

**Minutes of 1089th Meeting of the
Town Planning Board held on 10.7.2015**

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 Eddie C.M. Hui

Dr C.P. Lau

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Mr Laurence L.J. Li

Ms Anita W.T. Ma

Dr W.K. Yau

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

Ms Janice W.M. Lai

Mr Patrick H.T. Lau

Ms Christina M. Lee

Mr Stephen H.B. Yau

Mr F.C. Chan

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

Director of Lands
Ms Bernadette H.H. Linn

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

Director of Planning
Mr K.K. Ling

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

Secretary

Absent with Apologies

Professor P.P. Ho

Dr Wilton W.T. Fok

Mr Dominic K.K. Lam

Mr H.F. Leung

Mr David Y.T. Lui

Principal Assistant Secretary for Transport and Housing

Ms Winnie M.W. Wong

In Attendance

Assistant Director of Planning/Board

Miss Fiona S.Y. Lung

Chief Town Planner/Town Planning Board

Ms Lily Y.M. Yam (a.m.)

Mr Louis K.H. Kau (p.m.)

Senior Town Planner/Town Planning Board

Mr Stephen K.S. Lee (a.m.)

Ms W.H. Ho (p.m.)

Opening Remarks

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

1. The Chairman announced and congratulated Professor S.C. Wong for having been awarded the Bronze Bauhinia Star, Professor Eddie C.M. Hui for having been awarded the Medal of Honour, and Mr Lincoln L.H. Huang for having been appointed as Justice of the Peace on 1.7.2015.

Agenda Item 1

[Open meeting]

Confirmation of Minutes of the 1088th Meeting held on 26.6.2015

[The meeting was conducted in Cantonese.]

2. The minutes of the 1088th Meeting held on 26.6.2015 were confirmed without amendments.

Agenda Item 2

Matters Arising

(i) Amendments to Confirmed Minutes of the 1086th Town Planning Board (TPB) Meeting held on 29.5.2015

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

3. The Secretary reported that a letter was received on 29.6.2015 from Kenneth To & Associates Ltd., representative of the Hong Kong Polytechnic University (PolyU) which was Commenter C2 in respect of the draft Ho Man Tin Outline Zoning Plan No. S/K7/23, to clarify that the proper titles of:

(a) Mr Daniel Suen (C2) was 'Deputy Director of the Campus Development Office' of PolyU instead of 'Associate Director'; and

(b) Dr Fred S.H. Ng of PolyU should be 'Professor Fred S.H. Ng'

4. Members agreed that paragraphs 35(g) and 42 of the confirmed minutes of the 1086th TPB meeting with respect to the titles of the persons concerned should be amended accordingly and the confirmed minutes currently on the TPB website should also be revised.

[Mr Philip S.L. Kan and Mr Clarence W.C. Leung arrived to join the meeting at this point.]

(ii) Proposed Amendments to the draft Kwai Chung Outline Zoning Plan No. S/KC/28 Arising from the Consideration of Representations and Comments on Outline Zoning Plan No. S/KC/26

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

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

Mr Thomas T.M. Chow his family member having a short-term placement with Ove Arup and Partners Hong Kong Ltd. (OAP) since end-June 2015, and OAP was the consultant of CSX World Terminals Hong Kong Ltd. (R8)

Professor P.P. Ho having business dealings with Cheung Kong (Holdings) Ltd. (CKH), a subsidiary of CK Hutchison Holdings Ltd. which was the owner of Omaha Investment Ltd. (C1)

Mr Ivan C.S. Fu having business dealings with CKH, Masterplan Ltd. which was the consultant of Modern Terminals Ltd. (R7), and OAP which was the consultant of R8

Mr Patrick H.T. Lau having business dealings with CKH, and OAP which was the consultant of R8

Mr Sunny L.K. Ho	having business dealings with One Port Ltd., which was jointly owned by COSCO-HIT Terminals (Hong Kong) Ltd. (R4), Hong Kong International Terminals Ltd. (R5) and R7
Mr Laurence L.J. Li	having business dealings with one of the representers
Mr Dominic K.K. Lam	having business dealings with OAP which was the consultant of R8
Professor S.C. Wong	being the traffic consultant of OAP which was the consultant of R8
Ms Janice W.M. Lai	her spouse owning a flat in Wonderland Villas
Mr Clarence W.C. Leung	owning an office in Kwai Chung

6. As the item was only a follow-up action on the decision of the Board made on 24.4.2015, Members agreed that those Members who had declared interests in the item should be allowed to stay at the meeting.

7. The Secretary briefly introduced the Paper which covered the following main points:

Background

- (a) on 26.10.2012, the Town Planning Board (the Board) considered all the representations/comments related to the proposed imposition of building height restrictions (BHRs) on Container Terminals (CTs) No. 1 to 5 (the Representation Site) zoned “Other Specified Uses” annotated “Container Terminal” (“OU(CT)”) on the draft Kwai Chung Outline Zoning Plan (OZP) No. S/KC/26 (OZP 26) and decided to defer a decision, pending the carrying

out of further technical assessments by Planning Department (PlanD) on the cumulative impacts of the expansion proposals submitted by the representers;

- (b) on 24.4.2015, the Board further considered the representations on OZP 26 alongside the findings of PlanD's technical assessments. After deliberation, the Board agreed to propose amendments to the OZP to meet R3 to R8 on the basis of Revised Scenario C (Modified);

Proposed Amendments

Matters shown on OZP

- (c) the proposed amendment to the "OU(CT)" zone was mainly to relax BHRs to accommodate relatively taller buildings to cater for the operational requirements, taking into account air ventilation and visual considerations as shown and described as Items A1 to A5 on Plan No. R/S/KC/26-A1 (the Plan) (Annex IIa), to be published under s.6C(2) of the Town Planning Ordinance (the Ordinance);

Notes of the OZP

- (d) the proposed amendments to the Remarks of the Notes of the OZP for the "OU(CT)" were highlighted at Annex IIb of the Paper allowing only minor relaxation of BHRs and incorporating NBA requirements and minor relaxation for such;

Explanatory Statement of the OZP

- (e) in connection with the amendments proposed on the plan and Notes, the relevant parts of the Explanatory Statement (ES) of the OZP would also be amended accordingly, which were highlighted at Annex IIc of the Paper;

8. After deliberation, Members agreed that the proposed amendments to the OZP as

shown at Annexes IIa and IIb of the Paper were suitable for publication for public inspection under s.6C(2) of the Ordinance; and that the revised ES at Annex IIc of the Paper was suitable for publication together with the Plan.

(iii) Approval of Draft Plan

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

9. The Secretary reported that on 23.6.2015, the Chief Executive in Council had approved the draft To Kwa Peng and Pak Tam Au Outline Zoning Plan (OZP) (renumbered as S/NE-TKP/2) under section 9(1)(a) of the Town Planning Ordinance. The approval of the OZP was notified in the Gazette on 3.7.2015.

(iv) Reference Back of Approved Plan

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

10. The Secretary reported that on 23.6.2015, the Chief Executive in Council had referred the approved Tsing Yi Outline Zoning Plan (OZP) No. S/TY/26 to the Town Planning 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 3.7.2015.

(v) [Closed Meeting]

11. This item was recorded under confidential cover.

[Ms Bernadette H.H. Linn arrived to join the meeting at this point.]

(vi) [Closed Meeting]

12. This item was recorded under confidential cover.

(vii) [Closed Meeting]

13. This item was recorded under confidential cover.

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

(viii) [Closed Meeting]

14. This item was recorded under confidential cover.

Tsuen Wan and West Kowloon District

Agenda Item 3

[Open Meeting]

Consideration of Representations and Comment in respect of the Draft Kwai Chung Outline Zoning Plan No. S/KC/28

(TPB Paper No. 9962)

[The item was conducted in Cantonese.]

15. As the amendment items on the Outline Zoning Plan (OZP) involved proposed public rental housing (PRH) developments at two sites by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA), and one representation (R14) was submitted by the MTR Corporation Limited (MTRCL), the following Members had declared interests for having affiliation/business dealings with HKHA, MTRCL and/or having property in the area:

Mr Stanley Y.F. Wong - being a member of HKHA and Chairman of the Subsidised Housing Committee of HKHA

Professor P.P. Ho - being a member of the Building Committee of HKHA

Ms Julia M.K. Lau - being a member of the Commercial Properties Committee and Tender Committee of HKHA

Mr H.F. Leung - being a member of the Tender Committee of

HKHA

- Dr Lawrence W.C. Poon - his wife being civil servant of HD
- Mr K.K. Ling - being a member of the Strategic Planning
(as Director of Planning) Committee and Building Committee of HKHA
- Ms Bernadette H.H. Linn - being a member of HKHA
(as Director of Lands)
- Mr Martin W.C. Kwan - being a representative of the Director of Home
(as Chief Engineer (Works), Affairs who was a member of the Strategic
Home Affairs Department) Planning Committee of HKHA
- Miss Winnie M.W. Wong - being a representative of the Secretary for
(as Principal Assistant Secretary Transport and Housing who was a member of
(Transport), Transport and the Strategic Planning Committee of HKHA
Housing Bureau)
- Ms Janice W.M. Lai - having business dealings with HKHA and
MTRCL as well as spouse owning a flat in
Wonderland Villas
- Mr Dominic K.K. Lam] having business dealings with HKHA and
Mr Patrick H.T. Lau] MTRCL
Mr Ivan C.S. Fu]
- Professor S.C. Wong - being the Chair Professor and Head of
Department of Civil Engineering of the
University of Hong Kong and MTRCL had
sponsored some activities of the Department
- Mr Clarence W.C. Leung - having an office in Kwai Chung

16. Members agreed that the Vice-chairman and Members who had affiliation with HKHA should be invited to leave the meeting for this item. Mr Stanley Y.F. Wong, Mr K.K. Ling, Ms Bernadette H.H. Linn and Mr Ivan C.S. Fu left the meeting temporarily whilst Mr Martin W.C. Kwan and Mr Patrick H.T. Lau left the meeting at this point. Members also noted that Professor S.C. Wong, Ms Julia M.K. Lau and Ms Janice W.M. Lai had not yet arrived to join the meeting whilst Professor P.P. Ho, Mr Dominic K.K. Lam, Mr H.F. Leung and Miss Winnie M.W. Wong had tendered apologies for not being able to attend the meeting.

17. Members noted that Mr Clarence W.C. Leung's property was far away from the representation sites and the interest of Dr Lawrence W.C. Poon was indirect and agreed that they should be allowed to stay at the meeting.

Presentation and Question Sessions

18. The Chairman said that reasonable notice had been given to the representers and commenter to invite them to attend the hearing. Members agreed to proceed with the hearing of the representations in the absence of the other representers who had indicated that they would not attend or made no reply to the invitation to the hearing.

Presentation and Question Sessions

19. The following government representatives, representers and representers' representatives were invited to the meeting:

Mr Lawrence Y.C. Chau	District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), PlanD
Ms Fannie F.L. Hung	Senior Town Planner/Kwai Tsing (STP/KT), PlanD
Mr Francis H.W. Chan	Engineer/Kwai Chung, Transport

Department (E/KwC, TD)

Mr Honson H.S. Yuen

Chief Transport Officer/New Territories
South West (CTO/NTSW), TD

Ms Elaine Y.L. Wong

Senior Planning Officer/8 (SPO/8), HD

R9 Wong Yun Tat/Leung Kam Wai

Wong Yun Tat

Representer

Leung Kam Wai

Representer

R10 Chow Kam Pui

Chow Kam Pui

Representer

R11 Vincci Wong

R1308 Lau Siu Kie

Leung Yiu Chung

Representers' representative

R12 Chan Ka Yiu Yoyo

Chan Ka Yiu Yoyo

Representer

R22 Vincent To

Vincent To

Representer

R84 Lee Suk Tak

Lee Suk Tak

Representer

R90 Chow Wai Kin

Chow Wai Kin

Representer

Ng Chi Kwok

Representer's representative

R104 Yu Pui Shan

Yu Pui Shan

Representer

R958 Li Wai Ching

Li Wai Ching

Representer

Wong See Wai, Iris

Representer's representative

R1029 Yeung Kit Kin

Yeung Kit Kin

Representer

R1123 Tam Kim Pong

Tam Kim Pong

Representer

R1184 Vicky Ho

Vicky Ho

Representer

R1264 Chan Ka Yin

Chan Ka Yin

Representer

R1308 Lau Siu Kie

Lau Siu Kie

Representer

20. The Chairman extended a welcome and explained the procedures of the hearing. The Board agreed that presentation of each representer or his/her representative, except with time extension allowed, should be within 10 minutes and there was a timer device to alert the representers and their representatives 2 minutes before the allotted 10-minute time was to expire and when the allotted 10-minute time limit was up. The oral submission should be confined to the grounds of representations in the written representations already submitted to the Board during the exhibition period of the draft Kwai Chung Outline Zoning Plan (OZP) No. S/KC/28 (the Plan).

