated 13.5.2014, the updated figure was 409 Small House applications which had been provided to LandsD.

108. The Vice-chairman asked about how the "V" zones would be delineated at the OZP preparation stage. Mr Soh said that the "V" zones on the draft DPA Plan were mainly drawn up based on the existing village/building clusters. When preparing the OZP, PlanD would further liaise with TPDC and SKNRC about the Small House demand and the main concerns of the villagers. It was also necessary to consider the topography, the ecological condition of the Area and other relevant considerations and to strike a balance between village development and conservation.

109. The Chairman asked Mr Soh to elaborate about TPDC's views on the draft DPA Plan. Mr Soh said that the TPDC and SKNRC were both consulted in May 2014. The SKNRC objected to the draft DPA Plan and they had submitted a representation (R1). The TPDC noted and respected the objecting views of SKNRC, but they had no particular comment on the draft DPA Plan. The relevant minutes of the TPDC were included in Annex IV of the Paper.

110. Mr Chow (R70) drew Members' attention to a letter from the SKNRC (R1) tabled at the meeting that raised objection to the draft DPA Plan.

111. As the representers and representers' representatives had finished their presentations and Members had no further question, the Chairman said that the hearing procedures had been completed. The Board would deliberate on the representations in their absence after completion of the Group 2 hearing and would inform them of its

decision in due course. The Chairman thanked them and the Government's representatives for attending the hearing. They all left the meeting at this point.

[The meeting was adjourned for a 5-minute break.]

Group 2 Hearing

(Representations No. R330 to R335 and R338)

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

113. The following representatives of PlanD and the representers and their representatives were invited to the meeting at this point:

Mr C.K. Soh	-	DPO/STN
Ms Channy C. Yang	-	Senior Town Planner/Country Park Enclave, PlanD
Ms Y.N. Ngar	-	Senior Country Park Officer (North-west), AFCD
Mr F.F. Yeung	-	Country Park Officer (North), AFCD

R330 – WWF-Hong Kong (WWF)

Mr Tobi Lau]	Representer's Representatives
Ms Michelle Luk]	

R338 – Kadoorie Farm & Botanic Garden (KFBG)

Ms Woo Ming Chuan]	Representer's Representatives
-------------------	---	-------------------------------

Dr Chiu Sein Tuck]

Mr Tony Nip]

114. The Chairman extended a welcome and explained the procedures of the hearing. The Chairman said that as a large number of representers had registered to attend the hearing, it was necessary to limit the time for making oral submissions. The Board agreed on 21.11.2014 that each representer or his representative should be allotted 10 minutes for his presentation. The representers had been informed about this arrangement before the meeting. There was a timer device to alert the representer and his representative, 2 minutes before the allotted 10-minute time was to expire, and when the allotted 10-minute time limit was up.

115. The Chairman said that after the oral submissions, there would be a question and answer session. The Board would deliberate on the representations after completion of the presentation and question sessions for both Groups 1 and 2. He then invited the representatives of PlanD to brief Members on the representations.

116. With the aid of a powerpoint presentation, Mr Soh repeated the presentation which was made in the Group 1 hearing as detailed in paragraph 93 above.

117. The Chairman then invited the representers and their representatives to elaborate on their representations.

R330 – WWF

118. With the aid of a Powerpoint presentation, Mr Tobi Lau made the following main points:

- (a) WWF supported the planning intention of the draft DPA Plan;
- (b) they would provide information about the bird species, a species of cicada and the marine habitats in Ping Chau in the presentation. They requested the Board and government departments to take into account those information during the preparation of the OZP;

- (c) according to information of the Hong Kong Bird Watching Society, since the early 1990's, 99 species of birds had been recorded in the coastal areas, small wetlands, Fung Shui woods, shrublands and village areas of Ping Chau. In particular, there were four bird species of conservation importance, including Christmas Island Frigatebird that was critically endangered and three other species that were globally near-threatened or vulnerable (Japanese Paradise Flycatcher, Collared Crow and Japanese Yellow Bunting); and

- (d) a species of cicada, *Meimuna silhetana* (岸蛸螻蟬), was spotted by AFCD on Ping Chau in both 2001 and 2002. When they conducted a site visit on 13.12.2014, they also heard the humming of cicada. As relevant data about cicada had not been updated since 2002, AFCD was urged to survey the area to see if this species of cicada could still be found in Ping Chau.

119. With the aid of a Powerpoint presentation, Ms Michelle Luk made the following main points:

- (a) the Tung Ping Chau Marine Park was designated in 2001 covering two core areas at Tai Tong Wan and A Ma Wan. Fishing and anchoring were prohibited in these core areas;

- (b) corals were important marine habitat, there were 130 species of coral fish and 200 species of invertebrates in the water bodies around Ping Chau. There were 65 species of hard corals that accounted for around 80% of hard coral species in Hong Kong. Hence, the water bodies around Ping Chau had a very high ecological value;

- (c) there were concerns on potential water pollution impacts that would be caused by untreated foul water and sewage discharge from increased village type developments. Such discharges contained high concentration of phosphate and nitrate that would stimulate overgrowth

of macro-algae which would in turn, affect the health of corals. There might be higher level of coral disease due to bacteria and calcification of coral skeleton might be inhibited;

- (d) according to a survey conducted by the Chinese University of Hong Kong, there were 12 species of uncommon/rare coral species in the water bodies around Ping Chau. The Government should try to protect the water quality in the Marine Park; and
- (e) AFCD currently conducted water quality impact assessments in Ping Chau on a quarterly basis at the monitoring stations in Cheung Sha Wan and Ma Kok Tsui. It was recommended that more frequent monitoring, say once a month, should be conducted. In future, there should also be flexibility in locating the monitoring stations in relation to the new development areas in Ping Chau.

[Actual speaking time of R330: 10 minutes]

R338 – KFBG

120. Ms Woo Ming Chuan requested for an extension of presentation time to 15 minutes. The Chairman agreed. With the aid of a Powerpoint presentation, Ms Woo made the following main points:

- (a) Ping Chau had an area of 1.1 km². It was a very flat island with the highest point at Hok Ngam Teng (48m). It was designated as a SSSI and the Plover Cove (Extension) Country Park in 1979. In 2001, it was also designated as Tung Ping Chau Marine Park. In 2009 and 2011, it was respectively designated as Hong Kong National Geopark and Hong Kong Global Geopark of China;
- (b) there was a rich diversity of habitats in Ping Chau including its woodlands, shrublands, grasslands, sandy beaches, rocky shores, cliff tops, coral reefs and seaweed beds. These habitats supported a wide

range of wildlife including birds, butterflies, dragonflies, fish and coral. Half of the migrating birds passing through Hong Kong were found in Ping Chau. There were 65 hard coral species (around 77% of species recorded in Hong Kong), over 130 reef associated fish species and over 200 species of marine invertebrates. According to the coral survey conducted by AFCD, the coral coverage (around 50% to 70%) in the Area was very high. Ping Chau also had spectacular topography and geological features;

- (c) the area covered by the draft DPA Plan was surrounded by Country Park, Marine Park and Geopark that were managed by AFCD. The zonings of the enclave were within the control of the Board and would determine the potential developments on the Island and their environmental impacts;
- (d) the major concern on large “V” zones was the sewerage and drainage problems. The Government had admitted in the Legislative Council proceedings and the Drainage Services Department’s pamphlets that septic tank and soakaway pit was not a solution for sewage treatment but rather a source of water pollution. There were human related discharges including e-Coli, medicine and chemicals found in water samples in Hoi Ha, which showed that septic tank had failed to properly treat the domestic related sewage before its discharge into the surrounding water bodies;
- (e) the area of “V” zones in the draft DPA Plan was 2.15 ha, which would potentially allow for development of 86 Small Houses. The “V” zones were adjacent to and could cause direct impact on the core areas of the Marine Park. As the prevailing wind was from a northeasterly direction, it would cause pooling effect and affect the disperse of waste water effluent in the concave shaped bay in Ping Chau;

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

- (f) areas zoned “V” were well-vegetated. Future developments would require tree felling and vegetation clearance. During their site visit, they had also seen trees felled at Ping Chau Nai Tau. That would lead to loss of soil anchorage and increase in soil erosion, and there would be an increase in suspended solid contents in the sea that might kill the coral reefs. There might also be contamination from construction materials such as cement that was highly alkaline and toxic to marine organisms. There might also be accumulation and haphazard disposal of construction wastes. If villagers were allowed to access by their own boats, there might be problems of anchoring in the Marine Park and oil spills from boats;
- (g) the indigenous villagers had indicated that they wished to return to Ping Chau to live. However, Ping Chau was a remote island with no water and electricity supplies, no sewerage system, accessible only by boat, distant from places which they could buy basic necessities and villagers had to rely on helicopter for emergency services. It was doubtful whether many indigenous villagers really wanted to live under such harsh conditions or they would prefer to build new homes elsewhere. In this regard, it was noted that an application was submitted by an indigenous villager of Ping Chau Nai Tau, with the same name as one of the representers, for building a Small House in Sai Kung;
- (h) it was indicated in the Paper that according to the 2011 Census, there were 70 residents in Ping Chau. However, from their site visit, it was observed that most of the houses had collapsed and not many people were living on the Island. According to the presentations in the Group 1 hearing, there were currently only 2 to 3 persons living in Ping Chau on a permanent basis; and
- (i) better planning and stricter control were necessary to safeguard the terrestrial, marine and geological elements of Ping Chau. Given that Ping Chau had no fertile soil with serious water supply, electricity and accessibility problems, it was necessary to consider whether the planned

population as proposed under the draft DPA could be sustained.

