

**Minutes of 1082nd Meeting of the
Town Planning Board held on 10.4.2015**

Present

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

Chairman

Mr Stanley Y.F. Wong

Vice-Chairman

Mr Roger K.H. Luk

Professor S.C. Wong

Professor P.P. Ho

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Mr Laurence L.J. Li

Dr W.K. Yau

Ms Bonnie J.Y. Chan

Professor K.C. Chau

Mr H.W. Cheung

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Ms Christina M. Lee

Mr H.F. Leung

Mr Stephen H.B. Yau

Mr F.C. Chan

Mr David Y.T. Lui

Mr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Deputy Director of Environmental Protection
Mr C.W. Tse

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

Assistant Director (2), Home Affairs Department
Miss Charmaine H.W. Wong

Director of Lands
Ms Bernadette H.H. Linn

Director of Planning
Mr K.K. Ling

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

Secretary

Absent with Apologies

Ms Anita W.T. Ma

In Attendance

Assistant Director of Planning/Board
Ms Lily Y.M. Yam

Chief Town Planner/Town Planning Board
Mr Louis K.H. Kau (a.m.)

Senior Town Planner/Town Planning Board
Mr K.K. Lee (a.m.)
Mr Stephen K.S. Lee (p.m.)

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1081st Meeting held on 20.3.2015

[The meeting was conducted in Cantonese.]

1. The minutes of the 1081st meeting held on 20.3.2015 were confirmed without amendments.

Agenda Item 2

[Open Meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

(i) **Reference Back of Approved Plan**

2. The Secretary reported that on 24.2.2015, the Chief Executive in Council referred the approved Chek Lap Kok Outline Zoning Plan (OZP) No. S/I-CLK/12 to the Town Planning Board (the Board) for amendment under section 12(1)(b)(ii) of the Town Planning Ordinance. The reference back of the OZP was notified in the Gazette on 27.3.2015.

(ii) **Small Claims Lodged against the Town Planning Board
in respect of a Section 12A Planning Application No. Y/I-CC/3**

Declaration of Interests

3. The following Members had declared interests in this item:

Professor S.C. Wong	- being a traffic consultant of Ove Arup and Partners Hong Kong Limited (Arup), which is a consultant of the applicant
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Mr Ivan C.S. Fu] having current business dealings with Arup
Mr Patrick H.T Lau]
Mr Dominic K.K. Lam]

Dr W.K. Yau - involving in the operation of an education
centre on Cheung Chau

Mr Lincoln L.H. Huang - being a shareholder and director of a company
which owned a flat at Lung Tsai Tsuen,
Cheung Chau

4. As no discussion was required for this item, Members agreed that the above Members who had declared interests could stay in the meeting. Members also noted that Professor S.C. Wong, Mr Patrick H.T Lau, Mr Dominic K.K. Lam and Dr W.K. Yau had not yet arrived to join the meeting.

The Small Claims

5. The Secretary reported that the Board was briefed on an application for small claims against the Board on 6.3.2015. The application was received by the Small Claims Tribunal (SCT) on 10.2.2015. The small claims application was related to a section 12A planning application (No. Y/I-CC/3) for rezoning a site from “Green Belt” (“GB”) to “Other Specified Uses” annotated “Columbarium” on the Cheung Chau OZP. The claimant was a commenter of the subject application.

6. The claimant alleged that he had a legitimate expectation that a decision on the planning application would be made by the Rural and New Town Planning Committee on 16.1.2015. He came to the Public Viewing Room to observe consideration of the subject application on 16.1.2015 but the consideration was deferred for the fourth time. The claimant therefore sought to claim the transport costs involved and the litigation cost.

[Mr Philip S.L. Kan arrived to join the meeting at this point.]

7. At the call-over hearing held on 25.3.2015, the adjudicator explained to the claimant that there appeared to be no valid cause of action in his claim; and the cost implications should the SCT refuse his claim after hearing. Subsequently, the claimant applied for and SCT granted leave to discontinue the claim, and no order as to costs was made by the SCT.

8. Members noted the result of the small claims.

[Dr Wilton W.T. Fok and Mr Patrick H.T. Lau arrived to join the meeting at this point.]

(iii) [Closed Meeting]

9. This item was recorded under confidential cover.

[Ms Janice W.M. Lai arrived to join the meeting at this point.]

(iv) Town Planning Appeal Decision Received on the Award of Costs

Town Planning Appeal No. 10/2013

Proposed House (Private Garden Ancillary to New Territories Exempted House)
in “Village Type Development” and “Green Belt” Zones,

Government Land Adjoining Lot 595 S.A in D.D. 14, Tung Tsz, Tai Po

(Application No. A/NE-TK/445)

10. The Secretary reported to the Board the Town Planning Appeal Board (TPAB)’s decision on the award of costs for an appeal. The appeal was lodged by the appellant on 24.12.2013 against the decision of the Board to reject on review an application (No. A/NE-TK/445) for a private garden (ancillary to house (New Territories Exempted House)) at a site zoned “Village Type Development” and “Green Belt” on the approved Ting Kok OZP No. S/NE-TK/17.

11. The appeal was heard by the TPAB on 13.10.2014 and dismissed on 19.11.2014. During the appeal hearing, the Board asked for an order of costs.

12. On 5.12.2014, the Board was briefed on the dismissal of the appeal and the TPAB's request for the submission of written statements regarding the award of costs.

13. After considering the arguments from both sides regarding the award of costs, the TPAB issued its decision on 25.3.2015 and allowed the Board's request for the award of costs. The main issues considered by the TPAB were summarised as follows:

- (a) the TPAB agreed on the following principles for awarding costs, taking into account the previous cases and the fact that appeal cases brought to the TPAB were administrative appeals rather than civil cases:
 - (i) the TPAB did not generally award costs as a matter of course (i.e. costs were not necessarily awarded to the successful party);
 - (ii) unless under exceptional circumstances, the TPAB would not order an award of costs against the unsuccessful party; and
 - (iii) the exceptional circumstances would include appeal cases that were "frivolous" or "wholly without merit". The TPAB might also consider whether the appeal was conducted in an appropriate manner, whether the party concerned acted fairly and whether the party concerned had abused the appeal procedures;

- (b) for the subject case, the TPAB agreed that there was an exceptional circumstance in that the Board had successfully proved that the appeal was frivolous or groundless. While the appellant had, to a certain extent, explained the reasons for lodging the appeal, she had failed to refute the fact that the appeal was frivolous or groundless. While explaining her insistence on not excluding the "GB" portion from her private garden was to use "existing use" as a ground of appeal, she was aware that the TPAB was not empowered to make a decision on the issue of "existing use" under the Town Planning Ordinance. Even though the appeal might be considered subjectively by the appellant to be justified, it was objectively frivolous or groundless; and

- (c) after careful consideration of the bill of costs and its breakdown submitted by the Board, the TPAB had decided to issue an order that the appellant should pay the Board a cost of HK\$35,000.

14. The Chairman remarked that this was the first appeal case that the TPAB had made an order of costs and it had set out the principles for awarding costs, including the appeals being considered as “frivolous” or “wholly without merit”.

15. Members noted the decision of the TPAB. A copy of the Summary of Appeal and the TPAB’s decision had been sent to Members for reference.

Sai Kung and Islands District

Agenda Item 3

[Open Meeting]

Expansion of Hong Kong International Airport into a Three-Runway System
(TPB Paper No. 9877)

[The hearing was conducted in Cantonese.]

Declaration of Interests

16. The following Members had declared interests in the item:

Mr Dominic K.K. Lam - being a member of the 3RS Committee of the
Airport Authority Hong Kong (AAHK)

Ms Janice W.M. Lai] having current business dealings with AAHK

Dr C.P. Lau]

Miss Winnie M.W. Wong - being the representative of the Secretary for
as PAS (Transport), THB Transport and Housing who was a board member
of AAHK

17. As this item was only a briefing to Members of the planned expansion of the Hong Kong International Airport (HKIA), Members agreed that the above Members who had declared interests could stay in the meeting. Members also noted that Mr Dominic K.K. Lam and Dr C.P. Lau had not yet arrived to join the meeting.

Presentation and Question Sessions

18. The following representatives from AAHK, the Transport and Housing Bureau (THB) and the Planning Department (PlanD) were invited to the meeting:

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| Mr Wilson Fung | - Executive Director, Corporate Development, AAHK |
| Mr John Chai | - Executive Director, Projects, AAHK |
| Mr Tommy Leung | - General Manager, Projects, AAHK |
| Mr Lawrence Yau | - Chief Communication Officer, AAHK |
| Mr Peter Lee | - General Manager, Environment, AAHK |
| Mr Collin Chan | - Deputy General Manager, Projects, AAHK |
| Mr Paul Lau | - Senior Manager, Projects, AAHK |
| Ms Candy K.Y. Nip | - Principal Assistant Secretary (Transport) 8, THB |
| Mr Henry C.K. Chu | - Assistant Secretary (Airport Expansion Project Coordination Office) A, THB |
| Mr Ivan M.K. Chung | - District Planning Officer/Sai Kung and Islands (DPO/SKIs), PlanD |

19. The Chairman extended a welcome and invited the representatives of AAHK to brief Members.

20. Mr John Chai thanked Members for their time to listen to the briefing of AAHK on HKIA's Three-Runway System (3RS) project. He said that there was an urgent need to expand HKIA from a two-runway system (2RS) to the proposed 3RS. Due to the rapid increase in flight movements in recent years, the current 2RS of HKIA could not accommodate the ever increasing flight demand. HKIA played a significant role in Hong Kong's economy as it supported Hong Kong's economic growth and provided large number of employment opportunities. The sustainable operation of HKIA could help Hong Kong maintain its competitiveness and its position as an international and regional aviation centre. The 3RS development was a very challenging task as it involved complex engineering works and a long development period. According to the latest estimate of AAHK, the handling capacity of the current 2RS of HKIA would reach its maximum practical capacity very soon, but it would require at least 8 years for the completion of the 3RS project. The commissioning of the 3RS could only be materialised in 2023 the earliest, provided that the works could commence in 2016 as scheduled.

21. With the aid of a Powerpoint presentation, Mr Tommy Leung presented the 3RS project of HKIA and covered the following main points:

Background

- (a) from 2008 to 2010, preliminary study and compilation of the HKIA Master Plan 2030 (MP2030) were carried out by AAHK. In June 2011, MP2030 was published for public consultation for a period of 3 months. The public questionnaire result was released in December 2011. 73% of the survey respondents preferred the 3RS option;
- (b) in March 2012, the Executive Council (ExCo) gave in-principle approval for AAHK to adopt the 3RS as HKIA's future development option for planning purposes. Since then, AAHK had accomplished the relevant planning work, including the statutory environmental impact assessment (EIA), the associated design details and the financial arrangements, for the

3RS project. Approval of the EIA Report and issue of the Environmental Permit (EP) by the Director of Environmental Protection (DEP) for the 3RS development were obtained in November 2014;

- (c) in January 2015, AAHK submitted its recommendations for the 3RS to the ExCo; and in March 2015, the ExCo affirmed the need for the 3RS for maintaining Hong Kong's competitiveness as a global and regional aviation hub and meeting Hong Kong's long-term economic and development needs;

The Urgent Need for the 3RS

- (d) the actual flight movements in HKIA and its growth rate were more and faster than the estimations in MP2030. In 2014, HKIA handled 63.3 million passengers, 4.38 million tonnes of cargo and 391,000 flight movements, representing an annual growth of 5.7%, 6.0% and 5.1% respectively. HKIA's actual growth in traffic volume was ahead of the forecasts made in the MP2030, and the capacity of the 2RS was expected to reach saturation sometime between 2016 and 2017;
- (e) from 1998 (when the new HKIA at Chek Lap Kok opened) to 2014, the number of passenger traffic handled by HKIA had risen significantly from 28.6 million to 63.3 million (+121%), cargo volume risen from 1.63 million tonnes to 4.38 million tonnes (+169%) and total flight movements risen from 163,000 to 391,000 (+140%). Notwithstanding the major crises of the SARS epidemic and global financial tsunami in 2003 and 2008 respectively, air traffic grew faster than expected. The aviation industry was resilient to external shock. Over the past decade, Hong Kong's air traffic demand had climbed over 65%;
- (f) the 3RS would bring huge economic benefits to Hong Kong. It was estimated that if Hong Kong maintained the use of the current 2RS, there would be a cumulative loss of \$455 billion in economic net present value in about 50 years' time up to 2061, comparing with the adoption of the

3RS;

- (g) apart from economic benefits, 3RS would create enormous job opportunities at different levels. In 2013, there was a workforce of about 65,000 people working on the airport island, engaging in professional, managerial, skilled and manual jobs. It was expected that the 3RS project would create about 123,000 direct jobs and 165,000 indirect and induced jobs, plus 139,000 jobs during construction phase;
- (h) if the 3RS was not developed, no new flights could be added by airlines, thereby reducing the choices of airlines and destinations. Airfares would become more expensive, the ability in dealing with contingency would be weakened and HKIA's role as a hub airport would diminish. It would result in Hong Kong's aviation status and long-term competitiveness being undermined;

The 3RS Development

- (i) the key components of the 3RS development comprised the following:
 - (i) formation of approximately 650 ha of land north of the existing airport island;
 - (ii) construction of the 3,800m long Third Runway, taxiways and apron;
 - (iii) construction of the Third Runway Concourse (TRC) with 57 aircraft parking positions;
 - (iv) modification/expansion of the existing Terminal 2 (T2) into a full service processing terminal serving departure, arrival and transfer operations, and construction of associated road network;
 - (v) closing the existing North Runway for two years for re-configuring

it as the new Centre Runway of the 3RS;

- (vi) provision of a new Automated People Mover (APM) system connecting T2 and TRC, and a new high-speed Baggage Handling System (BHS) to serve between T2 and TRC; and
 - (vii) construction of other associated airport support infrastructure, facilities and utilities for 3RS operation in the Eastern Support Area (ESA) and the Western Support Area (WSA);
- (j) one of the difficulties to be tackled was the treatment of the 270 ha of Contaminated Mud Pits (CMPs) that existed in the seabed north of the current airport island where the 650 ha of land formation works would be carried out. In order to minimise the potential impact to the water quality, no dredging would be done. The CMPs would be treated by the Deep Cement Mixing method which was an approved process of the EP, but such a method would increase the complexity of the project;
- (k) the TRC building was configured in a 'Y'-shaped layout with a floor area of about 283,000 m². It was capable to handle the anticipated passenger and cargo volume of 2030. It introduced many green features, including a landscaped outdoor courtyard at the centre of the concourse, where its lush green lawn and groves of trees offered a tranquil setting for relaxation and enjoyment by the passengers;
- (l) T2 would be expanded and changed to a full processing terminal serving departure, arrival and transfer operations. An APM Interchange Station would be provided at the basement of T2 to serve as the central transfer between Terminal 1 (T1), T2, TRC and SkyPier;
- (m) the existing road network on the airport island had been comprehensively reviewed and would be improved taking into account the forthcoming commissioning of Hong Kong–Zhuhai–Macao Bridge and Tuen Mun–Chek Lap Kok Link which would be connected to the airport island;

- (n) the majority of the proposed ancillary facilities required to support the daily operations of the future 3RS, including aircraft maintenance facilities, ground service equipment, flight catering facilities, Government facilities and utilities, would be located in the ESA and the WSA;

Technical Assessments

- (o) in relation to the 3RS development, MP2030, engineering scheme designs and an EIA study had been completed;
- (p) the EIA study conducted for the 3RS project was the most comprehensive one ever done in Hong Kong. Assessments of impacts covering 12 environmental aspects including air quality, water quality, noise, land contamination, waste management, cultural heritage, fisheries, landscape and visual, hazard to human life, sewerage and sewage treatment, health impact assessment and ecology, had been done. In particular, the health impact assessment in relation to air emission and aircraft noise was the first of its kind being incorporated into an EIA study. All the 12 aspects being assessed were in full compliance with the requirements of the Technical Memorandum under the Environmental Impact Assessment Ordinance and the EIA Study Brief was considered to be “environmentally acceptable”;
- (q) results of the traffic impact assessment (TIA) showed that all major roads would operate within their practical capacity in 2031;

Public Consultation

- (r) from late 2008 to March 2015, AAHK organised and took part in more than 1,200 engagement activities such as public forums, roundtable meetings, workshops, airport visits, briefings, exhibitions and seminars with a variety of stakeholder groups;
- (s) the survey conducted in 2011 by the Social Sciences Research Centre of

the University of Hong Kong revealed that nearly 80% of the respondents agreed or strongly agreed on HKIA's future expansion plans, and 73% of the respondents preferred the three-runway option;

- (t) during the one-month public inspection period of the EIA study, AAHK organized briefings for business partners and media, roving exhibition and two sessions of public forums to update the public on the findings of the EIA and the initiatives to mitigate the potential impacts of the 3RS; and

Advice Sought

- (u) Members are invited to note the latest progress of the 3RS project.

22. As the presentation by the representative of AAHK had been completed, the Chairman invited questions and comments from Members.

23. Members raised the following questions:

- (a) whether there was still scope to further expand HKIA when the capacity of the 3RS was saturated;
- (b) apart from expanding the existing HKIA at Chek Lap Kok, whether other locations in Hong Kong, e.g. Chi Ma Wan, Tolo Harbour, Po Toi Islands and the proposed artificial islands in the central waters, had been explored for the development of the third runway so as to reduce the risk of possible crucial failure of the airport if it was only in one single location;
- (c) apart from complying with the statutory EIA requirements, whether additional environmental enhancement measures would be incorporated in the 3RS project, e.g. the minimisation of carbon emission from the operation of the airport;
- (d) noting that HKIA's actual usage was ahead of the past forecasts and the capacity of the 2RS was expected to saturate very soon, whether there was

scope to accelerate the completion and commissioning of the 3RS to minimise the gap in meeting the air traffic demand; and

- (e) what was the percentage of the Mainland-related flight movements in HKIA's overall flight operation, and the growth rate of the Mainland flight movements over the past five years.

24. Mr Wilson Fung made the following responses to Members' questions:

- (a) the strategic plans for HKIA were conducted based on a timeframe of 20 years. After completion of the last strategic plan (i.e. MP2030), the next strategic plan with a timeframe up to 2035 was being prepared. In MP2030, it had explored whether HKIA needed the third runway. As regards whether Hong Kong necessitated the fourth runway or even the second airport, the issues would be explored in the forthcoming strategic plan for 2035. It should be noted that unlimited expansion of the airport was not possible as there were airspace and other infrastructural and environmental constraints;
- (b) the current location of HKIA at Chek Lap Kok was the result of many rounds of site selection conducted in the 1980s. In the site selection for the third runway in MP2030, 15 potential locations had been studied, including one at South Lantau and another at North West New Territories. After detailed analysis, it was considered that the location of the third runway at the existing HKIA was the most desirable and cost-effective in environmental, design and engineering terms. The Airport Core Programme implemented in the 1990s comprised 10 core projects including the new roads and railway for connecting the airport with the urban areas. It could be anticipated that if the third runway was to be built at a new location other than Chek Lap Kok, it would require much more extensive infrastructural supports; and
- (c) the Mainland-related flight movements accounted for about 23% to 24% of the total flight movements of HKIA currently. The growth rate was

not significant in this sector over the past few years. HKIA was an international hub with over 100 airlines providing flight services to over 180 destinations. It was expected that the Mainland flights would remain to be around 25% of the total flight movements of HKIA in the foreseeable future up to 2030.

25. Mr Peter Lee continued to make the following responses:

- (a) AAHK had proposed over 250 environmental mitigation measures for the 12 environmental aspects that were covered in the EIA study. In addition to the mitigation measures, there were other environmental enhancement measures proposed, including the establishment of a fisheries enhancement fund and a marine ecology enhancement fund; and
- (b) HKIA had all along endeavoured to minimise carbon emission in its operation. It had committed that every department of the airport should reduce 25% of its carbon emission in 2015 compared with the emission situation of 2008. The progress on reducing carbon emission had been satisfactory. HKIA attained the second highest level of certification in the internationally-recognised Airport Carbon Accreditation Scheme, which was the best performance amongst the airports in the Asia-Pacific region.

26. Mr Tommy Leung supplemented that in the engineering scheme designs for the 3RS project, the project team had been studying how the efficiencies of individual working procedures could be improved so as to accelerate the overall implementation of the 3RS project in light of the pressure that the operation of the existing 2RS would become saturated very soon.

27. The Chairman and Members further raised the following questions:

- (a) as HKIA was able to operate with its full capacity in the major festive days of a year, whether the daily handling capacity of HKIA under the current 2RS could also be raised to that optimum level so that the need for

the 3RS would not be so acute and the development cost for the 3RS could be lowered if the construction period was not so tight;

- (b) whether the capacity of Airport Express Line (AEL) would be able to support the 3RS development;
- (c) whether there were plans to enhance and optimise the utilisation of AsiaWorld-Expo (AWE) and SkyPier upon the commissioning of the 3RS;
- (d) whether the 3RS development, the North Commercial District (NCD) on the airport island and the topside development at the Hong Kong boundary crossing facilities island of Hong Kong–Zhuhai–Macao Bridge (the topside development) could create synergy;

[Dr C.P. Lau arrived to join the meeting at this point.]

- (e) whether AAHK had different communication plans for different target groups, e.g. the professional organisations might expect to have more information on the project details while the general public might be more concerned about the general issues, such as air quality impact; and
- (f) whether the facilities of the 3RS development could cater for the operational needs of the newer types of aircrafts, such as Airbus A380.

28. Mr Wilson Fung made the following responses to the questions from the Chairman and Members:

- (a) the current maximum handling capacity of HKIA under the 2RS was 66 flight movements per hour. Based on the information provided by the Civil Aviation Department, such a maximum handling capacity could be increased to 68 flight movements per hour by the end of 2015. The capacity of 68 flight movements per hour was the practical maximum capacity under the design of the 2RS, and there was no room for any

further increase. Every quarter, the airline companies had to compete within this capacity of 68 flights per hour for their operation. Nevertheless, such a maximum capacity of 68 flights per hour might not be fully utilised in actual operation as a shoulder period had to be reserved in each hour to cater for any contingencies, such as flight delay or bad weather. If the shoulder period was not allowed and the schedule was full, the delay of one flight would result in the delay of all the succeeding flights. For a busy airport like HKIA, the reserve of shoulder period was important to allow its recovery to normal operation in case of contingency;

- (b) it was unlikely that the postponement of the construction of the 3RS could reduce the development cost as Hong Kong was facing inflation in price. It was estimated that if the development of the 3RS was delayed, the overall development cost of the project would increase by at least HK\$7 billion per year;
- (c) the AEL was operating at about half of its design capacity currently. It had been assessed that the capacity of AEL would be able to accommodate the additional traffic demand generated by the 3RS development;
- (d) the strategic location of the AWE right next to HKIA with the support of hotel facilities made it an ideal venue for holding international trade shows and events. The utilisation rate of the AWE was already very close to its maximum capacity. It was expected that with the completion of the NCD and the 3RS development, the demand for convention and exhibition spaces at the AWE would be further increased;
- (e) as Hong Kong–Zhuhai–Macao Bridge would soon be completed, AAHK was reviewing the role and capacity of SkyPier. There was a plan to expand SkyPier to cater for the increase of passengers from the Pearl River Delta region who came to HKIA by ferries or by motor vehicles via Hong Kong–Zhuhai–Macao Bridge; and
- (f) the proposed uses in the NCD would be similar to that of the topside

development pursued by the Government on the artificial island, comprising mainly retail, hotel and special commercial uses. The first phase of the NCD would provide about two million square feet of commercial floorspace and it would become an attractive commercial node.

29. Mr Lawrence Yau made the following responses:

- (a) while the public was generally more concerned about the environmental issues of the 3RS project during the exhibition period of the EIA report, upon the affirmation of the need for the 3RS by the ExCo in March 2015, people's focus had shifted to other issues, such as the use of airspace, the development cost, the financial arrangements, the levying of the \$800 airport user fee and the cooperations and competitions amongst the neighbouring airports in the Pearl River Delta region. AAHK was planning to issue a publication for disseminating more information about the 3RS project to the public to clarify any misunderstanding;
- (b) in the past few years, AAHK had set up several Community Liaison Groups in HKIA's neighbouring districts to exchange views with District Councillors and the community leaders on the 3RS development, involving about 150 local representatives. Those Community Liaison Group meeting would continue to be held;
- (c) AAHK had also set up several Technical Briefing Groups to collect the professional views from experts and academia with technical expertise in specific engineering and environmental aspects;
- (d) in March 2015, a Facebook page for the 3RS project was set up by AAHK with a view to communicating with the public via the new media; and
- (e) AAHK noted that THB had committed to establish an advisory committee on the 3RS project for maintaining communications with the stakeholders, and that an ad-hoc committee on the 3RS project would be formed in the

Legislative Council for maintaining close dialogue with AAHK on the project.

30. Mr Tommy Leung said that AAHK would also maintain communications with the airlines and aircraft companies, such as Boeing and Airbus, at the detailed design stage to understand their development trends to ensure that the supporting facilities and operation of the 3RS development could match with the new aircraft designs.