21. He then invited Ms Fannie F.L. Hung, STP/KT, to brief Members on the background to the representations and comment.

22. With the aid of a Powerpoint presentation, Ms Hung made the following main points as detailed in the TPB Paper No. 9962:

Introduction

- (a) on 13.6.2014, the Plan incorporating amendments to various zones was exhibited for public inspection under section 7 of the Town Planning Ordinance (the Ordinance). The amendments mainly involved:
 - (i) rezoning of a site at Tai Wo Hau Road (Site A) for public housing development with a building height restriction (BHR) at 160mPD (Items A1 and A2);
 - (ii) rezoning of a site at Kwai Shing Circuit (Site B) for public housing development with a BHR at 190mPD (Items B1 and B2);
 - (iii) rezoning of a site at Lai Kong Street (Site C) for private residential development with a BHR at 240mPD for the northern and southern portions of the site and 163mPD for a building gap in the middle of the site (Item C) ;
 - (iv) amendments to the Notes of “R(A)” zone;
- (b) a total of 1,601 representations and one comment to the representations were received;
- (c) on 9.1.2015, the Town Planning Board (the Board) agreed to consider the representations and the comment by the full Board. The Board also agreed to hear all the representations (No. R1 to R1601) collectively and Comment No. C1 in one group;

Consultation

- (d) on 3.12.2013, Housing Affairs Committee (HAC) of Kwai Tsing District Council (K&TDC) was consulted by Housing Department (HD) on the proposed public rental housing (PRH) development in Sites A and B and HAC of K&TDC had no in-principle objection to the proposed PRH development;
- (e) on 13.3.2014, PlanD consulted K&TDC on the proposed amendments to the OZP. During the meeting, two motions were passed. One motion objected to the proposed PRH at Site A and Site B on the grounds of lack of improvement proposal for public transport services to cater for the additional population, and the other motion objected to the proposed private housing development at Site C without giving any reasons;
- (f) on 8.5.2014, Development Bureau and PlanD consulted K&TDC again. Three motions related to Sites A, B and C were passed, as follows:
 - (i) objection to the rezoning of the sites for residential purpose in Kwai Tsing due to lack of comprehensive planning for the whole district on improvement to community facilities and transport services and due to lack of support from K&TDC;
 - (ii) before any improvement was made to the existing public transport services and there was any concrete work programme for the elevator system leading to Kwong Fai Circuit and Kwai Shing Circuit, K&TDC opposed to rezoning both Sites A and B; and
 - (iii) strongly objected to the proposed private housing development at Site C;
- (g) after gazetting of the OZP, the K&TDC was further consulted on 3.7.2014. K&TDC members noted that they had been consulted on the proposed amendments twice before and K&TDC had raised objection to the proposed amendments. However, despite that, nothing had been done to change the proposed amendments and K&TDC endorsed suspending the discussion of

the item;

The Representations

Amendment Items A1, A2, B1 and B2

- (h) 10 representations (R1(part), R5 to R13(part)) were related to Items A1, A2, B1 and B2, of which 3 were supportive of them, 5 indicated that they would not support the zoning amendments if a list of suggestions could not be realized and 2 provided comments only. Comment C1 supported Items A1, A2, B1 and B2;

Existing Conditions of the Representation Sites and their Surrounding Areas

- (i) Site A was formerly the Asbury Estate demolished in late 1980s and Site B was the Kwai Shing Driving Test Centre to be relocated to Wing Kei Road. Site B had been paved with some trees on the periphery boundary. There were high-rise residential developments, government, institution or community (GIC) facilities, open space and vacant land in the surrounding areas of Site A and Site B;
- (j) the BH of 160mPD for Site A was compatible with the BH of 170mPD of Kwai Chung Estate to its north while the BH of 190mPD for Site B was compatible with the BH of 190mPD of Kwai Shing East Estate to its south. Two breezeways with minimum widths of 50m (between Site A and Site B) and 20m (between Site B and Kwai Shing East Estate) would be provided to facilitate penetration of annual prevailing easterly wind;

Grounds of Representations

Supportive Representations (R1(part), R5 and R6)

- (k) there would be increase in public housing supply for the needy. Consideration could be given to implementing the footbridge system linking

Kwai Shing Circuit to MTR Station to relieve the demand for public transport services; and;

- (l) HD would provide GIC facilities including neighbourhood elderly centre within Site A;
- (m) the above grounds of supportive representations were noted;

Adverse Representations (R9(part) to R13(part))

- (n) the 5 representations indicated that they would not support the zoning amendments for Site A and Site B if the following requests could not be realized:
 - (i) to improve transportation services in the area and services of bus routes No. 33A and 40X should not be cut;
 - (ii) to implement the lift tower linking Kwai Chung Estate and Wo Tong Tsui Street at Kwong Fai Circuit as soon as possible;
 - (iii) to increase provision of community facilities in the area; and
 - (iv) to enhance connectivity between Site A and Site B and other buildings in the area;

Insufficient Public Transport Services

- (o) the proposed cut in bus services would not be able to cope with the demand generated by the proposed PRH developments;

Insufficient Community Facilities

- (p) there were insufficient community facilities to serve the existing and aging population;

- (q) the responses to the above grounds were as follows:

Insufficient Public Transport Services

- (i) Sites A and B were well served by Tai Wo Hau Road and Kwai Shing Circuit respectively. Significant traffic impact was not envisaged. Transport Department (TD) and the public transport operators would review and suitably adjust the level of bus services to cope with the possible additional demand;

Insufficient Community Facilities

- (ii) based on a planned population of about 338,400 for the OZP, including that generated by the proposed housing developments, the planned provision of major GIC facilities in the district was generally sufficient with a surplus provision of local open space;

Representations providing comments only (R7 and R8)

Insufficient Pedestrian Walkway System

- (r) without a convenient walkway system, the proposed developments would cause adverse traffic impact to the area. A barrier-free pedestrian link including a proposed lift tower near Hang Ping Street Playground and footpath widening at Kwai Hing Road should be implemented as soon as possible to facilitate use by residents of Kwai Shing East Estate to Kwai Hing;

Insufficient Community Facilities

- (s) there were insufficient community facilities to serve the existing and aging population in Kwai Chung Estate. The proposed neighbourhood elderly centre at Site A was suggested to be swapped with the existing estate office

at Kwai Chung Estate to better serve the increasingly elderly residents of Kwai Chung Estate;

- (t) the responses to the above grounds were as follows:

Insufficient Pedestrian Walkway System

- (i) there would be adequate footbridges linking up Kwai Chung Estate, Site A and Site B. The consultancy study for site investigation and preliminary design for the lift and pedestrian walkway system to be provided at Kwong Fai Circuit and Kwai Shing Circuit by the Highways Department (HyD) would commence in late 2015;

Insufficient Community Facilities

- (ii) a neighbourhood elderly centre and a multi-purpose venue would be provided within Site A. The Director of Social Welfare considered that the provision of welfare facilities for the elderly was adequate in Kwai Chung;
- (iii) a barrier-free access would be provided to connect Site A and Kwai Chung Estate to enable the elderly in Kwai Chung Estate to use the neighbourhood elderly centre at Site A conveniently. There was no strong justification for the swapping suggestion;

Site C

- (u) 1,597 representations (R1(part) to R4, R9 (part) to R1601) were related to Amendment Item C, of which 3 supported, 1,592 opposed and 2 provided comments only. Comment C1 objected to Item C;

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

Existing Conditions of the Representation Site and its Surrounding Areas

- (v) Site C was a piece of paved land with no trees. It was a temporary government works area before and was currently vacant. Medium-rise and high-rise buildings with BH ranging from 195mPD to 260mPD were found in the surrounding areas. A high-rise sandwich class housing, Highland Park, was on the opposite side of Lai Kong Street. A stepped height concept with the highest building at Highland Park and Lai King Disciplined Services Quarters at about 257mPD, Site C at 240mPD and Tsui Yiu Court at 192mPD;

Grounds of Representations, Representers' Proposals and Comment

Supportive Representations R2 to R4

Housing Demand

- (w) housing development was needed and should not be abandoned due to objection by a minority of people. Providing housing was more important than respecting the right to enjoy views or other considerations. To provide more housing, Site C should cover the adjoining slope and the abandoned football field near Kau Wa Keng should be used for housing development;

Notes of the Plan - Uses allowed under "R(A)" Zone

- (x) if the lowest three floors could be developed for commercial uses and the frequency of minibus services could be increased, it would be good to the nearby residents;
- (y) the response to the above grounds were as follows:

Housing Demand

- (i) the adjoining slope of Site C and the abandoned football field were not

suitable for housing development due to the steep topography and the location being situated above a service reservoir respectively;

Notes of the Plan - Uses allowed under “R(A)” Zone

- (ii) in “R(A)” zone, commercial uses were permitted as of right on the lowest three floors/purpose-designed non-residential portion of a building;

Adverse Representations R1(part), R9(part) to R13(part), R16 to R1601

Housing Type

- (z) private residential, rather than public housing, should be developed. Otherwise, it would be unfair to those who had purchased residential units;

Notes of the Plan - Uses allowed under “R(A)” Zone

- (aa) the inclusion of eating place, educational institution, institutional use, off-course betting centre, office, place of entertainment, private club, school, shop and services, and training centre under the Notes of “R(A)” zone would cause nuisance to and affect the peaceful living environment of Highland Park;

Insufficient Transport Services and Parking Spaces

- (bb) existing minibus services at Lai Kong Street were insufficient. Further population increase would only exacerbate the problem in the Lai King Hill area;
- (cc) the road capacity of Lai Kong Street was already saturated. There should not be any additional traffic burden until the traffic condition was improved. Convenient pedestrian linkage with the surrounding area should be provided;

- (dd) the narrow and sloping Lai Kong Street was not suitable for coaches. On-street parking of minibuses and school buses would cause safety problems to school children;

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

- (ee) there were insufficient car parking spaces in the area. As agreed by government departments, Site C should be used as a carpark, public transport terminus or minibus station;

Insufficient Recreation and Community Facilities

- (ff) there were insufficient schools to cope with the increase in population;

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

- (gg) there was a lack of open space, community and recreational facilities in the vicinity of Highland Park. It was suggested that the site be used for a special school, e.g. to swap the site of the Hong Chi Winifred Mary Cheung Morninghope School (HCS) with Site C, for a mentally handicapped hostel, a home for the elderly, expansion of the adjoining sanatorium, an open space, community or recreational facilities;

- (hh) there was a lack of restaurants, supermarkets, ATMs, etc. in the area;

Environmental Nuisance

- (ii) the environmental nuisance generated during the construction stage would be harmful to the patients of the hospital and residents nearby;

Insufficient Technical Assessments

- (jj) there were insufficient technical assessments and information to support the

rezoning;

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

Quality of Living

- (kk) there was a lack of comprehensive planning. Citizens were sacrificing their living quality;
- (ll) the proposed development would block sunlight from penetrating into some units of Highland Park;
- (mm) the responses to the above grounds were as follows:

Housing Type

- (i) Site C was intended for private residential development, not for PRH or Home Ownership Scheme;

Notes of the Plan - Uses allowed under "R(A)" Zone

- (ii) in "R(A)" zone, commercial uses were permitted as of right on the lowest three floors/purpose-designed non-residential portion of a building without affecting the quality of living of the local community. They were Column 2 uses which required permission from the Board on the upper floors to avoid potential interface problems;

Insufficient Transport Services and Parking Spaces

- (iii) there were 5 green minibus (GMB) routes serving the area of Lai Kong Street, providing a comprehensive network of adequate public transport services for the residents of Highland Park;
- (iv) the existing GMB services at Lai Kong Street were adequate to meet

passenger demand. According to TD's survey, all passengers of GMB routes 91, 91A and 411 could get on the first arriving GMB, and those of GMB routes 46M and 90M were able to board a GMB in about 10 minutes and 6 minutes respectively. C for T would review the public transport services surrounding the site according to the established procedure to meet the passenger demand generated by the future development;

- (v) TD advised that the traffic impact brought by the proposed development would be insignificant. The requirement on parking provisions for the development was approximately 37 private car parking spaces;
- (vi) a public transport interchange would be incorporated into the proposed development to accommodate the existing on-street GMB terminus at Lai Kong Street, thereby improving the existing traffic condition and safety of road users as well as pedestrians;
- (vii) the parking provision of Highland Park was at a ratio of 1 parking space for every 4 residential flats which had adopted a high end ratio based on the Hong Kong Planning Standards and Guidelines (HKPSG) requirement at the time it was developed. The parking ratio was higher than the current standard of 1 parking space for every 6-9 residential units;

Insufficient Recreation and Community Facilities

- (viii) according to the Education Bureau's record of actual demand and provision of primary school places, there was a surplus of school places to meet future demand;
- (ix) the planned provision of major GIC facilities was generally sufficient. There would be surplus provision of open space in Kwai Chung. Regarding the proposed swapping of Site C with HCS, the swapping

would involve land resumption, demolition and rebuilding of the existing school. There was no justification for the proposed swapping;

- (x) the lowest three floors of the proposed development at Site C allowed commercial and retail facilities, providing opportunity to improve the current situation through provision of additional facilities such as restaurants, supermarkets, ATMs, in the area;

Environmental Nuisance

- (xi) environmental nuisance during construction would be subject to control of relevant pollution control ordinances and regulations;

Insufficient Technical Assessments

- (xii) concerned government departments considered that there would be no insurmountable problems in traffic, environmental, geotechnical, visual, air ventilation and infrastructural capacities;

- (xiii) Environmental Protection Department (EPD) had advised that the requirement of a noise impact assessment (NIA) on the potential traffic noise from the West Rail Line and a sewerage impact assessment would be incorporated into the land sale/lease conditions to ensure that the proposed development would not be subject to unacceptable adverse noise impact and would not cause adverse sewerage impact on the surrounding area;

- (xiv) technical assessments including Air Ventilation Assessment (AVA) (expert evaluation) and visual appraisal had been conducted, which demonstrated that the proposed development would not have unacceptable adverse air ventilation and visual impacts on the surrounding area;

(xv) the site was currently paved land with no vegetation. There was no landscape impact to be brought by the proposed development;

Quality of Living

(xvi) the proposed “Residential (Group A)2” (“R(A)2”) zoning was compatible with the surrounding residential uses. Although there would be a slight increase in population, the provision of major GIC facilities and transport services met the HKPSG requirements and local demand respectively;

(xvii) Site C was separated from Highland Park by Lai Kong Street and there would be a 30m wide building gap in the middle of Site C to allow penetration of air and natural daylight;

Representations providing comments R14 and R15

Noise Impacts from West Rail Line

(nn) being situated over the West Rail Line, potential noise from rail operations could be of concern to the future occupants;