[Actual speaking time of R338: 15 minutes]

121. As the representers' representatives had completed their presentations, the Chairman invited questions from Members. As Members had no questions to raise, the Chairman said that the hearing procedures had been completed and the Board would deliberate on the representations in their absence and would inform them of its decision in due course. The Chairman thanked them and the Government's representatives for attending the hearing. They all left the meeting at this point.

Deliberation

122. The Chairman invited Members to consider the representations taking into account the written and oral submissions. Members noted the following:

Matters raised in the Representations considered under Group 1

- (a) for the concerns that land zoned "V" was insufficient to satisfy the current Small House demand and the 10-year Small House demand forecast and the proposal to allow a larger "V" zones in other villages so as to allow for cross-village Small House applications for villagers of Ping Chau Nai Tau, the boundaries of the "V" zones would be further reviewed and determined during the preparation of the OZP. Members agreed that the boundary of the "V" zones should not be adjusted at this stage;
- (b) regarding the ground that the draft DPA Plan had deprived the local villagers of their rights, Members agreed to the responses detailed in the Paper that the rights of local villagers had not been deprived of and that there were provisions to cater for Small House development in the draft DPA Plan;
- (c) regarding the proposals for more infrastructure, Members agreed to the

responses detailed in the Paper that relevant departments would keep in view the need for infrastructure in future and it could be decided at the OZP preparation stage whether more land should be reserved for such supporting facilities. The other proposals for promenade, cycling track, pier etc. could also be considered at the OZP stage;

Matters raised in the Representations considered under Group 2

- (d) Members noted the views supporting the draft DPA Plan and the proposals to confine the size of “V” zones in Ping Chau;
- (e) for concerns on adverse environmental impacts from Small House developments, Members agreed to the responses detailed in the Paper that there were relevant practice notes and controls to ensure that individual Small House developments and septic tank and soakaway system would not entail unacceptable environmental impacts on the surrounding areas;
- (f) regarding the proposal of adopting the planning control of the Tai Long Wan OZP, Members agreed to the response in the Paper that the planning intention for conserving the historic and archaeological value of Tai Long Wan was not applicable to Ping Chau; and
- (g) Members noted the information about the ecological value of habitats in the Area was noted and such information would be taken into account in the preparation of the OZP.

123. After further deliberation, Members agreed to note the supporting views of R330 to R335 (part) and decided not to uphold the remaining representations No. R1 to R329, R336 to R338 and the remaining part of R330 to R335. Members considered the reasons for not upholding the representations in paragraph 7.2 of the Paper and considered that they were appropriate. The reasons were:

“ **Groups 1 and 2**

(R1 to R329, R336 to R338 and the remaining part of R330 to R335)

- (a) the draft Development Permission Area (DPA) Plan, which will be replaced by an Outline Zoning Plan (OZP) within three years, it to provide stopgap measures to provide planning guidance and to facilitate development control within the Area during the period in which detailed analysis and assessments of the land use proposals and study of infrastructural provisions would be carried out for the formulation of an OZP. Views from relevant government departments and stakeholders would be taken into account where appropriate;

Group 1

Inadequate “V” Zones (R1, R2, R3, R5 to R329)

- (b) the boundaries of the current “Village Type Development” (“V”) zones have been drawn up provisionally around existing clusters and building structures and having regard to approved Small House applications and existing ground features. The boundaries will be further reviewed and defined during the preparation of the OZP;

Proposals for Expanding the “V” Zones (R1, R2, R4, R5 to R329)

- (c) the entire village ‘environs’ (‘VE’) of Ping Chau Nai Tau and large portions of the ‘VE’ of the other four recognized villages fall within the Country Park and hence outside the boundary of the draft DPA Plan. Detailed zonings for the ‘Unspecified Use’ area would be drawn up during the preparation of the OZP;

The Rights of Local Villagers (R327, R336 and R337)

- (d) there are provisions to cater for Small House development in the draft DPA Plan and agricultural use is always permitted on land within the boundary of the draft DPA Plan. Therefore, there is no deprivation of landowners' rights in using their land for Small House and agricultural uses;

Provision of Infrastructure (R1, R2, R4, R5 to R329, R336 and R337)

- (e) the need for provision of necessary infrastructure would be monitored by the concerned departments subject to resource availability. According to the covering Notes of the draft DPA Plan, local public works coordinated or implemented by the Government are always permitted;

Government Facilities in Ping Chau (R2, R5 to R329)

- (f) among the major government facilities in the Area, only the Ping Chau Management Centre of the Agricultural, Fisheries and Conservation Department falls within the 'VE' and it occupies a piece of Government land;
- (g) the proposed "Government, Institution **or** Community" zone currently falls within the 'Unspecified Use' area on the draft DPA Plan. Detailed zonings would be drawn up during the preparation of the OZP;

Group 2

Adverse Environmental Impacts from Small House Development (R330 to R335 and R338)

- (h) there is sufficient control in the current administrative system to ensure that individual Small House development and eating place use within the “V” zone would not entail unacceptable impacts on the surrounding environment;
- (i) each Country Park enclave should be considered on the circumstances and characteristics of individual areas. The intention of conserving the historic and archaeological value of Tai Long Wan area is not applicable to the draft Ping Chau DPA Plan;

Ecological Importance of the Area (R330 to R335 and R338)

- (j) the information relating to the ecological value of the Area is noted. Such information would be taken into account and further expert advice from Director of Agriculture, Fisheries and Conservation would be sought in the subsequent preparation of OZP for the Area; and
- (k) the proposals for protection of important habitats and environmentally sensitive areas including woodlands and shorelines by appropriate conservation zonings are noted and appropriate land uses will be further examined during the preparation of the OZP.”

124. The Board also agreed to advise R1 to R329 that their views which were related to the excision of land from the GeoPark and Country Park, land use for land within the Country Park, and the preservation of local traditions were not directly related to the draft DPA Plan and fell outside the purview of the Board and their views had been relayed to relevant government departments for consideration as appropriate. Those objections to the “Green Belt” (“GB”) zone were irrelevant as there was no “GB” zone on

the draft DPA Plan.

125. A Member said that in the next stage of preparation of the OZP, AFCD might be requested to advise on the maximum level of development that could be sustained in the enclaves. Their advice should be based on scientific studies so that the Board could make a more informed decision. The Chairman said that the main objective in the planning for the enclaves was to conserve the ecology and landscape resources while recognising the need for village development, rather than for maximisation of development. Nevertheless, AFCD would provide their expert advice regarding the ecological value of the Area in the OZP preparation stage.

126. As the attendees for Agenda Item 8 had arrived, Members agreed to proceed to consider that item first.

Agenda Item 8

[Open Meeting (Presentation and Question sessions only)]

Renewal of Planning Permission for Temporary Driving School and Ancillary Uses for a Period of 3 Years in “Other Specified Uses” annotated “ Comprehensive Development to include Wetland Restoration Area” zone, Lot 1347 RP in D.D. 115, Nam Sang Wai, Yuen Long
(TPB Paper No. 9811)

[The meeting was conducted in Cantonese.]

127. The following Members had declared interests on the item as the application was submitted by the Hong Kong School of Motoring Yuen Long Driving School Ltd., which was a joint venture of Cross-Harbour Holdings Ltd. and Wilson Group Ltd. The latter was a subsidiary of Sun Hung Kai Properties Ltd. (Sun Hung Kai):

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

Ms Julia M.K. Lau]

128. In addition, the following Members had declared remote or indirect interests on the item:

Dr Eugene K.K. Chan] being Convenor (Dr Chan) and Director
Ms Christina M. Lee] (Ms Lee) of the Hong Kong Metropolitan
Sports Event Association that had
obtained sponsorship from Sun Hung Kai

129. Members agreed that those who had declared direct interests should be invited to leave the meeting temporarily. Members noted that Ms Julia M.K. Lau and Ms Janice W.M. Lai had already left the meeting and Dr Eugene K.K. Chan and Ms Christina M. Lee had tendered apologies for unable to attend the meeting.

[Mr Dominic K.K. Lam, Mr Ivan C.S. Fu and Mr Patrick H.T. Lau left the meeting temporarily at this point.]

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

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

Mr Ernest C.M. Fung - Senior Town Planner/Yuen Long East, PlanD

Mr Phill Black]

Ms Veronica Luk] Applicant's Representatives

Mr David Lo]

Mr Francis Chu]

131. The Chairman extended a welcome and explained the procedures of the meeting. He then invited Ms Maggie M.Y. Chin, DPO/FS&YLE, to brief Members on the review application.