31. The Chairman, the Vice-chairman and Members further raised the following questions:

- (a) while HKIA was facing increasing competitions from neighbouring airports, including Singapore Changi, Seoul Incheon, Guangzhou and Shenzhen airports, as mentioned in the Paper, how would its attractiveness to passengers be maintained with the commissioning of the 3RS in terms of convenience, cost or facilities;
- (b) whether the anticipated commissioning of the 3RS by 2023 entailed the reconfiguration of the existing North Runway into the new Centre Runway of the 3RS;
- (c) as the construction of the 3RS project would require a huge labour force but Hong Kong was facing a shortage of construction workers in recent years due to the implementation of some major infrastructure projects, whether AAHK had made any coordination with the Government to ensure the steady supply of construction workers for the timely completion of the 3RS project;
- (d) while rapid increases in passenger demand were always the justifications for major transport infrastructure projects, such as the Hong Kong Section of the Guangzhou–Shenzhen–Hong Kong Express Rail Link (XRL) and the Kai Tak Cruise Terminal, whether a diversion of passengers among different traffic modes had been assessed, in particular the anticipated split of Hong Kong–Mainland passenger traffic by air flight and XRL rail;

- (e) as it was estimated that an increase of \$7 billion per year in the development cost would be incurred for the delay of the 3RS project, whether there was a breakdown of such an increase in cost in terms of labour cost, material cost and other direct/indirect costs, noting that material price was generally decreasing in recent times;
- (f) while the completion of the XRL might attract some passengers to shift from air traffic to rail traffic, the XRL itself might facilitate other Mainland passengers to travel to Hong Kong for using HKIA, whether there was any assessment on the impact of the XRL on HKIA as to whether a net increase or decrease in air flight passengers would result;
- (g) whether the reclamation works of the 3RS project could help alleviate part of Hong Kong's fill problem;
- (h) whether adequate car parking spaces would be provided in the 3RS development; and
- (i) where the additional customs, immigration and quarantine (CIQ) facilities arising from the 3RS project would be accommodated.

32. Mr Wilson Fung made the following responses to the questions from the Chairman, the Vice-chairman and Members:

- (a) the growth rates of air traffic of the Mainland airports were even higher than that of Hong Kong. As such, the Guangzhou airport had already had its third runway in operation and the Shenzhen airport was planning to build its third runway to cater for the tremendous increase in domestic flight and to enhance their competitiveness. The competitive advantage of HKIA over the neighbouring air hubs, e.g. Singapore and Seoul, was its good connectivity, as travellers would prefer to use the airport which was the most convenient in terms of the network of destinations and the waiting time of flight transfer. On the other hand, there was not much direct competition between HKIA and its counterparts in the Pearl River

Delta region as they had different networks of destinations. The Shenzhen airport served mainly the Mainland cities and it could access to over 100 destinations in the Mainland. Its international flight volume even experienced a drop in recent years and it was only connected to less than thirty destinations in Asia. HKIA might face keener competition from the Guangzhou airport as its international flight volume kept growing and it could already access to about 120 destinations over the world. It was anticipated that the Guangzhou airport would become the air hub of South China upon further development but the markets being served by the Hong Kong and Guangzhou airports were different. Hong Kong would still outperform Guangzhou in flight transfer for its better connectivity;

- (b) the impact of the Mainland's express rail network on HKIA's flight movements had been assessed in MP2030. It was considered that for those destinations that were within six hours of travelling time by express rail, direct competition between express rail and air flight did exist. Having reviewed those destinations that could be reached within six hours by express rail from Hong Kong, it was found that they overlapped with less than 5% of the current flight destinations of HKIA. From some overseas cases, in particular those of France and Japan, express rails could lead to increase in flight movements in the cities that they served. It was possible that the commissioning of the XRL in Hong Kong would attract passengers from some of the nearby Mainland cities, which did not have airport, to use HKIA. There was no sufficient evidence to show that the future operation of the XRL would have significant impact on HKIA. As regards whether administrative measures could be implemented to divert passengers to use specific mode of transport, it was difficult to do so in practice. It was more appropriate for the passengers to decide for themselves which mode of transport would suit them most;
- (c) it was anticipated that HKIA would play an important role in the future development of North Lantau and it would be the biggest employer of the population of North Lantau as there would be 120,000 job opportunities

on the airport island. With the commissioning of the Tuen Mun–Chek Lap Kok Link a few years later, the residents of the North West New Territories would be attracted to work in the airport. It was expected that a significant portion of the future labour source of the airport would be from the North West New Territories.

- (d) the Government had set up the Lantau Development Advisory Committee (LDAC) to work on a development strategy for Lantau Island, in which the Chairman of AAHK was also a member. AAHK expected that, through LDAC, it could better understand the Government's future planning for Lantau in terms of tourism development, housing and infrastructure provision so that the future development of HKIA could cope with the Government's plan;
- (e) in the next strategic plan for HKIA, it would examine how the back-up uses of the airport could be accommodated in North Lantau and Tuen Mun for enhancing the airport's overall operation; and
- (f) the construction works for the 3RS development were anticipated to complete in 2021. Then it would take about two years' time for reconfiguration of the existing North Runway into the future Centre Runway. The full commissioning of all three runways of the 3RS would be in 2023, which was indeed an aggressive estimate due to the complexity of works and procedures involved.

33. Mr Tommy Leung made the following responses:

- (a) AAHK had close dialogue with CEDD over the past two years to see how the reclamation works of the 3RS project could consume as far as possible all fills that needed to be disposed of by the Government;
- (b) the 3RS development would require large number of construction workers of various skills during its 8-year construction phase. The consultant of AAHK had worked out a comprehensive plan on the labour demand for

the project, which would be compared with the plan on the labour demand for other construction projects in Hong Kong compiled by the Government to foresee and coordinate how the labour force could be employed more efficiently;

- (c) like the cost estimations for other infrastructure projects in Hong Kong, the development cost of the 3RS project was first assessed in its present day price, which was then adjusted into a money-of-the-day (MOD) price by projecting it over the development period of 8 years with the MOD factor obtained from the Financial Services and the Treasury Bureau. The total development cost of \$141.5 billion (at MOD price) of the 3RS project was worked out in this way. As regards the estimated additional cost of \$7 billion per year for the delay of the project, it was calculated by re-applying the same formula to the present day price of the project but with the development period prolonged for one more year;
- (d) multi-storey car park would be provided in the 3RS development. The provision of adequate parking spaces and the traffic impact had been assessed in the TIA; and
- (e) all future CIQ facilities would be accommodated in the expanded T2. T1 and T2 would be operating separately.

34. The Chairman concluded the discussion. He thanked the representatives of AAHK, THB and PlanD for attending the meeting to brief Members on the 3RS of the HKIA and answer Members' questions. They left the meeting at this point.

Sha Tin, Tai Po and North District

Agenda Item 4

[Open Meeting]

Further Consideration of the Draft Yung Shue O Outline Zoning Plan No. S/NE-YSO/C
(TPB Paper No. 9868)

[The meeting was conducted in Cantonese.]

35. The following representatives from the Planning Department (PlanD) were invited to the meeting at this point:

- | | |
|-------------------|--|
| Mr C.K. Soh | - District Planning Officer/Shu Tin, Tai Po and North (DPO/STN), PlanD |
| Mr David Y.M. Ng | - Senior Town Planner/Country Park Enclaves 1 (STP/CPE1), PlanD |
| Ms Channy C. Yang | - Senior Town Planner/Country Park Enclaves 2 (STP/CPE2), PlanD |

36. The Chairman extended a welcome and invited DPO to brief Members on the Paper. With the aid of a PowerPoint presentation, Mr David Y.M. Ng, STP/CPE1, briefed Members on the draft Yung Shue O Outline Zoning Plan (OZP) No. S/NE-YSO/C as detailed in the Paper and covered the following main points:

Background

- (a) on 19.12.2014, the Town Planning Board (the Board) gave preliminary consideration to the draft Yung Shue O OZP No. S/NE-YSO/C and agreed that the draft OZP was suitable for submission to the Tai Po District Council (TPDC) and the Sai Kung North Rural Committee (SKNRC) for consultation;

Major Land Use Proposals of the draft OZP

- (b) the major land use proposals of the draft OZP No. S/NE-YSO/C considered by the Board on 19.12.2014 were recapitulated in paragraph 2.2 of the Paper and highlighted as follows:
- (i) “Coastal Protection Area” (“CPA”) zone (5.93 ha and 17.59%) – covered the backshore and coastal areas in the Yung Shue O area (the Area) so as to conserve and protect the natural coastal environment, in particular the mangroves adjoining the coastal area and estuarine area;
 - (ii) “Green Belt” (“GB”) zone (24.51 ha and 72.68%) – covered the following areas:
 - areas with natural vegetation, woodlands, hilly terrain, shrublands, grasslands, and stream courses to protect existing green areas and preserve the hilly terrain in the Area;
 - the Ecologically Important Stream (EIS) and the adjacent river branch that fed into the surrounding low-lying fallow agricultural land to create a vast natural marsh in the northern and western side of the Area. Those areas were valuable landscape resources and provided natural scenic views; and
 - two pieces of permitted burial ground at the eastern part and fringes of the southern part of the Area;
 - (iii) “Village Type Development” (“V”) zone (3.25ha and 9.64%) – covered existing village clusters of Yung Shue O Village, which was the only recognised village in the Area, and the adjoining fallow agricultural land; and
 - (iv) “Government, Institution or Community” (“G/IC”) zone (0.03 ha

and 0.09%) – covered the existing government, institution or community (GIC) facilities, including a sewage pumping station, a flushing toilet and a refuse collection point at the southern part of the Area;

Local Consultation

SKNRC, TPDC and Village Representatives (VRs) of Yung Shue O Village

- (c) SKNRC and TPDC were consulted on the draft OZP on 7.1.2015 and 14.1.2015 respectively. SKNRC considered that the size of “V” zone was inadequate and objected to the draft OZP. TPDC noted and respected the views of SKNRC and also objected to the draft OZP. The VRs of Yung Shue O Village and SKNRC submitted letters to the Board on 12.1.2015 and 16.1.2015 respectively proposing to increase the size of the “V” zone on the draft OZP for Small House development. The major comments and proposals of SKNRC and the VRs as highlighted in paragraph 3.1 and Plan 7 of the Paper were summarised as follows:

Insufficient “V” Zone

- (i) land reserved for the “V” zone on the draft OZP should be enlarged to the north-eastern, northern and western part of the Area;
- (ii) since the proposed “V” zone of 3.25 ha on the draft OZP was insufficient to meet the Small House demand of Yung Shue O Village, the permitted burial ground that encroached upon the village ‘environs’ (‘VE’) could be deleted to facilitate Small House development;
- (iii) the villagers had not been consulted on the incremental approach for designation of the “V” zone, which was misleading as areas that had been covered by conservation zones could hardly be rezoned for Small House development;

- (iv) the Government had been paying more regard to the views of the green groups than those of the villagers. There should be a right balance between conservation and development, and the draft OZP failed in that regard;

Ecological and Archaeological Features

- (v) the EIS identified by the Agriculture, Fisheries and Conservation Department (AFCD) was indeed a stream of no specific habitat and not worthy of preservation and protection. The ‘Yung Shue O Site of Archaeological Interest’ was of no special archaeological value for preservation; and

Designation of “Agriculture” (“AGR”) Zone

- (vi) “AGR” zone should be designated on the draft OZP;

Landowner – Trueprofit Company Limited

- (d) a planning consultant, on behalf of Trueprofit Company Limited (Trueprofit), submitted comments and proposals on 30.1.2015 on the draft OZP. During the hearing of representations and comments on the draft Yung Shue O Development Permission Area Plan by the Board on 4.1.2013, Trueprofit claimed that it owned over half of the private land in Yung Shue O. The major views and proposals of Trueprofit as highlighted in paragraph 3.2 and Plan 7 of the Paper were summarised as follows:

- (i) the protected plant species, including *Aquilaria sinensis* (土沉香), *Cibotium barometz* (金毛狗) and *Pavetta hongkongensis* (香港大沙葉), which were said to be recorded in the area were commonly seen on the hillside; and

- (ii) as the number of mangroves grew, they had become barrier for access to the coastal area; the mangroves would trap floating rubbish; and the dense root systems of mangroves had adverse impacts on the ecological environment for shellfish;
- (e) the land use proposals of Trueprofit were summarised as follows:
- (i) to enlarge the “V” zone from 3.25 ha to 15.62 ha to provide sites for not less than 510 Small Houses;
 - (ii) to provide a “GB” buffer zone of not less than 50m wide along the fringe of the Sai Kung West Country Park (SKWCP) (i.e. the area zoned “GB” on the OZP to be reduced from 24.51 ha to 10.27 ha);
 - (iii) to provide a “CPA” buffer zone of not less than 50m wide along the coast (i.e. i.e. the area zoned “CPA” on the OZP to be reduced from 5.93 ha to 4.7 ha); and
 - (iv) to provide a “Conservation Area” (“CA”) buffer zone of not less than 20m wide on both sides of the EIS (i.e. the addition of 3 ha of “CA” zone on the OZP);

Green and Concern Groups

- (f) Kadoorie Farm and Botanic Garden Corporation (KFBG) submitted comments and proposals on 27.1.2015 and 4.2.2015 respectively on the draft OZP. On 30.1.2015, a meeting was held with the green/concern groups, including KFBG, World Wide Fund for Nature Hong Kong (WWF-HK) and Designing Hong Kong Limited (DHKL). WWF-HK and DHKL in general concurred with KFBG’s views. The major views and proposals of the green/concern groups as highlighted in paragraph 3.3 of the Paper were summarised as follows:

Conservation zonings for ecologically sensitive area

- (i) there were butterfly hotspot and marshy and coastal areas important for dragonflies in Yung Shue O;
- (ii) the north-western and eastern parts of the proposed “V” zone were located adjacent to the upper tributaries of the EIS. The proposed “V” zone should not encroach on those tributaries;
- (iii) the rare orchid species, *Liparis ferruginea* (鏽色羊耳蒜) could be spotted in the area currently zoned “GB” and immediately adjoining the “CPA” zone to the east. The adjoining area to the south was hydrologically connected with the orchid habitat. Both areas should be protected; and
- (iv) those areas mentioned above together with the riparian zones of the stream system in the Area should be protected by designating them as “GB(1)”, “CA” or “CPA”;

PlanD’s Responses

- (g) in consultation with departments concerned, PlanD’s responses to the comments and proposals were detailed in paragraph 4.1 of the Paper and summarised as follows:

Designation of “V” Zone

- (i) environmentally sensitive areas and areas with high landscape value including natural and hillside woodlands, EIS and other stream courses, low-lying fallow agricultural land with freshwater marsh, as well as backshore and coastal vegetation along the coastal and the estuarine area were already covered by conservation zonings, i.e. “GB” and “CPA”;

- (ii) there was a need to designate “V” zone to meet the Small House demand of the local villagers of the recognised village of Yung Shue O. The boundaries of the “V” zone had been drawn up having regard to the ‘VE’, the number of outstanding Small House applications, Small House demand forecast, local topography and site constraints. Areas of difficult terrain, dense vegetation, stream courses and burial grounds had been avoided as far as possible;
- (iii) according to the District Lands Office/Tai Po (DLO/TP)’s record for Yung Shue O, there were 16 outstanding Small House applications in 2015 while the latest 10-year forecast of demand for Small House as provided by the Indigenous Inhabitant Representative (IIR) was 674. As no justification had been provided by the IIR for the substantial increase in the 10-year Small House demand forecast (i.e. from 390 in 2012 to the current 674), the previous data of 390 was used for the 10-year forecast. Together with the 16 number of outstanding Small House applications, the total Small House demand adopted for drawing up the “V” zone was 406;
- (iv) an incremental approach had been adopted for designating “V” zone. About 3.25 ha of land mainly covering the existing village cluster and its adjoining areas had been reserved for Small House development, of which about 1.1 ha of land was available for meeting about 10.84% (i.e. 44 houses) of the total Small House demand;
- (v) there was provision in the Notes of the draft OZP to allow for application of planning permission from the Board for Small House development in other zonings. Each application would be considered by the Board based on its individual merits; and
- (vi) in view of the above, the draft OZP could strike a balance between

enhancing nature conservation of the Area and meeting the needs of villagers for Small House development;

Proposed Extension of “V” Zone

(vii) the extension of the “V” zone as proposed by the VRs and Trueprofit was not supported for the reasons highlighted below:

- (1) the north-eastern portion proposed for extension fell within the burial ground and was located on steep natural terrain grown with heavy vegetation physically connected to SKWCP;
- (2) AFCD advised that some woodland were found in the north, north-east and south of the existing village and Small House development encroaching into woodland was not favoured. There should not be adverse impacts on streams and the associated water bodies such as freshwater marsh in the Area and fish culture zone in the Three Fathoms Cove;
- (3) the Chief Town Planner/Urban Design and Landscape, PlanD advised that the proposed extension areas covered fresh water marshes in the western part of the Area and the hillside woodland which were of high landscape sensitivity. The proposed expansion was not supported from the landscape planning perspective;
- (4) the Environmental Protection Department advised that the existing soakaway trench capacity only catered for existing and approved Small House developments within the village cluster and there was currently no plan to provide public sewerage for areas outside the village cluster. As there were sensitive receivers such as EIS and natural streams which had imposed constraints for the building of

wastewater treatment and disposal facilities, substantial expansion of the “V” zone was not desirable; and

- (5) the Head of Geotechnical Engineering Office, Civil and Engineering Development Department advised that the eastern and northern parts of the proposed extension areas were located below steep natural terrain and might be affected by potential natural terrain landslide hazards;
- (viii) regarding SKNRC’s view on no special archaeological value at Yung Shue O, the Antiquities and Monuments Office of the Leisure and Cultural Services Department advised that ceramic sherds of Song, Ming and Qing dynasties were found at the ‘Yung Shue O Site of Archaeological Interest’ during the Second Territory-wide Survey in 1997-98;
- (ix) regarding the views of the planning consultants of Trueprofit on the disbenefit of mangrove, AFCD advised that no substantiation and scientific evidence had been provided to support such views, which were contrary to published literature. AFCD would normally carry out ad hoc clearance of the accumulated rubbish at the concerned location within country park when necessary;

Conservation Zonings for Ecologically Sensitive Areas

- (x) AFCD advised that the areas of “important butterfly habitats” and the “marshy and coastal area” supporting dragonflies as indicated by KFBG were largely preserved by conservation zonings, i.e “GB” and “CPA” respectively on the draft OZP. The portions currently falling within the “V” zone were paved access road;
- (xi) for the areas indicated by KFBG that the rare orchid species, *Liparis ferruginea* (鏽色羊耳蒜) could be spotted and should be protected by “GB(1)”, “CA” or “CPA” zoning, AFCD advised that

they needed to verify the information when the weather became more favourable to survey orchids. The concerned area was currently protected by “GB” zone;

[Mr Dominic K.K. Lam arrived to join and Mr H.W. Cheung left the meeting temporarily at this point.]

- (xii) AFCD indicated that the EIS was worthy of preservation and protection as it supported high diversity of fish species and was breeding, feeding and nursing ground for brackish and marine fish vagrants. The EIS together with the riparian zone were designated as “GB” zone which was considered appropriate for providing planning control and protection to the upstream areas as well as the EIS;
- (xiii) the general principle of designating conservation zonings for the hillside woodlands, riparian zones of the EIS and the coastal area as proposed by the planning consultants of Trueprofit were not in conflict with the draft OZP. AFCD agreed that the land use proposals in the draft OZP were appropriate;
- (xiv) for the eastern part of the Area, the tributary passed through the middle part of the existing village cluster and flowed along an access road and footpath serving the village. The vegetation along the stream was roadside trees to the north of the stream, and shrubby grassland to the south of the stream. AFCD had no strong view on the inclusion of those areas in the “V” zone provided that it was fully justified for meeting the Small House demand;
- (xv) the north-western boundary of the proposed “V” zone mainly followed the existing site conditions and topographical features such as an existing fence in the area. The upper tributary and the vegetation to its north fell within the “GB” zone. AFCD advised

that the area concerned was rather shrubby and in proximity to the village cluster. Concerned departments including AFCD would scrutinize development applications in proximity to streams in detail; and

Designation of “AGR” Zone

- (xvi) since agricultural use was always permitted on land zoned “V” and “GB”, and agricultural use (other than plant nursery) was also a Column 1 use under the zoning of “CPA”, there should be no hindrance to farming activities even without the designation of “AGR” zone. At present, there were no active agricultural activities in the Area;

Land Use Zonings

- (h) in view of the above responses, no zoning amendments to the previous draft OZP had been proposed. The details of the land use zonings on the draft OZP No. S/NE-YSO/C were set out in paragraph 2.2 of the Paper; and

Consultation

- (i) TPDC and SKNRC would be consulted after the Board’s agreement to the publication of the draft Yung Shue O OZP under section 5 of the Ordinance during the exhibition period of the OZP.

37. The Chairman invited questions and comments from Members.

38. A Member said that the draft OZP was generally supported, except the inclusion of a triangular area of land into the “V” zone, which was identified by KFBG as part of a butterfly hotspot. This Member enquired if the said area at the south-western corner of the “V” zone could be excluded from the zone. In response, Mr David Y.M. Ng, STP/CPE1, said that the concerned area was a piece of paved land currently used as a car park by the

villagers. Mr C.K. Soh, DPO/STN, supplemented that as the concerned area had been paved and was not covered by any vegetation, it was designated as “V” instead of “GB”.

39. The Chairman said that the percentages of new Small House demand being met by available land in the “V” zones, which were designated under the incremental approach, were different in different OZPs in relation to CPEs. He asked DPO/STN to explain to the Board how the incremental approach was adopted in drawing up the “V” zones.

40. In response, Mr Soh said that the incremental approach had been adopted in designating “V” zones on the OZPs recently prepared for the CPEs, and the size of the “V” zone so designated was not based on a target percentage of meeting the Small House demand. In drawing up a draft OZP for a CPE, priority would be given to protect the areas with conservation and landscape values. As such, the environmentally sensitive areas and areas with high landscape value would first be covered by conservation zonings. After delineating the areas that had to be conserved, the boundary of the “V” zone would be suitably drawn up, taking into account the local topography of the village cluster, the ‘VE’, the number of outstanding Small House applications, the Small House demand forecast and other site constraints. With the adoption of the incremental approach, not all areas with relatively less conservation value would be designated as “V” on the OZP as it was intended to concentrate village type development around existing village cluster for a more orderly development pattern and efficient use of land. The outstanding Small House applications and the 10-year demand forecast were only used as a reference. If a very large “V” zone was designated at the outset based on the total Small House demand, village type development would scatter around the area, resulting in an undesirable villager layout and inefficient provision of infrastructure and services. While the Small House demand figure comprised two parts, namely the number of outstanding Small House grant applications and the 10-year demand forecast, the Small House demand forecast was only one of the factors being considered when drawing up the “V” zone as it was observed that the forecast provided by the villagers could sometimes vary considerably. For the current case of Yung Shue O, about 1.1 ha of land was available within the “V” zone for development, which could meet about 10.84% (44 houses) of the total Small House demand of 406 houses, including the outstanding demand of 16 houses. Should the villagers have a genuine need of using the land outside the “V” zone for Small House development, e.g. those inside the “GB” zone, they could apply for planning permission from the Board and each application would be considered on its individual merits.

41. The Vice-chairman agreed with the land use proposals of the draft OZP. He noted that the paved land at the south-eastern corner of the “V” zone as earlier mentioned by a Member was currently used as a car park serving the villagers as well as the hikers during weekends. However, the car park use might not be in line with the planning intention of the “V” zone and the access road to Yung Shue O was actually a substandard access along the catchwater channel, which was not suitable for use by a high volume of traffic. The Vice-chairman asked if any traffic management measure could be strengthened or enforcement action taken regarding the car park.

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

42. In response, Mr Soh said that ‘Public Vehicle Park’ use required planning permission from the Board within the “V” zone. While village houses might have no parking spaces, many villagers in the rural New Territories would park their cars on vacant land within the village area. If a site within the “V” zone was found being used as a public car park, the Central Enforcement and Prosecution Section (CEPS) of PlanD would investigate if it involved an unauthorised development and whether planning enforcement action should be instigated. However, if the evidence was not that obvious, e.g. only the parking of individual cars on a make-shift basis on a vacant land was involved, it would be comparatively difficult for CEPS to take enforcement action. As regards the concerned parking use at Yung Shue O, Mr Soh would relay the case to CEPS for investigation, which might take further action subject to their work priorities and resources. Mr Soh further said that if the villagers had a need to build more Small Houses, they would probably make use of that piece of vacant land in the “V” zone for Small House development.

43. Noting that most areas of the “GB” zone were sparsely vegetated and that ‘Barbecue Spot’ was a Column 1 use in the “GB” zone, a Member asked if it would attract applications for Small House development and development of large barbecue sites on those sparsely vegetated areas within the “GB” zone, which might deviate from the planning intention. In response, Mr Soh said that the use term ‘Barbecue Spot’ referred to those sites on which the barbecue facilities were provided by the Government, and it excluded barbecue sites which were privately owned or commercially operated. Therefore, large commercial barbecue sites were not permitted as of right in the “GB” zone. While there were existing war game areas within the OZP which would be tolerated, their scale and extent could not be

further intensified without planning permission from the Board. It could be seen from the aerial photo that the “GB” zone in Yung Shue O was covered partly by trees and partly by grassland. The area of Yung Shue O close to the sea, which was previously used for cultivation by villagers, was on a lower terrain and was very wet. Due to the soggy nature of the ground there which would bring difficulties in construction and sewage disposal, the area was not suitable for development. It was expected that the villagers would not be keen to use those parts of the “GB” zone for Small House development unless extensive site formation works were carried out. In addition, most of the area was outside the ‘VE’ where Small House grant applications would unlikely be supported by the Lands Department. As such, the current “GB” zoning was considered adequate for protecting the naturalness of the Area.