Traffic Impact

(oo) the existing Lai King Road was too narrow to allow additional minibuses services;

(pp) people from the downhill Cho Yiu Chuen and Lai Yiu Estate could not get on minibuses. Further population increase without improving the transport services would cause inconvenience to nearby residents;

(qq) the response to the above grounds were as follows:

Noise Impacts from West Rail Line

- (i) a NIA would be incorporated into the land sale/lease conditions requiring the future developer to assess the potential noise impacts and implement necessary mitigation measures to ensure that the proposed development would not be subject to unacceptable adverse noise impacts;

Traffic Impact

- (ii) the responses under insufficient transport services and parking spaces in (mm) (iii) to (vii) above were relevant;

Representers' Proposals

Proposed Amendment to the Plan

- (rr) withdrawing Amendment Item C and retaining its "G/IC" zoning;
- (ss) rezoning Amendment Item C from "G/IC" to "O";

Proposed Amendment to the Notes of the Plan

- (tt) commercial and retail uses should be deleted from the Notes of "R(A)" zone and non-domestic plot ratio (PR) for Site C should be reduced;
- (uu) PR for Site C should be reduced (not more than 200 flats), and BH should not be higher than 15 storeys;
- (vv) the responses to the above proposals were as follows:

Proposed Amendment to the Plan

- (i) the planned provision of major GIC facilities in the district was generally sufficient;

- (ii) there would be surplus provision of local and district open spaces in the Kwai Chung OZP planning area;

Proposed Amendment to the Notes of the Plan

- (iii) there was no strong justification to delete commercial and retail uses from the Notes of “R(A)” zone for Site C as the provision of commercial and retail facilities at Site C could serve the local residents;
- (iv) concerned departments had examined and evaluated the proposed residential development at Site C and considered that the proposed domestic/non-domestic PR of 6/9.5 for Site C would not cause insurmountable problems on traffic and other infrastructural capacity as well as on the environmental aspects. Reducing the PR and BH would affect the number of flat supply to meet the current great housing demand. According to the Visual Impact Assessment (VIA) conducted, the proposed 240mPD would not have significant adverse visual impact on the surroundings areas. There was no strong justification to reduce the PR or BH;

Comment

- (ww) Comment C1 supported Amendment Items A1, A2, B1 and B2 and opposed Amendment Item C on grounds that the site was originally reserved for Lai King Hospital. The project was shelved because of insufficient funding after the completion of the Princess Margaret Hospital Lai King Building (LK Building). As the Princess Margaret Hospital was always crowded, the site should be reserved for the hospital extension to serve the Kwai Tsing, Sham Shui Po and Tsuen Wan residents;

[Professor Eddie C.M. Hui returned to join the meeting at this point.]

Response

(xx) there was a surplus provision of 514 beds in Princess Margaret Hospital. The existing provision of hospital beds was adequate to meet the existing and planned population in Kwai Chung;

PlanD's view

(yy) PlanD noted the supportive views of R1(part) to R6 and the views /comments of R7, R8, R14 and R15; and

(zz) PlanD did not support the adverse representations R1(part), R9 to R13 and R16 to R1601, and the Plan and the Notes should not be amended to meet the representations.

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

R9 Wong Yun Tat/Leung Kam Wai

24. Mr Wong Yun Tat and Mr Leung Kam Wai, K&TDC members, made the following main points:

Mr Wong Yun Tat

Sites A and B

Public transport

(a) his feeling was mixed when talking about Site A as it was he who proposed to HD constructing PRH cum social services facilities on the site several years ago when cut in public transport services in the area had not yet become an issue;

- (b) despite rising aspiration of the community, the Government still adopted obsolete standard in providing services. Although TD had indicated that if there was demand for more public transport services with an increase in population in future, and that the level of bus services could be reviewed, it would be practically difficult since TD required a bus to be over 90% full, which included both seating and standing capacities, before a review could be considered;
- (c) it was unacceptable to the residents in the area when TD and the Kowloon Motor Bus (KMB) proposed two years ago to cut the bus service of Route 33A from a fleet of 10 buses to eight and an average waiting time from 15 minutes to 20 minutes for implementation in Year 2015-16. The waiting time had not yet included the delayed bus services. A cut in bus services did not necessarily encourage people to use MTR as it would be difficult, particularly for the elderly, to walk a long distance to the MTR stations;

Social facilities

- (d) it was noted that there would be a neighbourhood elderly centre within the proposed development at Site A. As it would be more convenient for the elderly to get to the existing estate office in Ha Kwai House, it was proposed that the site of the proposed neighbourhood elderly centre at Site A be swapped with the existing estate office for more frequent use of the facility by residents;

Covered walkway

- (e) although Site A would be linked up with the commercial arcade of Kwai Chung Estate, it was also proposed that a covered walkway should be provided to link up Chun Kwai House, Ha Kwai House and Chau Kwai House with Kwai Hing and MTR Station for convenient use of residents;

Site C

Traffic issues

- (f) the road serving Site C was narrow. It could not support the additional traffic generated by the proposed housing development. An increase of cars and minibuses using the road would pose a threat to road users. The site would best be used for a public transport interchange (PTI), car parking or hospital facilities to meet the long term need of Hong Kong;

Mr Leung Kam Wai

Sites A and B

- (g) during the early years of occupation of Kwai Chung Estate, the rate of suicide and family violence was high as there were insufficient supporting social welfare services. Housing production should suitably be matched by a corresponding level of supporting services for a healthy way of living;

Insufficient bus services

- (h) there was no objection to the housing developments when the proposals were first discussed by K&TDC. A motion was passed objecting to the proposals when they were brought up for consideration by K&TDC again at a time when TD put up a proposal for cutting bus services in the Kwai Chung district. Although the representative of PlanD said that waiting time for bus route 33A would only be increased from 15 to 20 minutes, it missed the fact that there would be a cut of a bus fleet from 10 to eight, which was a 20% slash from the current level, and that the waiting time would be a further increase from eight to twelve minutes several years ago;
- (i) the four public housing blocks in Kwai Shing Circuit was evidence to show that it was easy for TD to cut bus services than to increase them in that the said buildings had been in occupancy for a few years and yet there had not been any intention of TD to increase the public transport services to tie in with the increase in population. TD's claim that transport arrangement

would be reviewed upon increase in population would only be an empty promise;

- (j) there were insufficient schools in Kwai Chung. Residents needed to take the bus to go to school, work or to receive medical services outside the area. Without improvement to the bus services, any additional residential development in the area could not be supported;

Timely provision of pedestrian walkway system

- (k) although the PlanD's representative said that a consultancy study for a pedestrian walkway system at Kwong Fai Circuit and Kwai Shing Circuit would commence in late 2015, the project had been discussed for seven years and was still in the design stage. As compared with housing development which could be completed in four years, development of the pedestrian walkway system was at a snail's pace; and
- (l) public housing should be accompanied with a comparable level of services for the residents. Currently, the provision of GIC facilities, such as library and family services, were concentrated in Kwai Hing at the fringe area of Kwai Chung. Consideration should be given to relocating some of those facilities to where population was concentrated.

[Actual speaking time: 18 minutes]

25. In response to R9's request on whether a new written submission could be made and passed to Members for reference, the Chairman said that the statutory time limit for submission of representations had expired and the Board could not accept new written submission. Nevertheless, if the written submission was an elaboration of the representation, it could be submitted to the Board. R9's written submission was then passed to the Secretariat.

R10 Chow Kam Pui

26. Mr Chow Kam Pui made the following main points:

Sites A and B

Traffic impact

- (a) as a local resident, he pointed out that the traffic data provided by TD was wrong and the impact of a cut in bus services was significant. Members were invited to observe the impact themselves by visiting the area;
- (b) he saw no logic in reducing the level of bus services when there were proposed new housing developments. People had to wait for 45 minutes for bus route 33A during non-peak hours, which was far below the pledged standard. The long waiting time had discouraged people from using the service;

Social services

- (c) elderly services in the area had not been sufficient to meet the needs of the residents. Elderly people needed to wait for two years for household cleaning services and application for meal delivery services had been suspended due to the long waiting list;
- (d) the proposed pedestrian walkway system should be implemented as soon as possible to facilitate the elderly in getting to the transportation nodes; and
- (e) both public transport and social services in the areas were insufficient to meet the demand. Without improvement to such services, the proposed new housing developments could not be supported.

[Actual speaking time: 6 minutes]

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

R11 Vincci Wong

R1308 Lau Siu Kie

27. Hon Leung Yiu Chung, a member of the Legislative Council and K&TDC, made the following main points:

Site C

Traffic issues

- (a) the traffic issues of the area were hard to be tackled taking into account that Lai Kong Street was a dead-end road;
- (b) although the car parking ratio of 1:7 for Site C would not be able to meet the needs of the residents in view of the deficiency in public transport in the area, with Lai Kong Street, being a dead-end road, a higher parking ratio, such as that of 1:4 for the Highland Park on the opposite side of Lai Kong Street, could not be stipulated for Site C. The provision of more car parking spaces for Site C would overtax the local roads and cause congestions, especially during peak hours when the road was used heavily by taxis, school buses and minibuses;

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

- (c) GMBs were always full when they left their terminus at Highland Park. People at stops along the way downhill would not be able to get on a GMB. With no other alternatives, people who could not get on a GMB might just walk to the MTR Station or hire a taxi;
- (d) the waiting times of passengers quoted by TD were only averages taken over a long period of time, which could not reflect the actual condition during peak hours. Members were invited to visit the site to understand the actual traffic situation;

- (e) without the support of bus services, the current proposal of providing a so-called PTI for GMB at the proposed private residential development would not be able to tackle the transportation problems. With an increase of some 400 units in the future residential development, there would be an increase of over 1,000 people. To meet the additional population, 10 to 20 more minibuses during peak hours would be required. Otherwise, the waiting time for minibuses would even be longer;
- (f) suggestions had been made to use Site C as a PTI to provide more parking and vehicular manoeuvring spaces, e.g. for buses so as to allow room for future improvement to public transport services in the area;
- (g) provision of bus services would be the only solution to the traffic problems in Lai King Hill in view of the number of passengers that buses could carry;
- (h) although TD said that the level of public transport services in the area would be subject to review, being a DC member for over 30 years, he understood that there would ultimately be no improvement even if a review was conducted;
- (i) in view of the inadequacy of the public transport service and shortage of car parking spaces, many residents of Highland Park resorted to park their cars illegally on the street. The proposed housing development with inadequate parking spaces would aggravate the illegal parking problem. Due to insufficiency of minibus services, taxis were attracted to the area, adding further burden to roads. Since some local roads were dead-end roads, traffic in the area would come to a complete standstill if there was an accident. Under such circumstance, people had to walk to the MTR Station;
- (j) while TD had no solution to the current transportation problems, it would be even harder for them to tackle the situation when the proposed development at Site C was completed. It was not the representers' intention to deter housing development. However, any new development must come with

appropriate supporting services. Apart from accommodation, other needs of the future residents, including the necessary transportation means to go to work or school, should be provided adequately;

- (k) Site C should be kept mainly for PTI use for minibuses and/or buses although the remaining area could be considered for uses such as eating place;
- (l) K&TDC objected to the proposed amendments to the Plan unanimously. Despite the objection raised by K&TDC, PlanD proceeded to gazette the amendments without further liaising with the DC members to understand their reasons for objection and to try to work out a feasible solution. Gazetting the amendments without further consultation with K&TDC was procedurally improper; and
- (m) Members were invited to seriously consider whether the public transport service and traffic conditions of the area could support an increase of some 400 flats and a population of over 1,000 people.

[Actual speaking time: 17 minutes]

R12 Chan Ka Yiu Yoyo

28. Ms Chan Ka Yiu Yoyo made the following main points:

Sites A and B

- (a) there was a need for a large indoor space in Kwai Chung Estate for seminars and cultural and recreational activities. Currently, such activities were held at the podium of Phase 4 development of Kwai Chung Estate. As the venue was not properly sheltered, events had to be cancelled in times of inclement weather;
- (b) although TD had pointed out that the waiting time for bus route 33A would

only be increased from 15 to 20 minutes under the new arrangement, people currently had to wait for 45 minutes or longer even before the new measure was put in place;

- (c) bus route 33A was essential to the residents of Kwai Chung Estate as it passed major clinics and medical facilities, such as the Caritas Medical Centre, a referral centre for eye service. As an alternative to bus service, patients had to take a long walk from Kwai Chung Estate to Tai Wo Hau or Kwai Hing MTR Station and then another long walk from the respective MTR Station to the medical centre;
- (d) Kwai Chung Estate was situated mid-hill and was far away from the Tai Wo Hau and Kwai Hing MTR Stations. Instead of cutting bus services, TD and KMB should introduce new bus routes and increase the frequency of the existing services to meet the needs of the residents;
- (e) school places in Kwai Chung Estate were also not enough to meet the demand. Some students needed to take bus route 33A to go to school at Mei Foo. The completion of the proposed public housing development would aggravate the situation; and
- (f) the Government should address the issues of shortage of community facilities and inadequate bus services first before furthering housing development in the area.