132. With the aid of a Powerpoint presentation, Ms Chin presented the application and covered the following main points as detailed in the Paper:

- (a) the applicant, the Hong Kong School of Motoring Yuen Long Driving School Limited, sought renewal of planning permission under the previous planning application No. A/YL-NSW/209 to use the application site (the Site) for temporary driving school and ancillary uses for a period of 3 years until 5.9.2017;
- (b) the Site was zoned “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) on the approved Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/8 at the time of application and currently in force;
- (c) the Site, with an area of 18,182m², was located at the confluence of Kam Tin River and Shan Pui River within the wetland buffer area of Deep Bay. It was flat, formed, paved and currently used for temporary driving school with ancillary fuel filling pit. It was accessible via Chung Yip Street leading from Tung Tau Industrial Area (TTIA);
- (d) on 22.8.2014, the Rural and New Town Planning Committee (RNTPC) approved the application with conditions on a temporary basis for a further period of one year until 5.9.2015 instead of the three years sought;

Application for Review

- (e) the applicant submitted an application for Section 17 review on 24.9.2014. They sought review of the approval period of one year and sought clarification on approval condition (e) “the submission of fire service installations proposal for the Site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Board by 5.12.2014”. The applicant had not submitted written representation in support of the

review application;

Public Comments at Section 16 and Section 17 Stages

- (f) during the publication of the section 17 review application, no public comment was received;
- (g) at the section 16 stage, six public comments were received. 3 of those comments requested the Board to consider the three renewal applications (No. A/YL-NSW/229, 230 and the current application) within the same “OU(CDWRA)” zone in an impartial manner. Two of the comments stated that the operation of the driving school did not affect the local traffic/residents in the surrounding area. If planning permission was not granted, the students as well as the livelihood of the driving school’s staff would be affected due to its closure. The remaining comment objected to the application in that the driving school was incompatible with the zoning and setting of an undesirable precedent;

Previous Applications

- (h) the Site was the subject of nine previously approved applications (No. DPA/YL-NSW/7 and 14 and No. A/YL-NSW/16, 26, 67, 116, 165, 185 and 209) for the same applied use as driving school submitted by the same applicant as detailed in paragraphs 4.8 to 4.11 of the Paper;
- (i) on 26.11.2014, the Applicant submitted a section 16A planning application to the subject planning approval. The proposed amendment was for extension of time (EOT) for compliance with approval conditions (d) and (e) for 3 months. Approval condition (d) was subsequently complied with after the submission of the EOT application and it was not necessary to extend the compliance time limit of this condition. On 9.12.2014, the Director of Planning, under the delegated authority of the Board, approved the EOT application for compliance with condition (e) for 3 months;

Similar Applications

- (j) there was no similar application for driving school in the same “OU(CDWRA)” zone;

- (k) there were two renewal applications (No. A/YL-NSW/229 and 230) for similar temporary use for private car park and container park respectively in the same “OU(CDWRA)” zone, and both applications were approved with conditions on 8.8.2014 by the Committee for a period of one year. When considering those two renewal applications, RNTPC noted that the earliest completion date for the proposed residential development in the TTIA would be at the end of 2016 and there was no development proposal received for residential development for the subject “OU(CDWRA)” zone. The applicants of the two renewal applications were advised to identify suitable sites for relocation and that further renewal would not be granted unless under very special circumstances;

Planning Considerations and Assessment

Not in line with Planning Intention

- (l) the Site occupied part of a larger area zoned “OU(CDWRA)”, which was intended to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area. It was intended to phase out existing sporadic open storage and port back-up uses on degraded wetlands. The subject temporary driving school use was not in line with the planning intention of the “OU(CDWRA)” zone. The previous nine applications on the Site were approved on a temporary basis;

Land Use Changes in TTIA

- (m) the renewal application was approved for a period of one year instead of three years sought due to change in planning circumstances. In 2011, a strip of land in TTIA was rezoned from “Other Specified Uses” annotated “Business” (“OU(B)”) to “Residential (Group E)1” (“R(E)1”). There were three approved residential developments within the “R(E)1” zone, namely Applications No. A/YL/191, 194 and 201. The earliest completion date for the residential developments in TTIA would be end 2016. Further renewal of the planning approval for another three years should not be granted to avoid undesirable interface issues with the proposed residential developments in the TTIA;

Comment from Government Departments

- (n) the Commissioner for Transport (C for T) supported the renewal application for using the Site to continue operating a driving school as the Yuen Long Driving School had been a designated Driving School since 1994. It was the only Transport Department’s (TD’s) driving test centre for the Tuen Mun and Yuen Long Districts. To cope with the upsurge demand and to facilitate learner drivers living in Tuen Mun and Yuen Long Districts undertaking off-street driving training, TD supported the application to avoid disruption to the driving test services to the public. It would require a lead time of two to three years to search for another suitable site for the driving school;
- (o) the other government departments consulted had no comment or no adverse comment on the review;

RNTPC’s Considerations for Approval of the Subject Application

- (p) approval of the application for one-year was to phase out the temporary uses that were not in line with the planning intention of the

“OU(CDWRA)” zone so as to facilitate its early implementation;

- (q) in approving the previous application No. A/YL-NSW/209 in 2011, RNTPC had noted that there was no concrete development proposal for the site at that stage and given that the future development at the “R(E)1” zones were still uncertain, the proposed renewal period of three years could be tolerated. However, the applicant was advised that further renewal would need to take into account the prevalent circumstances at the time of renewal;
- (r) the application under review was approved by the RNTPC mainly on the consideration that the applicant had made efforts to identify alternative site in Yuen Long for relocation of the driving school and the result was yet to be confirmed;
- (s) approving the application for one year instead of three years could allow for close monitoring of the progress of the search for a suitable relocation site;

Approval Condition (e)

- (t) the applicant had submitted a Certificate of Fire Service installations and equipment (FS 251) for compliance with approval condition (e). On 11.12.2014, the submission was accepted by the Director of Fire Services. The review sought regarding clarification on condition (e) was no longer necessary;
- (u) PlanD’s View – did not support the review application given the above assessments.

133. The Chairman then invited the applicant’s representatives to elaborate on the review application. With the aid of a Powerpoint presentation, Mr Phill Black made the following main points:

- (a) they would address the three grounds for approving the application for one year instead of the three years sought. They were (i) avoidance of undesirable interface issues with the future residential developments in TTIA; (ii) approval of one year would facilitate early implementation of the “OU(CDWRA)” zone; and (iii) approval of one year was in line with the approvals for similar temporary uses in the same zone;

Undesirable Interface Issues?

- (b) it was unclear from the Paper and DPO’s presentation what the perceived interface issues were. From the RNTPC’s minutes, it might be inferred that the interface concern was related to heavy vehicle driver training using the same roads as future residential traffic from the developments in the “R(E)1” zone in TTIA;
- (c) the ground was not substantiated for the following reasons:
 - (i) there was no direct interface issue from the on-site operations as the Site was approximately 250m from the “R(E)1” zone in TTIA;
 - (ii) the off-site training routes covered a very wide road network used by both residential and industrial traffic in Yuen Long Industrial Area, TTIA as well as Tin Shui Wai New Town and had not caused any interface issues;
 - (iii) the time for heavy vehicle driver training on public roads was strictly controlled;
 - (iv) C for T, Commissioner of Police and Director of Environmental Protection had no comment in regard to the traffic interface issue. C for T had not received any complaints since the application on the Site was last approved. It was apparent that there was no interface concerns regarding traffic or

environmental issues;

- (v) C for T's comment as recorded in the RNTPC paper was that there would be no traffic interface issue as the peak traffic flow period of the planned residential development in TTIA would be different from that of the driving school; and
- (vi) of the three residential developments approved in TTIA, two developments would be occupied in 2018 and only one development would start to be occupied in January 2017. Hence, even if the application was approved for two years, no residential development would be occupied within the approval period. If the application was approved for three years, only one home ownership scheme (HOS) development would be occupied some seven months before the expiry of the planning permission. That HOS development only had one building block with 11 private car parking spaces;

One Year Approval would facilitate early implementation of "OU(CDWRA)" Zone?

- (d) there was no explanation in the RNTPC Paper as to how an one-year approval would facilitate early implementation of the "OU(CDWRA)" zone. In fact, the zoning itself had constrained its early implementation:
 - (i) the planning intention of the zone was for restoration of degraded wetlands and fishponds through comprehensive development. The zoning imposed complicated and restrictive planning requirements;
 - (ii) the relevant Town Planning Board Guidelines for "Applications for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance" (TPB PG-No. 12C) further specified requirements for protection of the ecological integrity

of fish ponds and wetland, prevention of development that would have negative off-site disturbance and submission of ecological impact assessment. Between 2008 to 2010, three applications were submitted within the zone and they were all rejected on grounds that the development was piecemeal and there was no sustainable wetland restoration scheme;

- (iii) private land ownership within the “OU(CDWRA)” zone was very fragmented with large areas of land held by Tso Tongs; and
 - (iv) there were large existing ponds under private ownership that were required to be retained;
- (e) vacating the Site by terminating the driving school would not facilitate early implementation of the “OU(CDWRA)” zone. There were considerable vacant land within that zone that had been left vacant for many years;

Approval Tenure should be in line with other recent applications in the “OU(CDWRA)” zone?