44. After deliberation, Members noted the comments from and responses to TPDC, SKNRC, VRs of Yung Shue O Village, Trueprofit and the green/concern groups on the draft Yung Shue O OZP No. S/NE-YSO/C. Members also agreed that:

- (a) the draft Yung Shue O OZP No. S/NE-YSO/C (to be renumbered as S/NE-YSO/1 upon gazetting) and its Notes at Annexes I and II of the Paper were suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance (the Ordinance);
- (b) the Explanatory Statement (ES) at Annex III of the Paper should be adopted as an expression of the planning intentions and objectives of the Board for various land use zonings of the draft Yung Shue O OZP No. S/NE-YSO/C; and
- (c) the ES was suitable for exhibition for public inspection together with the draft OZP and issued under the name of the Board.

45. Members noted that, as a general practice, the Secretariat of the Board would undertake detailed checking and refinement of the draft OZP including the Notes and ES, if appropriate, before its publication under the Ordinance. Any major revision would be submitted for the Board’s consideration.

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

Agenda Item 5

[Open Meeting]

Further Consideration of the Draft Chek Keng Outline Zoning Plan No. S/NE-CK/B
(TPB Paper 9874)

[The meeting was conducted in Cantonese.]

46. With the aid of a Powerpoint presentation, Ms Channy C. Yang, Senior Town Planner/Country Park Enclaves 2 (STP/CPE2), briefed Members on the draft Chek Keng Outline Zoning Plan (OZP) No. S/NE-CK/B as detailed in the Paper and covered the following main points:

Background

- (a) on 19.12.2014, the Town Planning Board (the Board) gave preliminary consideration to the draft Chek Keng OZP No. S/NE-CK/B and agreed that the draft OZP was suitable for submission to the Tai Po District Council (TPDC) and the Sai Kung North Rural Committee (SKNRC) for consultation;

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

Major Land Use Proposals of the draft OZP

- (b) the major land use proposals of the draft OZP No. S/NE-CK/B considered by the Board on 19.12.2014 were recapitulated in paragraph 2.2 of the Paper and highlighted as follows:
 - (i) “Coastal Protection Area” (“CPA”) zone (3.6 ha and 10.36%) – 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. The intertidal mudflat straddling the edge of the the Chek Keng area (the Area) and the sea supported seven species of mangroves. The zone could also provide a buffer between the adjoining village area and the marine environment;

- (ii) “Green Belt” “GB” zone (28.82 ha and 82.96%) – covered the area to the south of MacLehouse Trail that mainly comprised woodlands, shrublands, grasslands and streams. There was neither *fung shui* woodland nor Ecologically Important Stream (EIS) in the Area. Those areas provided a buffer between the village type developments and Sai Kung East Country Park (SKECP) and conserved the natural and rural character of the Area. The “GB” zone also included the western part of the permitted burial ground on the hillslopes along the north-eastern fringe of the Area;
- (iii) “Village Type Development” (“V”) zone (2.24ha and 6.45%) – covered the existing village cluster of Chek Keng Village, which was the only recognised village in the Area, and the adjoining abandoned agricultural land; and
- (iv) “Government, Institution or Community” (“G/IC”) zone (0.08 ha and 0.23%) – covered the existing government, institution or community (GIC) facilities, including a public toilet and a refuse collection point in the eastern part of the Area, and the Holy Family Chapel (a Grade 2 historic building) at the southern fringe of the village;

Local Consultation

- (c) SKNRC was consulted on the draft OZP on 7.1.2015. It considered that the size of “V” zone was inadequate and objected to the draft OZP. The major comments and proposals of SKNRC as highlighted in paragraph 3.2 of the Paper were summarised as follows:

Insufficient “V” Zone

- (i) the “V” zone was much smaller than the village ‘environs’ (‘VE’) and was insufficient to meet the housing need of the villagers. The “V” zone should be enlarged;
- (ii) the villagers had not been consulted on the incremental approach for designation of the “V” zone, which was misleading as areas that had been covered by conservation zones could hardly be rezoned for Small House development;
- (iii) the Government had been paying more regard to the views of the green groups than those of the villagers. The draft OZP failed to strike a right balance between conservation and development;

Enhancement of Footpath to Chek Keng

- (iv) the footpath leading from To Kwa Peng/Pak Tam Au to Chek Keng should be enhanced to allow for movements of small electrical vehicles;

Addition of “Agriculture” (“AGR”) Zone

- (v) as there were plenty agricultural lots in Chek Keng Village, “AGR” zone should be added to the draft OZP;

TPDC

- (d) TPDC was consulted on the draft OZP on 14.1.2015. It noted and

respected the view of SKNRC and also objected to the draft OZP. The major comments and proposals of TPDC as highlighted in paragraphs 3.3 of the Paper were summarised as follows:

Designation of “V” Zone

- (i) the “V” zone was insufficient to meet the future long term housing need of the villagers. Designation of the “V” zone should be based on the ‘VE’;

Unreasonable Requirement for Septic Tank and Soakaway (STS) Systems

- (ii) the requirement as indicated in paragraph 9.1.7 under the “V” zone of the Explanatory Statement (ES) of the draft OZP for the design and construction of the STS systems for Small House development to comply with relevant standards and regulations, such as Environmental Protection Department (EPD)’s Practice Note for Professional Persons (ProPECC PN) 5/93 – “Drainage Plans subject to Comment by EPD”, for the protection of the water quality of the Area was unreasonable as it would impose difficulty in obtaining approval for construction of New Territories Exempted House;

Consultation with SKNRC and Local Villagers

- (iii) consultation with SKNRC and local villagers was required with a view to achieving consensus; and

Failure of the Draft OZP to Reflect the Original Intention of the Country Parks Ordinance

- (iv) the draft OZP failed to reflect the original intention of enactment of the Country Parks Ordinance, which was to both safeguard the livelihood of villagers and forestall human damage to the country

parks. In this connection, the Government should set up a conservation fund to promote conservation;

Green and Concern Groups

- (e) Kadoorie Farm & Botanic Garden Corporation (KFBG) made submissions to PlanD on 27.1.2015 and 4.2.2015 respectively. A meeting with the KFBG, World Wide Fund for Nature Hong Kong (WWF-HK) and Designing Hong Kong Limited (DHKL) was conducted to briefly exchange views on their ecological information and land use proposals indicated in KFBG's submissions. WWF-HK and DHKL in general concurred with the KFBG's views. The major views and proposals of the green/concern groups as highlighted in paragraph 3.5 of the Paper were summarised as follows:
- (i) in general, KFBG did not agree that the size of the "V" zone should be increased;
 - (ii) the two streams in the Area supported species of global, regional and local conservation importance/interest including the shrub *Diospyros vaccinioides* (小果柿), the goby *Stiphodon multisquamus* (多鳞枝牙鰕虎鱼), Sesarmine Crabs, and the shrimp *Macrobrachium meridionalis* (沼虾属). The riparian zones were important in protecting the integrity of the stream systems; and
 - (iii) KFBG proposed that the two streams should be protected by 10 to 30m-wide riparian buffers, and those areas should be covered by "GB(1)" or "Conservation Area" zone, in which Small House development was not permitted;

PlanD's Responses

- (f) in consultation with departments concerned, PlanD's responses to the

comments and proposals were detailed in paragraph 4.1 of the Paper and summarised as follows:

Designation of “V” Zone

- (i) environmentally sensitive areas including the sandy/rocky shore, backshore vegetation, mangroves, woodlands and streams were covered by conservation zonings, i.e. “CPA” and “GB”;
- (ii) there was a need to designate “V” zone to meet the Small House demand of the local villagers of the recognised village of Chek Keng. The boundaries of the “V” zone had been drawn up having regard to the ‘VE’, the number of outstanding Small House applications, Small House demand forecast, local topography and site constraints. Areas of difficult terrain, dense vegetation, stream courses and burial grounds had been avoided as far as possible;
- (iii) according to the District Lands Office/Tai Po (DLO/TP)’s record for Chek Keng, there were 20 outstanding Small House applications in 2014 while the latest 10-year forecast of demand for Small House as provided by the Indigenous Inhabitant Representative (IIR) was 254. Hence, the total Small House demand adopted for drawing up the “V” zone was 274;
- (iv) an incremental approach had been adopted for designating “V” zone. About 2.24 ha of land mainly covering the existing village cluster and its adjoining areas had been reserved for Small House development, of which, about 1.04 ha of land was available for meeting about 15.2% (i.e. 41 houses) of the total Small House demand;
- (v) there was provision in the Notes of the draft OZP to allow for application of planning permission from the Board for Small

House development in other zonings. Each application would be considered by the Board based on its individual merits;

- (vi) in view of the above, the draft OZP could strike a balance between enhancing nature conservation of the Area and meeting the needs of villagers for Small House development;

Enhancement of Footpath to Chek Keng

- (vii) the proposed enhancement of the footpath leading to Chek Keng to allow for small electrical vehicles would have to pass through the country park and consent of the Country and Marine Parks Authority must be obtained. For the part of the footpath within the Area, flexibility had been provided in the covering Notes of the draft OZP for road works coordinated or implemented by Government;
- (viii) the Area was currently not served by any vehicular access and was only accessible by walking trails and boats. Relevant works departments would keep in view the need for infrastructure in future;

Addition of "AGR" Zone

- (ix) since agricultural use was always permitted on land zoned "V" and "GB", and agricultural use (other than plant nursery) was also a Column 1 use under the zoning of "CPA", there should be no hindrance to farming activities even without the designation of "AGR" zone. At present, there were no active agricultural activities in the Area; and

Requirement for STS System

- (x) the Area was not served by public sewer at present. STS systems

were commonly used in Small House development. The requirement for the design and construction of the STS systems to comply with relevant standards and regulations was the existing administrative measure to ensure that there would be no adverse impact on the environment. Such requirement was specified in paragraph 9.1.7 under the “V” zone of the ES of the draft OZP to facilitate public understanding;

Consultation with SKNRC and Local Villagers

- (xi) prior to preparation of the draft OZP, the IIR of Chek Keng Village had been approached and their views/proposals had been incorporated into the draft OZP No. S/NE-CK/B where appropriate for the Board’s consideration in December 2014;
- (xii) SKNRC and TPDC were consulted on the draft OZP on 7.1.2015 and 14.1.2015 respectively. They would be further consulted after the publication of the draft OZP;

Failure of the Draft OZP to reflect the Original Intention of the Country Parks Ordinance

- (xiii) the Area fell outside any country parks designated under the Country Parks Ordinance. In the draft OZP, 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. The preparation of the OZP did not preclude any future setting up of conservation fund for the Area, which was outside the purview of the Board. Such proposal had been relayed to relevant government departments for consideration as appropriate;

Rezoning of Riparian Buffers along the Streams

- (xiv) there was no EIS in the Area. The riparian zones of the two streams were mainly covered with common native plant species forming a woodland regenerated on abandoned agricultural land. The Agriculture, Fisheries and Conservation Department (AFCD) advised that the “GB” zoning was appropriate for protecting the riparian zone from development; and
- (xv) the “GB” zone was a conservation zone with a general presumption against development. Any Small House development as well as diversion of streams, filling of land/pond or excavation of land within the “GB” zone required planning permission from the Board;

Land Use Zonings

- (g) in view of the above responses, no zoning amendments to the previous draft OZP had been proposed. The details of the land use zonings on the draft OZP No. S/NE-CK/B were set out in paragraph 2.2 of the Paper; and

Consultation

- (h) TPDC and SKNRC would be consulted after the Board’s agreement to the publication of the draft Chek Keng OZP under section 5 of the Ordinance during the exhibition period of the OZP.

47. The Chairman invited questions and comments from Members.

48. The Vice-chairman considered that the “CPA” zone designated on the eastern coast of the Area was a bit small in size and narrow. He enquired if it was possible to enlarge the “CPA” zone landwards so as to cover more of the flat riparian zone of the stream for better protection of the stream. In response, Mr C.K. Soh, District Planning Officer/Shatin, Tai Po and North (DPO/STN), said that the boundary of that “CPA” zone was drawn up

having regard to the natural topography and man-made feature. The northern boundary of the zone was delineated based on the high water mark of the seaside, while the southern boundary was a strip of concrete-paved land which appeared as a dam-like barrier separating the inland area from the sea. It was observed that with the existence of the concrete strip, the ecological linkage between the inland riparian area and the coastal area had diminished. After several rounds of discussion between PlanD and AFCD on whether this “CPA” zone should cover more of the inland areas, it was considered that the current zoning boundary was appropriate as the conditions of the riparian zone near the coast had and would continue to become more and more similar to those of the inland areas. As such, the designation of a “GB” zoning for the riparian zone would better reflect its long-term ecological conditions.

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

49. A Member enquired if it was due to technical constraints or costs that the villagers would consider it difficult to provide STS systems for Small House development. In response, Mr Soh said that the use of STS systems for sewage treatment was common in rural villages as the village areas were often not provided with public sewers. The design and construction of STS systems were not complicated but they would be subject to site conditions. It would be a constraint if the proposed STS system was located in an area with high water table or close to stream or coast. As the “V” zone in Chek Keng was not a low-lying area and it was not traversed by many streams, the provision of STS system should not be difficult in technical terms. While the villagers might perceive that the Government was using STS systems as an excuse for not letting them to develop, the requirements had been stated clearly in EPD’s ProPECC PN 5/93 and had been adopted over time for minimising any sewage impact. If the use of STS system for sewage treatment and disposal was considered not suitable in a particular location, other effective means of sewage treatment should be adopted. There was no reason for the Government to compromise and make concession to the villagers as regards the compliance with the relevant requirements for sewage disposal.

50. The same Member asked if the suitability of adopting STS system as the means of sewage disposal for Small House development had already been assessed when that area was proposed to be zoned as “V”. In response, Mr Soh said that if a particular area was apparently unsuitable for using STS system as a means of sewage disposal, that area would

not be designated as “V” in the outset. For each application for Small House grant, the applicant needed to engage suitable professional person to design for the STS system to the satisfaction of the Lands Department. It should also be noted that STS system was not the only means of sewage disposal in rural areas. The applicant might demonstrate to the satisfaction of the concerned departments, e.g. EPD and WSD, that there was alternative means of effective sewage disposal. However, the use of STS system was most common in village areas and it was also comparatively economical.

51. After deliberation, Members noted the comments from and responses to TPDC, SKNRC and the green/concern groups on the draft Chek Keng OZP No. S/NE-CK/B. Members also agreed that:

- (a) the draft Chek Keng OZP No. S/NE-CK/B (to be renumbered as S/NE-CK/1 upon gazetting) and its Notes at Annexes I and II of the Paper were suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance (the Ordinance);
- (b) the ES at Annex III of the Paper should be adopted as an expression of the planning intentions and objectives of the Board for various land use zonings of the draft Chek Keng OZP No. S/NE-CK/B; and
- (c) the ES was suitable for exhibition for public inspection together with the draft OZP and issued under the name of the Board.

52. Members noted that, as a general practice, the Secretariat of the Board would undertake detailed checking and refinement of the draft OZP including the Notes and ES, if appropriate, before its publication under the Ordinance. Any major revision would be submitted for the Board’s consideration.

[The meeting was adjourned for a break of 10 minutes.]

[Mr Laurence L.J. Li and Dr Wilton W.T. Fok left the meeting at this point.]

Sai Kung and Islands District

Agenda Item 6

[Closed Meeting (Deliberation)]

Consideration of Representations and Comments in respect of the
Draft Luk Wu and Keung Shan Outline Zoning Plan No. S/I-LWKS/1
(TPB Paper No. 9867)

[The meeting was conducted in Cantonese.]

Declaration of Interests

53. Mr Ivan C.S. Fu had declared interest in this item as he had current business dealings with Masterplan Limited, the consultant for Representation No. R2. As Mr Fu had no involvement in the representation, Members agreed that he could stay at the meeting.

Deliberation Session

54. The Chairman said that the presentation and question sessions of the hearing of the representations and comments in respect of the draft Luk Wu and Keung Shan Outline Zoning Plan (OZP) No. S/I-LWKS/1 were conducted at the meeting held on 20.3.2015. The draft minutes of the meeting held on 20.3.2015 had been provided to Members for reference prior to the deliberation session. The Chairman asked Members to consider the representations taking into account the written representations and the oral submissions made at that meeting.

55. The Chairman recapitulated the following major points made by the representers in their written and oral submissions and the responses provided by the relevant government departments:

- (a) the religious and tranquil character of the Luk Wu and Upper Keung Shan area (the Area) should be conserved. The conservation measures should be strengthened by designating the whole area for conservation purpose and implementing specific conservation measures;

- (b) the cultural heritage, living meditation culture and religious character of the Area should be preserved;
- (c) Luk Wu was a place that could offer not only nature to Hong Kong people but also Buddhism and a culture that was not self-centred;
- (d) the designation of temples under the “Government, Institution or Community” (“G/IC”) zone was inadequate as the zoning of the building structures would not facilitate the preservation of the Buddhist cultural ambience;
- (e) the protection of Luk Wu should not be confined to the natural environment and landscape but should include the Buddhist culture and tradition at the place;
- (f) Luk Wu should be preserved to serve as a sanctuary for meditation;
- (g) several development proposals for Lantau Island such as a road from Tung Chung to Tai O would significantly affect the Buddhist way of life at Luk Wu;

Responses

- strict control had been imposed on any new development to conserve the special religious character and the natural landscape of the Area. The religious clusters were preserved under the “G/IC(1)” zone with the planning intention to designate the existing religious uses;
- strict control on any new development through a more stringent and specific “G/IC(1)” zoning and planning intention for the zone covering the religious clusters only had already been imposed in the Area. The specific zoning of “G/IC(1)” with clear boundary and limits for the conservation of religious clusters and natural

environment not only conserved the tranquil character and the natural environment, but also allowed flexibility for the provision of different facilities that might be compatible with the religious character and rural setting of the surrounding area. It was considered appropriate for the sustainability and the conservation of the Area;

- provision of infrastructure would be considered by relevant government departments taking into account development needs as well as possible impacts on the existing natural environment;
- (h) to enhance conservation and allow more effective and sustainable management, the land surrounding the temples should be rezoned to “Green Belt (1)” (“GB(1)”);
- (i) uses that were not compatible with the planning intention to conserve the Area or not conforming with the religious character of the Area should be deleted from the Notes of the “GB” zone;

Responses

- the land surrounding the existing religious clusters had already been zoned “GB” on the OZP with the planning intention to define the limits of development areas by natural features and to preserve the existing natural landscape as well as to provide passive recreational outlets. There was a general presumption against development within this zone;
- the Notes of the “GB” zone had already been made more stringent by deleting some incompatible uses such as ‘Columbarium’, ‘Crematorium’, ‘House (other than rebuilding of New Territories Exempted House (NTEH) or replacement of existing domestic building by NTEH permitted under the covering Notes)’, ‘Petrol Filling Station’, ‘Public Transport Terminus or Station’, ‘Public

Vehicle Park' and 'Zoo', and moving some uses such as 'Barbecue Spot', 'Picnic Area' and 'Tent Camping Ground' from Column 1 to Column 2;

- (j) the Area was of high ecological concern and the natural environment and ecology of the Area were worthy of protection. Many fauna species of conservation value recorded in the Area were dependent on woodlands and streams which should be protected by the "Conservation Area" ("CA") zone. Abandoned farmlands had become vegetated over time and were important habitats for butterflies, dragonflies, herptofauna and freshwater fish. The "Agriculture" ("AGR") zoning was inadequate to protect the farmlands and the ecological features;

Responses

- the flora and fauna species of conservation importance recorded within the Area were associated with the woodland habitat. Noting the general presumption against development within "GB" zone, the Agriculture, Fisheries and Conservation Department (AFCD) considered that zoning the woodlands of similar habitat qualities as "GB" would be appropriate. AFCD also commented that the natural streams and their adjoining riparian habitats were largely covered in non-development zonings, i.e. "AGR" and "GB" zones on the OZP;
- on the ecological value of fallow farmlands, AFCD advised that the fallow arable land with good potential for rehabilitation for cultivation and/or with active/occasional cultivations were worthy of preservation from the agricultural point of view. As there was no indication that the fallow agricultural land was of high ecological value, it was more appropriate for those farmlands to be designated as "AGR" zone;

- (k) the Board should respect the Convention on Biological Diversity (the Convention) and its related articles;

Responses

- AFCD advised that Hong Kong's existing nature conservation policy and measures were generally in line with the objectives of the Convention and its related articles. Though Hong Kong was not a Party to the Convention per se, AFCD would have to meet the relevant requirements in order to fulfil the international obligations under the Convention;
- (l) development control in water gathering grounds (WGGs), maintaining fallow/active agriculture land which would contribute to the sustainable development of the Luk Wu community, and designating existing religious uses under the "G/IC(1)" zoning were supported;

Responses

- the supportive views were noted. As the Area fell within WGGs, strict control had been imposed on any new development to minimise the potential water quality impact on the streams and the water catchment. Moreover, only existing villages and religious clusters were reflected under the "Village Type Development" ("V") and "G/IC(1)" zones;
- (m) commercial uses should be deleted from the Notes of the "G/IC(1)" zone. Any large-scale development in the Area should not be allowed as they would require the provision of infrastructure which would unavoidably damage the tranquil environment and generate adverse impact on air quality;
- (n) if some uses were permissible on application to the Board, conflicts would arise as people would make use of the flexibility provided and submit

applications for uses that might adversely affect the existing temples and religious institutes;

Responses

- for the “G/IC(1)” zone, only selected Government, institution or community (GIC) facilities were permitted and a limited number of small-scale commercial uses might be considered through the planning application system to support the religious activities. The potential adverse impacts of those commercial uses could be assessed through the planning application system in consultation with departments concerned. Public consultation would also be undertaken in accordance with the provision of the Town Planning Ordinance and the Board’s practice. Significant environmental impact was not expected to be generated;
 - while minor alteration or redevelopment of the religious building by a building with the same building bulk and for the same use as the existing building was always permitted in the “G/IC(1)” zone, any new development for ‘Religious Institution’ use should be considered by the Board on planning application;
- (o) commercial columbarium should not be allowed in the Area due to its remoteness, its location within WGGs, the limited infrastructure service, and its religious and tranquil environment;

Responses

- columbarium use was not in line with the planning intention and incompatible with the religious character of the Area and the tranquil environment. AFCD advised that the development and operation of a columbarium in the “G/IC(1)” zone and its associated works would likely result in direct and indirect adverse ecological impacts to the surrounding woodlands and streams within the

surrounding “GB” zone. Except for the “G/IC” zone where it was a Column 2 use, ‘Columbarium’ use was generally not permitted in all zones in the Area;

- (p) ‘Eating Place’, ‘Residential Institution’ and ‘Shop and Services’ uses in the “G/IC” zone, and ‘Barbecue Spot’, ‘Tent Camping Ground’, ‘Holiday Camp’, ‘Picnic Area’, ‘Place of Recreation, Sports or Culture’, ‘Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation’ and ‘Burial Ground’ uses in the “GB” zone were opposed as these uses would lead to the commercialisation of the Area;

Responses

- the Notes of the “G/IC” and “GB” zones generally follow the Master Schedule of Notes to Statutory Plans (MSN) including uses which might be considered by the Board under the planning application system. This was to allow flexibility for the provision of different facilities that might be compatible with the surrounding area for public use and/or enjoyment;
- (q) the current zoning did not give adequate protection to the river system. “AGR” and “GB” zones could not provide sufficient protection against the impact of development on streams and country parks. The sewage disposal system of Small House developments only provided a minimum level of sewage treatment. Buffer zone on both sides of the streams/river courses was required to protect the water quality of streams and the integrity of the river ecosystem;

Responses

- as the Area fell within WGGs, strict control had been imposed on any new development to minimise the potential water quality impact on the streams and the water catchment area. The “V” zone within

the WGG was restricted to the existing village cluster while areas with dense vegetation, difficult terrain and near the natural stream courses reserved for buffer area had been excluded from the “V” zone;

- AFCD commented that the natural streams and their adjoining riparian habitats were largely covered by non-development zonings, i.e. “AGR” and “GB”, on the OZP;
- (r) architectural features of high cultural and historical value but not yet graded including the Luk Wu Cultural Trail connecting Tai O, Keung Shan, Luk Wu and Ngong Ping, and 茶毘爐 and its surrounding areas should be preserved;

Responses

- the Antiquities and Monuments Office (AMO) of the Leisure and Cultural Services Department advised that the trail connecting Tai O, Keung Shan Luk Wu and Ngong Ping, and 茶毘爐 and its surrounding areas were neither declared monuments, Sites of Archaeological Interest, graded historic buildings nor new items pending grading assessment. No request of grading assessment of those items had been received;
- (s) grading assessment should be carried out for all religious buildings in the Area so as to identify their historic and conservation value. Any demolition or alteration of those religious buildings, particularly the currently graded ones, should be subject to consultation with AMO before permission could be obtained from the Board;

Responses

- there were eleven graded historic buildings in the Area. Prior consultation with AMO should be made if any development,

redevelopment or rezoning proposals might affect the graded historic buildings/structures or any new items pending grading assessment;

- (t) the Government should negotiate with Yin Hing Monastery regarding the blockage of the main course of Luk Wu Stream so as to revitalise the ecology and improve water quality;

Responses

- the Drainage Services Department (DSD) had not received any complaint regarding flooding or blockage of Luk Wu Stream in the past three years. According to DSD's record, there was no natural stream running through the lot boundary of Yin Hing Monastery. Any necessary unblocking or desilting works on natural stream course to relieve flooding risk would be followed up by relevant government departments. Drainage works implemented by the Government was always permitted under the covering Notes of the OZP;
- (u) 'Pu Tung Ta' (普同塔) which was ancillary to and within the temples should be exempted from the requirement of obtaining licence for columbarium use;

Responses

- under the Private Columbaria Bill (the Bill), columbarium meant any premises that were used or intended to be used for keeping ashes. As the operation of a 'Pu Tung Ta' (普同塔) fell under this definition, it would be subject to the prospective licensing regime of the Bill upon its enactment;
- (v) the permitted burial grounds would encroach upon and potentially destroy the existing natural landscape;

Responses

- the permitted burial grounds for indigenous villagers had been in existence for many years and were considered as an ‘existing use’. However, ‘Burial Ground’ use outside the permitted burial grounds would be a Column 2 use under the “GB” zone requiring planning permission from the Board;
- (w) land reserved under the “V” zone was inadequate and did not reflect the needs of the villagers;

Responses

- the current “V” zones on the draft OZP had a total area of about 0.85 ha. Land available within the “V” zones for Small House development was about 0.55 ha (equivalent to 22 Small Houses) which could satisfy about 70% of the 10-year forecast of Small House demand for the villages in Upper and Lower Keung Shan;
 - the boundaries of the “V” zones had been drawn up taking into account the site conditions of land within village ‘environ’ (‘VE’), the existing village clusters, the local topography, WGGs, site characteristics and the Small House demand. An incremental approach had been adopted in designating the “V” zone, guiding village expansion around the existing village;
- (x) the prohibition of development in WGGs would deprive land owners of their development right; and

Responses

- a substantial part of the Area to the east of Keung Shan Catchwater fell within the WGGs. As there was no existing or planned public sewer, new development within the Area should be strictly

controlled so as to safeguard the quality of the water resource. The “V” zone within the WGG therefore covered only the existing village cluster;

- (y) the intention to retain fallow/active agricultural land zoned “AGR” was doubted as water supply had been cut due to road works;

Responses

- according to AFCD, the fallow arable land with good potential for rehabilitation for cultivation and/or with active/occasional cultivations was worthy of preservation from the agricultural point of view. Those farmlands were more appropriate to be designated as “AGR” zone which was intended primarily to retain and safeguard good quality agricultural land/farm for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultural and other agricultural purposes.