[Actual speaking time: 3 minutes]

R22 Vincent To

29. Mr Vincent To made the following main points:

- (a) he would speak on behalf of the owners' corporation (OC) of Highland Park and himself and he objected to the zoning amendment in relation to Site C at Lai Kong Street;

- (b) it was agreed in the meetings amongst the Legislative Council member, Mr Leung Yiu Chung, K&TDC member, Ms Lo Wai Lan, himself and relevant government departments on 5.7.2012 and 13.11.2012 that Site C would be reserved for GIC uses after returning of the site by Water Supplies Department (WSD). A development proposal had also been shown on site by representatives from the Government, including TD and the Leisure and Cultural Services Department (LCSD) indicating that the site was for community development. However, the plan was currently rescinded with a change in the government policy, neglecting the needs of the residents;
- (c) the traffic data provided by TD was unreliable. It only reflected the average situation over a long period of time. Besides, the survey conducted showed only the situations at the minibus terminus. It did not reflect the actual circumstances at other stops along the route where people could not get aboard a minibus;
- (d) in a traffic survey conducted by TD in the presence of members of the OC of Highland Park and K&TDC on 11.3.2013, a minibus for a destination outside the area and with a driver who did not know the regular routes running in Lai King Hill was found on site. As the survey was suspected to be a manipulated one, a complaint had been filed to TD;
- (e) to tackle the transportation problems, Site C should be used as a PTI for minibuses and/or buses. It had been previously agreed that part of the site would be developed as a PTI while the remaining part could be developed either as pitches managed by LCSD or other community facilities. The needs of local residents should be given due regard;
- (f) the access to Highland Park was a dead-end road, fire safety was a concern; and
- (g) Members were invited to note that the proposed zoning amendments on the Plan were objected to unanimously by K&TDC. The planning intention of

the original GIC zoning for Site C for proposed community facilities to serve the local population should still be valid.

[Actual speaking time: 10 minutes]

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

R84 Lee Suk Tak

30. Ms Lee Suk Tak made the following main points:

- (a) Highland Park was on a hill served by a dead-end road with lanes of 12 feet wide on each direction. The road was to serve the 10,000 residents of Highland Park, patients of LK Building, five GMB routes, 365 private cars, 25 motor cycles, emergency vehicles and school buses; and
- (b) for fire safety, an escape path should be reserved between the proposed development and LK Building before the proposed development was allowed. An evacuation plan should also be made available for people in Highland Park and LK Building in case of emergency.

[Actual speaking time: 2 minutes]

R90 Chow Wai Kin

31. Mr Ng Chi Kwok made the following main points:

- (a) he moved to live in Highland Park because he wished to improve his living environment. Members were invited to consider seriously whether the proposed infill development at Site C was desirable from the planning point of view;
- (b) transportation was a main concern. Being a resident of Highland Park, he

could get on a minibus at the terminus without undue difficulty. However, that was not true for the other residents at the other stops along the route. Without adequate public transport, he had to walk all the way home from Lai King Station the day before when typhoon signal No. 8 was hoisted;

- (c) road safety of school children was another concern arising from the additional traffic generated by the proposed housing development; and
- (d) the occupancy rate of Highland Park had always been low until recently because of the unacceptable level of public transport services. With a sudden change of the government policy, the residents' hope of using Site C as a PTI for improving the public transport services had been taken away. Members should be aware that it would infuriate the residents if the Board decided to make a decision which would adversely affect the lives and quality of living of the residents.

[Actual speaking time: 9 minutes]

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

[Mr Laurence L.J. Li and Dr C.P. Lau left the meeting temporarily at this point.]

R104 Yu Pui Shan

32. Ms Yu Pui Shan made the following main points:

- (a) she was a resident of Highland Park and was very concerned about the transportation in the area. Although she and others were fortunate enough to live in Highland Park which was situated adjacent to the GMB terminus where they could get on a GMB comparatively easier than residents at the other stops, they still suffered when they had to line up after work together with other residents of Lai Yiu Estate and Cho Yiu Chuen at the minibus terminus at Lai King, Mei Foo, Kwai Fong, Tsuen Wan and Sham Shui Po. Members were invited to visit the site to verify the reliability of the traffic

data provided by TD and to understand how residents in different parts of Lai King Hill suffered from the poor public transport arrangements;

- (b) in view of the inadequacy of public transport service, some residents had begun to use cycles as an alternative means of transportation. However, if the amendments were agreed, the heavy construction vehicles to Site C would pose safety threats to the cyclists, noting particularly that roads in the area were steep and winding;

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

- (c) the lack of car parking spaces was also a main concern. There were over 300 flats on the waiting list for parking spaces in Highland Park. As the access road to Highland Park was a dead-end road, a simple incident would lead to serious congestion. Evacuation plan should be available for accidents in Site C when works commenced. Relevant government departments should ensure that access of emergency vehicles would always be maintained;
- (d) Site C was above the West Rail. There was no guarantee that future piling works would not have adverse impact on the railway noting that monitoring and supervision of private project were always inadequate; and
- (e) it was stated in the TPB paper that 410 flats were estimated to be provided at Site C. It was doubtful if the road capacity could support the increase in population arising from the proposed development.

[Actual speaking time: 6 minutes]

R121 Carman Leung

33. Ms 林麗潔 made the following main points:

- (a) the residents in the area were facing difficulties brought by the narrow roads

every day. The Government should balance the needs of the residents and the need for housing development;

- (b) if Site C was really suitable for housing development, it should have been developed in 2011 to 2013. The Government should explain why the site was left idle for all those years;
- (c) although it was mentioned that some representers supported Amendment Item C, she doubted if such representers lived in Highland Park and understood the traffic issues;
- (d) the site photographs in the TPB Paper showed only the relationship of the site with housing developments such as Wonderland Villas, Regency Park and Wah Yuen Chuen, but not Highland Park. They did not show the real impact of the proposed development on Highland Park and its immediate environment;
- (e) since residents in the area relied heavily on the five GMBs running in the area, they had no choice but to pay high fare and to tolerate the services regardless of how unreasonable they were in terms of frequency of service and customer friendliness;
- (f) the residents of Highland Park were under immense economic pressure. Other than the necessary trips, such as those to the workplace, some residents would avoid travelling for leisure and recreational purposes in view of the high minibus fare. If the Government had no plan to improve the traffic condition of the area, it should avoid introducing new land uses, which would generate additional traffic, to worsen the existing conditions. Site C should be kept for GIC purposes, such as for day care centre for the elderly; and
- (g) unlike what was presented by the government representatives, the adverse impact to be caused by the proposed development was significant. It was wrong to bring in another 1,000 people to live in the area which was

ill-served by public transport.

[Actual speaking time: 10 minutes]

R153 Yu Fung Han

34. Ms Yu Fung Han made the following main points:

- (a) she requested Members to consider the representations based on professional judgment rather than on political consideration, such as whether the prevailing government policy could successfully be implemented;

[Mr Laurence L.J. Li and Dr C.P. Lau returned to join the meeting at this point.]

- (b) the shortcoming of the rezoning amendment was that it would bring in another 1,000 people to compete for the limited public transport services in the area;
- (c) as one of the first batch residents of Highland Park, she witnessed that no improvement had ever been made to ameliorate the traffic and transportation conditions despite all the promises made by the Government. On the contrary, the transportation conditions had been worsened. It was an ordeal of the residents to wait in long queue for minibus or to be stuck in the middle of a traffic standstill caused by a minor incident. As Lai Kong Street was a dead-end road, alternate routing was not possible;
- (d) due to shortage of car parking spaces, Lai King Hill was plagued with illegal parking at night, which was undesirable;
- (e) unlike in the 1950s, apart from accommodation, people also needed adequate social and community services. While increasing housing supply, the Government should at the same time ensure that the level of services and infrastructure in the area was commensurate with the housing units to be

provided;

- (f) the expert evaluation report prepared by the Chinese University of Hong Kong revealed that the easterly wind would be blocked by the proposed development. Apart from the measures proposed, subject to the AVA to be carried out for the site, further mitigation measures might be required;
- (g) the photomontages in the TPB Paper did not show the relationship of the proposed development with Highland Park. The conclusion that there was no light penetration problem was not based on a thorough and objective assessment; and
- (h) the proposed development was above the West Rail, and safety was a concern that needed to be dealt with first before green light was given to the proposed development.

[Actual speaking time: 11 minutes]

R192 馮文杰

35. Mr Fung Man Kit made the following main points:

- (a) he objected to Amendment Item C;
- (b) the Government tried to coax residents into supporting the amendment item by saying that commercial uses, such as supermarket and eating place could be provided on the lowest three floors of buildings in the “R(A)2” zone. As Site C was for private development, it would be up to the future developer to decide the mix of uses in the site so as to yield the best return. If residential development was more profitable, they might use all the floor area for domestic use. Taking Highland Park as an example, although it was zoned “R(A)”, there was only a convenience store within the development. The provision of commercial uses within the proposed development at Site C might never be realized;

- (c) Highland Park was far away from the MTR Stations and bus routes, and the residents there had to rely on the feeder services provided by GMBs. However, the services were far from adequate. This was contrary to what was presented by TD to the Legislative Council member and the OC of Highland Park that the five minibuses routes serving the area were adequate;
- (d) since there were no other competitors, the service of minibuses was not up to standard. There were particularly insufficient services to cater for the demand in peak hours. With the completion of the proposed development at Site C, more complaints on the inadequacy of the GMB services were anticipated to be filed by the residents of the development;
- (e) Members were invited to consider whether the traffic data collected by TD only on a few days of a year or the hands-on experience of the residents, who lived in the area year round, was more reliable;
- (f) with Lai Kong Street, Lai Chi Ling Road, Wah Yiu Road, Lai Yiu Street and Lim Cho Street being two-lane roads, they could not support the additional traffic generated from the proposed residential development at Site C;
- (g) although the OC of Highland Park had repeatedly requested TD to extend bus services to Lai Kong Street, the requests were refused and the reason was that the design of the road was not for use by buses;
- (h) unlike developments elsewhere, residential developments in the area were built on a hill where pavements were steep, winding and narrow. At some points, the pavements were just wide enough for the passage of one pedestrian. It was very inconvenient and unsafe, particularly for the elderly and young children, to walk downhill for MTR or bus services. Road widening works on steep slopes were also costly and not in conformity to the principle of optimal use of social resources;

- (i) the elongated and sloping site of Site C would involve high site formation cost. The flats on the site would likely be sold to the better-off who could afford to pay for a better living environment, but not to the general public. As such, the use of Site C to address the imminent housing need of the public was limited;
- (j) the original planning for Site C was for a 1-storey tall GIC development. Without change in the planning circumstances, including environment and infrastructure, the proposed residential development with residential building blocks of 240mPD tall and additional population would bring about adverse impacts on the area; and
- (k) in the course of increasing housing production, the Government should at the same time ensure that the quality of living of the residents would not be compromised and that the public comments would adequately be heard. Members were also requested to ensure that the proposed development in the area would be for the promotion of the health, safety, convenience and general welfare of the community.

[Actual speaking time: 10 minutes]

R709 陸少芳

R820 蕭自良

R195 Ms Lo Wai Lan

36. Ms Lo Wai Lan, a K&TDC member and Mr Vincent To made the following main points:

Ms Lo Wai Lan

- (a) she and her family had been living in Cho Yiu Chuen for over 30 years and had experienced changes in the area, including changes in fares of the public transport and the introduction of schools and youth services to the

community;

- (b) transportation was the main issue of the area which still needed to be addressed. In the early development stage, people had to walk to Mei Foo for public transport to work or school. After all those years, the transportation problems of Lai Yiu Estate and Cho Yiu Chuen still persisted. Although there were a few GMB routes running in the area, the inadequacy of the services had benefited not many of the residents, particularly those not living near to the minibuss terminus;
- (c) in order to provide an alternative for residents of Highland Park to access public transport, there was once a proposal of building a staircase at Site C to connect people to Lai Chi Ling Road and Wah Yiu Road. However, the proposal was turned down by TD on slope safety ground. Moreover, if slope safety was a concern of Site C, she did not understand why the Government could propose to build three residential blocks on the site;
- (d) any new development should only be approved when the existing problems had been resolved. If bus route(s) was to be introduced to Lai Kong Street, all the transportation problems in the area, including those of of Lai Yiu Estate and Cho Yiu Chuen, could be resolved;

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

- (e) TD should investigate how to improve the road conditions of the area. The winding roads had made driving in the area unpleasant and unsafe. Kwai Chung South was a pleasant place to live, and road improvement was required to make Kwai Chung South a even better place; and
- (f) to help solve the traffic problems, a barrier-free pedestrian walkway system linking up Yuet Lai Court, Kai Min Lau of Cho Yiu Chuen, Lai Chi Ling Road, Highland Park and Disciplined Services Quarters had been proposed.

[Dr W.K. Yau arrived to join the meeting at this point.]

Mr Vincent To

- (g) there was misleading information provided in the TPB Paper in respect of the visual impact of the proposed development at Site C on Highland Park. The photomontage was based on a photograph taken from the foot of Lai King Hill which did not show the impacts of the proposed development on Highland Park from the east; and
- (h) Members were invited to note that the proposed development at Site C was just to the immediate east of Highland Park across Lai Kong Street. Based on an estimated 410 units of two residential blocks originally proposed, the height of the proposed development would be 25 storeys. The development would therefore block the first 25 floors of Highland Park on the east. As it was noted that three residential blocks were currently proposed, government representatives should clarify whether two or three residential blocks would be built and how it would affect the local area.

[Actual speaking time: 17 minutes]

R241 陳志強

37. Mr Chan Chi Keung made the following main points:

- (a) he was one of the first batch owners of Highland Park and had some supplementary comments on the traffic concerns;
- (b) the capacity of Lai Kong Street of 2000 passenger car unit (pcu)/hour provided by TD was based on a driving speed of 50km/hour. The figure was too idealistic as Lai Kong Street, being a sloping road would not support a driving speed of 50km/hour as assumed by TD. The validity of the conclusion made by TD that the traffic impact brought by the proposed development was insignificant was therefore doubtful;

- (c) as Lai Kong Street was a dead-end road, reversion of heavy vehicles at the cul-de-sac was difficult;
- (d) for over thirty years, there had not been any change to the alignment and width of the roads on Lai King Hill but for the same period many more housing developments were built in the area. Members were invited to consider whether the road network, without improvement over the years, could still support further developments in the area; and
- (e) Members were also invited to note MTR's concerns on the potential noise impact of the West Rail on the proposed development at Site C and whether it was appropriate to approve the development when there was such a concern.