- (f) one month before the consideration of the subject application, RNTPC had approved two other applications within the “OU(CDWRA)” zone on a temporary basis for one year. Application No. A/YL-NSW/229 was for a car park and Application No. A/YL-NSW/230 was for a container truck park; and
- (g) each application should be considered on its own merits, and the subject application should be approved for a longer period as there were a lot of differences between a container truck park and the driving school. The differences were:
 - (i) a container truck park was of a private and commercial nature

whereas the driving school was commercial in nature but it fulfilled a public transport policy objective;

- (ii) the applicant for the proposed container truck park (Application No. A/YL-NSW/230) only sought for a one-year approval. The subject application sought a three-year approval;
- (iii) there were limited on-site facilities for a container truck park, but there were many on-site facilities for a driving school that needed more considerations for re-site and relocation;
- (iv) a container truck park had no requirement for off-site facilities, but the driving school required designated training and testing routes off-site;
- (v) the criteria for replacement of a container truck park were simpler and much shorter time would be required to identify a relocation site, whereas, a replacement site for the driving school had to take into account TD's requirement for on-site facilities and training/testing routes, and Environmental Protection Department's/Fire Services Department's requirements for fuel filling pit. As such, a minimum of 2.5 years were required for relocation of the driving school; and
- (vi) a container truck park only employed a few people but the operation of the driving school would affect some 120 employees.

134. Mr David Lo from the Hong Kong School of Motoring Yuen Long Driving School continued the presentation and made the following main points:

- (a) the driving school had a number of major facilities that differentiated it from other temporary uses;

- (b) the training routes of the driving school covered road networks in Tin Shui Wai New Town, Yuen Long Industrial Estate and TTIA. There were limited heavy vehicles for training on site (two articulated training vehicles, two training buses and two medium goods vehicles). Heavy vehicle driving training only used roads in Yuen Long Industrial Area and Tin Shui Wai. Those vehicles would only pass through roads in the TTIA, where the future residential development would be located, when leaving and returning to the driving school. There had been no complaint against the driving school from the newly occupied residential development in the area;
- (c) the driving school had set restrictions on heavy vehicle driver training on public roads. The peak traffic flow of the driving school was different from that of residential traffic. In accordance with the previous approval condition, no heavy vehicle training was allowed outside the driving school after 9:30pm;
- (d) their driving school in Ap Lei Chau had been identified for residential development and the site would be returned to the Government around 2016/2017. With the closure of that driving school, the driving school in Yuen Long would play a more important role;
- (e) since the last approval, they had sought assistance from PlanD and the Lands Department (LandsD) to identify suitable relocation sites. The main criteria for the relocation site were (i) reasonable size, (ii) situated away from residential/village areas but in not too remote areas, and (iii) adjacent road network had adequate road features for training purpose;
- (f) they had looked into a few tens of sites but some of those were not suitable due to small size or inappropriate locations. Those sites meeting their criteria were:
 - (i) a site in Wang Chau zoned “Open Storage” - District Lands Office (DLO) rejected their proposal to a government site

there and owners of other private sites there refused to sell their land to the driving school;

- (ii) a site in Tin Shui Wai zoned “Government, Institution or Community” (“G/IC”) – there was a vacant government site but DLO advised that the site had already been allocated to the Drainage Services Department;
 - (iii) a fishpond site to the north of Tin Shui Wai New Town – PlanD advised that the site was not suitable for a driving school from land use planning perspective; and
 - (iv) a site to the south of Tin Shui Wai New Town – the site involved land held by Tso Tongs and the villagers in the Tso were against developing a driving school there;
- (g) as such, no suitable relocation sites had been identified to date. In general, they would require two to three years to relocate the driving school. If the Board only granted a short approval period for the application, it would create uncertainties for their students; and
- (h) as one of the reasons for imposing a one-year approval was to monitor the progress of their relocation plans, the Board might consider imposing an approval condition requiring the applicant to submit a progress report on the relocation programme to the Director of Planning on an annual basis.

135. Mr Phill Black concluded the presentation and made the following main points:

- (a) evidence did not support that there would be any undesirable interface issues or that granting of a one-year approval would facilitate implementation of the “OU(CDWRA)” zone;

- (b) there was no objection from government departments, other than PlanD, for approval of the application for three years. In fact, C for T supported the application not only because there was TD's testing facility in the driving school, but C for T understood that more time was required to relocate the driving school in a seamless manner;
- (c) there was no justification to grant a tenure for the driving school to be the same as that granted for the other two temporary uses in the same zone;
- (d) the driving school required time for relocation. The Board was urged to approve the application for a further three years and if considered necessary, a planning condition might be imposed to require the applicant to submit a progress report to the Director of Planning to monitor the implementation of the relocation programme.

136. The Vice-chairman asked how many driving schools the Hong Kong School of Motoring operate in Hong Kong, and for information on their locations and, asked whether there were alternative schools if the subject school in Yuen Long was closed.

137. In response, Mr Lo said that the Hong Kong School of Motoring operated three driving schools in Hong Kong. The one in Ap Lei Chau would be closed in 2016. The one in Shatin served the population in New Territories East and Kowloon. The subject one served the population in New Territories North and West, including Tuen Mun and Yuen Long. If the school in Yuen Long was closed, their students would have to attend driving training in the Shatin school, which was not very convenient for people living in New Territories North and West.

138. The Vice-chairman asked the applicant's representatives to further explain what progress they had made in planning for relocation of the driving school since the last temporary approval in 2011. Mr Lo said that they had started the search for relocation sites in consultation with PlanD and TD since 2011. As explained in the presentation, there were only a few suitable relocation sites identified but they were not feasible for further perusal. The applicant clearly understood that the driving school on the Site had to be relocated in the near future. They wished to plan for a seamless transition during

the relocation to minimise disturbance to their students.

139. In response to the Chairman's question, Mr Lo said that the driving training routes for smaller vehicles, including private car, light goods vehicle and motor cycle, were along the roads in Tin Shui Wai, Yuen Long Industrial Area and TTIA. Each vehicle would only leave and return to the Site once during each training session of 1.5 hours.

140. The Chairman asked about the ownership of the land occupied by the three driving schools of the Hong Kong School of Motoring. Mr Lo said that the two driving schools in Ap Lei Chau and Shatin were on government land under short term tenancy and the subject driving school in Yuen Long was on private land owned by the driving school.

141. A Member asked what the development programmes were for the residential developments near the Site. Ms Chin said that the Site was located in an area zoned "OU(CDWRA)" with the planning intention for comprehensive residential and associated development with wetland restoration. Development within the "OU(CDWRA)" would take time to implement but the approved residential developments within the "R(E)1" zones in the TTIA were under construction. The application on the Site had already been renewed nine times with each approval for three years. There was a need to send a clear message about the planning intention of the Site under the "OU(CDWRA)" zone and to facilitate early implementation of the zone.

142. Mr Black said that a clear message had been sent and noted by the applicant. In fact, there had been a miscommunication between the applicant and the relevant government departments. After 2011, the applicant misunderstood that the Government would search for a relocation site for the driving school and a lot of time had been wasted before they realised that they had to search for a site themselves. The Site was zoned "Residential (Group D)" in 2005, and was subsequently rezoned "Comprehensive Development Area" and was currently zoned "OU(CDWRA)". The zoning and planning requirements had become more restrictive over the years. To facilitate development of the area, PlanD should review the planning requirements and/or the zoning of the area to make it more attractive to developers.

143. The Chairman asked whether DPO/FS&YLE agreed that the applicant had made genuine efforts to relocate the driving school. In response, Ms Chin said that although the subject driving school was a Government designated driving school, it was operated on a commercial basis. She understood that while TD was conducting a site search for a new driving school, the operator of which would be subject to an open tender. Hence, the site search conducted by the applicant and that conducted by TD were regarded as two separate matters. According to her available records, the applicant had approached PlanD in 2011, 2012 and 2014 about potential relocation sites. In June and July 2014, PlanD was asked by the applicant to advise on the feasibility of operating a driving school on two “G/IC” sites in Tin Shui Wai. PlanD had advised that the site on government land had already been allocated to another government department and for the other site on private land, the applicant had been advised about the land use planning considerations. PlanD had no information about the discussions between the applicant and the landowners of that private site.

144. The Chairman asked whether the planning intention of the “OU(CDWRA)” zone was impracticable as claimed by the applicant. In response, Ms Chin said that they had been previously approached by project proponents to discuss about development proposals and wetland restoration schemes on land falling within the “OU(CDWRA)” zone.

145. As the applicant’s representatives had no further comment to make and Members had no further question, the Chairman informed them that the hearing procedures for the review application had been completed. The Board would further deliberate on the review application in their absence and inform the applicant of the Board’s decision in due course. The Chairman thanked the representatives of PlanD and the applicant’s representatives for attending the meeting. They all left the meeting at this point.

Deliberation

146. Professor S.C. Wong declared that when he was a former Director of the Institute of Transport Studies (the Institute) in the University of Hong Kong in 2013, the Hong Kong School of Motoring had sponsored some activities of the Institute. He had

stepped down from directorship of the Institute and was currently only a member of the Institute. Members agreed that Professor Wong's interest was indirect and he should be allowed to stay in the meeting and participate in the discussion.

147. The Chairman said that while the Board should consider an approval period that would not impede the implementation of the "OU(CDWRA)" zone, it appeared that any development that might come up within the "OU(CDWRA)" zone would be beyond three years. A Member agreed that the Board's decision should not impede the implementation of the "OU(CDWRA)" zone. When RNTPC considered the application, the main consideration for giving a one-year approval instead of the three years sought was to give a clear message that the driving school should be relocated. However, given that the development in the "OU(CDWRA)" zone would unlikely be realised in the near future and the driving school involved public interests, a three-year approval could be considered acceptable. However, the Board might need to make it clear that the application would definitely not be further renewed. The Chairman said that each application should be considered based on the planning circumstances at that time.