56. The Secretary supplemented that the main concerns of the representers were on the strengthening of conservation of the Area, the adequacy of the “V” zone in meeting the Small House demand and the suitability of allowing columbarium use in the Area.

57. A Member was concerned about the role of the Area in light of the Government’s plan to develop Lantau Island. Given the tranquil and peaceful ambience of the Area, it was understandable why the representers, who were mostly the religious communities, would call for strengthening the conservation and worry about any potential commercialisation or development of the Area, e.g. extension of Ngong Ping Cable Car to the Area.

58. The Chairman said that it would be more appropriate to focus the deliberation on whether the current zonings on the OZP were appropriate and whether the proposed amendments to the OZP as suggested by the representers should be acceded to. If there would be a change to the planning intention of the Area in future, the appropriate land use proposals could be considered by that time.

59. Mr K.K. Ling, Director of Planning, said that the Lantau Development Advisory Committee (LDAC) had been set up by the Government to work on a development strategy for Lantau Island. It was quite clear among the LDAC members that the hilly natural environment in the high relief of Lantau Island, such as the Area, would be conserved, and that the Buddhist character and culture in Lantau were recognised and would be protected. The proposal for extending Ngong Ping Cable Car to Tai O was only a preliminary idea, and even if it was to be proceeded with, it should not route through the Area. The intention to preserve the special religious and tranquil character of the Area had been stated clearly in the Explanatory Statement (ES) of the OZP. If planning applications for new development in the Area were submitted to the Board for consideration in future, the planning intention for conservation as stated in the ES should be duly taken into account. As such, the degree of protecting the character of the Area was considered adequate.

60. The Chairman said that in the last meeting of LDAC, he advised members that a number of religious and environmental groups had made representations on the subject OZP and also asked for more protection of the Area. When LDAC considered any development plan for Lantau Island, they should take note of the religious and environmental groups' aspiration of maintaining the current tranquil and natural environment of the Area, which should not be disturbed by any incompatible developments or commercial activities. Mr Ling supplemented that he had also expressed in the last LDAC meeting that the Buddhist activities on Lantau Island could be broadly categorised into two types. One type was more popular to the general public, such as the monasteries at Ngong Ping which were easily accessible and more integrated with tourist facilities; and the other was more recessive, such as the monasteries at Luk Wu and Keung Shan which provided followers with venues for retreating and meditation, and the tranquil setting and character of the latter type should be conserved.

61. A Member supported the zonings on OZP as they reflected the intention to help conserve the Buddhist culture and ambience of the Area, which had been established for a long time. To put 'Barbecue Spot', 'Picnic Area' and 'Tent Camping Ground' uses under Column 2 of the "GB" zone was acceptable.

62. The Vice-chairman said that some representers had raised with the Board the ownership issue of temples/monasteries in the Area. However, the Board would not involve

in resolution of land dispute issue, and land ownership was not one of the Board's considerations in the designation of land use zonings.

63. The Vice-chairman continued to say that there were also emotive stories told by some representers on why the Area should be conserved as a place for retreat and meditation. Those representers of the religious groups and the green groups were generally in support of the OZP's intention to conserve the scenic natural environment and the religious character and culture of the Area. Despite that some representers had called for further strengthening the controls of the OZP and some had requested for regularising their current use of the land, most of them would like to maintain the status quo of the Area. While acknowledging the unique Buddhist history and character of the Area, the Board should not be too involved in making the Area specifically as a sanctuary for Buddhism. Otherwise, the Board would owe the duty to create sanctuaries for other religions in other places. While the representers were worried about the commercialisation of their religion which would attract visitors and tourists to the Area, and requested the Board to delete all commercial uses from Column 2 of the Notes for the "G/IC(1)" zone, the Board should not make an exception to eliminate such uses on religious reasons. It should be noted that the putting of commercial uses in Column 2 of the Notes was to allow for flexibility. The Vice-chairman supported the zonings and Notes of the OZP and did not consider that there were strong justifications for amending the OZP to meet the representations;

64. A Member considered that the OZP was effective in conserving the existing religious uses in the Area, and concurred with the views of the Vice-chairman that the Board should not involve in the land disputes or in the regularisation of the use of land, which might involve government land, as raised by some representers. It was also inappropriate for the Board to be involved in shaping the Area specifically as a sanctuary for Buddhism. As such, there was no need to make any amendment to the OZP for meeting the representations.

65. The Chairman said that while the representers were concerned about columbarium use in the Area, there was no provision for 'Columbarium' use in the "G/IC(1)" zone under the Notes of the OZP. If the existing temples/monasteries intended to pursue columbarium development on their sites, they needed to apply to the Board under section 12A rezoning application. Only limited uses were put under Column 1 of the "G/IC(1)" zone. The uses that the representers were concerned about, such as 'Eating Place' and 'Shop and

Services (Retail Shop only)' were under Column 2 of the "G/IC(1)" zone for which planning permission from the Board would be required.

66. A Member said that unlike the representers on other OZPs who usually asked for more lenient controls on their sites, the representers on the subject OZP requested the Board to impose more stringent control. This Member considered that as the Area had been nourished as a unique cluster of Buddhist retreats over the years, it might warrant the Board to impose special planning controls for conserving its unique culture and character. It was worth considering if the proposals of the representers should be acceded to in order to better preserve the ambience of the Area for the benefit of Hong Kong as a whole. Instead of adopting the general Notes of the "GB" zone under the MSN, a more restrictive set of Notes of the "GB" zone might be tailor-made for the Area by deleting those uses which could have potential adverse impact on the ambience of the Area from Column 2 of the "GB" zone, such as 'Barbecue Spot', 'Holiday Camp', 'Picnic Area' and 'Tent Camping Ground'.

67. A Member supported the current OZP, but considered that if it was intended to conserve the tranquil and religious ambience of the Area, the zoning boundaries of the existing temples/monasteries might be drawn up more broadly in several clusters to simplify the control and make it easier to comprehend by the public. The Chairman said that the subject OZP was prepared in order to provide statutory planning and development control for the country park enclave. Its primary objective was to conserve the natural environment adjoining the country park. As there were clusters of established religious institutions within the Area, "G/IC(1)" zones were drawn up for those sites to reflect their existing uses. Flexibility for some complimentary uses was allowed under Column 2 of the respective zones by which the Board could still maintain its control over those uses.

68. A Member said that the religious character and culture of the Area had been established a long time ago. The establishment and agglomeration of the Buddhist institutions in the Area was not the result of the Government's planning nor support but was through an evolution process itself. As Buddhism and Taoism were two major religions in Hong Kong in terms of the number of worshippers and the Government had already acknowledged the existence of the special Buddhist culture in the Area, it was appropriate to strengthen the control in the OZP with a view to conserving the Buddhist culture. Due to the Government's intention to develop Lantau Island, many developers and land owners had

started exploring development opportunities and acquired land in Lantau. If commercial activities, such as barbecue or other entertainment uses, were allowed in the Area, the tranquillity and the special Buddhist culture of the Area would be spoiled easily. Some speculators might even look for opportunities for columbarium development in the Area as the Area's religious setting provided an ideal environment for columbarium use which was highly profitable. It was therefore worthwhile to consider imposing a more restrictive user schedule on the "GB" zone for protecting the Area. Besides, as some government land, though illegally occupied, had been used by the religious institutions for a very long time, the Government could consider regularising the status of the land by granting them to the institutions. The Board might consider enlarging the boundaries of the "G/IC(1)" zones to cover also the currently occupied government land of the institutions with a view to freezing them from further expansion. Nevertheless, such a way of including the illegally occupied government land into the development zones might set a bad precedent for other areas which were pending preparation of new OZPs.

69. The Chairman clarified that the Government had never indicated that the Area was specifically for development of Buddhism. He said that the existing religious institutions were designated with "G/IC(1)" zoning on the OZP, while the illegally occupied government land adjoining the institutions were zoned "GB". The proposed incorporation of the illegally occupied government land into the "G/IC(1)" zone for reflecting the current uses was not in line with the Board's practice. The Lands Department would take appropriate action against the illegal occupation of government land.

70. A Member considered that unlike other "GB" zones in the new town areas which covered private agricultural lots that could potentially be converted to other commercial uses by the land owners, the "GB" zone on the subject OZP covered mainly government land. If the Government had a plan to develop recreational facilities such as tent camping ground or barbecue spot in the Area, AFCD would be cautious in site selection and consider carefully if the proposed recreational uses were compatible with the surrounding land uses and if they would cause minimum landscape and environmental impacts. As planning permission was also required for those Column 2 uses, the Board would have the opportunity to examine the proposals in detail to safeguard the tranquil ambience of the Area. Noting that there were many different religious institutions in the Area, the land use requirement of each institution could be different as some of them might be more emphasized on retreating and meditation

while the others might provide vegetarian meals to visitors. The current arrangement of putting 'Eating Place' and 'Shop and Services (Retail Shop only)' uses under Column 2 of the Notes of the "G/IC(1)" zone was considered appropriate as it could provide flexibility to the existing institutions and allow the Board to consider each application for commercial use on its own merits. The Member supported the current OZP.

71. The Chairman remarked that the 'Barbecue Spot' use under Column 2 of the Notes of the "GB" zone was for barbecue facilities to be provided by the Government, and not for those privately owned or commercially operated barbecue sites. As food licence was required by the Food and Environmental Hygiene Department (FEHD) for provisions of vegetarian meals to outsiders in the religious institutions, it was necessary to include 'Eating Place' use in Column 2 of the Notes of the "G/IC(1)" zone to provide flexibility. Otherwise, it could not obtain food licence from FEHD as the use would not be acceptable from the statutory planning point of view without section 16 approval.

72. Mr Ling said that based on his site visit to the Area before the meeting, he noticed that some of the institutions served vegetarian meals to visitors and there were also small retail shops in the institutions selling religious items and souvenirs. If 'Eating Place' and 'Shop and Services (Retail Shop only)' uses were removed from Column 2 of the Notes of the "G/IC(1)" zone, there would be no flexibility for the religious institutions to provide even the minimum level of services to visitors. It was always important to consider the nature of the land use itself, irrespective of whether it was for profit-making or not. There were numerous religious institutions scattering around the Area and most of them were accessible only by narrow and winding rural access roads branching off from the main Keung Shan Road and Tai O Road that fell within the "GB" zone. The Government had no programme to upgrade or widen those substandard rural access roads, and thus would constrain any large scale development in the Area. As the area designated as "GB" zone on the OZP was extensive, it included not only the hilly woodland and walking trails but also some relatively flat areas by the roadside which might have the potential for provision of recreational uses such as picnic areas or barbecue spots to the public without disturbing the religious institutions. In that regard, it was inappropriate to strictly exclude all recreational uses from the Area. The Chairman concurred with Mr Ling's view that flexibility should be allowed in the zonings of the OZP and said that the Board would have the opportunity to assess and decide on the planning applications under the current mechanism.

73. A Member considered that all sides, including the representers, PlanD and the Board, were generally of the same view that no major development should be introduced to the Area and that the current natural environment and religious character of the Area should be conserved, although there were different views as to whether the current control by “GB” zone on the OZP was adequate for conserving the Area. Given that the Area was surrounded by country park and it was mostly designated with “GB” zoning for conservation, the Member considered that the current zonings and the Notes of the OZP were appropriate.

74. A Member noted that the representers were in general in support of the intention of the OZP to conserve the Area, and considered that the zonings and Notes of the OZP as well as the planning application system of the Board were adequate in protecting the naturalness and character of the Area.

75. A Member opined that, at a strategic level, given the general shortage of various types of land in the territory, Hong Kong could not afford the designation of an extensive area specifically as a religious or Buddhist sanctuary. At a site specific level, the conservation of the existing religious institutions in the Area had already been catered for through the designation of “G/IC(1)” zoning on the OZP. It was considered not appropriate to further restrict the Column 2 uses on the “GB” zone, which covered an extensive area, for the purpose of shaping the Area into a Buddhist sanctuary.

76. The Chairman concluded that Members had thoroughly considered the zonings and Notes of the OZP and the grounds of the representations. It was considered that the development control provided by the OZP was restrictive enough to achieve its general planning intention of protecting the natural landscape and the special religious and tranquil character of the Area, while making provision for meeting the Small House demand of the indigenous villagers, without threatening the conservation of any of the existing religious institutions in the Area. In that regard, Members agreed that the proposed amendments to the OZP by the representers would not be acceded to.

77. Members noted and agreed with the responses to the grounds and proposals of the representations and comments as detailed in paragraphs 5.15 to 5.47 of the Paper as well as those made during the hearing and deliberation sessions.

78. After deliberation, the Board agreed to note the supportive view of Representations No. R1 to R146.

79. The Board decided not to uphold the remaining parts of Representations No. R1 to R146 and Representations No. R147 to R172 and considered that the Plan should not be amended to meet the representations. Members then went through the reasons for not upholding the representations in paragraph 7.2 of the Paper and considered that they were appropriate. The reasons were:

“Strengthening of Conservation Measures (R3 to R146, R148 and R150 to R172)”

- (a) to conserve the special religious character and the natural landscape of the Area as well as to minimise the potential water quality impact on the streams and the water catchment, only existing villages and religious clusters are reflected under the “Village Type Development” (“V”) and “Government, Institution or Community (1)” (“G/IC(1)”) zones on the Outline Zoning Plan (OZP). Most of the Area are zoned “Green Belt” (“GB”) which is primarily intended for defining the limits of development areas by natural features and to preserve the existing natural landscape as well as to provide passive recreational outlets. There is a general presumption against development within this zone;
- (b) zoning the woodlands of similar habitat qualities in Luk Wu and Keung Shan areas as “GB” is appropriate from the nature conservation perspective. The natural streams and their adjoining riparian habitats are largely covered in non-development zonings, i.e. “Agriculture” (“AGR”) and “GB” zones on the OZP (R3 to R146, R150 to R169 and R171);
- (c) the fallow arable land with good potential for rehabilitation for cultivation and/or with active/occasional cultivations is worthy of preservation from the agricultural point of view. These farmlands are more appropriate to be designated as “AGR” zone to retain and safeguard good quality agricultural land/farm for agricultural purposes (R156);

- (d) the Notes of the “G/IC”, “AGR” and “GB” zones generally follow the Master Schedule of Notes to Statutory Plans (MSN) including uses which may be considered by the Town Planning Board (the Board) under the planning application system. This is to allow flexibility for the provision of different facilities that may be compatible with the surrounding area for public use and/or enjoyment. The planning intention of the “G/IC(1)” zone is to reflect the existing religious uses. Only selected Government, institution or community facilities are permitted in this sub-zone. Some limited small-scale commercial uses may be considered through the planning application system to support the religious activities. Each planning application within these zones will be considered by the Board based on its individual merits (R3 to R67, R69 to R84, R94 to R95, R97 to R99, R103 to R111, R114 to R146, R148, R155 to R158, R161 to R169 and R172);
- (e) there are eleven graded historic buildings in Luk Wu and Keung Shan area. Prior consultation with the Antiquities and Monuments Office of the Leisure and Cultural Services Department should be made if any development, redevelopment or rezoning proposals might affect the graded historic buildings/structures, new items pending grading assessment and their immediate environs (R155);
- (f) the trail connecting Tai O, Keung Shan Luk Wu and Ngong Ping and 茶 毘 爐 and its surrounding areas are neither declared monuments, Sites of Archaeological Interest, graded historic buildings nor new items pending grading assessment (R148);
- (g) DSD has not received any complaint regarding flooding or blockage of Luk Wu Stream in the past three years. Drainage works to relieve flooding risk will be followed up by relevant government department. Local public works and drainage works co-ordinated or implemented by Government are always permitted under the OZP (R148);

Provision of Columbarium Uses and Burial Grounds in the Area (R1 to R2, R16, R33, R77, R83 to R84, R106, R155 and R166)

- (h) 'Columbarium' use is considered not in line with the planning intention of the "G/IC(1)" zone and incompatible with the religious character and the tranquil environment of the Area. 'Columbarium' use is therefore not permitted in all zones (except "G/IC" zones which has put 'Columbarium' use under Column 2 of the Notes in accordance with the MSN) in the Area (R1 to R2, R16, R33, R77, R106, R155 and R166);
- (i) uses ancillary to the permitted uses and developments within the same zone on the OZP are always permitted (R83 to R84);
- (j) the permitted burial grounds have been in existence for many years and are intended for burial places of deceased indigenous villagers. The permitted burial grounds are considered as existing use tolerated under the OZP. 'Burial Ground' use outside these permitted burial grounds is subject to the approval of the Board under the planning application system. Each application will be considered on its individual merits (R2);

Extent of the "V" Zone and Agricultural Use in "GB" and "AGR" zones (R147)

- (k) the boundaries of the "V" zones for Luk Wu, Upper Keung Shan and Lower Keung Shan have been drawn up taking account of site conditions of the area within the village 'environs' ('VE'), existing village clusters, local topography, water gathering grounds (WGGs) and site characteristics. The Small House demand forecast is only one of the various factors in drawing up the "V" zones. Only land suitable for Small House development has been included in the "V" zone whilst areas with dense vegetation, difficult terrain and near the natural stream courses reserved for buffer area have been excluded;

- (l) it is the government policy to put those areas not covered by statutory plans under statutory planning control in the long term. Under the directive of the Secretary for Development, the Board prepares the draft OZP for providing a statutory planning framework to guide the long-term development of Luk Wu and Keung Shan area;
- (m) according to the Notes of the “AGR” and “GB” zones, ‘Agricultural Use’ is always permitted. There is no restriction on the use of machinery for agricultural activities. The provision of water supply for the agricultural use should be separately liaised with concerned departments including the Water Supplies Department;

Restrictions for Small House Development (R155 to R158)

- (n) any Small House development with the “AGR” and “GB” zones will require planning permission from the Board and each case shall be considered on its individual merits taking into account any potential adverse impacts on the surrounding area. Besides, for New Territories Exempted House (NTEH)/Small House redevelopment, the design and construction of sewerage proposal facilities need to comply with relevant standards and regulations, such as the Environmental Protection Department (EPD)’s Guidelines ProPECC No. 5/93 (R155 to R158);

Amendments to the Notes, Zoning Boundary and Building Height Restriction (BHR) of the “G/IC(1)” Zone (R1, R6 to R67, R69 to R75, R77 to R84, R114 to R146, R149, R152 to R154, R167 and R169)

- (o) ‘Columbarium’ use is considered not in line with the planning intention of the “G/IC(1)” zone and incompatible with the religious character and the tranquil environment of the Area. The inclusion of ‘Columbarium’ use in Column 2 of the Notes of the “G/IC(1)” zone is not justified (R1);
- (p) the planning intention of “G/IC(1)” zone is to reflect the existing religious uses. Only selected government, institution or community (GIC)

facilities are permitted in this sub-zone. Some limited small-scale commercial uses including 'Eating Place' and 'Shop and Services (Retail Shop only)' and 'Residential Institution' may be considered through the planning application system to support the religious activities. Each application will be considered on its individual merits (R7 to R67, R69 to R75, R77 to R84, R114 to R146, R149, R152 to R154, R167 and R169);

- (q) the boundaries of the "G/IC(1)" zones generally reflect the major existing religious buildings and the existing clusters. The garden and park areas surrounding or adjacent to the religious buildings and accesses to the religious buildings which are mostly government land have been excluded to minimise the potential water quality impact on the streams and the water catchment. The proposed extension of the specific "G/IC(1)" zone is not in line with the planning intention of the Area. Temporary religious functions for a period not exceeding two months are permitted within the "GB" areas surrounding the religious buildings under the covering Notes (R6 and R7);
- (r) the BHRs of the Area mainly reflect the general height of the existing buildings within the religious clusters to conserve the character of the Area. Taking into account the existing building cluster of Fat Tor Yuen (佛陀苑) which is mainly occupied by one-storey buildings, a BHR of one storey is imposed on the "G/IC(1)" zone covering this religious cluster (R114 to R146);

Amendments to the Notes, Explanatory Statement (ES) and Zoning Boundary of the "GB" and "AGR" Zones (R2 to R67, R69 to R84, R105, R114 to R146, R148 to R149, R152 to R158 and R167 to R169)

- (s) the Notes of the "GB" and "AGR" zones generally follow the MSN including uses which may be considered by the Board under the planning application system to allow flexibility for the provision of different facilities that may be compatible with the surrounding area for public use and/or enjoyment. Each application would be considered by the Board

based on its individual merits taking account of the prevailing planning circumstances. For NTEH/Small House redevelopment, the design and construction of sewerage proposal facilities need to comply with relevant standards and regulations, such as EPD's Guidelines ProPECC No. 5/93 (R7 to R67, R69 to R84, R105, R114 to R146, R149, R152 to R155, R158, R167 and R169);

- (t) zoning the woodlands of similar habitat qualities in Luk Wu and Keung Shan areas as "GB" is appropriate from the nature conservation perspective. Rezoning the area from "GB" to "CA" or "GB(1)" is considered not necessary (R3 to R14, R16 to R20, R22 to R34, R76, R82, R148, R152 to R158 and R167 to R168);
- (u) the fallow arable land with good potential for rehabilitation for cultivation and/or with active/occasional cultivations is worthy of preservation from the agricultural point of view. These farmlands are more appropriate to be designated as "AGR" zone to retain and safeguard good quality agricultural land/farm for agricultural purposes (R156);

Amendments to the Notes of the "G/IC" Zone (R82 and R158)

- (v) the "G/IC" zone covers mainly existing specific GIC facilities serving the Area. The Notes of the "G/IC" zone generally follow the MSN which include uses to allow flexibility for the provision of different facilities that may be compatible with the surrounding area for public use and/or enjoyment;

Amendment to the Boundary of the "V" Zone (R158)

- (w) the planning intention of the "V" zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. The boundaries of the "V" zones for Luk Wu, Upper Keung Shan and Lower Keung Shan have been drawn up taking account of site conditions of the area within 'VE', existing village clusters, local

topography, WGGs and site characteristics. An incremental approach has been adopted in designating the “V” zone;

Rezoning Proposal of Luk Wu Area (R108, R109 and R171)

- (x) major portion of Luk Wu area is zoned “GB” to conserve the natural landscape and ecology of the Area. Only a few sites in the Luk Wu area are zoned “G/IC” to reflect the existing GIC facilities (R108 and R109); and
- (y) the proposed “Religious Meditation & Conservation Area” is considered too conceptual without supporting assessments. Strict control on any new development to protect the water quality in the Area through a more stringent and specific “G/IC(1)” zoning and planning intention for the zone covering the religious clusters only have already been imposed in the Area. It is considered appropriate for the sustainability and the conservation of the Area (R171).”

[Ms Julia M.K. Lau and Dr W.K. Yau arrived to join the meeting at this point.]

Tuen Mun and Yuen Long West District

Agenda Item 7

[Open Meeting (Presentation and Question Sessions)]

Consideration of Representations and Comments in respect of the
Draft Ping Shan Outline Zoning Plan No. S/YL-PS/15
(TPB Paper No. 9876)

[The meeting was conducted in Cantonese.]