[Actual speaking time: 5 minutes]

R345 Yiu Oi Po

38. Ms Yiu Oi Po made the following main points:

- (a) she was a local resident for a few years and was very disappointed that the Government had not planned well ahead to address the transportation issues before proposing residential development at Site C. To proceed with the residential development without improving the transportation conditions first was unacceptable;
- (b) Members might wish to note that a small incident occurred recently at LK Building, which held up traffic for 15 minutes, and led to tens of visitors at the building waiting for public transport. 10 to 20 minibuses were also stuck in the traffic as a result of the accident. Road conditions in the area could not support further developments;
- (c) Site C was subject to noise impact of the MTR. She doubted if the site was suitable for residential development; and

- (d) the actual area of Site C was smaller than what was shown on the site photograph attached to the TPB Paper. To accommodate three residential blocks, extension of the site to the slopes might be necessary, giving rise to a potential safety concern.

[Actual speaking time: 6 minutes]

R780 Wong Sau Hing, Grace

39. Ms Wong Sau Hing, Grace made the following main points:

- (a) she was a resident of Highland Park and objected to Amendment Item C;
- (b) while recognizing the need to provide housing to meet demand, she considered that building more housing without making changes to the population policy was myopic and would only aggrandize the problem;
- (c) having lived in the area for over ten years, she witnessed that there was no improvement to the transportation arrangements. Residents there usually took about thirty minutes to go by minibus from Highland Park to the MTR Station and the travelling distance should only take three minutes under normal circumstances. As there were no other alternatives, the residents had to put up with the attitude of the minibus drivers as well as the fare charged regardless of how unreasonable they were;
- (d) the two-lane roads for two-way traffic in Lai King Hill were susceptible to congestions even for a minor incident; and
- (e) the residents' request for a better living environment was reasonable.

[Actual speaking time: 4 minutes]

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

R958 Li Wai Ching

40. Ms Li Wai Ching made the following main points:

- (a) the cost of construction was high and transportation in the area was problematic. The proposed residential development at Site C would not meet the public aspiration for a good living environment; and
- (b) Members should carefully consider the best use of the site.

[Actual speaking time: 1 minute]

R1123 Tam Kim Pong

41. Mr Tam Kim Pong made the following main points:

- (a) drivers would switch to use Lai King Hill Road when there was congestion on Kwai Chung Road. With an increase of population arising from the residential development at Site C, there would also be an increase in the use of minibuses on Lai King Hill Road. All those traffic would overtax Lai King Hill Road; and
- (b) any traffic congestion on Lai King Hill Road would obstruct the smooth flow of emergency vehicles to Princess Margaret Hospital.

[Actual speaking time: 2 minutes]

R1184 Vicky Ho

42. Ms Vicky Ho made the following main points:

- (a) she objected to Amendment Item C and had the following comments on the TPB Paper:

Paragraph 6.4.12

- (i) although TD advised that they would review the public transport services surrounding the site according to the established procedure, there was no guarantee that sufficient public transport would be provided. Highland Park was on a hill, and it was difficult for residents to go to the neighbouring area for public transport. Without guaranteeing that there would be sufficient provision of public transport, further residential development in the area was not appropriate;
- (ii) it was stated in the paragraph of the paper that all passengers at Lai Kong Street could get on a GMB between 6 to 10 minutes. However, the survey did not reflect the situation where people at other stops found it difficult to get on a minibus because minibuses were usually full when they left the terminus at Lai Kong Street. People at other stops usually had to wait for 20 to 30 minutes before they could get on a GMB;

Paragraph 6.4.13

- (iii) although TD advised that the additional traffic flow of the proposed development would be about 46 pcu/hour in 2-way at peak hours and the traffic impact to be brought by the proposed development was insignificant, the TPB Paper had not made it clear whether there would be sufficient provision of public transport to meet the demand. If public transport was inadequate, the spare road capacity would not be able to address the concerns of the residents. Besides, it was currently difficult to hire minibus drivers to provide more services;

Paragraph 6.4.17

- (iv) it was stated in the paragraph of the paper that Amendment Item C

provided an opportunity to improve the current situation through provision of additional facilities such as restaurants, supermarkets, ATMs in the area. However, not many residents had requested for more commercial activities. After reviewing the TPB Paper, it was noted that only a few representers had made such a comment/request. One of the representers simply said that if the lowest three floors could be developed for commercial uses, it would be good. Residents' main concern in the area was transportation. They would worry more if the introduction of commercial activities would attract more people to the area to compete for the limited public transport services;

Paragraph 6.4.22

- (v) it was stated in the paragraph of the paper that when prevailing wind came from the northeast, east and southeast, the proposed development might create some wake areas on the leeward sides which would affect the air ventilation of Highland Park and the pedestrian level of Lai Kong Street. Design requirements had been incorporated into the Plan, Notes and the Explanatory Statement to guide the future development of the site. However, there was no guarantee that the future developer would adopt the design requirements in their design of the proposed development;

- (b) as there was no guarantee that there would be improvement in the transportation conditions and that no adverse air ventilation impact would be caused to the surrounding areas, there was no reason to support the proposed development at Site C.

[Actual speaking time: 6 minutes]

R1264 Chan Ka Yin

43. Ms Chan Ka Yin made the following main points:

- (a) more than 90% of the representations submitted were against Amendment Item C on traffic and transportation related grounds. Air ventilation and potential visual impact were not the main objection grounds of the representations;
- (b) there were discrepancies between the survey conducted by TD and the experience of the residents on minibus services. While TD said that people could get on the first arriving minibus, eight surveys conducted by a resident, Mr Leung, from October 2013 to 22 July 2014 gave the following results:
 - (i) the waiting time to get on a GMB Route 91A at 7 p.m. at Metroplaza, Kwai Fong was over 20 minutes;
 - (ii) the waiting time to get on a GMB Route 91 at 6:15 p.m. on 13.2.2014 at Ham Tin Street, Tsuen Wan was over 16 minutes;
 - (iii) the waiting time to get on a GMB Route 46M at 6:15 p.m. on 16.10.2013 at Lai King MTR Station was 20 minutes;
- (c) despite TD's views that the road capacities might not have been saturated, there were always road works, particularly on Lai King Hill Road near the hospital, for public utilities hindering the smooth flow of traffic;
- (d) TD had not made any responses to the repeated requests for improvement works to the pedestrian walking system. The existing pavements in Lai King Hill were steep and narrow, particularly the section near the entrance of the hospital. It was a real concern as regards how people could effectively be evacuated in times of emergency under the current condition of the pavements;
- (e) although there were three supportive representations on Amendment Item C, one was made on the condition that a separate access road should be provided for use of construction vehicles to Site C to minimize the impacts caused to the residents and to facilitate residents to get to Castle Peak Road

for bus services. However, the TPB Paper had not made any reference to the representer's conditional support; and

- (f) Members were requested to make a fair decision on the representations balancing both the housing need and requests of the residents.

[Actual speaking time: 6 minutes]

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

R108 Cheng Lai King

44. Ms Cheng Lai King made the following main points:

- (a) she had lived at Lai Yiu Estate since 1989 and transportation was a main concern of the area. She had to wait for three minibuses before she could get on one to come to the meeting;
- (b) there were only 3,470 GMB in Hong Kong and the drivers were mostly retired employees of the bus companies. With such constraints, it was difficult to increase GMB routes;
- (c) Site C should be retained for GIC uses. Kwai Chung still needed GIC facilities to serve its population. The site could be used for camping facilities or an adventure ground for the youth and students;
- (d) residential development at Site C was strongly objected to as the winding roads of Lai King Hill were not suitable for use by buses to meet the transportation need of the residents. With the completion of Highland Park and the Disciplined Services Quarters, residents of Lai Yiu Estate had to wait for long before they could get on a GMB. Due to the transportation concerns, Site C could only be used for a 2 to 3-storey tall camping facility, a 4 to 5-storey high elderly centre, a medical treatment centre or a park; and

- (e) if not for Highland Park and the Disciplined Services Quarters, which had blocked the breezeway, residents in Lai Yiu Estate would not require air-conditioners. Further residential developments to block air ventilation in the area should be avoided.

[Actual speaking time: 9 minutes]

45. As the presentations from the representers and the representers' representatives had been completed, the Chairman invited questions from Members. The Chairman also pointed out that the Board would take all relevant considerations into account, including the representations and comment received, the oral submissions made by the representers at the meeting and departmental comments, before an independent decision on the representations would be made.

46. In response to a Member's question on why there were discrepancies between TD's traffic data and residents' observation, Mr Honson H.S. Yuen of TD said that the traffic data collected from the traffic surveys was accurate and had not been manipulated. There was no reason for TD to carry out fraudulent surveys. With respect to road capacities, Mr Francis H.W. Chan of TD said that there were three routes for outgoing traffic from Highland Park. They were: (a) left turn from Lai Kong Street to Lai Chi Ling Road and Wah Yiu Road, and then join the Tai Wo Hau Interchange for Castle Peak Road – Kwai Chung Section; (b) through Lai Kong Street and Lim Cho Street, King Cho Road to join Lai King Hill Road; and (c) through Lai Kong Street, Lim Cho Street, Lai Cho Road and Joint Street to join Lai King Hill Road. All the roads concerned were two-lane roads, one traffic lane for each bound. The traffic flow assessment conducted by TD in April 2014 revealed that the design flow/capacity ratio (DFC) of the critical junction between King Cho Road and Lai King Hill Road was about 0.8 and another assessment conducted in June 2015 indicated that the DFC of the Tai Wo Hau Interchange was 0.38. There were capacities of roads in Lai King Hill for additional traffic. Besides, vehicles with gross weight exceeding 23 tonnes and length exceeding 10m were prohibited from entering King Cho Road and Wah Yiu Road. The measures had taken into account that the road safety concern of the steep and winding road network connecting to Lai Kong Street.

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

47. In response to another Member's questions on whether GMB of 21 seats would be adopted to take up more passengers, whether further expansion of the proposed PTI was required to cater for future transportation arrangements and why there would be a cut in bus services of Route 33A when residents still found the services inadequate, Mr Honson H.S. Yuen of TD said that the use of 21-seaters minibus was still under detailed study. The major concerns of the proposal were its long term operational and financial impact on the public light bus trade, its impact on the public transport services as a whole, i.e. role of different public transport modes, and road traffic management. With respect to the use of the proposed PTI, TD needed to review if change of demand mode would occur with completion of the proposed housing development. Space within the proposed PTI had been reserved to cater for any such change, if warranted. According to the Bus Route Planning Programme 2015-2016 of Kwai Tsing District, the peak period frequency of service of Route No. 33A would be cut from every 15 minutes to every 20 minutes as buses were only 47% full during peak hours. The proposed cut in services was a balance of the need of residents and efficient use of resources.

48. In response to the Member's follow-up question on whether TD would consider rearranging the existing GMB routes for more feeder services to reduce waiting time and another Member's similar question on how TD would transport the residents from their home to the MTR Station downhill with an increase in population arising from the proposed development at Site C, Mr Honson H.S. Yuen of TD said that provision of more feeder services to MTR Stations was in line with the prevailing Transport Policy and would therefore be encouraged. Taking into account the topography of Lai King Hill and the existing road conditions, feeder services by minibus were more flexible than by buses. Moreover, space had been reserved in the proposed PTI to cater for future new public transport facilities if there was a change in the demand pattern and circumstances.

49. A Member asked the representatives of TD and representers whether DC members and locals were invited when traffic surveys were conducted. The Members also asked other than data collected from traffic surveys, whether reports by the GMB operators were available to show that the required frequency of services under the conditions of grant of licence, if any, had been complied with, and whether delayed cases of GMB services had been reported to TD. Mr Vincent To (R22) said that he had filed complaints to the GMB

operators and TD as well as through Hotline 1823. In response to the complaints received, TD just responded that they would conduct regular traffic surveys by out-sourced contractors. As for a traffic survey conducted by TD with K&TDC members present, he had taken photographs showing that the destination of the minibus was not Highland Park and that the driver had to ask the regulator at the terminus how to get his way downhill.

50. With respect to the bus service of Route 33A, Mr Leung Kam Wai (R9) said that according to the findings of a survey on bus services conducted by K&TDC, residents were reluctant to use Route 33A because of its unsteady service. During peak hours, residents might need to wait for over 45 minutes for a bus. As an alternative, they travelled on and paid more for MTR. Route 33A should have been preferred if its service was steadier. According to TD's data, the frequency of bus service which was behind schedule was only 5 to 10%. However, most of the delayed bus services were found to occur during peak hours which deterred residents to continue to use the services and a vicious cycle was thus formed. Mr Wong Yun Tat (R9) supplemented that the increase in people in using the MTR services would only add burden to the already saturated railway service. Route 33A was often delayed by traffic congestions in Mongkok and Yeung Uk Road, Tsuen Wan. An incident in Yeung Uk Road on 2.7.2015 had caused the traffic to a standstill for 12 hours. A proposal had been made to request rerouting of Route 33A to avoid the busy districts but it was not accepted. The definition of a full bus, including full occupancy of seats and standing space, was unreasonable. The users' expectation of being seated on buses should be respected. Route 33A was a commuter bus. The number of passengers in each direction during peak hours would be significantly different. TD should take into account the characteristics of a commuter bus in making a decision on Route 33A.

51. Two Members asked whether a representer's proposal of introducing a barrier-free pedestrian walkway system had been considered for Site C to connect people from their home to the MTR Station. Mr Lawrence Y.C. Chau, DPO/TWK, said that Lai Kong Street, Lim Cho Street and Lai Chi Ling Road were steep roads. There was currently no plan to construct a pedestrian walkway system from Lai King MTR Station to areas in Lai King Hill taking into account the topography of the area and the long walking distance.