148. Another Member said that given the circumstances that it was not easy to find a suitable relocation site for the driving school, the driving school involved public interests, and there was currently no concrete plan to implement the "OU(CDWRA)" zone, the Board might consider approving the application for two years so as to give a strong message that the applicant should make all efforts to relocate the driving school.

149. Mr K.K. Ling, Director of Planning, said that in the previous approval, the Board had already informed the applicant that it was the last approval. Hence, RNTPC decided to approve the subject application only for one year. Nevertheless, even if the approval was granted for three years, the adjacent residential developments would not be fully occupied within the approval period. In addition, the applicant had shown that efforts had been made to find relocation sites; C for T supported the application and there was a public need for the driving training that served both private and business vehicles; more time was required to relocate the facilities of the driving school; and the development of the "OU(CDWRA)" zone might take considerable time due to its fragmented ownership. Taking into account the above circumstances, he had no objection to approve the application for a further three years.

150. The Chairman said that approval for a 3-year period could be considered as there was no existing noise sensitive receivers and the surrounding road would be used by vehicles other than those from the driving school anyway. However, Members might wish to consider whether it was useful to impose a planning condition regarding submission of progress report on the relocation plan. Mr Ling agreed that the planning condition might not be essential.

151. Another Member agreed that a 3-year approval could be granted for reasons that it was not easy to identify a suitable relocation site for the driving school, the planning intention for the “OU(CDWRA)” zone would not be impeded purely because of the continued operation of the driving school and the driving school did serve a public purpose to a certain degree.

152. Another Member said that given that the planned residential development would gradually be occupied in three years’ time, there should be justification not to further renew the application in future.

153. The Vice-chairman said that approving the application for three more years would not create major interface problems in respect of the timing of occupation of the planned residential developments in the vicinity. However, as the Board would like to see progress in the implementation of the “OU(CDWRA)” zone, there might be consideration for approving the application for another two years without the need to impose a planning condition for submission of progress report. This would give a clearer message of the Board’s intention to develop the Site to accord with the planning intention of the “OU(CDWRA)” zone.

154. In response to the Chairman’s question about the basis for a 2-year approval, a Member said that according to information presented by the applicant, one of the residential developments in TTIA would start to be occupied in early 2017 i.e. during the beginning of the third year. This would justify the approval for two years.

155. In response to the Chairman’s question, Mr C.W. Tse, Deputy Director of Environmental Protection, said that the future residential developments were located

within TTIA. There would be heavy vehicle traffic within TTIA and the additional heavy vehicle traffic from the driving school would unlikely create major additional noise impacts. The condition to restrict heavy vehicle driving training after 9:30pm would further minimise the potential noise impacts. Mr Ling said that given that traffic flow in the road section to the north of the TTIA was in single direction, all vehicle traffic returning to the driving school would have to pass by one of the residential sites (subject of planning application No. A/YL/201). The Chairman said that in addition to potential noise impacts, traffic safety for children or elderly in the future residential developments might be another interface consideration.

156. After further deliberation, Members decided to approve the application on a temporary basis for a further two years until 5.9.2016 on the terms of the application as submitted. Members considered the approval conditions in paragraph 8.3 of the Paper and considered that they were appropriate. The approval conditions were:

- “
- (a) no training of drivers of heavy vehicles or articulated vehicles is allowed outside the application site after 9:30pm, as proposed by the applicant during the approval period;
 - (b) the existing landscape planting on the Site shall be maintained at all times during the planning approval period;
 - (c) the existing drainage facilities implemented shall be maintained at all times during the planning approval period;
 - (d) the implementation of fire service installations proposal for the Site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services (D of FS) or of the Town Planning Board by 5.3.2015;
 - (e) if any of the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without

further notice;

- (f) if the above planning condition (d) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (g) upon expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.”

157. Members considered the advisory clauses in paragraph 8.3 of the Paper and considered that they were appropriate with suitable amendment to the approval period in advisory clause (a). Members agreed to advise the applicant on the following:

- “ (a) an approval period of two years is granted, instead of three years sought, but no further renewal will be allowed unless under very special circumstances. The applicant should identify suitable sites for relocation;
- (b) to note the comments of the District Lands Officer/Yuen Long of Lands Department (DLO/YL, LandsD) that the Site is situated on New Grant Agricultural Lot restricted for fish pond purposes only, upon which no structure is allowed to be erected without prior approval from his Office. However, Short Term Waiver (STW) No. 1781 was granted in 1993 with an agreement supplementary to the same in 1999 to the lot owner for coverage of structures [with maximum built-over area of 1,485 m² and maximum building height of 4.8m (one-storey)] erected on the lot for the purpose of an administration building and other facilities including workshop in connection with a driving school. His Office reserves the right to take appropriate action should any breach of the conditions of the STW be found;

- (c) to note the comments of the D of FS that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority; and
- (d) to note the comments of the Chief Building Surveyor/New Territories West of Buildings Department that the relevant Temporary Building Permits No. NT16/98 & NT 8/94 and the associated Temporary Occupation Permits No. NT21/98 (T.O.) and NT16/95 (T.O.) should be renewed satisfactorily.”

[Mr Patrick H.T. Lau, Mr Dominic K.K. Lam and Mr Ivan C.S. Fu returned to join the meeting at this point.]

Agenda Item 7

[Open Meeting]

Request for Deferment of Review of Application No. TPB/A/YL-PH/697

Proposed Temporary Open Storage of Building Materials with Ancillary Office and Parking Facilities for Lorries and Private Cars for a Period of 3 Years in “Agricultural” zone, Lots No. 369 (Part) and 390 (Part) in D.D. 110 and Adjoining Government Land, Pat Heung, Yuen Long

(TPB Paper No. 9810)

[The meeting was conducted Cantonese.]

158. The Secretary reported that on 17.12.2014, after the issue of agenda and Paper, the applicant wrote to the Secretary of the Board and requested the Board to defer making a decision on the review application for two months to allow time for consultation with and to seek agreement with all Tso members of the Tang Kok Lap Tso (鄧國立祖) (the site owner) regarding the review and for preparation of supporting papers. Members noted the letter from the applicant that was tabled for Members’ consideration.

159. Members noted that the deferment was the first deferral request, PlanD had no

objection to the deferment and the justifications for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines No. 33 on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance.

160. After deliberation, the Board agreed to defer consideration of the review application as requested by the applicant. The Board also agreed that the review application should be submitted for its consideration within three months upon receipt of further submission from the applicant. If the further information was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Board's consideration. The applicant should be advised that the Board had allowed two months for preparation of submission of further information and no further deferment would be granted unless under very special circumstances.

Agenda Item 9

[Open Meeting]

Request for Deferment of Review of Application No. TPB/A/TM/450

Columbarium (within a Religious Institution or extension of existing Columbarium only) in "Green Belt" Zone, Lots 294 S.A and S. B and Lot 351 (Part) in D.D. 376, Tuen Mun (TPB Paper No. 9817)

[The meeting was conducted Cantonese.]

161. As LWK & Partners (HK) Ltd. (LWK), RHL Surveyors Ltd. (RHL) and Townland Consultants Limited (TCL) were the consultants of the applicant, the following Members had declared interests in this item:

- | | | |
|---------------------|---|---|
| Mr Ivan C.S. Fu | - | being the director and a shareholder of LWK |
| Mr Laurence L.J. Li | - | having business dealings with LWK |
| Mr H.F. Leung | - | working in the Department of Real Estate and Construction in the Faculty of |

Architecture of the University of Hong Kong
that had received a donation from RHL

Mr Dominic K.K. Lam] having business dealings with TCL
Professor P.P. Ho]

162. Members noted that the applicant had requested for deferment of consideration of the review, as Mr Ivan C.S. Fu's interest was direct, he could stay in the meeting but should refrain from participating in the discussion. Members agreed that Mr Dominic K.K. Lam's interest was indirect and he could stay in the meeting and participate in the discussion. Members noted that the other Members who had declared interests had either tendered apologies for not able to attend the meeting or had left the meeting.

163. The Secretary said that on 9.12.2014, the applicant wrote to the Secretary of the Board and requested the Board to defer making a decision on the review application for two months so as to allow time to prepare supplementary information in support of the review application. This was the first request from the applicant for deferment of the review application.

164. Members noted that the justifications for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines No. 33 on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance in that the applicant needed more time to prepare supplementary information in support of the review application, the deferment period was not indefinite and the deferment would not affect the interests of other relevant parties.

165. After deliberation, the Board agreed to defer consideration of the review application as requested by the applicant. The Board also agreed that the review application should be submitted for its consideration within 3 months upon receipt of further submission from the applicant. If the further information was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Board's consideration. The applicant should be advised that the Board had allowed two months for preparation of submission of further information and no further deferment would be granted unless under very special circumstances.

Agenda Item 5

[Open Meeting]

Draft Chek Keng Outline Zoning Plan No. S/NE-CK/B – Preliminary Consideration of a New Plan

(TPB Paper 9808)

[The meeting was conducted in Cantonese.]

166. Mr C.K. Soh, District Planning Officer/Sha Tin, Tai Po and North District, Planning Department (DPO/STN, PlanD) and Ms Channy C. Yang, Senior Town Planner/Country Park Enclave, PlanD were invited to the meeting at this point.