Declaration of Interests

80. The Secretary reported that the amendments to the Ping Shan Outline Zoning Plan (OZP) involved the rezoning of a site for public housing development by the Hong Kong Housing Authority (HKHA), and MTR Corporation Limited (MTRCL) had submitted a representation (R2). The following Members had declared interests in this item for having affiliation/current business dealings with HKHA and/or MTRCL:

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| Mr Stanley Y.F. Wong | - being a member of HKHA and its Strategic Planning Committee and chairman of its Subsidised Housing Committee |
| Ms Julia M.K. Lau | - being a member of HKHA and its Commercial Properties Committee and Tender Committee |
| Professor P.P. Ho | - being a member of the Building Committee of HKHA |
| Mr H.F. Leung | - being a member of the Tender Committee of HKHA |
| Mr K.K. Ling
<i>as Director of Planning</i> | - being a member of the Strategic Planning Committee and the Building Committee of HKHA |
| Ms Bernadette H.H. Linn
<i>as Director of Lands</i> | - being a member of HKHA |
| Miss Charmaine H.W. Wong
<i>as AD(2), HAD</i> | - being the representative of the Director of Home Affairs who was a member of the Strategic Planning Committee and the Subsidised Housing Committee of HKHA |

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| Ms Janice W.M. Lai |] | having current business dealings with HKHA |
| Mr Patrick H.T. Lau |] | and MTRCL |
| Mr Dominic K.K. Lam |] | |
| | | |
| Mr Ivan C.S. Fu | - | having current business dealings with
MTRCL |
| | | |
| Professor S.C. Wong | - | being the Chair Professor and Head of the
Department of Civil Engineering of the
University of Hong Kong, and MTRCL
sponsored some activities of the Department |

81. As the interests of Mr Stanley Y.F. Wong, Professor P.P. Ho, Ms Julia M.K. Lau, Mr K.K. Ling, Miss Charmaine H.W. Wong, Ms Janice W.M. Lai, Mr Patrick H.T. Lau and Mr Dominic K.K. Lam were considered direct, Members agreed that they should be invited to leave the meeting for this item. As Mr Ivan C.S. Fu had no involvement in the representation, Members agreed that he could stay in the meeting. Members also noted that Mr H.F. Leung, Ms Bernadette H.H. Linn and Professor S.C. Wong had not yet arrived to join the meeting.

[Mr Stanley Y.F. Wong, Professor P.P. Ho, Ms Julia M.K. Lau, Mr K.K. Ling, Mr Dominic K.K. Lam, Mr Ivan C.S. Fu and Mr David Y.T. Lui left the meeting temporarily, and Miss Charmaine H.W. Wong, Ms Janice W.M. Lai and Mr Patrick H.T. Lau left the meeting at this point.]

Presentation and Question Sessions

82. The following representatives of the Planning Department (PlanD) and the Housing Department (HD) were invited to the meeting at this point:

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| Ms Jessica Y.C. Ho | - | District Planning Officer/Tuen Mun and Yuen
Long West (DPO/TM&YLW), PlanD |
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- Mr K.C. Kan - Senior Town Planner/Tuen Mun 2 (STP/TM2),
PlanD
- Mrs Connie S.W. Lai - Chief Planning Officer 1 (CPO1), HD
- Mr W.K. Hong - Senior Civil Engineer 6 (SCE6), HD
- Ms Winnie W.Y. Chan - Planning Officer 14 (PO14), HD
- Ms Peggy P.T. Ng - Architect 33 (A33), HD

83. The Chairman extended a welcome and said that reasonable notice had been given to the representers and commenters inviting them to the hearing. However, no representer or commenter had indicated that they would attend the meeting. Members agreed to proceed with the consideration of the representations and comments in the absence of the representers and commenters.

84. The Chairman then invited DPO to brief Members on the background of the representations.

85. Mr K.C. Kan, STP/TM1, said that there was a typo in the table in paragraph 6.3 of the Paper. The 'Gross Site Area' should be 'About 5.67 ha' instead of 'About 5.47 ha'. With the aid of a Powerpoint presentation, Mr Kan made the following main points as detailed in the Paper:

Background

- (a) on 31.10.2014, the draft Ping Shan OZP No. S/YL-PS/15 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The amendment involved the rezoning of a site to the west of Long Ping Estate (the Site) in Wang Chau from "Green Belt" ("GB") to "Residential (Group A)4" ("R(A)4") (Amendment Item A) with a plot ratio restriction of 6 and a building height restriction of 135mPD for public housing development, and corresponding amendments to the Notes

for the “R(A)4” zone;

- (b) during the 2-month exhibition period, a total of 109 representations were received. On 16.1.2015, the representations were published for public comments and, in the first three weeks of the publication period, 2 comments were received;
- (c) on 6.3.2015, the Board decided to consider the representations and comments collectively in one group;

The Representations

- (d) amongst the 109 representations, the representation submitted by the Pat Heung Rural Committee (PHRC) (R1) stated that it had no comment on the draft OZP;
- (e) the representation submitted by MTRCL (R2) stated no objection to the amendment, but raised concern on the potential noise impact from the West Rail on the future occupants of the public housing development;
- (f) 107 representations (R3 to R109) opposed to the amendment. R3 submitted by World Wide Fund for Nature Hong Kong (WWF-HK) raised concern that trees within the Site might be affected and no tree survey and ecological impact assessment had been conducted. R4 submitted by an individual stated that brownfield area should be developed instead. The remaining 105 representations (R5 to R109) submitted by Shui Pin Tsuen Village Committee and related persons in one letter stated that an ancestral grave within the Site would be affected;

Grounds and Proposals of Representations and Responses

- (g) the main grounds and proposals of the representations and the responses to the grounds and proposals were summarised as follows:

Railway Noise (R2)

- (i) the Site was adjacent to the West Rail Line and noise from rail operations could be of concern to future occupants;
- (ii) the potential noise impact from the West Rail should be assessed and appropriate mitigation measures should be implemented at the own cost of HKHA to the satisfaction of the Environmental Protection Department (EPD). Related development requirements should be imposed through planning briefs, statutory plans and/or land administration documents;

Responses

- the view of R2 in respect of the noise impact of the West Rail was noted;
- HD advised that the possible rail and road traffic noise impact could be addressed by noise mitigation measures, including careful planning of building layout with regard to setback, orientation and disposition of building blocks; use of special building design like single-aspect block and/or podium design; and use of noise barrier, structural fin, fixed glazing, acoustic windows and/or low noise road surfacing. A noise assessment study would be carried out at the detailed design stage;

Impact on Trees (R3)

- (iii) some trees and vegetation were found within the Site which was connected to the adjoining “GB” and “Conservation Area” (“CA”) zones, but there was no tree survey and ecological impact assessment (EcoIA).

- (iv) tree survey and assessment on important tree species, if any, should be carried out at the Site and its periphery;
- (v) an area with vegetation to the southwest of a “CA” zone should be excluded from the Site;

Responses

- preliminary tree survey conducted in the Planning and Engineering Study for the Public Housing Site and Yuen Long Industrial Estate Extension at Wang Chau (the Wang Chau Study) before the rezoning revealed that the tree species within the Site ranged from common to very common. There were no rare tree species and no registered Old and Valuable Trees (OVTs) identified within or in the immediate vicinity of the Site;
- a detailed tree survey would be conducted by the Civil Engineering and Development Department (CEDD) before site formation works, and approval from relevant authorities would be sought if transplanting or felling of trees was required. Tree preservation and compensatory planting proposal would be required for the proposed development under the Development Bureau (DEVB)’s Technical Circular (Works) No. 10/2013 for government projects. The requirement for submission of tree preservation proposal and landscaping proposal/landscape master plan, where appropriate, would be incorporated into the planning brief;
- ecological field survey and tree survey conducted under the Wang Chau Study indicated that there was no floral and faunal species of conservation interest recorded within the Site (including the area proposed to be excluded by R3) and the proposed development would not result in the direct loss

of areas of habitat that were of high ecological significance;

- although there was a small patch of secondary woodland of moderate ecological value at the northern tip of the Site, avoidance or minimisation of woodland loss by appropriate development layout and provision of compensatory planting could be considered during detailed design stage;

Not Making Use of Brownfield Area (R4)

- (vi) the Government recommended earlier using the brownfield area at Wang Chau, which was currently use as recycling stations, for public housing development. However, due to strong opposition from local villagers, development on “GB” site was proposed instead. The proposal provided fewer public housing units, increased the cost and delayed the completion of the public housing. It was more cost-effective to develop brownfield area;
- (vii) the industrial area (i.e. brownfield area) in Wang Chau should be rezoned to “R(A)”;

Responses

- better utilisation of brownfield sites was one of the options for land supply. However, the area proposed for rezoning by R4 was occupied by a large number of industrial establishments. Development of those brownfield sites would require careful consideration of how to minimise the impacts on the existing community. Detailed planning and public consultation would be required before any rezoning exercise;

Affecting Ancestral Graves (R5 to R109)

- (viii) the ancestral graves of Shui Pin Tsuen would be affected, in particular, a some 700-year grave within the Site needed to be relocated;
- (ix) the OZP should be revised so as to avoid affecting the ancestral graves of Shui Pin Tsuen, in particular the said grave;

Responses

- CEDD and HD advised that the alignment of the proposed public access road within the Site had been revised so that clearance of the ancestral grave as pointed out by the representers was not necessary. HD also advised that impacts on other existing graves, if any, would be minimised as far as practicable in the detailed design stage;
- since the land use zoning on the OZP was broad-brush in nature and the proposed development was still subject to detailed design taking into account the graves, it was inappropriate and unnecessary to revise the OZP to avoid the graves as suggested by the representers;

Comments on Representations

- (h) The comment submitted by Designing Hong Kong Limited (DHKL) (C1) supported R3 and raised concerns on the rezoning of “GB” for development. The comment submitted by an individual (C2) considered that R5 to R109 were made solely for protecting the benefits of the local villagers and had not put forward any specific proposal on brownfield development in Hong Kong as a whole;

Grounds and Proposals of Commenters and Responses

- (i) the main grounds and proposals of the commenters and the responses to the grounds and proposals were summarised as follows:

Adverse implications of rezoning of “GB” (C1)

- (i) rezoning of “GB” for development was contrary to the planning intention of the “GB” zone.
- (ii) “GB” area played an important role as a buffer zone for sustainable urban planning and offered landscape and social values. Approval of the OZP would set a precedent that threatened all “GB” areas and areas zoned for conservation uses;
- (iii) there was dense vegetation in the northern part of the Site, which was well connected with the “GB” zone;
- (iv) public consultation on rezoning “GB” as a whole and thorough assessments on ecology, environment, traffic, noise, air ventilation, landscape and geotechnical impacts should be conducted; alternative sites should be put forward for consideration; and tree preservation proposal should be submitted before approving works on the Site;

Responses

- rezoning “GB” sites was one of the measures of the multi-pronged land supply approach to meet housing and other development needs. The Stage 2 “GB” review covered those sites which were located at the fringe of urban or new development areas with a relatively low buffer or conservation value, including those sites which were close to existing developed areas or public roads;

- the Site comprised largely disturbed area and was adjacent to a developed area at the urban fringe with access. It was considered suitable for residential development.
- in processing the subject zoning amendment, PlanD had followed the established public consultation procedures including both statutory and administrative ones;

Brownfield Sites (C2)

- (v) R5 to R109 were made solely for protecting the benefits of the local villagers, and had not put forward any specific proposal on brownfield development in Hong Kong as a whole;

Response

- the comment of C2 was noted;

PlanD's Views

- (j) PlanD noted the views of representations R1 and R2 and the request of R2; and
- (k) PlanD did not support R3 to R109 and considered that no amendment should be made to the OZP to meet the representations.

86. As the presentation of Mr Kan had been completed, the Chairman invited questions from Members.

87. The Chairman asked, while clearance of the ancestral grave as pointed out by the representers (R5 to R109) was not necessary according to the latest development layout from HD, whether any building blocks or construction works of the future public housing project would be close to that ancestral grave. In response, Mr Kan said that based on the revised conceptual layout of the project from HD as shown in the Powerpoint, the indicative

alignment of the internal road had been revised such that the road would be on the northern side of the ancestral grave and the grave would remain in its existing location.

88. The Chairman asked whether the proposed public housing project would require the carrying out of any noise mitigation measures at the cost of MTRCL (R2) to alleviate the railway noise from the adjacent West Rail Line. In response, Mr Kan said that as a general rule, development at a later time should take into account and deal with all the constraints posed by the existing or preceding developments. HD would take into account the noise impact of the West Rail in designing the project and suitable noise mitigation measures would be incorporated by HD at its own cost.

89. The Chairman said that in general the mitigation of railway noise would better be done at source. He asked if the provision of noise mitigation measures in the project itself could meet the relevant noise compliance requirements, which was also a concern of MTRCL. In response, Mr W.K. Hong, SCE6, HD, said that they were aware of the railway noise impact on their project whilst HD had ample experience in implementing public housing projects near railway lines. The potential railway noise could be mitigated by way of the development layout and building orientations, e.g. housing blocks with single-aspect design. In that regard, it was not necessary for MTRCL to provide any noise mitigation measures at source.

90. In response to a Member's enquiry on why the conceptual layout of the project shown in DPO's Powerpoint and that shown in Drawing H-2 of the Paper were different, Mr Kan said that the one shown in the Powerpoint was the latest layout proposed by HD while the one in Drawing H-2 was submitted by the representers (R5 to R109) based on the original layout that was used in the consultation with YLDC in June 2014 by HD. As the road alignment in the original layout would affect the ancestral grave of the villagers, they raised objection to the layout. Noting the concerns of the villagers, HD had subsequently revised the conceptual layout to avoid the ancestral grave, and the revised layout was the one currently shown in the Powerpoint.

91. With reference to the revised conceptual layout, the same Member asked whether it was possible, without affecting the gross floor area and number of flats, to exclude a triangular area to the north of the proposed internal road at the north-western part of the Site

and another triangular area near the third proposed building block at the north-eastern part of the Site from the housing site and maintain the function of those areas as “GB”. In response, Mrs Connie S.W. Lai, CPO1, HD, said that if the two areas were excluded from the housing site, the overall site area of the project would decrease, which would result in the reduction of the total domestic gross floor area and total number of housing units provided by the project.

92. The Chairman asked the Member if it was acceptable for including the two said areas into the housing site but designating them as non-building areas for passive recreational use with their existing vegetation maintained. Mrs Lai said that HD could take into account the Member’s concern on tree preservation in the detailed design of the project. Mr Hong supplemented that for the triangular area at the north-western part of the Site, there was a level difference between that area and its adjoining areas zoned “GB”. In the design of the site formation works by CEDD, a retaining structure was proposed in that area. If trees in that area were affected by site formation works necessitating them to be felled or transplanted, the Government’s administrative procedure for compensatory tree planting or transplanting would be strictly followed. In general, the housing projects carried out by HD could achieve a good greening ratio of about 30%. HD would make its best endeavour to provide adequate greening for the Site.

93. In response, the Member said that compensatory tree planting should be the last resort in tree preservation and trees should be retained as far as possible. It was hoped that the integrity of the “GB” zone could be maintained by excluding the two areas from the housing site. While the need for increasing housing supply was acknowledged, HD might consider alternative design options, e.g. reducing the number of proposed building blocks from 10 to 9, so as to free up more land space for tree preservation, if possible. In response, Mr Hong said that HD had yet to work out a detailed development layout and the number of blocks to be built was yet to determine. According to the preliminary tree survey previously conducted, trees in that triangular area at the north-western part of the Site were common species. Nevertheless, he would convey the Member’s concern on tree preservation to CEDD so as to avoid those trees in that area as far as possible when designing the site formation works for the Site.

94. A Member asked if site formation works would extend beyond the boundary of the Site and if the construction of massive retaining walls would be involved. In response,

Mr Hong said that all works would be confined within the Site. There would be some retaining structures of around 1m to 7m high at the northern boundary of the Site.

95. In response to the Chairman's request, Mr Hong confirmed that HD would make the best endeavour at the detailed design stage to minimise the extent of the site formation works within the Site and the disturbance to the existing trees in that area.

96. By referring to Plan H-3 of the Paper, Mr Kan drew Members attention that the concerned triangular area at the north-eastern part of the Site was a paved ground currently used as a car park and it was not covered with vegetation. As regards the other concerned triangular area at the north-western part of the Site, the area had been an orchard as indicated in the Wang Chau Study and there were some fruit trees in that location.

97. A Member said that if the land in some parts of the Site were not intended for development, they should not be included into the Site for plot ratio calculation. In response, Mr Kan said that the boundary of the "R(A)4" zone for the Site was drawn up taking into account a number of factors, including the topography, the current land uses and the results of the technical assessments of the Wang Chau Study. It was considered that the current zoning boundary was appropriate. AFCD had been consulted and there were no habitats of high ecological importance or registered Old and Valuable Trees within the zone. PlanD would also ensure that the subject public housing project would not be extended beyond the boundary of the "R(A)4" zone.

98. As Members had no further questions, the Chairman thanked the government representatives for attending the meeting. They left the meeting at this point.

Deliberation Session

99. Members noted and agreed with the responses to the grounds and proposals of the representations and comments as detailed in paragraphs 6.5 to 6.21 of the Paper.

100. After deliberation, the Board agreed to note the views of Representation No. R1.

101. The Board also agreed to note the views and request of Representation No. R2, and to advise R2 that the Housing Department would duly assess the possible noise impact of the West Rail on the proposed development and implement suitable noise mitigation measures at detailed design stage.

102. The Board decided not to uphold Representations No. R3 to R109 and considered that the Plan should not be amended to meet the representations. Members then went through the reasons for not upholding the representations in paragraph 8.3 of the Paper and considered that they were appropriate. The reasons were:

“ R3 to R109

- (a) the representation site which comprises largely disturbed area adjacent to a developed area at urban fringe is considered suitable for housing development to meet pressing housing demand. Preliminary technical assessments have been conducted to demonstrate that there is no insurmountable problem for public housing development at the site;

R3

- (b) preliminary tree survey has been conducted and there is no rare tree species recorded in the representation site nor registered Old and Valuable Trees identified within or in the immediate vicinity of the representation site. Ecological field survey has also indicated that the representation site does not have high ecological value;

- (c) the submission and implementation of tree preservation proposal would be required under the Planning Brief. Exclusion of the vegetated area from the representation site is considered unnecessary;

R4

- (d) better utilisation of brownfield sites is one of the land supply options under the multi-pronged approach. To use the brownfield area in Wang Chau for residential development requires further detailed planning and

public consultation. It is therefore considered premature to rezone the area at this stage; and

R5 to R109

- (e) the land use zoning on the Outline Zoning Plan is broad-brush in nature and effort will be made to avoid the graves or minimise the impacts on them at detailed design stage. It is considered inappropriate to revise the zoning boundary to avoid the graves within the representation site.”

103. The meeting was adjourned for lunch break at 12:55 p.m.

104. The meeting was resumed at 2:20 p.m.

105. The following Members and the Secretary were present at the resumed meeting:

Mr Thomas T.M. Chow

Chairman

Mr Stanley Y.F. Wong

Vice-chairman

Mr Roger K.H. Luk

Professor S.C. Wong

Professor P.P. Ho

Ms Julia M.K. Lau

Ms Bonnie J.Y. Chan

Professor K.C. Chau

Mr H.W. Cheung

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Mr Lincoln L.H. Huang

Mr Dominic K.K. Lam

Ms Christina M. Lee

Mr. H.F. Leung

Mr Stephen H.B. Yau

Mr. F.C. Chan

Mr David Y.T. Lui

Mr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Dr Lawrence W.C. Poon

Director of Lands
Ms Bernadette H.H. Linn

Deputy Director of Environmental Protection
Mr C.W Tse

Director of Planning
Mr K.K. Ling

Hong Kong District

Agenda Item 8

[Open Meeting]

Review of Application No. A/H12/28

House (Proposed Vehicular Access) in “Green Belt” zone, Government Land to the north of 17 Bowen Road, Mid-Levels East

(TPB Paper No. 9892)

[The meeting was conducted in Cantonese]

Presentation and Question Sessions

106. The following members had declared interests in the item:

- | | | |
|---------------------|---|--|
| Mr Laurence L.J. Li | - | spouse owning a flat in Kennedy Road |
| Mr Patrick H.T. Lau | - | having business dealings with Lanbase Surveyors Ltd. and Ove Arup & Partners Hong Kong Ltd., consultants of the applicant, as well as being a member of the Board of Directorship of Earthasia Ltd., a consultant of the applicant |
| Mr Dominic K.K. Lam | - | having business dealings with Earthasia Ltd. and Ove Arup & Partners Hong Kong Ltd., consultants of the applicant |
| Mr Ivan C.S. Fu | - | having business dealings with Ove Arup & Partners Hong Kong Ltd., a consultant of the applicant |
| Professor S.C. Wong | - | being traffic consultant and Director of |

the Institute of Transport Studies of which some activities of the Institute were sponsored by Ove Arup & Partners Hong Kong Ltd., a consultant of the applicant

107. As Mr Patrick H.T. Lau was a director of a consultant of the applicant, his interest was direct. Members noted that Mr Lau had already left the meeting and agreed that as Professor S.C. Wong's interest was indirect, he should be allowed to stay in the meeting. As Mr Dominic K.K. Lam and Mr Ivan C.S. Fu did not have direct involvement in the case, Members agreed that Mr Lam and Mr Fu should be allowed to stay in the meeting. Members also noted that Mr Laurence L.J. Li had already left the meeting.

108. The following representatives of the Planning Department (PlanD) and the applicant were invited to the meeting:

Ms Ginger K.Y. Kiang	-	District Planning Officer/Hong Kong (DPO/HK), PlanD
Mr Derek P.K. Tse	-	Senior Town Planner/Hong Kong 5 (STP/HK5), PlanD
Mr Chase Ng]	
Mr Eric Wong]	
Ms Livia Wong]	Applicant's representatives
Mr C.K. Chan]	
Mr Anson Lee]	

109. The Chairman extended a welcome and explained the procedure of the review hearing. He then invited STP/HK5, PlanD to brief Members on the application.

110. With the aid of a Powerpoint presentation, Mr Derek P.K. Tse, STP/HK5,

PlanD presented the application and covered the following main points as detailed in the Paper:

The Site and its surrounding area

- (a) the application site (the Site) was government land located between Bowen Road and a house lot at 17 Bowen Road on a natural slope with steep gradient. A right-of-way (ROW) comprised a series of staircase and a winding footpath leading uphill from Bowen Road was provided as the only pedestrian access to the house lot. The owner of the lot had obtained a short-term tenancy (STT) from the Lands Department (LandsD) to use the garage abutting Bowen Road to serve their parking needs;

- (b) the surrounding areas had the following characteristics:
 - (i) Bowen Road consisted of a section of sub-standard vehicular access of about 3 m to 4 m wide to the west of the site and a bridge section of about 2.8 m wide to the east. The bridge section was a declared monument, namely The 21-Arch Section of the Bowen Aqueduct (the Aqueduct). No proper pedestrian pavement was provided along Bowen Road;

 - (ii) the southern side of Bowen Road was covered with natural and formed slopes with dense vegetation, providing pleasant green views to the vicinity; and

 - (iii) it was a neighbourhood of tranquil environment with scattered low-rise and low-density residential developments;

The applicant's proposal

- (c) the applicant proposed to erect a new vehicular access which was 6

m wide, 280 m long covering an area of about 1,700 m² with a level difference of 24 m from Bowen Road at 120 mPD to the house at 144 mPD. The proposed vehicular access fell within an area zoned “Green Belt” (“GB”) on the approved Mid-levels East Outline Zoning Plan (OZP) No. S/H12/12;

[Mr H.F. Leung arrived to join the meeting at this point.]

- (d) on 12.9.2014, the Metro Planning Committee (MPC) of the Town Planning Board (the Board) decided to reject the application and the reasons were:
 - (i) the proposed vehicular access was not in line with the planning intention of the “GB” zone. There was no strong justification for a departure from the planning intention;
 - (ii) part of the proposed vehicular access might encroach onto the location of the adjoining declared monument. There was insufficient information to demonstrate that the proposal would not have adverse impacts on the declared monument;
 - (iii) there was insufficient information to demonstrate that the proposed vehicular access would not affect the use of Bowen Road by pedestrians;
 - (iv) the proposed vehicular access did not meet Town Planning Board Guidelines No.10 for ‘Application for Development within the “GB” Zone’ in that the proposal involved extensive clearance of existing natural vegetation, the scale of the proposed vehicular access was excessive and there was insufficient information to demonstrate that the proposal would not have adverse environmental effects; and

- (v) the approval of the application would set an undesirable precedent for other similar development applications within the “GB” zone. The cumulative effect of approving such proposals would result in a general degradation of the environment in the area.