52. In response to the Chairman's questions on whether the proposed development at Site C would affect the operation of the West Rail; whether the traffic survey conducted for

the area was carried out only on a few days of a year as alleged by the representers; whether the traffic flow assessments were done on the assumption that driving speed in the area was 50km/hour; how the current car parking ratio was proposed and how details of the building height restrictions of the proposed development were worked out as well as details of the findings of the AVA study, Mr Lawrence Y.C. Chau, DPO/TWK, said that MTR Corporation Limited, HyD and EPD had been consulted on the potential impact of the MTR on the proposed development at Site C. EPD preliminarily considered that the proposed development would not be significantly affected by noise of the West Rail underneath. Besides, an NIA would be incorporated as a land sale condition requiring the future developer to meet the road and railway traffic noise requirements. As regards the car parking ratio, it was proposed according to HKPSG. According to the AVA, prevailing winds of the site was northeast year round and east, southeast and southwest in summers. As the proposed development would have impact on penetration of the east wind, a building gap of 30m wide was required for the site. The maximum building height of the structure, i.e., the proposed PTI, within the building gap was 10m. The requirement had been stipulated on the Plan. The residential towers would have to be built to the north and to the south of the building gap.

53. Mr Lawrence Chau continued to say that a VIA had also been conducted for the site with vantage points chosen to the east, west and south of the site to assess the visual impact. As there were no prominent public spaces, such as park or walking trail in the area, the podium of Wah Yuen Chuen was selected as one of the vantage points. Findings of the VIA indicated that the visual impact of the proposed development was not significant. In respect of the discrepancies of the count of waiting time provided by the residents and TD for GMB services, Mr Honson H.S. Yuen of TD said that in a survey carried out from 7:00 a.m. to 9:00 a.m. at Lai Kong Street, the frequency and waiting time of passengers for the five GMB routes were as follows:

GMB Route	Destination	Scheduled Frequency	Observed Frequency	Passenger Waiting Time
46M	Lai King MTR Station	Every 5 minutes	Every 3 minutes	2-4 minutes
90M	Mei Foo	Every 4 minutes	Every 5 minutes	3-5 minutes

GMB Route	Destination	Scheduled Frequency	Observed Frequency	Passenger Waiting Time
91	Tsuen Wan	Every 5 minutes	Every 5 minutes	2-3 minutes
91A	Kwai Fong	Every 9 minutes	Every 4 minutes	2 minutes
411	Sham Shui Po	Every 10 minutes	Every 10 minutes	5 minutes

54. In response to a Member's question on what constituted a change in demand pattern, whether there was plan to introduce bus service to the area and whether there would be road widening works to support the proposed development at Site C, Mr Honson H.S. Yuen of TD said that the choice of residents of the future development at Site C might bring about a change in the demand pattern, in that their choices would affect whether there would be increasing passengers in the peak hours or in the non-peak hours, and whether there would be more people who needed to work at a particular hour, which, in turn, might affect the level of services of the public transport services to be provided for meeting the passenger demand. The future change in demand pattern might warrant introduction of new public transport services and road widening works, if so required. In response to a question of the Chairman, Mr Honson Yuen said that whether single-deck or double-deck bus, if required, would be used would be subject to the road capacity and conditions.

55. As Members had no further question to raise, the Chairman said that the hearing had been completed. The Chairman thanked the government representatives as well as the representers and the representers' representatives for attending the meeting and said that the Board would deliberate on the representations in their absence and would inform the representers and commenter of the Board's decision in due course. The government representatives left the meeting at this point.

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

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

56. Upon the representers' requests that they should be given an opportunity to respond to Members' questions, the Chairman agreed to give them extra time to make their responses.

57. Ms Lo Wai Lan (R195) said that although the GMB services might be sufficient for Highland Park as claimed by TD's representatives during a traffic survey, they were not for the residents of Cho Yiu Chuen and Lai Yiu Estate. In order to address the transportation issues, a pedestrian walkway system with lift towers was proposed. A PTI was required at the moment at Site C, not later to cope with the current transportation problems while bus service was feasible in Lai King Hill. As she recalled, there was a bus route No. 246 running between the former Temporary Housing Area where Highland Park was currently situated and Tsim Sha Tsui East years ago.

58. With the aid of the visualizer, Mr Vincent To (R22) showed four photographs which covered: (a) a GMB with its destination shown as 'Wonderland Villas' on the day of traffic survey conducted by TD; (b) a long line of people waiting outside Lai King MTR Station in an evening for GMB; (c) people lining up for GMB in the day time; and (d) people lining up for GMB at about 4:00 p.m.

59. Ms Cheng Lai King (R108) said that air ventilation in the area had already been adversely affected by Highland Park and the Disciplined Services Quarters. An addition of some 400 flats would worsen the situation. It was very difficult for the residents of Lai Yiu Estate to get on a GMB as most minibuses were full when they left Highland Park. Since no new licences would be issued for GMB, minibus services could hardly be improved. Rezoning of Site C from "G/IC" to "R(A)2" was objected to. The site should be retained for GIC uses.

60. As the representers had finished making their additional responses, the Chairman thanked them for attending the meeting and they all left the meeting at this point.

Deliberation

61. Although many representers expressed concerns on the inadequate provision of public transport services in the Lai King Hill area, Members agreed that the Board should focus on considering whether the proposed land use was appropriate and whether there was sufficient hardware such as road capacity to support the proposed development. Regarding the adequacy of provision of public transport services, i.e. the "software", such should be left

to TD to manage and decide having regard to the transport needs of the area. The Board noted that K&TDC objected to the amendments unanimously and agreed that K&TDC's view should be one, but not the only consideration that should be taken into account by the Board.

Sites A and B

62. Regarding Sites A and B, Members noted that there were three supporting representations recognizing the need for providing public housing to the community. For the adverse representations indicating that there were insufficient community facilities to serve the existing and aging population and requesting implementation of a convenient walkway system with lift towers to be expedited, Members noted that the GIC facilities in the district were generally sufficient and there was surplus in the provision of open space. A neighbourhood elderly centre would be provided at Site A and a consultancy study for the design of the lift and pedestrian walkway system would commence in late 2015. Although Members noted that no significant traffic impacts would be caused by the proposed PRH development, the Board should advise TD to monitor the adequacy of public transport services for the area closely and ensure that the services were duly increased should it be justified on the basis of the demand of the residents. To avoid ambiguity, this advice was not a condition of the Board's endorsement of the amendments to the plan.

Site C

63. Although there were air ventilation and visual impact concerns, taking into account the findings of AVA and Visual Appraisal and the mitigation measures proposed, Members agreed that the proposed private residential development at Site C was acceptable from the air ventilation and visual impact points of view.

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

64. With respect to the representations concerning provision of commercial facilities, type of housing to be provided, car parking ratio and insufficiency of recreation and community facilities, Members noted that commercial uses on the lowest three floors of the proposed development were allowed, the provision of parking facilities would be in

accordance with HKPSG, there was surplus of primary school places and the planned provision of major GIC facilities would generally be sufficient. On the potential noise impact during construction and from the West Rail, Members noted that noise was subject to control of relevant pollution control ordinances and, through the mitigation measures taken where appropriate, the noise impact, if any, would not be unacceptable.

65. As mentioned in paragraph 61 above, Members noted that the concerns of the representers present in the hearing were about inadequacy of public transport services. Members also noted that a submission by the OC of Highland Park on that aspect was passed to the Secretariat before the meeting. Regarding the GMB services, a Member suggested and the other Members agreed that TD should consider putting forward a proposal with detailed improvement measures to achieve a win-win situation. Another Member considered that there were other measures that could be explored to improve the transport situation, e.g. by consolidating and rearranging the routes of the existing five GMB services for operational efficiency and provision of non-franchised shuttle services. A Member suggested that TD should consider the need for conducting a comprehensive review, including the feasibility of provision of a pedestrian walkway system in the area to improve the traffic in the area. Two other Members agreed that whether provision of a pedestrian walkway system might bring improvements should be studied. A Member noted that the level difference between the Lai King MTR Station and Highland Park was only about 150m, and the provision of lift towers might be feasible.

66. Members generally agreed that the site was suitable for private residential development to meet the acute shortage of housing in Hong Kong. Although there were suggestions that the site should be for commercial or GIC uses, a Member considered that the feasibility of using the site for such uses was low. Besides, no government departments had expressed that they had requirement for using the site. Another Member also considered that by putting the site for residential use with an addition of some 400 flats, it might provide an opportunity for the relevant authority to review the public transport services in the area. On the traffic aspect, Members generally agreed that TD should be strongly urged to closely monitor the traffic and transportation conditions of the area and liaise with the residents and K&TDC members to work out an agreeable proposal to improve the public transport services in the area.

67. After further deliberation, Members noted the supportive views of R1(part) to R6 and the views/comments expressed in R7, R8, R14 and R15. Members then went through the proposed responses to the views/comments of R7, R8, R14 and R15 in paragraph 8.1 of the TPB Paper No. 9962 and considered that they were appropriate. The responses were:

“R7

- (a) based on a planned population of about 338,400 for the OZP, including the population of the proposed housing developments relating to the amendment items, the planned provision of major Government, Institution or Community facilities in the district is generally sufficient. The provision of a proposed neighbourhood elderly centre at the site abutting Tai Wo Hau Road (i.e. Amendment Items A1 and A2) is at the request of local residents. There is no strong justification to swap the existing estate office at Ha Kwai House with the proposed neighbourhood elderly centre at the site;

R8

- (b) there would be adequate footbridge linking Kwai Chung Estate and the two sites under Items A and B. Studies for the proposed lift and pedestrian walkway systems at Kwong Fai Circuit and Kwai Shing Circuit are underway with a view to improving pedestrian walkway system for the Kwai Chung residents;

R14

- (c) the requirement of a NIA would be incorporated into the land sale/lease conditions to ensure that the proposed development would not be subject to unacceptable adverse noise impact on the surrounding area; and

R15

- (d) the existing public transport services at Lai Kong Street are adequate to meet passenger demand. The public transport services surrounding the site would be kept under review by relevant departments according to the established procedure to meet the passenger demand generated

by future development.”

68. Members also decided not to uphold representations R1(part), R9 to R13 and R16 to R1601 and considered that the Plan and the Notes should not be amended to meet the representations. Members then went through the proposed reasons for not upholding R1(Part), R9 to R13 and R16 to R1601 in paragraph 8.2 of the TPB Paper No. 9962 and considered that they were appropriate. The reasons were:

Items A, B and C

“R1(part), R9(part) to R13(part) and R16 to R1601

- (a) land suitable for development in Hong Kong is scarce and there is a need for optimizing the use of land available to meet the pressing demand for housing land. Rezoning of undesignated “G/IC” sites is one of the measures of the multi-pronged approach to meet housing and other development needs. Planning is an on-going process and the Government will continue to review land uses and rezone sites as appropriate for residential uses;
- (b) the proposed zoning is appropriate and the proposed residential developments are compatible with the surrounding developments;
- (c) the proposed residential developments will not have significant adverse traffic, environmental, visual and air ventilation impacts on the surrounding area. The plot ratio and building height restrictions for the sites are considered appropriate;
- (d) the planned provision of open space and major GIC facilities in the Kwai Chung area is generally sufficient to meet the demand of the existing population as well as additional demand from the new housing sites; and
- (e) the provision of public transport services and car parking spaces is

adequate to meet the demand of the residents of the surrounding area of the three sites. The public transport services surrounding the sites would be kept under review by relevant departments according to the established procedure to meet the passenger demand generated by future development.”

Items A and B

“ R1(part) and R5 to R13(part)

- (f) there would be adequate footbridge linking Kwai Chung Estate and the two sites under Items A and B. Studies for the proposed lift and pedestrian walkway systems at Kwong Fai Circuit and Kwai Shing Circuit are underway with a view to improving pedestrian walkway system for the Kwai Chung residents; and
- (g) the provision of a proposed neighbourhood elderly centre at the site abutting Tai Wo Hau Road (i.e. Amendment Items A1 and A2) is at the request of local residents. There is no strong justification to swap the existing estate office at Ha Kwai House with the proposed neighbourhood elderly centre at the site.”

Item C

“ R18 (part)

- (h) the inclusion of commercial uses under the Notes of “R(A)” zone is to provide supporting facilities to serve the high-density residential development. It is in line with the planning intention of the “R(A)” zone. There is no strong justification to delete commercial and retail uses from the Notes of “R(A)” zone.”

[The meeting was adjourned for lunch break at 2:05 p.m.]

69. The meeting was resumed at 3:00 p.m.

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

Mr Thomas T.M. Chow

Chairman

Mr Stanley Y.F. Wong

Vice-chairman

Mr Roger K.H. Luk

Professor S.C. Wong

Professor Eddie C.M. Hui

Ms Julia M.K. Lau

Professor K.C. Chau

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr F.C. Chan

Mr Peter K.T. Yuen

Dr Lawrence W.C. Poon

Deputy Director of Environmental Protection (1)

Mr C.W. Tse

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

Sha Tin, Tai Po and North District

Agenda Item 5

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations in respect of the Draft Ting Kok Outline Zoning Plan No. S/NE-TK/18
(TPB Paper No. 9961)

[The meeting was conducted in Cantonese]

Declaration of Interests

71. The Secretary reported that Dr W.K. Yau, being an executive member of Tai Po Rural Committee and a member of Tai Po District Council, had declared interest in this item. Members noted that Dr W.K. Yau had tendered apologies for not being able to attend the meeting.

Presentation and Question Sessions

72. The Chairman said that reasonable notice had been given to the representers to invite them to attend the hearing. However, other than those who were present or indicated that they would attend the meeting, the rest had either indicated not to attend the hearing or made no reply. Members agreed to proceed with the hearing of the representations in the absence of the other representers who had indicated that they would not attend or had made no reply.