167. The Chairman extended a welcome and invited DPO/STN to brief Members on the Paper. With the aid of a Powerpoint presentation, Ms Yang made a presentation as detailed in the Paper covering the following main points:

Background

- (a) on 4.5.2012, the draft Chek Keng Development Permission Area (DPA) Plan No. DPA/NE-CK/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). On 30.4.2013, the draft DPA plan was approved by the Chief Executive in Council after completion of the plan-making process;
- (b) pursuant to section 20(5) of the Ordinance, the Chek Keng DPA Plan was effective for a period of three years until 4.5.2015. An OZP had to be prepared to replace the DPA Plan to maintain statutory planning control;
- (c) on 16.10.2014, the Secretary for Development directed the Board, under section 3(1)(a) of the Ordinance, to prepare an Outline Zoning Plan (OZP) to cover the Chek Keng area (the Area);

Planning Context

- (d) the Area, covering a total area of about 34.74 ha, was a Country Park enclave surrounded by the Sai Kung East Country Park except where it fronted onto Chek Keng Hau in the north (one of the sea bays along the northern coast of the Country Park). The Area was only accessible by walking trails and boats;
- (e) the Maclehoose Trail traversed the Area from east to west, largely dividing the lower seaside area mainly with natural coastline and features to its north from the higher landside area with a village cluster and vegetated slopes/valleys to its south;
- (f) the Area formed an integral part of the natural system of the adjoining Sai Kung East Country Park with a wide spectrum of natural habitats including, inter alia, woodlands, shrublands, grasslands, streams, sandy/rocky shore with cliff, backshore vegetation and mangroves which should be preserved and protected;
- (g) Chek Keng Village was the only recognised village in the Area. According to the 2011 Census, it had a total population of about 30 persons. There was a permitted burial ground on the hillslopes along the northeastern edge of the Area. 62% of the land in the Area was government land and 38% was private land. The village houses in the Area were abandoned or in dilapidated conditions;
- (h) the Holy Family Chapel in the Area was built in 1874 and currently vacant. It was a Grade 2 historic building worthy of preservation;

Issues Arising from Consideration of DPA Plan

- (i) green/concern groups suggested that ecologically important areas should be protected by “Conservation Area” (“CA”) and “Coastal Protection Area” (“CPA”) zonings; that “Village Type Development” (“V”) zones

should be limited to avoid adverse impacts; and to incorporate the Area into the Country Park;

- (j) villagers including the Indigenous Inhabitant Representative (IIR) of Chek Keng Village proposed a development plan for a variety of land uses which included expansion of the “V” zones and that a comprehensive development proposal would be submitted to the Board. The Sai Kung North Rural Committee (SKNRC) proposed that the “V” zone should tally with the village ‘environs’;
- (k) on 18.1.2013, the Board considered the representations and decided not to propose any amendment to the draft DPA Plan to meet the representations. It was agreed that detailed land use zonings would be worked out during the OZP preparation stage taking account of the results of relevant assessments on various aspects including Small House demand and developments, conservation value, the environmental and infrastructural constraints, and landscape character etc. in consultation with relevant stakeholders;

Development Proposals Received in the Course of Preparation of the Plan

- (l) as at December 2014, since the gazettal of the draft DPA Plan on 4.5.2012, no planning application within the Area had been received by the Board;
- (m) on 7.10.2014, Kadoorie Farm & Botanic Garden (KFBG) made a submission to PlanD which included a report on “Ecological and Conservation Importance of Six Sai Kung Country Park Enclaves” and land use proposal for the Area. According to KFBG’s submission, the woodlands, watercourses and riparian zones, mangroves and backshore vegetation, and riparian grasslands in the Chek Keng study area were of high conservation importance and should be covered by an appropriate land use zoning such as the “CA” zone under the planning system. It

was proposed that the Government should consider incorporating the Chek Keng Country Park enclave, or areas of high conservation importance therein, into the Country Park;

- (n) on 13.11.2014, the IIR of Chek Keng Village submitted a preliminary land use proposal to PlanD. He considered that the area of the “V” zone in the DPA Plan was insufficient to meet the Small House demand and proposed to expand the “V” zone to the east and west along the two natural streams. Other preliminary land use proposals mainly included: village hotels, a tourism facility for the seniors and disabled, and a university specialized in environmental protection and organic farming; proposed “Agriculture” zone along the eastern side of the eastern stream; proposed “Recreation” zone in the western part of the Area for holiday resorts; proposed “CA” zone for the Holy Family Chapel and its immediate environs; two strips of 10m-wide “CPA” zone near the two small piers along the coast; a 10m-wide buffer zone on both sides of the two natural streams; and a central sewage treatment system for the Area. The IIR indicated that he would submit a detailed report including development proposals as well as tree and ecological appraisals in due course;
- (o) the land use planning considerations as detailed in paragraph 9 of the Paper were presented;

Land Use Proposals

- (p) after taking into account the above, the land use proposals for the draft OZP were as follows:

Planning Intention

- (i) the general planning intention of the Area was to protect its high conservation and landscape value which complemented the overall naturalness and the landscape beauty of the surrounding

Country Park. It was also intended to consolidate village development so as to avoid undesirable disturbances to the natural environment and overtaxing the limited infrastructure in the Area;

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

Land Use Zoning Proposals

- (ii) “V” zone – the updated outstanding Small House application of 20 in 2014 and the 10-year Small House Demand forecast of 254 provided by the IIR were adopted. Land required for meeting the new Small House demand was estimated to be 6.85 ha. A total of 2.24 ha of land was zoned “V” on the draft OZP mainly covering the existing village cluster of Chek Keng Village and the adjoining area. About 1.04 ha of land was available to meet new demand for Small Houses (i.e. 15.2% of new demand). Diversion of stream and filling of ponds in “V” zone required planning permission from the Board;
- (iii) “Government, Institution or Community” (“G/IC”) zone - a total of 0.08 ha of land was zoned “G/IC” on the draft OZP. The major existing Government, institution and community facilities under this zone included a public toilet and a refuse collection point along MacLehose Trail as well as the Holy Family Chapel (a Grade 2 historic building) at the southern fringe of Chek Keng Village;
- (iv) “Green Belt” (“GB”) zone - a total of 28.82 ha of land was zoned “GB” on the draft OZP. The “GB” zone comprising mainly woodlands, shrublands, grasslands and streams, could provide a buffer between the village type developments and the Sai Kung East Country Park and conserve the natural and rural character of the Area. The “GB” zone also comprised the

western part of the permitted burial ground on the hillslopes along the northeastern fringe of the Area. The burial ground had been in existence for many years, and was considered as an existing use for the burial of deceased indigenous villagers in the Area; and

- (v) “CPA” zone – a total of 3.6 ha of land was zoned “CPA” on the draft OZP. This zone mainly covered the coastal area along Chek Keng Hau to the north of MacLehose Trail (with the exception of a few houses and ruins at the existing village cluster) and the cliff of the vegetated knoll to the south of the trail. It primarily consisted of sandy/rocky shore with cliff, backshore vegetation, mangroves and stream estuaries. This zone could also provide a buffer between the adjoining village area and the marine environment. New residential development was not permitted under this zone. Redevelopment of existing houses might be permitted on application to the Board. Diversion of streams, filling of land/pond or excavation of land required permission from the Board;

- (q) the draft OZP together with its Notes and Explanatory Statement had been circulated to relevant government bureaux and departments and their comments had been incorporated as appropriate. The draft OZP would be submitted to the Tai Po District Council (TPDC) and SKNRC for consultation. Their comments would be submitted to the Board for further consideration prior to the publication of the draft OZP; and

- (r) Members were asked to agree that the draft OZP No. S/NE-CK/B together with the Notes and Explanatory Statement were suitable for consultation with TPDC and SKNRC.

168. Mr K.K. Ling, Director of Planning, asked about the rationale for delineating the western boundary of the “V” zone. Mr Soh said that the Agricultural, Fisheries and

Conservation Department (AFCD) and the Chief Town Planner/Urban Design and Landscape of PlanD indicated that the area to the southeast of the village cluster, which was currently overgrown with dense vegetation, should be excluded from the “V” zone currently designated on the DPA plan. Hence, an area between the village cluster and Maclehorse Trail to the west of the “V” zone on the DPA Plan, which was mainly covered with shrubs and younger trees, was included in the “V” zone in the draft OZP. The western boundary of the “V” zone was mainly delineated based on the boundaries of the farmland and private land lots. The total area of the “V” zone in the draft OZP was the same as that on the DPA plan.

169. Mr Ling further asked whether there was any active agricultural land in Chek Keng. In response, Mr Soh said that according to their consultation with AFCD and their site visit, there was no active agricultural land in the Area. The fallow agricultural land was mainly covered with grass or shrubs.

170. A Member asked whether sufficient buffer had been provided between the “CPA” and “V” zone. Mr Soh said that the delineation of the “V” and “CPA” zones mainly followed the MacLehorse Trail. The “V” zone boundary covered land on the southern side of the MacLehorse Trail which was on a formed platform where most of the houses, which were mainly abandoned with many in dilapidated conditions or in ruins, as well as some approved Small Houses were concentrated. To the north (sea side) of the MacLehorse Trail was mainly the lower coastal area zoned “CPA”. The difference in topography and the MacLehorse Trail had provided a clear boundary for delineating the two zones.