Applicant’s justifications

- (e) the justifications put forth by the applicant in support of the review application were summarized as follows:
 - (i) the lack of a vehicular access had affected the provision of a barrier free access to the lot and had caused inconvenience and danger to the residents and visitors. Lives of the residents would be at stake in case of emergency;
 - (ii) development in the “GB” zone was not absolutely prohibited. Similar applications in the Mid-levels East OZP and The Peak Area OZP were granted by the Board in recent years. The approval of the subject application would not set an undesirable precedent for similar development as the subject lot was the last one that required a vehicular access to improve its accessibility;
 - (iii) the construction works of the proposed vehicular access would not affect the declared monument. Submissions to the Antiquities and Monuments Office (AMO) would be made, if required. In addition, the project would be subject to control under the Environmental Impact Assessment Ordinance (EIAO) and an Environmental Permit (EP) would be required if the project was confirmed to be a Designated Project (DP);
 - (iv) approval of the proposed vehicular access would not generate

adverse traffic impact to Bowen Road as the proposal would result in the reduction of two car parking spaces upon return of the existing garage under STT to the Government. This might also be a good chance to improve the road by converting the garage into a lay-by to ease traffic congestion at Bowen Road if the Government considered that appropriate;

- (v) approval of the proposed vehicular access would only increase the vehicular accessible section of Bowen Road by about 10 m long. The applicant would also maintain Bowen Road as an unobstructed pedestrian cum vehicular path by carrying out temporary traffic management measures during the construction stage of the proposed vehicular access; and
- (vi) minimum tree felling principle had been adopted. The number of trees affected was reduced to 108, and a total of 76 compensatory trees had been proposed;

Major departmental comments

Transport Department

- (f) they objected to the review application as the applicant had not properly addressed their concern on the envisaged interface issue between pedestrians and vehicles on Bowen Road at the operational stage and the conversion of the garage into a lay-by was not related to the interface issue;

Highways Department

- (g) impacts of the proposed works on the existing slope features and slope protection facilities would be examined by the relevant department upon submission of detailed design;

- (h) it was not clear if the proposed works would have an impact on the Aqueduct;

Lands Department (LandsD)

- (i) to use the garage as a lay-by or compensatory tree planting would contravene the purpose of the STT and was thus not acceptable;

AMO

- (j) while the impact on the Aqueduct could not be evaluated to the full extent, indirect impacts such as vibration, settlements and tilting during construction would likely affect the monument;
- (k) assessment on the possible impacts on the monument was required. Under the Antiquities and Monuments Ordinance, no person should deface, obstruct or interfere with a declared monument;

Urban Design and Landscape Section, PlanD

- (l) the visual impact of the proposal remained uncertain;
- (m) there was no landscape merit. 108 trees out of the 165 trees surveyed (about 66%) would be felled, which was excessive and would significantly change the existing landscape character and resources of the “GB” zone;
- (n) the quality and quantity of the compensatory trees were far below standard. The significant adverse landscape impact could not be fully mitigated;
- (o) compensatory trees planted off-site could not compensate the loss of

greenery nor mitigate the significant adverse landscape impact;

Water Supplies Department

- (p) they had concerns on the impacts of the proposal on the structural integrity of the aqueduct and the water mains;

Agriculture, Fisheries and Conservation Department

- (q) they had reservation on the application as a total of 108 trees of diverse species would be affected;

Leisure and Cultural Services Department

- (r) the application was not supported. For some of the proposed sites for 54 compensatory trees, they had been reserved for other projects whereas for the rest, the trees would not blend in well with the existing landscape design and meet the venue operation need;

Environmental Protection Department

- (s) there were inadequacies in the environmental assessments and it was premature at this stage to conclude that no unacceptable or insurmountable environmental impact from the proposed vehicular access was anticipated;
- (t) other relevant government departments had no further comments on the review application and maintained their previous views on the section 16 application;

Public comments

- (u) a total of 757 objections were received during the first three weeks of

the statutory public inspection periods for the review application and the further information. Among all, 704 comments were in the form of eight standard letters ;

- (v) the objections/concerns were mainly on grounds that approving the application would set an undesirable precedent for similar application; violate the planning intention of the “GB” zone; reduce public space for public enjoyment; and involve other concerns on traffic, environment, landscape, visual, heritage and nature conservation, slope safety, etc.;

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

PlanD's Views

- (w) PlanD did not support the review application based on the planning consideration and assessments in paragraph 7 of the Paper and summarized below:
 - (i) there had been no change in the planning circumstances since the consideration of the application by the MPC;
 - (ii) the applicant had not provided further technical assessments to address departmental comments;

Planning Intention

- (iii) the Site was a piece of government land zoned “GB” and densely covered with natural vegetation. There was a general presumption against development in the “GB” zone. The proposed vehicular access as an ancillary facility to a house was not in line with the planning intention;

- (iv) there was no strong planning justification to utilize that piece of government land for private purpose;

Possible impacts on the declared monument

- (v) AMO advised that under section 6(1) of the Antiquities and Monuments Ordinance, no person should deface, obstruct or interfere with a declared monument. As the applicant had not provided further information on the design of the proposed vehicular access and the interface of the monument, AMO reiterated that the impact on the monument could not be fully evaluated;

Water Supplies Department also maintained their concerns on the impacts of the proposed vehicular access on the structural integrity of the aqueduct and the existing and proposed water mains falling within the aqueduct boundary;

Interface between pedestrians and vehicular traffic on Bowen Road

- (vi) no details regarding the traffic impacts of the proposed road and measures to maintain Bowen Road as an unobstructed pedestrian and vehicular path during construction were provided;

Tree felling

- (vii) the applicant reiterated in the written representation that 108 trees would be felled but no further proposal was submitted to show how the adverse impacts could be mitigated;

Precedent effect

- (viii) approval of the application would set an undesirable precedent for other similar applications within the “GB” zone. The cumulative effect of approving such similar applications would result in a general degradation of the natural environment and the general amenity of the area; and
- (ix) similar applications were approved as they were mainly related to upgrading of existing access and/or without departmental objection on technical aspects.

111. The Chairman then invited the applicant’s representatives to elaborate on the review application. With the aid of a Powerpoint presentation, Mr C.K. Chan, Mr Eric Wong and Ms Livia Wong made the following main points:

Responses to rejection reasons

Not in line with the planning intention of the “GB” zone

- (a) there were previously approved vehicular access within the “GB” zone, and the current proposal should not be regarded as not being in line with the planning intention;

Adverse impacts on the declared monument

- (b) the proposed vehicular access was to replace the existing ROW, which would be surrendered to the Government upon completion of the proposed vehicular access;
- (c) the proposed vehicular access would not structurally rely on the Aqueduct for support. As the proposed vehicular access was not designed for heavy vehicles, it would only be a light-weight structure with small columns. After re-examination, only about 15 m of the

access road would be connected to the Aqueduct with expansion joints;

- (d) precautionary measures would be provided for AMO's consideration and heritage impact assessment would be carried out if needed to address the indirect concerns on vibration, settlements and tilting by the construction;
- (e) the monument would not be adversely affected as the applicant had to comply with all statutory requirements, such as EIAO, before commencement of work;

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

Adverse impacts on the use of Bowen Road by pedestrians

- (f) Bowen Road had all along been used by both vehicles and pedestrians. Even for the restricted section, it was used by construction trucks. There would be no new vehicle/pedestrian interface issue arising from the proposed access road;
- (g) Bowen Road would only be extended by 15 m. The extension was insignificant as compared with the whole Bowen Road Fitness Trail, which was about 3.5 km long;
- (h) a minimum of 2.5 m wide pedestrian access would be maintained to maintain Bowen Road as an unobstructed pedestrian cum vehicular path during construction;

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

Involving extensive clearance of existing natural vegetation

- (i) tree felling was inevitable. Although 108 trees would be felled, they were common species. After studying the Site again, a total of 46 compensatory trees would be provided within the Site and the nearby government land, including the area at the garage under STT and the ROW;

Setting undesirable precedent for other similar development applications within the "GB" zone

- (j) the Site was the last private lot in the area requiring a vehicular access. 12C, 15 and 16 Bowen Road were all served by their own access roads and parking spaces;

Justifications

- (k) there was a level difference of 24 m between Bowen Road and the house concerned. The existing ROW was a series of staircases and a sub-standard winding path linking up the garage 70 m away from the house. It was particularly dangerous to walk on the ROW in rainy days and the lives of residents were at stake in case of emergency. The applicant had applied for a vehicular access for over 20 years. The need was genuine;
- (l) with the approval of the application, the existing ROW and the garage under STT would be surrendered to the Government. The ROW would be reinstated to a natural slope planted with compensatory trees and the site for the garage could be used as a lay-by if the Government considered it appropriate;
- (m) with the surrender of the garage, the number of parking spaces for the house would be decreased from four to two. No adverse traffic impacts as alleged by the Government would be caused;

- (n) the whole access road would be landscaped on both sides, grass grid paving would be used and climbers would be provided on the columns for greening purposes;
- (o) the Government might have a legal obligation to provide a ROW appropriate for the mode of transportation at the time for the entire term of the lease concerned as an implied covenant under the lease;

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

Alternative proposal

- (p) it was originally considered that a 6 m wide vehicular access might be welcome by government departments as it could also serve as an EVA. In view of the departmental preference for an access road no wider than Bowen Road, an alternative access road of 3.5 m wide for cars was proposed;
- (q) under the alternative proposal, widening and extension of the vehicular accessible section of Bowen Road would not be required, and the impact on the monument would be avoided and fewer trees would be affected; and

Request

- (r) if Members decided to reject the application based on the circumstances of the case, he still hoped that Members could agree in principle to the need for a vehicular access to the house in question.

112. As the presentation of the applicant's representatives was completed, the Chairman invited questions from Members.

113. In response to the question of the Chairman if the alternative provision of a

3.5 m access road had previously been suggested before the meeting so that departmental and public comments could be sought, Ms Ginger K.Y. Kiang, DPO/HK, said that the revised proposal was submitted at the meeting for the first time.

114. In response to two Members and the Chairman's questions about the ROW, ownership and the STT, Mr C.K. Chan said that the ROW was granted together with the lease of the house while the STT for the garage was granted to the owner subsequently. The current owner who acquired the property in 1977 was not the original owner. If the proposal was acceptable to Members, the garage of the house would be returned, not surrendered as he previously claimed, to the Government. Instead of requiring four parking spaces, only two car parks would be provided within the lot under the proposal. The hammerhead for emergency vehicles as shown on the proposed layout of the 6 m access road would not be required under the 3.5 m option and hence fewer trees would be affected.

Design of the access road

115. Regarding the design of the proposed access road, two other Members and the Chairman raised the following questions:

- (a) whether the columns of the access road would be in front of the Aqueduct if viewed from the harbour;
- (b) Bowen Road was at 120 mPD and the access road would climb from 120 mPD to an area near the house at 151 mPD. To handle the level difference, whether a 7 m high retaining wall for the section of the proposed access road running parallel to the Aqueduct, a 15 m high column at the turn of the road before running further south towards the house and a retaining wall of 10 m high before reaching the house were required; and
- (c) whether the Aqueduct would be touched upon in the construction of the access road, how compliance of the EIAO, if it was required,

was a relevant supporting consideration in the current case since that would be required by law if the proposal was a Designated Project under the Ordinance.

116. In response, Mr C.K. Chan said that most parts of the access road would be behind the Aqueduct if viewed from the harbour except for a small section supported by three columns before the access road climbed uphill towards the house. Mr Eric Wong said that the use of columns for the access road was inevitable as the road was to be built on slopes, otherwise extensive excavation would be involved. Mr Eric Wong also admitted that some columns would be taller than 3-5 m as he previously claimed and the one at the turn of the road would be about 15 m tall. Mr C.K. Chan said that although there would be columns, the access road would be shielded by trees on the north. In order to build the access road, Mr Eric Wong said that expansion joint would be used to link up the access road with the Aqueduct. However, the access road would be structurally independent of the Aqueduct. Mr C.K. Chan said that compliance with EIAO was a prerequisite for construction of the access road. There would be no commencement of works before clearance of the EIAO requirements, where applicable, to address AMO's concerns.

Precedent and the use of ROW

117. The Vice-chairman asked if there were any changes in circumstances which warranted the return of the garage under STT and the provision of another ROW. It was not uncommon for houses to have no direct vehicular access in the New Territories and whether the approval of the subject application in the "GB" zone would set an undesirable precedent for similar applications in the territory. In response, Mr C.K. Chan said that the circumstances of the Site were very different from those some 90 years ago. There were no cars 90 years ago. The Government had an obligation to provide an ROW which was commensurate with the development in transportation. Otherwise, it would constitute a breach of the lease conditions. The STT for garage use had not provided the owner with a direct access to the house. Currently, people still had to use the substandard ROW to access the house. Whether approval of the application would set a precedent for cases in the New Territories depended on whether

there was a ROW clause under the lease. If there was such a clause, it was imperative for the Government to provide an appropriate ROW. In response to the Chairman's question of whether there was any similar application within the same "GB" zone in the area, Ms Ginger K.Y. Kiang said that an application for an access road, garden and staircase use at 16 Bowen Road in the same "GB" zone had been approved in 2008 and 2014 based on the considerations that the garden in which the access road was to be built on formed land had been in existence before gazettal of the OZP and the number of trees affected was small.

118. A Member noted that a 3.5 m wide vehicular access would not allow passage of fire engines and considered that the original ROW might still be required for fire fighting purposes. The Member also asked whether the owner could request the Government to provide a vehicular ROW when such had not been stipulated in the lease. In response, Mr C.K. Chan said that even the original 6 m access road was not designed for fire engines but for ambulances only. The current ROW was not suitable for fire fighting purposes anyhow, and it would be returned to the Government upon approval of the application and completion of the proposed access road. For ROW which had not been specified for vehicles or pedestrians, the lessee was entitled to a ROW for both purposes. If the ROW was for pedestrians only, it would be so specified in the lease.

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

Vehicle and pedestrian interface

119. The Chairman noted that 15 m of the restricted section of Bowen Road would be used for the proposed access road and asked why vehicle and pedestrian interface would not be an issue as claimed by Mr C.K. Chan, noting that the use of that section currently by construction trucks was only on a temporary basis. In response, Mr C.K. Chan confessed that it would be an issue but the issue was not significant taking into account the short length of only 15 m.

120. As Members had no further questions, the Chairman informed that the hearing procedures for the review applications had been completed. The Board would

further deliberate on the review applications in the absence of the applicant's representatives and inform the applicant of the Board's decision in due course. The Chairman thanked DPO/HK, PlanD and the applicant's representatives for attending the meeting. They all left the meeting at this point.

Deliberation

121. The Chairman noted and Members agreed that the rejection reasons under the section 16 application were still valid in that the felling of 108 trees arising from the proposal was extensive and that the approval of the application would set an undesirable precedent for similar applications within the "GB" zone. Although the applicant's representative had put forward an alternative proposal of an access road of 3.5 m wide in the meeting, the impact of the proposal had yet to be ascertained. Members also expressed dissatisfaction on the few misleading claims of the applicant's representatives.

122. After deliberation, the Board decided to reject the application on review. Members then went through the reasons for rejection of the review application as stated in paragraph 8.1 of the Paper and considered that they were appropriate. The reasons were:

- “(a) the proposed vehicular access is not in line with the planning intention of the “GB” zone which is primarily for conservation of the existing natural environment amid the built-up areas/at the urban fringe, to safeguard it from encroachment by urban type development, and to provide additional outlets for passive recreational activities. There is a general presumption against development in “GB” zone. There is no strong justification for a departure from the planning intention;

- (b) part of the proposed vehicular access may encroach into the location of the adjoining declared monument. There is insufficient information to demonstrate that the proposal would not have adverse impacts on the declared monument;

- (c) there is insufficient information to demonstrate that the proposed vehicular access would not affect the pedestrians using Bowen Road;
- (d) the proposed vehicular access does not meet TPB Guidelines No.10 for 'Application for Development within "GB" Zone' in that the proposal involves extensive clearance of existing natural vegetation, the scale of the proposed vehicular access is excessive and there is insufficient information to demonstrate that the proposal would not have adverse environmental effects; and
- (e) the approval of the application would set an undesirable precedent for other similar development applications within the "GB" zone. The cumulative effect of approving such proposals will result in a general degradation of the environment in the area."

[Mr Stephen H.B Yau and Mr Dominic K.K. Lam left the meeting while Mr H.W. Cheung left the meeting temporarily at this point.]

Sha Tin, Tai Po & North District

Agenda Item 9 to 14

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-MUP/99

Proposed House (New Territories Exempted House – Small House) in "Agriculture" zone, Lot 452 S.C in D.D. 37, Man Uk Pin Village, Sha Tau Kok

Review of Application No. A/NE-MUP100

Proposed House (New Territories Exempted House – Small House) in "Agriculture" zone, Lot 452 S.D in D.D. 37, Man Uk Pin Village, Sha Tau Kok

Review of Application No. A/NE-MUP101

Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone, Lot 452 S.E in D.D. 37, Man Uk Pin Village, Sha Tau Kok

Review of Application No. A/NE-MUP102

Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone, Lot 452 S.F in D.D. 37, Man Uk Pin Village, Sha Tau Kok

Review of Application No. A/NE-MUP103

Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone, Lot 452 S.G in D.D. 37, Man Uk Pin Village, Sha Tau Kok

Review of Application No. A/NE-MUP/104

Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone, Lot 452 S.H in D.D. 37, Man Uk Pin Village, Sha Tau Kok

(TPB Papers No. 9878, 9879, 9880, 9881, 9882 and 9883)

[The meeting was conducted in Cantonese and English]

123. The Chairman informed Members that since the six review applications under Agenda Items 9 to 14 were similar in nature and the application sites were located in close proximity to one another, the six applications would be considered together.

124. The following representative from the Planning Department (PlanD), the applicant and the applicants’ representative were invited to the meeting at this point:

- | | | |
|-------------------|---|---|
| Mr C.K. Soh | - | District Planning Officer/Shau Tin, Tai Po and North (DPO/STN), PlanD |
| Mr Chung Sai Choy | - | Applicant of Application No. A/NE-MUP/101 (Agenda Item 11) |
| Mr Sandy Chung | - | Applicants’ representative |

125. The Chairman extended a welcome and explained the procedure of the review hearing. He then invited DPO/STN, PlanD to brief Members on the applications.

126. With the aid of a Powerpoint presentation, Mr C.K. Soh, DPO/STN, PlanD, presented the applications and covered the following main points as detailed in the Papers:

Background

- (a) on 18.9.2014, the applicants sought planning permission to build a New Territories Exempted House (Small House) on each of the application sites (the Sites) which fell within an area zoned “Agriculture” (“AGR”) on the approved Man Uk Pin Outline Zoning Plan (OZP) No. S/NE-MUP/11;
- (b) on 14.11.2014, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the applications and the reasons for each of the applications were:
 - (i) the proposed developments was not in line with the planning intention of the “AGR” zone in the Man Uk Pin area which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submissions for a departure from the planning intention; and
 - (ii) land was still available within the “Village Type Development” (“V”) zone of Man Uk Pin Village where land was primarily intended for Small House development.

It was considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructure and services;

The Sites and the surrounding areas

- (c) the Sites were vacant land, occupied by wild grass, located near the “V” zone of Man Uk Pin Village to the northwest and accessible by a local track leading to Sha Tau Kok Road;
- (d) the surrounding areas had the following characteristics:
 - (i) predominantly rural in character where village houses were found to the northwest and active/fallow agricultural land to the east, south and west; and
 - (ii) there was a water course running in a northeast to southwest direction to the east of the Sites;

Applicants’ justifications

- (e) the justifications put forth by the applicants in support of the review applications were summarized as follows:
 - (i) the applicants fully met the eligibility criteria for Small House development. The Sites applied for were not affected by any impending developments, and did not prejudice any future planning or development proposals; and
 - (ii) the RNTPC had taken into account some unfounded adverse public comments received from the green groups and the residents nearby, which included: (1) the proposed Small

House developments were not in line with the planning intention of the “AGR” zone; (2) land was still available within the “V” zone for Small House developments; (3) the proposed developments would result in adverse ecological, environmental and drainage impacts; (4) concerns on vehicular access, fire safety and ‘fung shui’;

Previous/Similar Applications

- (f) there was no previous application for the Sites;
- (g) there were 29 similar applications involving 27 sites (with respect to each of the applications under review) for Small House development within/partly within the same “AGR” zone. Details of the similar applications were summarized as follows:
 - (i) Application No. A/NE-MUP/35, in the vicinity of the Sites, was approved with conditions by the RNTPC on 19.10.2001;
 - (ii) Applications No. A/NE-MUP/106 to 108, also in the vicinity of the Sites, were rejected by the RNTPC on 28.11.2014 mainly for the reasons similar to those of the six applications under review;
 - (iii) the other 20 similar applications involving 18 sites for Small House development within the same “AGR” zone to the west of the “V” zone of Man Uk Pin Village were approved with conditions between 2008 and 2014;

Planning Intention

- (h) the planning intention of the “AGR” zone in Man Uk Pin was primarily to retain and safeguard good quality agricultural

land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes;

Departmental comments

Director of Agriculture, Fisheries and Conservation (DAFC)

- (i) he maintained his previous views on the section 16 applications that he did not support the review applications and considered that agricultural activities in the vicinity of the Sites were active and the Sites had high potential for agricultural rehabilitation;

Commissioner for Transport

- (j) he maintained his views on the section 16 applications that he had reservation on the applications. Small House development should be confined within the “V” zone. Approval of the cases would set an undesirable precedent for similar applications and result in cumulative adverse traffic impact. The application could be tolerated unless they were rejected on other grounds;
- (k) the other relevant government departments consulted had no adverse comments;

Public comments

- (l) during the first three weeks of the statutory public inspection period, four public comments were received. A North District Council (NDC) member supported the application as it could provide convenience to the villagers. The other three public comments from Kadoorie Farm and Botanic Garden Corporation (KFBG), Designing Hong Kong Limited and a local resident objected to the

application mainly on the grounds that the proposals were not in line with the planning intention of the “AGR” zone; there would be reduction of agricultural land and food supply; adverse impacts on the surrounding environment would be resulted; no technical assessments had been submitted by the applicants; and it would set an undesirable precedent for similar applications;

- (m) on 6.2.2015, the further information on the applications was published for public inspection. Three public comments were received during the first three weeks of the statutory public inspection period. The same NDC member supported the applications for the same reason, and the other two comments from KFBBG and a local resident objected to the applications on the grounds similar to those mentioned above;

PlanD's views

- (n) PlanD did not support the review applications based on the planning considerations and assessments summarized below:
 - (i) the proposed Small Houses were not in line with the planning intention of the “AGR” zone. The applicants had not provided convincing planning justifications in the review applications to warrant a departure from the planning intention of the “AGR” zone;
 - (ii) the applicants claimed that the Sites were not good quality agricultural land but suitable for Small House developments. In this regard, DAFC indicated that active agricultural activities were found in the vicinity of the Sites and the Sites had potential for agricultural rehabilitation. He did not support the applications;

- (iii) the total number of outstanding Small House applications for Man Uk Pin Village was 110 while the 10-year Small House demand forecast for the same village was 380. There were still about 3.37 ha of land within the “V” zone sufficient for 134 Small Houses. It would be more appropriate to concentrate Small House development within the “V” zone close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructure and services;
- (iv) while the applicants indicated that land within the “V” zone for Small Houses was difficult to acquire, buying and selling of land was a market decision which was outside the purview of the Board. Besides, indigenous villagers could apply to the Lands Department (LandsD) for Small House grant on government land within the “V” zone;
- (v) the applicants considered that the RNTPC had taken into account some unfounded public comments from the green groups and nearby residents. In this regard, it should be noted that the RNTPC or the Board would consider each planning application based on its individual merits, taking into account the departmental comments as well as the public comments/local views received;
- (vi) the 21 approved applications were mostly located to the west of the Man Uk Pin Village, except Application No. A/NE-MUP/35 with its site partly zoned “V” and partly “AGR”. The Sites, however, were situated to the east of the village and fell entirely within the “AGR” zone. The other three similar applications (No. A/NE-MUP/106 to 108) located to the eastern side of Man Uk Pin Village were all rejected by the RNTPC in 2014; and

- (vii) during the public inspection periods, adverse public comments on the applications were received concerning the planning intention of the “AGR” zone; reduction in agricultural land and food supply; adverse impacts on the surrounding environment; no technical assessments had been submitted; and setting of undesirable precedents for similar applications.

127. The Chairman then invited the applicants’ representative to elaborate on the review application. Mr Sandy Chung made the following main points:

Outstanding Small House Demand

- (a) PlanD advised that there were 110 outstanding Small House applications. His father who had been very involved in village life had contacted all descendents of the village globally and found that 216 male descendents of the indigenous villagers would have the right to build Small Houses, which exceeded PlanD’s estimation of 110;
- (b) PlanD advised that 134 Small Houses could still be built on the 3.37 ha of land available within the “V” zone. However, land within the “V” zone was insufficient to meet the demand of 216 Small Houses;

Land within ‘VE’

- (c) he understood that granting of planning permission was possible for sites within the ‘VE’. Although the Sites were agricultural land, planning permission could be given as they fell within the ‘VE’;

Unfounded allegation

- (d) with respect to the original decisions on the section 16 applications,

the Board's decisions were based on unfounded allegations and that the proposals would adversely affect the village. In fact, building Small Houses would be beneficial to Man Uk Pin Village;

- (e) the validity of the comments from the Kadoorie Farm and Botanic Garden Corporation, Designing Hong Kong Limited and two residents of Man Uk Pin Village, i.e. Mrs Kwong and Mr Selby, was doubtful;
- (f) the proposed developments were not commercial developments, and they were genuine Small Houses for family use. His father had worked very hard to bring up his children who were now in a position to fund the developments themselves. There would be no reselling and the proposed Small Houses were small developments with minimal adverse impact on the environment;
- (g) although the land could be rehabilitated for agricultural use theoretically, it was undesirable to do so. The tenant farmer adjacent to the Sites lived in squatter hut built of corrugated iron with no running water and electricity supply. No one in 2015 would want to live in that condition. Even the sons of the farmer did not want to follow their father's footsteps. The chance of rehabilitating the Sites for agricultural use was small because of the undesirability of that life style; and
- (h) Kadoorie Farm and Botanic Garden Corporation also talked about keeping the Sites for maintaining self-sufficiency in food supply in Hong Kong. However, only 2.5% of Hong Kong's produce was actually grown in Hong Kong. That was well beyond the stage of maintaining food dependency within Hong Kong. Although the Sites could not be used to grow food if the applications were approved, the impact of the proposal on the 2.5% of self-sufficiency in food supply was not significant.