73. The following government representatives and the representers and their

representatives were invited to the meeting at this point:

- Mr C.K. Soh - District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), Planning Department (PlanD)
- Mr C.T. Lau - Senior Town Planner/ Tai Po, PlanD
- Ms Mable L.H. Lam - Senior Engineer/Planning Policy, Water Supplies Department (SE/PP, WSD)
- Mr Ricky C.H. Liu - Senior Electrical and Mechanical Engineer/New Territories East (1), WSD
- Mr S.Y. Ho - Senior Waterworks Chemist (2), WSD (SCh(2), WSD)

R1 - 梁北強-大埔山寮村村代表 Village Representative of Shan Liu Village, Tai Po

R4 - 大埔山寮村(梁福慶堂)村務委員會 Tai Po Shan Liu Village (Leung Fook Hing Tong) Villagers' Committee

R5 - 梁鈞熊

R6 - 梁仁福

R7 - 梁飛鷹

R8 - 梁國雄

R9 - 梁玉全

R10 - Keung Wai Shing (梁維勝)

R11 - 梁飛龍

R12 - Leung Wai Choi (梁維才)

R13 - 梁金有

R18 - 李慧騰

R19 - Cheung Chi Ping (張志平)

R20 - Cheung Jun Ho (張浚豪)

R21 - Cheung Wai Cheung(張偉祥)

R22 - Cheung Chi Keung (張志強)

R23 - Cheung Back Kim (張百琴)

R24 - Leung Kwok Fung, Steven (梁國峰)

R25 - Lau Pak Kau (劉佰球)

R26 - Leung Gin Hung, Andrew (梁展鴻)

R27 - Leung Wong Hing (梁焯興)

R28 - Leung Kwok Hung (梁國雄)

R29 - Leung Kam Tim (梁錦添)

R30 - Leung Tak Keung (梁特強)

R31 - Lau Man Chiu (劉文超)

Mr Leung Pak Keung (梁北強)) Representers and Representatives'

Mr Cheung Chee Sun (張志新)) Representatives

Mr John C.Y. Lo (盧忠耀))

Mr Leung Fay Loon (梁飛龍))

Ms Ip Wai In (葉慧妍))

Ms Lau Hak Sheung (劉克嫦))

Ms Lee Suet Lan (李雪蘭))

Ms Tang Sau Fong (鄧秀芳))

R2 – Tai Po Rural Committee

Mr Wong Pak Mau) Representer's Representatives

Mr Patrick Tang)

R3 - Dr Lau Chee Sing-Tai Po District Council Member (劉志成博士-大埔區議員)

Mr Mo Ka Hung, Joseph - Representer's Representative

74. The Chairman extended a welcome and explained the procedures of the hearing. He then invited DPO/STN to brief Members on the representations.

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

Background

- (a) On 9.1.2015, the draft Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/18 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 31 representations and no comment on the representations were received. On 12.6.2015, the Town Planning Board (the Board) decided to consider the representations collectively in one group;

- (b) all of the representations objected to one or more amendment items. Among them, representations submitted by village representative of Shan Liu Village (R1), Tai Po Rural Committee (TPRC) (R2), Tai Po District Council (TPDC) Member (R3), Tai Po Shan Liu Village (Leung Fook Hing Tong) Villagers' Committee (R4) and villagers/individuals (R5 to R13 and R18 to R31) opposed the amendments mainly for the reasons that they did not reflect the actual situation of Shan Liu Village, the sites available for Small House development were not suitable for the purpose, and deprivation of the villagers' development rights. Representations submitted by World Wide Fund for Nature Hong Kong (WWF) (R15), Designing Hong Kong Limited (DHK) (R16), Kadoorie Farm & Botanic Garden Corporation (KFBG) (R17) and an individual (R14) opposed the amendments mainly for the reason that they would lead to destruction of the natural rural scenery;

Major Grounds of Representations and Representers' Proposals

- (c) the main grounds and proposals of the representations as detailed in paragraphs 3.2 to 3.9 of the Paper were summarised below:

Not reflecting the actual situation of Shan Liu Village / Sites not suitable for Small House developments

- (i) the amendments did not reflect the actual situation of Shan Liu Village. The area to the southeast of the "Village Type Development" ("V") zone (i.e. 'Green' area in Plan H-6 of the Paper)

where planning permission had been obtained for 20 Small House developments should be rezoned from “Agriculture” (“AGR”) to “V”. Retaining the area as “AGR” zone failed to reflect the latest land use status;

- (ii) the area to the south of the “V” zone (i.e. ‘Yellow’ area in Plan H-6 of the Paper) should be rezoned from “AGR” to “V” to compensate for the loss of “V” land resultant from Amendment Item D (i.e. the rezoning of a site in Shan Liu from “V” to “Green Belt” (“GB”)). Although the ‘Yellow’ area was within the lower indirect Water Gathering Ground (WGG) and adjoining the village ‘environs’ (‘VE’) of Shan Liu Village, Yuen Tun Ha, Tai Po was a precedent case for having “V” zone within the lower indirect WGG;
- (iii) the south-western portion (i.e. ‘Orange’ area in Plan H-6 of the Paper) of Amendment Item A (i.e. the rezoning of a site in Shan Liu from “AGR” to “V”) should not be zoned as “V” because it was on a steep slope and close to the stream course. It was unreasonable to zone the land covered by previously rejected Small House applications as “V” because these applications had been rejected mainly on the grounds that the proposed Small Houses could not be connected to the public sewerage system and that the proposed developments would cause adverse landscape impact in the area. The area was proposed to be rezoned as “GB”;

Deprivation of development right

- (iv) the rezoning of land from “V” to “GB” under Amendment Item D would deprive the landowners’ right to develop Small Houses and it was unreasonable for the site with planning permission granted for Small House development to be rezoned as “GB”. There was also deprivation of development right without any compensation;

Destruction of natural rural scenery

- (v) Amendment Items A to D would destroy the natural rural scenery. Shan Liu area was involved in illegal dumping activities, unauthorized vegetation clearance and unauthorized site formation works. Approval of the amendments would rationalize the consequences of these ‘destroy first, build later’ unauthorized activities;

Land Use Review

- (d) On 19.11.2010, arising from consideration of a review application for Small House development in Shan Liu, the Board noted that there was a significant shortage of land in the “V” zone in meeting Small House demand and requested that a review should be undertaken. PlanD conducted a review of the “V” zone of Shan Liu (Shan Liu Review) on the approved Ting Kok OZP and proposed to enlarge the “V” zone having regard to the existing site condition, topography, land status, permitted development, capacity of infrastructure, water gathering ground, demand and supply of Small House sites and comments of concerned government departments;
- (e) any proposed development, if located within WGG, should be able to be connected to the existing or planned public sewerage system in the area. In particular, the south-eastern portion of the area, which was within the lower indirect WGG, was too close to the water intake, and the vulnerability and the risk of pollution of the fresh water resources caused by development would be very high;

Local Consultation

- (f) TPRC and the Environment, Housing and Works Committee (EHWC) of TPDC were consulted on the rezoning proposals on 12.3.2013 and 13.3.2013 respectively. TPRC did not support the proposal and

requested PlanD to consider extending the boundary of the proposed “V” zone. TPDC requested PlanD to consider the views of TPRC;

- (g) since then, the Water Supplies Department (WSD) and PlanD had been engaged in lengthy discussion with TPRC and the Indigenous Inhabitant Representative (IIR) of Shan Liu on the further extension of the proposed “V” zone into the lower indirect WGG. The IIR came up with a revised proposal on 12.5.2014. After further consideration, WSD considered that the revised proposal submitted by the IIR of Shan Liu was not acceptable;
- (h) whilst it was not anticipated that a feasible solution and further revision to the proposed “V” zone would be worked out and agreeable to all government departments including WSD in the near future, the proposed amendments to the OZP were submitted to the Rural and New Town Planning Committee for consideration on 12.12.2014 and exhibited for public inspection on 9.1.2015. TPRC and EHWC of TPDC were further consulted on the amendments to the OZP on 13.1.2015 and 14.1.2015 respectively. They objected to the amendments;

Planning Considerations and Assessments

- (i) all sites under amendments (Items A to D) were within the ‘VE’ of Shan Liu and the upper indirect WGG. The sites under Amendment Items A and B (Sites A and B) were predominantly rural in character comprising flat and abandoned agricultural land. As for the ‘Orange’ area along the south-western portion of Site A, it had an area of about 0.12ha and mainly comprised abandoned agricultural land covered with weeds and was located to the north of a natural stream. Part of Site A and its adjoining area to the immediate south had been involved in clearance of natural vegetation, unauthorized land filling, dumping and site formation as well as open storage. They were the subject of three enforcement cases in the past years. Upon confirmation that the reinstatement notice requirement had been fulfilled, compliance notices were issued in 2008, 2009 and 2012;

- (j) Sites C1 and C2 were located on the lower hill slopes and at the edge of woodland covered with dense and nature trees. Site D was located on the northwest of the original “V” zone and covered part of the hill slopes with dense vegetation and tree groups. The Lands Department (LandsD) had recently completed some slope stabilization works at the site;

- (k) Shan Liu, which was situated between Pat Sin Leng Country Park and Ting Kok Village, was predominantly rural in character with flat and abandoned agricultural land covered with weeds. A WSD’s WGG inlet connecting Plover Cove Reservoir was about 60m to the further southeast of Site A. Surrounding Shan Liu area were continuous woodlands at the foothill of the Pat Sin Leng Country Park. There were two stream courses flowing from the mountain in the north to the southern part of the area towards the WSD’s WGG inlet. The area was mainly served by Shan Liu Road off Ting Kok Road. A public sewerage system for Shan Liu area was completed in 2014 and was available for connection with the Small House developments in the area;

Responses to the Grounds and Proposals of the Representations

- (l) the responses to grounds and proposals of the representations, as detailed in paragraphs 4.3 to 4.7 of the Paper, were summarised below:

Not reflecting the actual situation of Shan Liu Village / Sites not suitable for Small House developments

- (i) Sites A and B were respectively adjoining the immediate south and north of the original “V” zone of Shan Liu with a Tsz Tong located therein. The sites were mainly abandoned agricultural land covered with weeds. Small House developments were not considered incompatible with the surrounding area which was predominantly rural in character;

- (ii) after rezoning, the land available for Small House development within “V” zone was increased from 0.41 ha (equivalent to about 16

Small House sites) to about 1.35 ha of land (equivalent to about 54 Small House sites). Although the land available within the current “V” zone still could not fully meet the total Small House demand of 295 (about 7.38ha), it was sufficient to meet the current outstanding applications of 45 Small Houses. Rezoning Sites A and B to “V” would help address the demand of Small House development;

- (iii) given that the public sewerage system for Shan Liu area had been completed in 2014, the proposed Small House within “V” zone would be able to be connected to the public sewerage system. Both WSD and EPD had no objection to the proposed rezoning of Sites A and B to “V”;
- (iv) Sites C1 and C2 were located on the lower hill slopes whilst Site D formed part of the hill slopes covering with dense vegetation and tree groups. Slope stabilization works by LandsD had been carried out at Site D to ensure geotechnical safety. Rezoning the sites to “GB” was appropriate as it would reflect the existing site condition and protect the area from adverse landscape, environmental and infrastructure impacts by defining the limits of urban and sub-urban development by nature features;
- (v) although a number of planning permissions had been granted for Small House development in the ‘Green’ area, WSD objected to the expansion of “V” zone into the lower indirect WGG as the lower indirect WGG was much closer to water intake, the vulnerability and the risk of pollution of the fresh water resources caused by any development within the area was very high and pollutants/contaminated water could hardly be diverted out of the water intake system. In this regard, stringent control on development proposal in lower indirect WGG was warranted. WSD considered that it was necessary to assess the sewage impact on a case-by-case basis under the planning application mechanism;
- (vi) the areas proposed to be rezoned from “AGR” to “V” (i.e. ‘Green’

and 'Yellow' areas) fell within the lower indirect WGG, which were located much closer to the WSD's water inlet connecting to the Plover Cove Reservoir as compared with Site A;

- (vii) regarding the proposal to rezone the 'Orange' area from "V" to "GB", the area mainly comprised abandoned agricultural land covered with weeds and was located to the north of a natural stream. There was no significant vegetation and tree groups on the site, and rezoning the site from "V" to "GB", which was intended for defining the limits of urban and sub-urban development areas by natural features, was considered not appropriate;

- (viii) as regard the rejected planning applications in 2005 – 2011, they were rejected mainly on the grounds of not complying with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories (Interim Criteria) in that the proposed development would not be able to be connected to the existing or planned public sewerage system in the area. The overall planning circumstances of Shan Liu had changed as a public sewerage system to serve the potential Small House development within the "V" zone of Shan Liu was completed in 2014. All Small House developments would have to be connected to the trunk sewer and to comply with the relevant standards and regulations for the protection of the water quality and the stream, and no significant adverse water quality impact would be expected. Thus, Sites A and B were considered suitable for Small House development. Such requirement, among others, would be incorporated into the lease and there would be proper control under the present land administrative system to ensure that the water quality of the area would not be adversely affected by the Small House developments;

- (ix) regarding the "V" zone within lower indirect WGG in Yuen Tun Ha, Tai Po quoted by R1 to R4, the area in Yuen Tun Ha was rezoned to "V" in 1980s to meet the objections to the Tai Po OZP. Pollutants/contaminated water in the lower indirect WGG had been

subject to more stringent control by WSD since 2002. For Small House developments within WGG, in particular lower indirect WGG, they had to be connected to the existing or planned public sewerage system in the area;

Deprivation of development right

- (x) as private land within the subject “GB” zone was primarily demised for agricultural purpose under the Block Government lease and since ‘Agricultural Use’ was always permitted under such zoning, there was no deprivation of the rights of the landowners. For land zoned “GB”, ‘House’ was a Column 2 use which might be permitted with or without conditions on application to the Board. Proposals for Small House development would be considered by the Board on individual merits taking into account the relevant Town Planning Board Guidelines. As for the approved planning application (No. A/NE-TK/359) mentioned by the representers, it was noted that the planning permission was still valid up to 2.9.2015;

Destruction of natural rural scenery

- (xi) the Shan Liu area was predominantly rural in character. Small House developments within “V” zone under Amendment Items A and B were not incompatible with the surrounding area. Relevant part of the original “AGR” and “V” zones had been rezoned to “GB” under Amendment Items C1, C2 and D to ensure geotechnical safety and minimal impact on the existing landscape quality; and

PlanD’s Views

- (m) R1 to R31 were not supported.