171. The Vice-chairman asked whether sufficient buffer had been provided for the “CPA” zones protruding in the north-eastern side of the Area. Mr Soh said that the protruding areas zoned “CPA” were mainly sandy shores, the southern boundaries of those “CPA” zones also mainly followed the Maclehorse Trail which was a cement-built pedestrian bridge with retaining wall structure at that location. The pedestrian bridge structure clearly delineated the sandy shores in the north from the fallow agricultural land and stream course to its south.

172. After deliberation, the Board agreed that the draft Chek Keng OZP No. S/NE-CK/B together with the Notes and Explanatory Statement were suitable for consultation with TPDC and SKNRC. After consultation, comments from TPDC and SKNRC would be submitted to the Board for consideration prior to publication of the draft OZP under section 5 of the Ordinance.

Agenda Item 6

[Open Meeting]

Draft Yung Shue O Outline Zoning Plan No. S/NE-YSO/C – Preliminary Consideration of a New Plan

(TPB Paper No. 9809)

[The meeting was conducted in Cantonese.]

173. Mr C.K. Soh, District Planning Officer/Sha Tin, Tai Po and North District, Planning Department (DPO/STN, PlanD) and Ms Channy C. Yang, Senior Town Planner/Country Park Enclave, PlanD were present at the meeting at this point.

174. The Chairman invited DPO/STN to brief Members on the Paper. With the aid of a Powerpoint presentation, Mr Soh made a presentation as detailed in the Paper covering the following main points:

Background

- (a) on 4.5.2012, the draft Yung Shue O Development Permission Area (DPA) Plan No. DPA/NE-YSO/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). On 30.4.2013, the draft DPA Plan was approved by the Chief Executive in Council after completion of the plan-making process;
- (b) pursuant to section 20(5) of the Ordinance, the Yung Shue O DPA Plan was effective for a period of three years until 4.5.2015. An OZP had to be prepared to replace the DPA Plan to maintain statutory planning

control;

- (c) on 16.10.2014, the Secretary for Development directed the Board, under section 3(1)(a) of the Ordinance, to prepare an OZP to cover the Yung Shue O Area (the Area);

Planning Context

- (d) the Area had a total area of 33.72 ha. It was located in the western end of the Sai Kung Peninsula. The Sai Kung West Country Park surrounded it in the north, east and south and the Three Fathoms Cove was at its west end. About 50.1% of the land in the Area was government land and 49.9% was private land;
- (e) the primary access to the Area was via a paved single-lane vehicular road branching off from Sai Sha Road and hiking trails leading from Cheung Sheung, Pak Tam Chung and Sham Chung. Yung Shue O was one of the Priority Sites for Enhanced Conservation identified under the New Nature Conservation Policy;
- (f) the Area comprised mainly woodlands, shrublands, grasslands, marshes, mangroves, and streams including an ecologically important stream (EIS). A large piece of land contained fallow agricultural land in the middle of the Area at a lower level of the valley extended to the coast. At the western-most part of the Area, estuaries, mangroves and marshes were found along the coastal area. The natural habitats in the Area provided a good habitat for butterflies and over half of the local butterfly species were recorded in the Area. Some sites along the EIS was being used for war game;
- (g) the Yung Shue O Site of Archaeological Interest fell within the Area, between the village and the coast, where ceramic sherds of the Song, Ming and Qing dynasties were found by the second Territory-wide Survey in 1997-98;

- (h) Yung Shue O Village was the only recognised village in the Area. According to the 2011 Census, there was a total population of 320 persons. The village was well populated and some of the village houses were newly built or under construction. These village houses were largely accessible by footpaths and some were connected with paved road/tracks. Two pieces of burial grounds were found at the north-eastern part and southern part of the Area;

Issues Arising from Consideration of the DPA Plan

- (i) the green/concern groups suggested that ecologically important areas should be protected by “Conservation Area” (“CA”) zoning; and that “Village Type Development” (“V”) zones should be limited to existing village houses;
- (j) villagers including the Indigenous Inhabitant Representative (IIR) of Yung Shue O, Sai Kung North Rural Committee (SKNRC) and local villagers proposed to expand the “V” zones to meet their future Small House demand;
- (k) a proposal was submitted by a consultant to designate the area outside the village core as “Other Specified Uses” (“OU”) annotated “Comprehensive Development to include Enhanced Conservation” with ‘House’, ‘Flat’, ‘Hotel’, ‘Nature Reserve’ and ‘Theme Park’ as Column 2 uses. The proposal was to protect and safeguard the rural character of the Area under a private-public participation approach;
- (l) on 4.1.2013, the Board considered the representations and comments and decided not to propose any amendment to the draft DPA Plan to meet the representations. It was agreed that detailed studies and analysis would be conducted to determine the appropriate zonings for areas of high ecological value and the boundary of the “V” zones. Regarding the proposed “OU” zoning, it was considered not in line with the general

planning intention of the Area which was to protect its high conservation and landscape value and the rural settings;

Development Proposals Received in the Course of Preparation of the Plan

- (m) since the gazettal of the draft DPA Plan, only one Small House planning application in the Area was received. It was approved with conditions by the Board on 21.6.2013 mainly on the consideration that the application complied with the “Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories” and the proposed Small House was located to the immediate north of the main village cluster within the village ‘environs’ of Yung Shue O Village;
- (n) on 7.10.2014, Kadoorie Farm & Botanic Garden (KFBG) provided PlanD with ecological information on Yung Shue O including the EIS, the coastal areas and backshore vegetations and considered that the marshes, the woodlands, the streams and their riparian zones as well as mangroves and backshore vegetation that were proposed to be protected from development and a tributary that drained into the EIS should be excluded from the “V” zone;
- (o) a joint site visit with the IIR of Yung Shue O Village was conducted on 29.10.2014. The IIR indicated that the local villagers had proposed to designate two areas for future Small House development which was similar to their proposal under the proposed “OU” annotated “Comprehensive Development to include Enhanced Conservation” zone;
- (p) the land use planning considerations detailed in paragraph 9 of the Paper were presented;

Land Use Proposals

- (q) after taking into account the above, the land use proposals for the draft

OZP were as follows:

Planning Intention

- (i) the general planning intention of the Area was to protect its high conservation and landscape value which complemented the overall naturalness and the landscape beauty of the surrounding Sai Kung West Country Park. Given the natural environment and high ecological and landscape value of the Area, it was also intended to consolidate village development so as to avoid undesirable disturbances to the natural environment and rural settings in the Area;

Land Use Zoning Proposals

- (ii) “V” zone - since no justification had been provided by the IIR for the substantial increase in the latest 10-year Small House Demand forecast (i.e. 780), the updated outstanding Small House application of 16 in 2014 and the previous 10-year Small House Demand forecast of 390 were adopted. Land required for meeting the new Small House demand was estimated to be 10.15 ha. A total of 3.25 ha of land was zoned “V” on the OZP covering the existing village cluster of Yung Shue O and adjoining fallow agricultural land mainly covered with grasslands and scrubs. About 1.1 ha of land was available to meet new demand for Small Houses (i.e. 10.84% of new demand). Diversion of stream and filling of ponds in “V” zone required planning permission from the Board;
- (iii) “Government, Institution or Community” (“G/IC”) zone – a total of 0.03 ha of land was zoned “G/IC”. The major existing Government, institution and community facilities under this zone included a single storey sewage pumping station, a permanent flushing toilet and a single storey refuse

collection point at the southern part of the Area;

- (iv) “Green Belt” (“GB”) zone – a total of 24.51 ha of land was zoned “GB”. Areas with natural vegetation, woodlands, hilly terrain, shrublands, grasslands and stream courses had been designated as "GB" so as to protect existing green areas and preserve the hilly terrain in the Area. The EIS and the adjacent river branch fed freshwater into the surrounding low-lying fallow agricultural land, that created a vast natural marsh in the northern and western side of the Area. The vast freshwater marsh and the woodland that were valuable landscape resources and provided natural scenic views with high amenity value in the Area were also zoned “GB”. The “GB” zone also comprised two permitted burial ground, one at the eastern of the Area and the other at fringes of the southern part of the planning scheme boundaries; and
- (v) “Coastal Protection Area” (“CPA”) zone – a total of 5.93 ha of land was zoned “CPA”. The backshore and coastal areas were designated as “CPA” to reflect and protect the natural coastal environment in the Area, in particular the mangroves adjoining the Area and the estuarine area. New residential development was not permitted under this zone. Redevelopment of existing houses might be permitted on application to the Board. Diversion of streams, filling of land/pond or excavation of land required permission from the Board;
- (s) the draft OZP together with its Notes and Explanatory Statement had been circulated to relevant government bureaux and departments and their comments had been incorporated as appropriate. The draft OZP would be submitted to the Tai Po District Council (TPDC) and SKNRC for consultation. Their comments would be submitted to the Board for further consideration prior to the publication of the draft OZP; and

- (t) Members were asked to agree that the draft OZP No. S/NE-YSO/C together with the Notes and Explanatory Statement were suitable for consultation with TPDC and SKNRC;

175. In response to the Vice-chairman's question, Mr Soh said that the size of the "V" zone in the draft OZP was similar to that in the DPA Plan. There were some refinements in the boundaries, areas with dense vegetation were excluded whereas similar land area of grasslands and shrublands were included.