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

128. As the presentation of the applicants' representative was completed, the Chairman invited questions from Members.

129. Ms Bernadette H.H. Linn, Director of Lands (D of Lands), noted from paragraph 4.10 of the Paper that 20 similar applications within the same "AGR" zone to the west of the "V" zone of Man Uk Pin Village were approved and asked DPO/STN, PlanD if there were differences between the conditions of those sites and the Sites. With a plan on the visualizer, Mr C.K. Soh said that both areas to the east and west of the "V" zone were typical rural areas with agricultural land. In considering the applications, the RNTPC noted that most of the approved applications were to the west of the "V" zone and some of them were under construction. RNTPC considered that it would not be appropriate to approve Small House applications to the east of Man Uk Pin Village before all land within the "V" zone and to the west of the "V" zone, which was closer to the village cluster, had been exhausted. On this point, Mr Sandy Chung said that vacant land within the "V" zone was currently not served by vehicular access. Vehicular access to Man Uk Pin Village was traditionally via a road branched off from Sha Tau Kok Road to the east of the village. For the past seven years, access to the west of the "V" zone was made possible by a road branched off from Wo Keng Shan Road leading ultimately to a landfill.

130. Another Member asked if the 110 outstanding Small House applications included sites outside the "V" zone and whether a few years down the road, there would be significant difference between the environment to the east and to the west of the "V" zone. In response, Mr C.K. Soh, DPO/STN said that the 110 Small House applications also involved sites outside the "V" zone as shown on Plan R-2b of the Paper. However, applications on Government land were not indicated. In a few years, when the approved Small Houses were built, the area to the west of Man Uk Pin Village would be more like a built village whilst the area to the east of Man Uk Pin Village would remain as agricultural land. In response to a question by the Chairman, Mr C.K. Soh said that area annotated 'DOM' and 'TS' on Plan R-2a were

temporary structures for domestic purpose.

131. As Members had no further questions, the Chairman informed that the hearing procedures for the review applications had been completed. The Board would further deliberate on the review applications in the absence of the applicant and the applicants' representative and inform the applicants of the Board's decision in due course. The Chairman thanked DPO/STN, PlanD, the applicant and the applicants' representative for attending the meeting. They all left the meeting at this point.

Deliberation

132. The Chairman invited Members to consider whether the applicants had addressed in the review applications RNTPC's concerns as stated in the rejection reasons for the s.16 applications.

133. As there was agricultural land on areas both to the east and to the west of the "V" zone, Ms Bernadette H.H. Linn, D of Lands, asked why only applications to the west were approved. In response, the Secretary said that in considering the applications, the RNTPC considered that Small House applications should be concentrated within the "V" zone and in areas with previous planning permissions. Noting that there was only one application approved to the east of Man Uk Pin Village (Application No. A/NE-MUP/35) due to its particular circumstances, Members of RNTPC considered that no application should be approved in areas to the east of the village for the time being to avoid uncoordinated proliferation of Small Houses.

134. In considering Small House applications, Members generally considered that the intention was to concentrate proposed Small House developments close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructure and services. Members also noted that applications approved in 2008, 2009 and 2011 were further away from the village proper to the west rendering rejection of applications with sites closer to the "V" zone submitted in recent years difficult. As to the east of the "V" zone, only one application had so far been approved. To discourage uncoordinated proliferation, consideration would only be

given to applications close to the village clusters.

135. After deliberation, the Board decided to reject the applications on review. Members then went through the reasons for rejection of the review applications as stated in paragraph 8.1 of the Papers and considered that they were appropriate. The reasons for rejection for each of the applications were:

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone in the Man Uk Pin area which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention; and;
- (b) land is still available within the “Village Type Development” zone of Man Uk Pin Village where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructure and services.”

[Mr Frankie W.C. Yeung left the meeting at this point.]

Agenda Items 15 and 16

[Open meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-TKL/495

Proposed House (New Territories Exempted House – Small House) in “Agriculture” and “Village Type Development” zones, Lot 626 RP in D.D. 82, Lei Uk Tsuen, Ta Kwu Ling

Review of Application No. A/NE-TKL/496

Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone, Lot 626 S.A. in D.D. 82, Lei Uk Tsuen, Ta Kwu Ling

(TPB Papers No. 9884 and 9885)

[The meeting was conducted in Cantonese.]

136. The Chairman informed Members that since the two review applications under Agenda Items 15 and 16 were similar in nature and the application sites were close to each other, the two applications would be considered together.

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

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

Mr K.K. Sit - Applicants' representative

138. The Chairman extended a welcome and explained the procedure of the review hearing. He then invited DPO/STN, PlanD to brief Members on the applications.

139. With the aid of a Powerpoint presentation, Mr C.K. Soh, DPO/STN, PlanD, presented the application and covered the following main points as detailed in the Papers:

Background

- (a) on 31.10.2014, the applicants sought planning permission to build a New Territories Exempted House (Small House) on each of the application sites (the Sites). Application No. A/NE-TKL/495 fell mainly within an area zoned “Agriculture” (“AGR”) with a minor portion within an area zoned “Village Type Development” (“V”) and

A/NE-TKL/496 fell entirely within an “AGR” zone on the approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP) No. S/NE-TKL/14;

- (b) on 12.12.2014, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the applications and the reasons for each of the applications were:
 - (i) the proposed development was not in line with the planning intention of the “AGR” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the current submission for a departure from the planning intention; and
 - (ii) land was still available within the “V” zone of Lei Uk Tsuen where land was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructure and services;

The Sites and the surrounding areas

- (c) the Sites were flat and currently fallow agricultural land falling entirely within the ‘village environs’ (‘VE’) of Lei Uk Tsuen. A minor portion of the Application site No. A/NE-TKL/496 encroached onto an existing footpath;
- (d) the surrounding areas had the following characteristics:

- (i) surrounding the Sites were active and fallow agricultural land, further east/northeast of the Sites were the village proper of the “V” zone of Lei Uk Tsuen;
- (ii) to the southeast of the Site was a wooded area zoned “Green Belt” on the OZP; and
- (iii) to the south was a structure for domestic and storage of agriculture tools and further south was active agricultural land;

Applicants’ justifications

- (e) the justifications put forth by the applicants in support of the review applications were summarized as follows:
 - (i) there were three similar applications, i.e. No. A/NE-TKL/493 (approved with conditions), 495 (rejected) and 496 (rejected) for the same Small House use considered by the RNTPC on 12.12.2014. The applicants queried why the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD and Commissioner for Transport (C for T) had made different comments on the three applications;
 - (ii) the applicants also queried why Application No. A/NE-TKL/493 was still approved by RNTPC when green groups had raised concern about the possible pollution caused by the proposal on the Ping Yuen River nearby;
 - (iii) public transport needs arising from Small House developments had never been considered to be significant. The proposed Small Houses had not included the provision of car parking spaces and hence should not create ‘substantial cumulative

traffic impact; and;

- (iv) the Sites were closer to the “V” zone and would not cause water pollution to any stream course;

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

Previous/Similar Applications

- (f) Application No. A/NE-TKL/495 was the subject of two previous Applications No. A/NE-TKL/421 and 468 whilst Application No. A/NE-TKL/496 was the subject of two previous Applications No. A/NE-TKL/420 and 467 for Small House developments. These applications were rejected by the Board on review in 2013 and 2014. The reasons for the rejection were that the proposed developments were not in line with the planning intention of the “AGR” zone and no strong planning justification had been provided to merit a departure from the planning intention; and land was still available within the “V” zone of Lei Uk Tsuen where land was primarily intended for Small House development and it was considered more appropriate to concentrate the proposed Small House developments close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructure and services;
- (g) there were 11 similar applications (with respect to each of the applications under review) for Small House developments within the same “AGR” zone to the west of Lei Uk Tsuen. All of them were rejected between 2012 and 2014. The reasons for rejection were the same as Applications No. A/NE-TKL/420, 421, 467 and 468;
- (h) there were another 12 similar applications for Small House development within the “AGR” zone to the east of Lei Uk Tsuen. All applications were approved with conditions between 2002 and

2014 mainly on considerations that the applications complied with the Interim Criteria;

Planning Intention

- (i) the planning intention of the “AGR” zone in the Ping Che and Ta Kwu Ling area was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes;
- (j) the planning intention of the “V” zone in the Ping Che and Ta Kwu Ling area was to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. It was also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructure and services;

Departmental comments

Director of Agriculture, Fisheries and Conservation (DAFC)

- (k) he maintained his previous views on the section 16 applications that he did not support the review applications;
- (l) active farming activities were noted in the vicinity of the Sites and the Sites had high potential for agricultural rehabilitation;

Commissioner for Transport (C for T)

- (m) he maintained his previous views on the section 16 applications that

he had reservation on the review applications. Small House development should be confined within the “V” zone. Approval of the cases would set an undesirable precedent for similar applications and result in cumulative adverse traffic impact. The applications could be tolerated unless they were rejected on other grounds;

Chief Town Planner/Urban Design and Landscape (CTP/UD&L),
PlanD

- (n) she maintained her previous views on the section 16 applications that she had reservation on the review applications. The Sites were fallow agricultural land surrounded by farmland. There was no other Small House in close proximity to the Sites. Approval of the cases would set undesirable precedents for spreading Small House development outside the “V” zone in an uncoordinated manner. Landscape proposal had not been included in the applications. Should the applications be approved, approval condition on the submission and implementation of landscape proposal was recommended to be imposed;
- (o) the other relevant government departments consulted had no objections to or no adverse comment on the applications;

Public comments

- (p) during the first three weeks of the statutory public inspection period, four public comments were received. One public comment was received from a North District Council member who supported the applications. The other three public comments were submitted by Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong and Designing Hong Kong Limited which objected to the applications mainly on the grounds that the proposed developments were not in line with the planning intention; the Sites

had high potential for agricultural rehabilitation; the proposed Small Houses were incompatible with the setting of the area; no relevant technical assessments had been submitted; and the setting of undesirable precedent for similar applications;

PlanD's views

- (q) PlanD did not support the review applications based on the planning considerations and assessments summarized below:
- (i) the proposed Small House developments were not in line with the planning intention of the “AGR” zone. DAFC did not support the applications as active farming activities were found in the vicinity of the Sites within the “AGR” zone;
 - (ii) although the footprints of the proposed Small Houses fell entirely within the ‘VE’ and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of Lei Uk Tsuen (about 16.28 ha of land or 651 Small House sites were required to meet the future Small House demand), there were still about 2.05 ha of land (about 81 Small House sites) available within the “V” zone of Lei Uk which could meet the demand of the 71 outstanding Small House applications. It was considered more appropriate to concentrate those proposed Small Houses close to the existing village cluster within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructure and services;
 - (iii) the Sites were some 120m to 130m further away from the existing village cluster of Lei Uk Tsuen than the approved application No. A/NE-TKL/493 and were surrounded by active/fallow agricultural land. CTP/UD&L, PlanD

considered that approval of the applications might set an undesirable precedent of spreading village development in the “AGR” zone. With respect to Application No. A/NE-TKL/493, CTP/UD&L, PlanD had no objection to the application;

- (iv) C for T, in general, had reservation on the applications and considered that such type of Small House development should be confined within the “V” zone as far as possible. Although additional traffic generated by the proposed developments were not expected to be significant, such type of development outside the “V” zone, if permitted, would set an undesirable precedent for similar applications in future. The resulting cumulative adverse traffic impact could be substantial. The comments of C for T on the three planning applications (No. A/NE-TKL/493, 495 and 496) as quoted by the applicants in the review applications were the same;
- (v) the three application sites (No. A/NE-TKL/493, 495 and 496) had different site circumstances thus warranted different considerations. The RNTPC had considered each planning application based on its individual merits, taking into account the departmental comments and the public comments/local views received. Ping Yuen River was located some 20m away from the application site of A/NE-TKL/493 and the Director of Environmental Protection had no objection to the application;
- (vi) there had been no material change in planning circumstances for the Sites and its surrounding areas since the rejection of the applications by the RNTPC; and
- (vii) there were adverse public comments on the applications

concerning the planning intention of the “AGR” zone, the possible adverse impacts on the surrounding areas, and the setting of bad precedent for similar applications.

140. The Chairman then invited the applicants’ representative to elaborate on the review application. With the aid of plans on the visualizer, Mr K.K. Sit made the following main points:

- (a) some of the planning considerations and assessments as detailed in paragraph 7 of the Papers were unjustified and the reasons were:

Paragraph 7.5 on availability of land within the “V” zone

- (i) although there were about 2.05 ha of land for about 81 Small House developments within the “V” zone, they were Tso Tong land owned by a particular family. It was unlikely that indigenous villagers of other families could acquire land within the “V” zone for development. The only alternative for those indigenous villagers were to apply for Small House developments on land owned by them outside the “V” zone;

Paragraph 7.6 on distance from the village cluster of Lei Uk Tsuen

- (ii) Application No. A/NE-TKL/493 was further away from the village cluster than the Sites. The distance of A/NE-TKL/493 to the nearest Old Schedule House Lot was 70 m while that for the Sites was only 40 m, not 120 m as stated in the Paper. He also did not understand why CTP/UD&L, PlanD, had reservation on the applications under review but not on A/NE-TKL/493 noting that all the application sites were abandoned agricultural land grown with grass. Approving the subject applications would nevertheless help enhance the landscape value of the Sites and the applicants would provide

landscaping around the Small House developments;

Paragraph 7.8 on closeness of Application No. A/NE-TKL/493 to a river course

(iii) he did not understand why Application No. A/NE-TKL/193 was approved while the current applications were rejected at the same RNTPC meeting as far as the potential of rehabilitation of agricultural land was concerned. In fact, Application No. A/NE-TKL/493 was of higher potential for rehabilitation as the application site was closer to a river for irrigation. Besides, the vegetation of the Sites was not as dense as that on the application site of No. A/NE-TKL/493. The applicants of the Sites had emigrated for several decades and had changed their occupations from farming. It was ridiculous to ask them to rehabilitate the Sites for agricultural use;

(b) the rejection reasons as suggested by PlanD was ungrounded for the following reasons:

(i) for rejection reason (a), if the Sites had good potential for rehabilitation for cultivation and other agricultural purposes, it was more so for Application No. A/NE-TKL/493; and

(ii) for rejection reason (b), if Application No. A/NE-TKL/493 was approved because of its closeness to the existing village cluster, the Sites were even closer to the village developments and should be approved.

141. As the presentation of the applicants' representative was completed, the Chairman invited questions from Members.

142. In response to the Chairman's question why Application No. A/NE-TKL/493 was approved but not the applications under review, Mr C.K. Soh, DPO/STN, PlanD said that Application No. A/NE-TKL/493 and the applications under review were not in line with the planning intention of the "AGR" zone and the sites were not within the "V" zone. The only difference was that Application No. A/NE-TKL/493 was closer to village clusters and was more suitable for Small House development. On this point, Mr K.K. Sit said that the locational context should have made the Sites more suitable for Small House development than the site of Application No. A/NE-TKL/493, which had higher potential for rehabilitation due to its closeness to a river.

[Mr H.F. Leung returned to join the meeting at this point.]

143. As Members had no further questions, the Chairman informed that the hearing procedures for the review applications had been completed. The Board would further deliberate on the review applications in the absence of the applicants' representative and inform the applicants of the Board's decision in due course. The Chairman thanked DPO/STN, PlanD and the applicants' representative for attending the meeting. They all left the meeting at this point.

Deliberation

144. The Chairman invited Members to consider whether the review applications could be approved given the justifications made by the applicants and that a similar Application No. A/NE-TKL/493 was approved at the same RNTPC meeting.

145. In response, some Members made the following points in the discussion:

- (a) for an orderly development pattern, efficient use of land and provision of infrastructure and services, Small House developments should be located close to the existing village clusters to avoid uncoordinated proliferation of Small Houses outside the "V" zone;

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

- (b) a number of planning applications to the east of the “V” zone had been approved in 2002, 2011 and 2014 but none to the west of the “V” zone. To maintain consistency of the Board’s previous decision, which was on reasonable grounds, and to avoid uncoordinated proliferation of Small House developments outside the “V” zone, Small House applications in the area to the east of Lei Uk Tsuen could be approved due to its closeness to village clusters, if warranted;
- (c) when Application No. A/NE-TKL/493 was considered by RNTPC, Members noted that land available within the “V” zone and land required to meet the outstanding Small House applications were close. In recognition of the expansion need of Lei Uk Tsuen and given that similar applications had been approved in the vicinity of the site, which was also close to the village cluster, sympathetic consideration had been given to the application; and

[Ms Bernadette H.H. Linn left the meeting at this point.]

- (d) in terms of retaining and safeguarding good quality agricultural land, it was noted that there were areas to the west of the “V” zone which was still under active cultivation while areas to the east were mainly abandoned agricultural land. Approving planning applications in areas to the west of the “V” zone, particularly the subject sites which were in the midst of active agricultural land, would have greater adverse impact on retaining agricultural land for agricultural purposes.

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

146. In response to the Chairman’s concern on whether approving applications

on abandoned agricultural land would encourage people to abandon their agricultural land for Small House development, two Members considered that each application would be considered on its individual merits.

147. The Vice-chairman said and another Member concurred that approving the applications under review might set an undesirable precedent for similar applications if the orderly development pattern described above was not followed.

148. With regard to the applicant's argument that the closeness of the site under Application No. A/NE-TKL/493 to a river to the east of Lei Uk Tsuen rendered it having higher potential for agricultural rehabilitation, a Member did not agree to such an argument and said that closeness to a river was not a necessary factor for agricultural activities. Well water could be used for agricultural purpose in areas to the west of the "V" zone.

149. Members generally considered that whilst both the applications under review and Application No. A/NE-TKL/493 were not in line with the planning intention of the "AGR" zone and there was still land available within the "V" zone for Small House development, the planning circumstances for considering the applications were different and the applications under review should not be approved.

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

150. After further deliberation, the Board decided to reject the applications on review. Members then went through the reasons for rejection of the review applications as stated in paragraph 8.1 of the Papers and considered that they should be suitably amended to reflect the discussion in the meeting. The reasons for rejection for each of the applications were:

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for

rehabilitation for cultivation and other agricultural purposes. There are still active agricultural activities to the west of the “Village Type Development” zone of Lei Uk Tsuen and no strong planning justification has been provided in the current submission for a departure from the planning intention; and;

- (b) it is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructure and services.”

[Mr Ivan C.S. Fu left the meeting at this point.]

Agenda Items 17 and 18

[Open meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-SSH/96

Proposed House (New Territories Exempted House – Small House) and Minor Relaxation of Maximum Gross Floor Area Restriction in “Comprehensive Development Area” zone, Lots 1109 S.A ss.1 and 1124 S.A in D.D. 218 and Adjoining Government Land, Che Ha Village, Shap Sz Heung, Sai Kung North

Review of Application No. A/NE-SSH/97

Proposed House (New Territories Exempted House – Small House) and Minor Relaxation of Maximum Gross Floor Area Restriction in “Comprehensive Development Area” and “ Village Type Development” zones, Lots 1109 S.A RP and 1124 RP in D.D. 218, Che Ha Village, Shap Sz Heung, Sai Kung North

(TPB Papers No. 9886 and 9887)

[The meeting was conducted in Cantonese]

151. The Chairman informed Members that since the two review applications under Agenda Items 17 and 18 were similar in nature and the application sites were

located close to each other, the two applications would be considered together.

152. Ms Janice W.M. Lai had declared interest in the item as her spouse owned a shop in Sai Kung. Members noted that Ms Janice Lai had already left the meeting.

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

Mr C.K. Soh	-	District Planning Officer/Shu Tin, Tai Po and North (DPO/STN), PlanD
Mr Hung Shu Ping]	
Mr Chiu Jai Kong]	Applicants' representatives
Mr Hau Lap Kwong]	

154. The Chairman extended a welcome and explained the procedure of the review hearing. He then invited DPO/STN, PlanD to brief Members on the applications.

155. With the aid of a Powerpoint presentation, Mr C.K. Soh, DPO/STN, PlanD, presented the application and covered the following main points as detailed in the Papers:

Background

- (a) on 22.9.2014, the applicants sought planning permission to build a house (New Territories Exempted House (NTEH) – Small House) on each of the application sites (the Sites) and minor relaxation of maximum domestic GFA restriction. Application site No. A/NE-SSH/96 fell within an area zoned “Comprehensive Development Area” (“CDA”) and Application site No. A/NE-SSH/97 fell within an area partly zoned “CDA” and partly “Village Type Development” (“V”) on the Shap Sz Heung Outline

Zoning Plan (OZP);

- (b) on 14.11.2014, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) rejected the applications and the reasons were:

Application No. A/NE-SSH/96

- (i) the proposed development was not in line with the planning intention of the “CDA” zone which was for comprehensive development of the area for residential, commercial and recreational uses with the provision of open space and other supporting facilities. The zoning was to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints. There was no strong planning justification in the submission for a departure from such planning intention;
- (ii) the proposed Small House development did not comply with the Interim Criteria for assessing planning application for New Territories Exempted House/Small House development in the New Territories in that there was no general shortage of land in meeting the demand for Small House development in the “V” zone. The applicant failed to demonstrate in the submission why land within “V” zone could not be made available for the proposed development; and
- (iii) the approval of the application would set an undesirable precedent for other similar developments to proliferate into the “CDA” zone, thereby defeating the planning intention for comprehensive development of the area;

Application No. A/NE-SSH/97

- (i) the proposed Small House development did not comply with the Interim Criteria for assessing planning application for New Territories Exempted House/Small House development in the New Territories in that there was no general shortage of land to meet the demand for Small House development in the “V” zone. The applicant failed to demonstrate in the submission why land within “V” zone could not be used for the proposed development; and
- (ii) the approval of the application would set an undesirable precedent for other similar developments to proliferate into the “CDA” zone, thereby defeating the planning intention for comprehensive development of the area

The Sites and the surrounding areas

- (c) the Sites were entirely within the ‘village environs’ (‘VE’) of Che Ha, generally flat, vacant and mostly covered with grass. There were some fruit trees within/along the peripheries and the Sites were adjacent to the eastern edge of the Che Ha village proper. For Application site No. A/NE-SSH/96, it was accessible by a vehicular access leading to Sai Sha Road and the government land in the site was involved in a land exchange application for a comprehensive residential and recreational development. For Application site No. A/NE-SSH/97, it was about 10 m away from the said vehicular access;
- (d) the surrounding areas were generally rural in nature with agricultural land and village houses, which were located within the “V” zone about 15 to 20 m to the west of the Sites. To the east of the Sites was the north plain of the comprehensive development

under Application No. A/NE-SSH/61-1;

Planning intention

- (e) the planning intention of the “CDA” zone was for comprehensive development of the area for residential, commercial and recreational uses with the provision of open space and other supporting facilities. The zoning was to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints;
- (f) the planning intention of the “V” zone was to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. It was also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructure and services;

Applicants’ justifications

- (g) the justifications put forth by the applicants in support of the review applications were summarized as follows:
 - (i) the Small House Policy provided granting approval to applications for Small Houses within 300 feet of recognized villages;
 - (ii) the Sites were within the recognized ‘village environs’ (‘VE’) of Che Ha. The rejection reason that the proposed Small House developments were not in line with the planning intention of the “CDA” zone was unjustified;

- (iii) land falling within the “CDA” zone if not acquired by the developer of the comprehensive development should be used for Small House developments;
- (iv) the remarks of the Notes for the “CDA” zone had made provision for minor relaxation of maximum GFA/building height restrictions. It was anticipated that a single developer might not be possible to acquire all land within the “CDA” zone;
- (v) there was limited land in the “CDA” zone and within the ‘VE’. It was believed that most of the private land had been acquired by the developer. The rejection reason of setting an undesirable precedent and defeating the planning intention for comprehensive development seemed unwarranted;
- (vi) there were already Small House developments adjacent to the Sites. The proposed developments would not cause negative impact on the overall planning of the “CDA” zone. Public sewers would be provided by the Drainage Services Department (DSD), then septic tanks would not be required and the sewage/pollution problems could be solved;
- (vii) the applications were supported by the Indigenous Inhabitant Representative of Che Ha. The Sites did not encroach on any temporary road access. There was a track of about 5 m in width which was sufficient for fire engines to pass through; and
- (viii) for Application No. A/NE-SSH/96, the Small House application would be processed by way of land exchange. The applicant was not getting any extra government land;

Departmental comments

District Lands Officer/Tai Po, Land Department (DLO/TP, LandsD)

- (h) the latest figures of 10-year Small House demand and outstanding Small House application for Che Ha remained at 25 and 20 respectively;
- (i) he maintained his views of objecting to Application No. A/NE-SSH/96 as the government land involved fell within the proposed regrant lot in respect of the land exchange application for a comprehensive residential and recreational development under Application No. A/NE-SSH/61 in the “CDA” zone and processing of the proposed land exchange was already at an advanced stage. The proposed Small House under application would contradict the planning intention of the “CDA” zone in which the planning application for the comprehensive development had already been approved;
- (j) he maintained his views of having no objection to Application No. A/NE-SSH/97. The subject lot was an Old Schedule Agricultural Lot held under Block Government Lease and the applicant was the registered owner of the lot. The Site was wholly within the ‘VE’ of Che Ha and it was not involved in any land exchange application for comprehensive development;

Commissioner for Transport

- (k) he had no further comment on the review applications and maintained his previous views on the section 16 applications;

Application No. A/NE-SSH/96

- (l) he had reservation on the application. Such type of development should be confined within the “V” zone as far as possible;
- (m) although additional traffic generated by the proposed development was not expected to be significant, such type of development outside the “V” zone, if permitted, would set an undesirable precedent for similar applications in future. The resulting cumulative adverse traffic impact could be substantial;

Application No. A/NE-SSH/97

- (n) he had no in-principle objection to the application;
- (o) the other relevant government departments consulted had no further comment on the review applications and maintained their previous views on the section 16 applications of having no objection or no adverse comments;

Public comments

- (p) there was no public comment on the review applications;

PlanD's views

- (q) PlanD did not support the review applications based on the planning considerations and assessments summarized below:
 - (i) the whole and about 89% of the sites of A/NE-SSH/96 and A/NE-SSH/97 fell within an area zoned “CDA” respectively. The “CDA” zone was covered by an approved planning application No. A/NE-SSH/61-1 for comprehensive residential development. The portion of the Sites was annotated as

“private land to be secured by the applicant” on the approved Master Layout Plan (MLP) despite that no specific use or development was proposed;

- (ii) in response to the rejection reasons given by the RNTPC, the applicants had provided arguments regarding the compatibility of the proposed Small Houses with the surrounding environment, as well as why the developments would not affect the implementation of the comprehensive development and set an undesirable precedent;
- (iii) in assessing the Small House applications, the key considerations were whether the proposed Small House developments were in line with the planning intention of the “CDA” zone and whether there were strong planning justifications in the applicants’ submission to merit a departure from the planning intention; and whether the applications were in line with the Interim Criteria including whether sufficient land was available for Small House developments in the “V” zone of Che Ha;

Village houses in the vicinity and compatibility with the surrounding environment

- (iv) there were existing village houses in the “V” zone of Che Ha, which were located 5-20 m to the west of the Sites;
- (v) government departments consulted had no adverse comments on the application;
- (vi) the proposed three-storey Small Houses were considered not incompatible with the surrounding environment as well as the approved residential scheme in the “CDA” zone;

Small House application under the Interim Criteria

- (vii) while the Sites fell entirely within the ‘VE’ of Che Ha, the total number of outstanding Small House applications for Che Ha was 20 while the 10-year Small House demand forecast was 25. There was sufficient land of about 2.2 ha (or equivalent to about 88 Small House sites) in the “V” zone to meet the future Small House demand of 1.13 ha (or equivalent to about 45 Small House sites). The applications were not in line with the Interim Criteria in that there was no general shortage of land for Small House development within the subject “V” zone;

Provision of minor relaxation clause in the Notes

- (viii) minor relaxation clause was incorporated into the Notes mainly to provide flexibility for innovative designs rather than to cater for the difficulty in the land acquisition process, as claimed by the applicants;

[Mr Roger K.H. Luk returned to join the meeting and Mr H.W. Cheung left the meeting temporarily at this point.]

Impact on the implementation of the approved comprehensive development

- (ix) according to the approved MLP, the project proponent of the comprehensive development indicated that there was plan to acquire the remaining lots in the “CDA” zone, including the Sites, for comprehensive development. For Application No. A/NE-SSH/96, the government land concerned was involved in a land exchange application for comprehensive development.

DLO/TP of LandsD did not support the planning application as the land exchange application was already at an advanced stage. Approval of the proposed Small House development was not in line with the planning intention of the “CDA” zone and would affect the implementation of the approved comprehensive development;

Setting of undesirable precedents

- (x) there were other private lots within the “CDA” zone that were yet to be acquired by the project proponent of the comprehensive development;
- (xi) approving Small House applications that were not in line with the Interim Criteria would set an undesirable precedent for other similar Small House applications to proliferate into the “CDA” zone. Besides, land was still available within the “V” zone for Small House development; and
- (xii) there had been no material change in planning circumstances for the Sites and their surrounding areas since the rejection of the applications which warranted a departure from the RNTPC’s previous decisions.

156. The Chairman then invited the applicants’ representative to elaborate on the review application. With plans on the visualizer, Mr Hung Shu Ping made the following main points:

- (a) although it was stated in paragraph 7.5 of the Papers that about 2.2 ha of land within the “V” zone were still available for Small House development, he said that most of the private lots had been acquired by a developer. Application for Small House development within the “V” zone was not possible due to the land ownership issue;

- (b) the Sites were close to a few other Small Houses and the current applications should not be regarded as not being in line with the planning intention; and
- (c) for Application No. A/NE-SSH/96, the government land involved could be excised from the application site so that the Small House development would fall entirely within a private lot.

157. As the presentation of the applicants' representative was completed, the Chairman invited questions from Members.

158. The Chairman noted that the "CDA" zone occupied a large area and asked whether approving the applications would frustrate the "CDA" development. In response, Mr C.K. Soh, DPO/STN, PlanD said that approving Application No. A/NE-SSH/97 would have no implication on implementation of the approved scheme but it might upset the planning intention of the "CDA" zone since the applicant of the approved "CDA" scheme had indicated that the private lots were yet to be acquired which would be included in the second phase of the "CDA" development. Besides, LandsD had raised objection against Application No. A/NE-SSH/96 since government land involved in the application site had been included in a proposed land exchange. In response to a Member's question, Mr Soh said that the part of the "CDA" site where the Sites were located was proposed for a 9-hole golf course.

159. In response to the Chairman's questions, Mr Hung Shu Ping said that the Small House of Application No. A/NE-SSH/96 could be rearranged so that the whole of it would fall within private lots. Mr Hung also said that the applicants were not indigenous villagers of Che Ha but Tap Mun. As the "CDA" zone was for residential development, the proposed Small House developments would not defeat the planning intention of the "CDA" zone.

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

160. Mr K.K. Ling, Director of Planning (D of Plan), asked DPO/STN about the layout of the approved development scheme of the “CDA” zone and whether the permitted gross floor area (GFA) for the approved scheme had included those on private lots which titles had yet to be acquired by the developer. In response, Mr C.K. Soh said that the northern part of the “CDA” development, within which the Sites were situated, was mainly for landscaping and golf course use. Residential developments were proposed on the western and southern parts of the “CDA” site. The GFA for developments on private lots yet to be acquired had been included in the calculation of the total GFA of the approved scheme and the developments were included in the second phase of the “CDA” development.

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

161. As Members had no further questions, the Chairman informed that the hearing procedures for the review applications had been completed. The Board would further deliberate on the review applications in the absence of the applicants’ representatives and inform the applicants of the Board’s decision in due course. The Chairman thanked DPO/STN, PlanD and the applicants’ representatives for attending the meeting. They all left the meeting at this point.

Deliberation

162. The Chairman said that the “CDA” zone was intended for development and invited Members to consider whether approval of the applications, with sites located at the fringe of the “CDA” zone close to Che Ha, would frustrate the overall “CDA” development; and whether sympathetic consideration could be given to approve the applications should the land exchange issue be resolved.

163. Mr K.K. Ling, D of Plan, said that although there was an approved MLP for the “CDA” development, in view of the relatively small size of the area involved, approving the subject applications, on the condition that the government land concerned could be excised from one of the Sites, would not frustrate the overall planning intention of the “CDA” zone as a whole if Members considered that the proposed Small House

developments were compatible with the “CDA” development.

164. While sympathetic consideration might be given to the applications under review, a few Members were of the view that the proposed development needed to comply with the ‘Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories’ in that there was still land available within the “V” zone to meet the Small House demand. It was also noted that the applications under review were not in line with the planning intention of the “CDA” zone and the approval of the applications might set a precedent for future similar cases.

165. Mr K.K. Ling, D of Plan, said that unlike the planning intention of the “Agriculture” and “Green Belt” zones, the planning intention of the “CDA” zone was for development. As the applications under review were for Small House development, the applied use was not incompatible with the proposed “CDA” development. If owners of the private lots concerned refused to sell their land, the approved “CDA” scheme could not be implemented in full and application for modification to the approved scheme would be required. A similar application for Small House development in a “CDA” zone at Fung Yuen, Tai Po was approved with conditions by RNTPC on the consideration that the proposed development would have insignificant impact on the implementation of the “CDA” development.

166. A Member noted that the applicants were not indigenous villagers of Che Ha and they had difficulty in acquiring land within the “V” zone for Small House development. Having noted that the sites of the subject review applications were located at the fringe of the “CDA” zone, a few Members were of the view that the approval of the applications would not have significant impact on the overall implementation of the “CDA” development.

167. In response to the Chairman’s question on whether there would be legal implication for approving the applications under review in the “CDA” zone, Mr K.K. Ling, D of Plan, said that the applicant of the “CDA” development would have to submit a revised MLP to reflect the portion of the site that they could not acquire. As such, the overall implementation of the approved development would not be frustrated.

168. After further deliberation, the Board decided to approve the applications on review on the terms of the application as submitted to the Town Planning Board for Application No. A/NE-SSH/97 and subject to the excision of government land from the application site for Application No. A/NE-SSH/96. The planning permission for each of the applications should be valid until 10.4.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission for each of the applications was subject to the following conditions:

- “(a) the provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the Town Planning Board;
- (b) the submission and implementation of landscape and tree preservation proposals to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (c) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board.”

169. The Board also agreed to advise the applicant on each of the applications the following:

- “(a) to note the District Lands Officer/Tai Po, Lands Department (LandsD)’s comments that if and after planning approval has been given by the Town Planning Board, LandsD will process the Small House application. If the Small House application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD. There is no guarantee to the grant of a right of way to the Small House concerned or approval of the Emergency

Vehicular Access thereto;

- (b) to note the Chief Highway Engineer/New Territories East, Highways Department (HyD)'s comment that any access leading from Sai Sha Road to the site is not maintained by HyD;
- (c) to note the Chief Engineer/Mainland North, Drainage Services Department (DSD)'s comments that:
 - (i) there is no existing DSD maintained public drain available for connection in the area. Any existing flow path affected should be re-provided. The proposed development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas. The applicant/owner is required to maintain such systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;
 - (ii) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and relevant private lot owners should be sought; and
 - (iii) there is no existing public sewerage in the vicinity of the site. Nevertheless, proposed public sewerage system in the vicinity of the site will be implemented under the project "Tolo Harbour Sewerage of Unsewered Areas Stage 2" undertaken by DSD;
- (d) to note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that for provision of water supply to

the proposed development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;

- (e) to note the Director of Electrical and Mechanical Services' comments that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures:
 - (i) for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier is necessary;
 - (ii) prior to establishing any structure within the application site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
 - (iii) the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

- (f) to note the Director of Fire Services' comment that the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD; and
- (g) to note that the permission is only given to the development under the application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the Town Planning Board where required before carrying out the road works.”

Tuen Mun & Yuen Long West District

Items 19 and 20

[Open meeting (Presentation and Questions Sessions only)]

Review of Application No. A/TM-SKW/91

Proposed House (New Territories Exempted House – Small House) in “Green Belt” zone, Lot 1392 S.A in D.D. 375, So Kwun Wat Tsuen, Tuen Mun

Review of Application No. A/TM-SKW/92

Proposed House (New Territories Exempted House – Small House) in “Green Belt” zone, Lot 1392 S.B in D.D. 375, So Kwun Wat Tsuen, Tuen Mun

(TPB Papers No. 9889 and 9890)

[The meeting was conducted in Cantonese]

170. The Chairman informed Members that since the two review applications under Agenda Items 19 and 20 were similar in nature and the application sites were

located close to each other, the two applications would be considered together.

171. Dr C.P. Lau had declared an interest in the item as he owned a flat on Kwun Tsing Road, So Kwun Wat. Members noted that Dr C.P. Lau had already left the meeting.

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

Miss Jessica Y.C. Ho - District Planning Officer/Tuen Mun & Yuen Long West (DPO/TM&YLW), PlanD

Mr Chan Chi Wah] Applicants' representatives

Ms Leung Yuet Mui]

173. The Chairman extended a welcome and explained the procedure of the review hearing. He then invited DPO/TM&YLW, PlanD to brief Members on the applications.

174. With the aid of a Powerpoint presentation, Miss Jessica Y.C. Ho, DPO/TM&YLW, PlanD, presented the applications and covered the following main points as detailed in the Papers:

Background

- (a) on 31.10.2014 and 3.11.2014, the applicant, sought planning permission to build a house (New Territories Exempted House (NTEH) – Small House) on each of the two adjoining application sites (the Sites);
- (b) on 12.12.2014, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the applications and the reasons were:

- (i) the proposed developments were not in line with the planning intention of the “Green Belt” (“GB”) zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. There was no strong justification in the current submission for a departure from the planning intention of the “GB” zone;
- (ii) the proposed developments were not in line with the Town Planning Board Guidelines No. 10 on “Application for Development within “GB” zone” (TPB PG-No. 10) in that there were no exceptional circumstances to justify the applications;
- (iii) the proposed developments did not comply with the Interim Criteria for Assessing Planning Application for New Territories Exempted House/Small House Development in New Territories as land was still available within the “Village Type Development” (“V”) zone of So Kwun Wat Tusen. It was more appropriate to concentrate the proposed Small House development within the “V” zone for an orderly development pattern and efficient use of land and infrastructure; and
- (iv) the approval of the applications would set an undesirable precedent for similar applications within the “GB” zone. The cumulative impacts of approving such applications would result in a general degradation of the environment and landscape quality of the area

Application for review

- (c) the applicants applied for review on 1.2.2015;

Applicants' justifications

- (d) the justifications put forth by the applicants in support of the review applications were summarized as follows:
- (i) although the Sites were located within the "GB" zone, they fell within the 'village environ' ('VE') of So Kwun Wat Tsuen. Moreover, other villagers refused to offer land for the applicants to build NTEHs because land was also required by other villagers to build NTEHs;
 - (ii) there were more than 400 villagers who were eligible to build NTEHs and the supply of land could not meet the demand of the villagers; and
 - (iii) the applicants could not afford the expensive housing price in the urban area. If the Board approved the review applications, the applicants' housing problem would be resolved;

The Sites and the surrounding areas

- (e) the Sites were flat with vegetation, located within the 'village environs' ('VE') of So Kwun Wat Tsuen and accessible through a substandard village road leading to Tai Lam Chung Reservoir;
- (f) the surrounding areas had the following characteristics:
- (i) to the immediate north of the Sites was vegetated land; to their further north was the Tai Lam Country Park;

- (ii) to their immediate east and southeast were active/fallow agricultural land;
- (iii) to the west was a Small House (Application No. A/TM-SKW/38). To its further southwest and southeast were the “V” zone of So Kwun Wat Tsuen; and
- (iv) the area surrounding the site was predominantly rural in character and well covered by vegetation.

Previous/similar applications

- (g) there were two previous applications (Applications No. A/TM-SKW/87 and A/TM-SKW/88) for Small House development at the Sites submitted by the same applicants;
- (h) Applications No. A/TM-SKW/87 and A/TM-SKW/88 were rejected by the Committee on 8.8.2014 for the same reasons as the subject applications;
- (i) there were three similar applications (Applications No. A/TM-SKW38, A/TM-SKW/41 and A/TM-SKW/51) for Small House development within the same “GB” zone approved by the Committee on 16.5.2003, 30.1.2004 and 29.9.2006 respectively as there was insufficient land in the “V” zone to meet the 10-year Small House demand at that time;

Departmental comments

District Lands Officer/Tueu Mun, Lands Department (LandsD)

- (j) the latest outstanding Small House applications of So Kwun Wat

Tsuen was 145, while the number of 10-year Small House demand forecast provided by the Indigenous Inhabitant Representatives was 250, which was an estimate made in 2009;

Chief Town Planner/Urban Design & Landscape (CTP/UD&L), PlanD

- (k) she had reservations on the applications;
- (l) the Sites were covered with wild grass, while young trees of common species were found at the northeastern boundary of Application site No. A/TM-SKW/91. With reference to the aerial photograph taken in 2014, the Sites were situated in an area of rural landscape character dominated by village houses and woodland;
- (m) the proposed use was not incompatible to the landscape character of the surrounding environment. Significant changes or disturbances to the existing landscape character and resources were not anticipated. However, approval of the applications would further nibble the woodland by extending the village area and encroach onto the “GB” zone;
- (n) the other relevant government departments consulted had no objection to or no comments on the review applications;

Public comments

- (o) during the first three weeks of the statutory public inspection period, six public comments objecting to the review applications were received;
- (p) the main grounds of objection were that the proposed developments were incompatible with the planning intention and the character of the area; the proposed developments would have cumulative impacts

on environment, sewerage, landscape, drainage and traffic aspect to the surrounding environment; some landscape changes were observed at the Sites and their surrounding area and ‘destroy first, develop later’ approach was suspected to have been undertaken; the approval of the review applications would affect the ‘feng shui’ of the village; and the applicants did not properly address the public comments objecting to the previous s.16 planning applications;

PlanD’s views

- (q) PlanD did not support the review applications based on the planning considerations and assessments summarized below:
- (i) the Sites fell entirely within the “GB” zone. There was a general presumption against development within this zone. The applicants had not given any specific planning justification for the departure from the planning intention of the “GB” zone for the proposed uses;
 - (ii) land for Small House development in the “V” zones could meet the total Small House demand and the applications did not meet the Interim Criteria. About 11.14ha (equivalent to about 446 Small House sites) of land was available within the “V” zones on the draft So Kwun Wat OZP No. S/TM-SKW/12 and the adjoining “V” zone on the approved Tuen Mun OZP No. S/TM/33 to meet both the 10-year forecast for Small House demand and outstanding Small House applications of So Kwun Wat Tsuen of 250 and 145 houses respectively;
 - (iii) approval of the proposed Small Houses would further nibble the woodland by extending the village area and encroach onto the “GB” zone. CTP/UD&L, PlanD therefore had reservation on the applications from the landscape planning

perspective;

- (iv) the approval of the applications would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would result in a general degradation of the natural environment in the area;
- (v) the three similar applications within the same “GB” zone were approved in 2003, 2004 and 2006 on the consideration that there was insufficient land available in the “V” zone on the So Kwun Wat OZP and TM OZP to meet the 10-year Small Houses demand at that time. The current review applications did not warrant the same consideration;
- (vi) as there had been no material change in planning circumstances for the Sites and their surrounding areas since the rejection of the applications, there was no planning justification to warrant a departure from the RNTPC’s previous decisions; and
- (vii) public comments received all indicated objection to the review applications.

175. The Chairman then invited the applicants’ representative to elaborate on the review application. With a plan on the visualizer, Mr Chan Chi Wah made the following main points:

- (a) although the Sites were in the “GB” zone, they fell within the ‘VE’. Previous applications within the “GB” zone had all been approved despite that the population then was lower;
- (b) the area of the “V” zone had decreased in the last decade. Some of the area had been taken up for river works without compensation.

No adverse comments had been received from government departments on the applications;

- (c) six public comments were received objecting to the applications within the “GB” zone on the ground that the proposals would have adverse impact on landscape. The applicants undertook to implement greening mitigation measures should the applications be approved; and
- (d) according to the guidelines, application for Small House development was allowed if 50% of the site fell within the ‘VE’. He did not understand why the current applications were not approved.

176. As the presentation of the applicants’ representative was completed, the Chairman invited questions from Members.

177. The Vice-chairman noted that similar applications submitted in 2003, 2004 and 2006 were approved on the ground that they complied with the Interim Criteria and asked DPO/TM&YLW, PlanD, why the current applications were not supported. In response, Miss Jessica Y.C Ho said that according to information from the LandsD, the 10-year Small House demand for So Kwun Wat Tsuen had decreased as compared with the estimates in 2003, 2004 and 2006. The area of the “V” zone had also been expanded with the rezoning of a piece of land adjoining So Kwun Wat Tsuen on the Tuen Mun OZP to “V” in 2009. As such, unlike the situation some 10 years ago, there was no shortage of land within the “V” zone to meet Small House demand and hence the applications under review were not supported for not complying with the Interim Criteria.

178. As Members had no further questions, the Chairman said that the hearing procedures for the review applications had been completed. The Board would further deliberate on the review applications in the absence of the applicants’ representatives and inform the applicants of the Board’s decision in due course. The

Chairman thanked DPO/TM&YLW, PlanD and the applicants' representatives for attending the meeting. They all left the meeting at this point.

Deliberation

179. The Chairman invited Members to consider whether the applicants had addressed in the review applications RNTPC's concerns as stated in the rejection reasons for the s.16 applications. Members considered that the applicants had not provided new information to address RNTPC's concerns.

180. After deliberation, the Board decided to reject the applications on review. Members then went through the reasons for rejection of the review applications as stated in paragraph 8.1 of the Paper and considered that they were appropriate. The reasons for rejection for each of the applications were:

- “(a) the proposed development is not in line with the planning intention of the “GB” zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong justification in the current submission for a departure from the planning intention of the “GB” zone;
- (b) the proposed development is not in line with the Town Planning Board Guidelines No. 10 on ‘Application for Development within “GB” zone’ (TPB PG-No. 10) in that there are no exceptional circumstances to justify the application;
- (c) the proposed development does not comply with the Interim Criteria for Assessing Planning Application for New Territories Exempted House/Small House Development in New Territories as land is still available within the “V” zone of So Kwun Wat Tusen. It is more appropriate to concentrate the proposed Small House development

within the “V” zone for an orderly development pattern and efficient use of land and infrastructure; and

- (d) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative impacts of approving such applications would result in a general degradation of the environment and landscape quality of the area.”

Procedural Matters

Agenda Item 21

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments on the Draft Lai Chi Wo, Siu Tan and Sam A Tsuen Outline Zoning Plan No. S/NE-LCW/1

(TPB Paper No. 9872)

[The meeting was conducted in Cantonese.]

181. Professor S.C. Wong had declared interest in the item as one of his colleagues of the same Department in which he was Head was involved in a project in Lai Chi Wo with a non-governmental organization. Members considered that Professor Wong’s interest was indirect and noted that the item was procedural in nature and no discussion was required, Professor S.C. Wong should be allowed to stay in the meeting.

182. The Secretary briefly introduced the Paper. On 22.8.2014, the draft Lai Chi Wo, Siu Tan and Sam A Tsuen Outline Zoning Plan No. S/NE-LCW/1 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance).

183. During the two-month exhibition period, a total of 114 representations were received. On 21.11.2014, the representations were published for three weeks for public

comment and a total of five comments on the representations were received.

Representations and comments

184. The views of the representations could be generally categorized into three groups:

- (a) the first group comprised 103 representations (R1 to R103) submitted by the North District Council (NDC), the village representative (VR) and individuals. They mainly objected to designating a large portion of private land as “Green Belt” (“GB”) and “Conservation Area” (“CA”) zones, and considered that the area designated as “Village Type Development” (“V”) was geographically not suitable for Small House development. They proposed to expand the “V” zone and designate areas for recreational uses and agricultural rehabilitation;
- (b) the second group comprised six representations (R104 to R109). R104 and R105, submitted by the VR of Lai Chi Wo Village and an individual, mainly objected to the extensive zoning of conservation area that would hinder provision of infrastructure for the area and the project of ‘Living Water & Community Revitalization’ (the Project). R106 to R108, submitted by Hong Kong Countryside Foundation, Produce Green Foundation, and the Conservancy Association, commented that the Project was to encourage agricultural rehabilitation and to re-vitalise Lai Chi Wo. Hence, they proposed to reduce the “GB” and coastal “CA” areas to extend the “Agriculture” (“AGR”) zone. R109 proposed to retain the fish ponds in Siu Tan and the southern part of Siu Tan for agricultural purpose; and
- (c) the third group comprised the remaining five representations (R110 to R114) submitted by the green/concern groups. R110 supported

the planning intention of conserving the area. R111 to R114 mainly raised concerns and commented that the area of high ecological value was worthy for protection; and the designation of “GB” zone failed in achieving conservation objectives. They proposed to reduce the “V” zone boundary and impose more stringent planning control under “V”, “AGR” and “GB” zones and to rezone sensitive areas to “CA”

185. All five comments received (C1 to C5) were submitted by the green/concern groups and an individual. They opposed to the representations in the first group (R1 to R103) on the grounds that recreational uses were incompatible with the high ecological and landscape value of the area; and additional Small House developments would have adverse impacts on the ecologically sensitive habitats of the area. They also objected to reducing the extent of the “CA” zone and suggested imposing more stringent planning control under the “AGR” zone.

Meeting Arrangements

186. Since the representations and comments were mainly related to the extent of the “V” zone and environmental conservation issues of the area which had attracted public attention, it was recommended that the representations and comments should be considered by the full Town Planning Board (the Board). The hearing could be accommodated in the Board’s regular meeting and a separate hearing session would not be necessary.

187. As the concerns of the representations and comments from the NDC, VR, villagers, green/concern groups and individuals were similar and closely related, it was suggested that the representations and comments be considered collectively in one group. Consideration of the representations and comments by the full Board under section 6B was tentatively scheduled in May 2015.

188. As the briefing of the Secretary was completed, the Chairman invited Members to consider whether the hearing of the representations and comments

could be conducted in groups to avoid direct confrontation of representers and commenters holding different views. The Secretary said that it was a usual practice to group representations and comments of different views in separate groups for smooth conduct of the hearing. In the present case, it was noted that as both the VRs and green groups supported the Project, considering their submissions in one group might enhance group dynamic. The Vice-chairman also noted from the hearing of representations and comments with respect to the So Lo Pun OZP that the villagers had quoted the Project as a successful example, it appeared that considering the representations and comments in one group would not pose any major problem. The Chairman noted and Members agreed that the hearing could be heard in one group but special seating arrangement would need to be made for representers and commenters with different views to better ensure the smooth conduct of the meeting.

189. After deliberation, the Board agreed that:

- (a) the representations and comments should be heard by the Board in the manner as proposed in paragraph 3 of the Paper; and
- (b) the Chairman would, in liaison with the Secretary, decide on the need to impose a 10-minute presentation time for each reprseenter and commenter, taking into account the number of representers and commenters attending the hearing.

Agenda Item 22

[Confidential Items. Closed Meeting]

190. This item was recorded under confidential cover.

Agenda Item 23

Any Other Business

[Open Meeting][The meeting was conducted in Cantonese.]

191. There being no other business, the meeting was closed at 7:00 p.m.