176. A Member said that a stream course that flowed into an EIS passed through the "V" zone. It should be considered whether a buffer area, say zoned "GB", should be designated along the riparian area of the stream to provide better protection. Mr Soh said that they had explored the need for providing buffer areas along that stream course during the preparation of the draft OZP, the Agricultural, Fisheries and Conservation Department advised that there was no need to designate any buffer for that section of the stream course since a few upstream sections of that stream course had already been manually channelized and some village houses were built very close to the stream. There were existing administrative mechanisms to ensure that relevant authorities would be consulted on proposals/submissions that might affect natural streams/rivers and when processing Small House applications in close proximity to existing stream courses.

177. Mr K.K. Ling, Director of Planning, asked whether the north-eastern boundary of the "V" zone, which was currently in a straight line, could be refined to better follow the natural features as shown in the map base. Mr Soh said that the straightened boundary configuration aligned with the boundary of the adjoining burial ground.

178. A Member asked about the location of the freshwater marsh. Mr Soh said that the freshwater marsh was located in the northern and western side of the Area, that was at a lower level compared with the area zoned "V". The freshwater marsh was zoned "GB", and the natural coastlines and sensitive coastal natural environment to its west were zoned "CPA", the two zones were delineated by an existing footpath.

179. After deliberation, Members agreed that the draft OZP No. S/NE-YSO/C together with the Notes and Explanatory Statement were suitable for consultation with TPDC and SKNRC. After consultation, comments from TPDC and SKNRC would be submitted to the Board for consideration prior to the publication of the draft OZP under section 5 of the Ordinance.

Agenda Item 10

[Open Meeting]

Submission of the So Lo Pun Outline Zoning Plan No. S/NE-SLP/1A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval
(TPB Paper No. 9812)

[This item was conducted in Cantonese.]

180. Members noted the replacement pages tabled at the meeting. The Secretary reported that on 27.9.2013, the draft So Lo Pun Outline Zoning Plan (OZP) No. S/NE-SLP/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the exhibition period of the OZP, 10,748 valid representations were received. During the publication period of the representations, 3,673 valid comments were received.

181. After giving consideration to the representations and comments under section 6B(1) of the Ordinance from April to June 2014, the Town Planning Board (the Board) on 4.6.2014, decided to partially uphold 9,863 representations by rezoning the two pieces of land at the north-eastern end and south-western end of the “Village Type Development” (“V”) zone to “Green Belt” (“GB”) (the proposed amendment).

182. On 4.7.2014, the proposed amendment to the draft So Lo Pun OZP No. S/NE-SLP/1 was considered and agreed by the Board. On 25.7.2014, the proposed amendment was published under section 6C(2) of the Ordinance for further representation. Upon expiry of the publication period, 21 valid further representations were received.

183. After giving consideration to the further representations and the related

representations and comments under section 6F(1) of the Ordinance on 21.11.2014, the Board decided to partially uphold 11 further representations and to vary the proposed amendment by rezoning the land at the north-eastern end of the “V” zone to “Agriculture” (“AGR”) and to confirm the remaining part of the proposed amendment by rezoning the land at the south-western end of the “V” zone to “GB”. In accordance with section 6H of the Ordinance, the draft OZP should hereafter be read as including the above amendments.

184. Since the representation consideration process had been completed, the draft OZP was ready for submission to the Chief Executive in Council (CE in C) for approval in accordance with section 8 of the Ordinance. For submission to the CE in C, opportunity had been taken to update the Explanatory Statement (ES) to reflect the latest position of the draft OZP and the latest developments in the area.

185. After deliberation, the Board :

- (a) agreed that the draft So Lo Pun OZP No. S/NE-SLP/1A at Annex I of the Paper and its Notes at Annex II of the Paper were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated ES for the draft So Lo Pun OZP No. S/NE-SLP/1A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 11

[Open Meeting]

Submission of the Hoi Ha Outline Zoning Plan No. S/NE-HH/1A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval
(TPB Paper No. 9813)

[This item was conducted in Cantonese.]

186. The Secretary reported that on 27.9.2013, the draft Hoi Ha Outline Zoning Plan (OZP) No. S/NE-HH/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the exhibition period of the OZP, 10,824 valid representations were received. During the publication period of the representations, 3,671 valid comments were received.

187. After giving consideration to the representations and comments under section 6B(1) of the Ordinance from April to June 2014, the Town Planning Board (the Board) on 4.6.2014, decided to partially uphold 9,995 representations by rezoning an area to the west of the existing village cluster from “Village Type Development” (“V”) and “Green Belt” (“GB”) to “Green Belt(1)” (“GB(1)”) (the proposed Amendment).

188. On 4.7.2014, the proposed amendment to the draft Hoi Ha OZP No. S/NE-HH/1 was considered and agreed by the Board. On 25.7.2014, the proposed amendment was published under section 6C(2) of the Ordinance for further representation. Upon the expiry of the publication period, 36 valid further representations were received.

189. After giving consideration to the further representations and the related representations and comments under section 6F(1) of the Ordinance on 21.11.2014, the Board decided not to uphold the further representations and to amend the draft OZP by the proposed amendments. In accordance with section 6H of the Ordinance, the draft OZP should hereafter be read as including the above amendments.

190. Since the representation consideration process had been completed, the draft OZP was ready for submission to the Chief Executive in Council (CE in C) for approval in accordance with section 8 of the Ordinance. For submission to the CE in C, opportunity

had been taken to update the Explanatory Statement (ES) to reflect the latest position of the draft OZP and the latest developments in the area.

191. After deliberation, the Board:

- (a) agreed that the draft Hoi Ha OZP No. S/NE-HH/1A at Annex I of the Paper and its Notes at Annex II of the Paper were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated ES for the draft Hoi Ha OZP No. S/NE-HH/1A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 12

[Open Meeting]

Submission of the Pak Lap Outline Zoning Plan No. S/SK-PL/1A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval
(TPB Paper No. 9815)

[This item was conducted in Cantonese.]

192. The Secretary reported that on 27.9.2013, the draft Pak Lap Outline Zoning Plan (OZP) No. S/SK-PK/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the exhibition period of the OZP, 10,665 valid representations were received. During publication period of the representations, 3,665 valid comments were received.

193. After giving consideration to the representations and comments under section 6B(1) of the Ordinance from April to June 2014, the Town Planning Board (the Board), on 4.6.2014, decided to partially uphold 9,962 representations by rezoning a section of the

existing stream in Pak Lap and the area to its east from “Village Type Development” to “Agriculture” (the proposed amendment).

194. On 4.7.2014, the proposed amendment to the draft Pak Lap OZP No. S/SK-PL/1 was considered and agreed by the Board. On 25.7.2014, the proposed amendment was published under section 6C(2) of the Ordinance for further representation. Upon the expiry of the publication period, 11 valid further representations were received.

195. After giving consideration to the further representations and the related representations and comments under section 6F(1) of the Ordinance on 21.11.2014, the Board decided not to uphold the further representations and to amend the draft OZP by the proposed amendments. In accordance with section 6H of the Ordinance, the draft OZP should hereafter be read as including the above amendments.

196. Since the representation consideration process had been completed, the draft OZP was ready for submission to the Chief Executive in Council (CE in C) for approval in accordance with section 8 of the Ordinance. For submission to the CE in C, opportunity had been taken to update the Explanatory Statement (ES) to reflect the latest position of the draft OZP and the latest developments in the area.

197. After deliberation, the Board :

- (a) agreed that the draft Pak Lap OZP No. S/SK-PL/1A at Annex I of the Paper and its Notes at Annex II of the Paper were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated ES for the draft Pak Lap OZP No. S/SK-PL/1A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 13

[Open Meeting]

Information Note and Hearing Arrangement for Consideration or Representations and Comments on Draft Tai O Town Centre Outline Zoning Plan No. S/I-TOTC/1 (TPB Paper 9816)

[The meeting was conducted in Cantonese.]

198. The Secretary reported that on 25.7.2014, the draft Tai O Town Centre Outline Zoning Plan No. S/I-TOTC/1 (the OZP) was exhibited for public inspection under section 5 of the Town Planning Ordinance. During the OZP exhibition period, 41 representations were received. During the representation publication period, 1 comment was received.

199. Amongst the 41 representations received, 38 representations (including that submitted by a member of Islands District Council (R1), Tai O Rural Committee (R2), a concern group (R5) and individuals (R6 to R40) were mainly concerned about the conservation of the stilted structures under the “Residential (Group D)” zone and suitability of the recreational site zoned “Recreation” near Yim Tin Pok. R1 and R2 also raised objection to the “Village Type Development” zone on the grounds of deprivation of the land owners’ development right whilst R6 and R7 proposed to rezone the “Commercial” (“C”) site at Shek Tsai Po for recreational use.

200. The remaining three representations, submitted by CLP Power Hong Kong Limited (R3) and two individuals (R4 and R41), were related to the building height restrictions (BHR) of the “Government, Institution or Community” zone and “C” zone at Shek Tsai Po and the access to the Lots No. 348RP and 349 in D.D. 302 at Tai O Tai Chung.

201. The comment (C1) submitted by an individual (same as R4) raised objection to a representation (R6) regarding the “C” zone at Shek Tsai Po.

202. Since the representations and comment were all inter-related, it was considered more efficient for the full Board to hear the representation without resorting to the appointment of a Representation Hearing Committee. As the representations and

comments were all related to the local context of Tai O Town, it was suggested to consider them collectively in one group.

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

Agenda Item 14

[Confidential Item. Closed Meeting]

204. This item was recorded under confidential cover.

Agenda Item 15

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

205. There being no other business, the meeting was adjourned at 8:45pm.