76. The Chairman then invited the representers and their representatives to

elaborate on their representations.

R1 - 梁北強-大埔山寮村村代表 Village Representative of Shan Liu Village, Tai Po

R4 - 大埔山寮村(梁福慶堂)村務委員會 Tai Po Shan Liu Village (Leung Fook Hing Tong) Villagers' Committee

R5 - 梁鈞熊

R6 - 梁仁福

R7 - 梁飛鷹

R8 - 梁國雄

R9 - 梁玉全

R10 - Keung Wai Shing (梁維勝)

R11 - 梁飛龍

R12 - Leung Wai Choi (梁維才)

R13 - 梁金有

R18 - 李慧騰

R19 - Cheung Chi Ping (張志平)

R20 - Cheung Jun Ho (張浚豪)

R21 - Cheung Wai Cheung(張偉祥)

R22 - Cheung Chi Keung (張志強)

R23 - Cheung Back Kim (張百琴)

R24 - Leung Kwok Fung, Steven (梁國峰)

R25 - Lau Pak Kau (劉佰球)

R26 - Leung Gin Hung, Andrew (梁展鴻)

R27 - Leung Wong Hing (梁焯興)

R28 - Leung Kwok Hung (梁國雄)

R29 - Leung Kam Tim (梁錦添)

R30 - Leung Tak Keung (梁特強)

R31 - Lau Man Chiu (劉文超)

77. Ms Lau Hak Sheung made the following main points:

- (a) since a number of planning permissions had been obtained for 20 Small House developments within the 'Green' area, she questioned why the area was not rezoned to "V". Maintaining the area as "AGR" failed to reflect the latest land use status and was not logical in the OZP amendment process. The 'Green' area should be rezoned from "AGR" to "V" to reflect the actual situation;
- (b) despite that the area was located in lower indirect WGG, WSD had not raised objection to the Small House applications. As such, it was unreasonable to say that the area was not suitable for Small House developments; and
- (c) there was a precedent case for rezoning Yuen Tun Ha of Tai Po, which was located in the lower indirect WGG without public sewerage system, into "V" zone. For the subject 'Green' area, it could be connected to the public sewerage system and Small House developments in the area fully complied with the Interim Criteria and would not cause adverse impact on water quality in the area. Since there was legal right for the development of the approved Small Houses in the 'Green' area and the area would no longer be used for agriculture purpose, maintaining the "AGR" zone in area was unjustified.

78. Ms Tang Sau Fong made the following main points:

- (a) since a number of planning permissions had been obtained for 20 Small House developments within the 'Green' area, she questioned why the area was not rezoned to "V". Maintaining the area as "AGR" failed to reflect the latest land use status and was not logical in the OZP amendment process. The 'Green' area should be rezoned from "AGR" to "V" to reflect the actual situation, otherwise the Board should not agree to this contradictory amendment proposal;

[Ms Bernadette H.H. Linn arrived to join the meeting at this point.]

- (b) there was a precedent case for rezoning Yuen Tun Ha of Tai Po, which was

located in the lower indirect WGG without public sewerage system, into “V” zone. The argument that WSD had implemented more stringent control for pollutants/contaminated water in the lower indirect WGG since 2002 was not convincing;

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

- (c) as the subject ‘Green’ area would be able to be connected to the public sewerage system, Small House developments in the area fully complied with the Interim Criteria and would not cause adverse impact on water quality in the area. WSD’s allegation that Small House developments would cause adverse impact on water quality in the area was unfounded; and
- (d) with respect to the non-point source pollution issue, Dr Lau Chee Sing, the advisor of the villagers, had worked out a proposal to divert the potential pollutants out of the WGG to ensure zero pollution of the concerned area. However, WSD had not explained why the proposal was technically not feasible. The villagers would continue liaising with WSD to resolve the issue.

79. The Chairman reminded the representers that there was no need to repeat the points raised in the written submissions which had been distributed to Members and those points already covered by the previous representers.

80. Ms Lee Suet Lan made the following main points:

- (a) since a number of planning permissions had been obtained for 20 Small House developments within the ‘Green’ area, she questioned why the area was not rezoned to “V”. Maintaining the area as “AGR” failed to reflect the latest land use status and was not logical in the OZP amendment process. The ‘Green’ area should be rezoned from “AGR” to “V” to reflect the actual situation, otherwise the Board should not agree to this contradictory amendment proposal; and

- (b) WSD and PlanD's objection to the proposed "V" zone in the lower indirect WGG was unjustified due to the fact that the area could be connected to the public sewerage system; the non-point source pollutants would be diverted outside the WGG to ensure zero pollution; there was a precedent case for rezoning Yuen Tun Ha in the lower indirect WGG into "V" zone; and Small House developments in the concerned area fully complied with the Interim Criteria.

81. Mr John C.Y. Lo made the following main points:

- (a) since a number of planning permissions had been obtained for 20 Small House developments within the 'Green' area, maintaining the area as "AGR" failed to reflect the latest land use status and was not logical in the OZP amendment process. The 'Green' area should be rezoned from "AGR" to "V" to reflect the actual situation;
- (b) the sewage problem in the WGG had already been resolved given that the area could be connected to the public sewerage system and WSD had no objection to the Small House applications in the 'Green' area;
- (c) WSD agreed that the proposal put forward by Dr Lau (Dr Lau's proposal) had addressed the non-point source pollution problem in lower indirect WGG. According to the proposal, the concerned area would be covered with a raised platform and the surface runoff would be collected via a J-channel, diverted to the downstream of WSD's water intake and discharged into sea via rivers; and
- (d) Although WSD considered that Dr Lau's proposal would reduce the water yield in the WGG, the impact was insignificant. It was noted that about 80% of Hong Kong's fresh water came from Dongjiang. Rainfall only accounted for about 20% of the total fresh water consumed in Hong Kong. Under a rough estimation, the concerned area only contributed to the collection of about 1.496mm of rainfall, which was trivial in terms of the total water yield in Hong Kong.

82. Mr Cheung Chee Sun made the following main points:

- (a) although PlanD had made an effort to amend the OZP to address the issue of inadequate “V” zone for Small House development, it was unreasonable not to rezone the ‘Green’ area, with planning permissions already granted for 20 Small House developments, to “V” to reflect the actual situation;
- (b) WSD’s objection to the expansion of “V” zone into the lower indirect WGG for the reason that it was necessary to assess the sewage impact on a case-by-case basis under the planning application mechanism was unreasonable. Under the current practice, LandsD would circulate the land grant application for Small House developments to relevant government departments for comment. WSD could request LandsD to include relevant conditions with respect to sewage impact in the land grant as appropriate. Handling the sewage impact issue under the planning application mechanism would only increase the workload of the Board and waste the time of the Board Members;
- (c) although the villagers could submit planning applications for Small House development in the “AGR” zone, the green/concern groups would raise objections to such applications. Besides, most of the land currently available within the “V” zone was held under Tso/Tong, which could not be sub-divided or transferred without the agreement of the Home Affairs Department. In this regard, although there was vacant land within the “V” zone, it might not be available for Small House development. However, the Board might reject the Small House applications in the “AGR” zone for the reasons that land was still available within the “V” zone for Small House development and the proposed development was not in line with the planning intention of the “AGR” zone. There was uncertainty for the villagers to apply for Small House development in the “AGR” zone; and
- (d) the villagers agreed that the water quality in the WGG should be protected and had engaged Dr Lau to work out proposals to address

WSD's concern. WSD generally agreed that Dr Lau's proposal could address the water pollution problem in the lower indirect WGG. In this regard, the Board was urged to rezone the 'Green' area to "V".

83. Mr Leung Pak Keung made the following main points:

- (a) PlanD should not make mistakes again in the designation of "V" zone in the current OZP amendment exercise. The 'Green' area should be included into the "V" zone to reflect the actual situation as a number of planning permissions had been obtained for Small House developments in the area;
- (b) due to the construction of fresh water reservoir, the waterworks previously implemented by WSD had resulted in a general shortage of water which in turn affected the agriculture activities in the area. In this regard, maintaining the 'Green' area as "AGR" was unreasonable as the land was no longer suitable for agriculture use;
- (c) the property rights of the villagers were adversely affected by the designation of WGG in the area, for which the villagers had not been fully consulted; and
- (d) WSD failed to address the villagers' request for Small House development in Shan Liu Village and had not responded to the proposals put forward by the villagers' advisor properly and proactively. Small House applications were objected by WSD due to the lack of public sewerage system in the past years. After the construction of the public sewerage system, WSD raised concern on the non-point source pollution problem in lower indirect WGG. While the villagers had engaged Dr Lau to resolve the non-point source pollution problem, WSD again raised another issue that the yield of the WGG would be affected by Dr Lau's proposal. This issue was unfounded as the rain water that could be collected in the concerned area was negligible as compared with the Dongjiang water wasted by WSD every year. Besides, WSD had not carried out its duty properly to protect the water quality in the WGG

despite that the reason of protecting water quality had all along been used by WSD in objecting the rezoning of the 'Green' area to "V".

R2 – Tai Po Rural Committee

84. Mr Wong Pak Mau made the following main points:

- (a) TPRC supported the proposals put forward by the villagers of Shan Liu Village to rezone the 'Green' and 'Yellow' areas to "V"; and
- (b) the villagers of various villages in Tai Po had all along been cooperative with the Government in the designation of WGG to facilitate the construction of fresh water reservoir. The villagers had to give in as the land had been frozen due to the designation of WGG. In this regard, the Board was urged to be more considerate and accept the villagers' proposal to protect their rights for Small House development.

R3 - Dr Lau Chee Sing - Tai Po District Council Member (劉志成博士-大埔區議員)

85. Mr Mo Ka Hung, Joseph made the following main points:

- (a) the 'Green' and 'Yellow' areas should be rezoned to "V". As a number of planning permissions had been obtained for 20 Small House developments within the 'Green' area, and there was a precedent case for rezoning Yuen Tun Ha in the lower indirect WGG to "V", WSD should adopt the same principle and agree to the rezoning of the area to "V". The IIR had discussed with relevant government departments for the construction of 10 Small Houses in the 'Yellow' area; and
- (b) Dr Lau's proposal demonstrated that it was technically feasible to address the non-point source pollution problem in the lower indirect WGG. It was noted that WSD welcomed any innovative method to address their concerns on the impact generated by the proposed developments in the WGG. Dr Lau would continue liaising with WSD to resolve the

technical issues.

86. As the representers and their representatives had completed their presentations, the Chairman then invited questions from Members.

Non-point Source Pollution

87. A Member asked if there was any standard or scientific method to assess if the non-point source pollution had exceeded an acceptable level. In response, Mr S.Y. Ho, SCh(2), WSD said that non-point source pollution was originated from the Small House developments and the associated human activities such as use of vehicles, car washing and road construction. The principal contaminants included heavy metals, oil/grease, organic matters and pathogens, which would be washed off to the streams and rivers via surface water runoffs, and contaminated the WGG. The accumulation of the pollutants would affect the quality of drinking water sources and thus safety of the drinking water supply. Ms Mable L. H. Lam, SE/PP, WSD supplemented that there was no established standard in measuring the non-point source pollution at the moment.

88. Two Members asked: (a) whether Small House developments would generate greater pollution problem than the normal agricultural activities; (b) whether the pollutions generated by agricultural activities were considered as point source or non-point source pollution; and (c) why it would be more difficult to control non-point source pollution. In response, Mr Ho said that the non-point pollutants generated by Small House developments were more various and diverse. For normal agricultural activities, the pollutants generated mainly include fertilizers and pesticides. Although the pollution from agricultural activities was non-point source, their control could be enforced under the Waterworks Ordinance and Water Pollution Control Ordinance. As such, the risk of agricultural activities on water pollution was relatively lower than that of Small House developments. According to the experiences of many countries, the non-point source pollution problem could be effectively controlled through proper control of land use and development.

Dr Lau's Proposal

89. The Chairman asked how the raised platform in Dr Lau's proposal could be constructed given that Small House developments were usually submitted and processed on individual house basis. In response, Ms Lam said that Dr Lau's proposal had demonstrated that it was technically feasible to address the non-point source pollution in the lower indirect WGG despite that there was no mentioning of how the raised platform could be implemented, managed and maintained. Mr John C.Y. Lo said that since all of the applicants for Small House developments were relatives and indigenous villagers of Shan Liu Village, there was no problem to raise fund collectively among themselves in support of the construction of the raised platform.

90. A Member asked if there was any restriction on the maximum distance between the proposed Small House development and the connection point of the public sewerage system. In response, Ms Lam said that there was no restriction on maximum distance which would depend on a number of factors, including the width, depth and fall of the drainage system. Ms Lam further said that as for Dr Lau's proposal, it had demonstrated that the non-point source pollution problem created by Small House developments could be addressed in technical terms. However, the proposal would divert all of the surface runoff from the concerned area to outside the WGG. Although its impact on the water yield was insignificant in the concerned area, it would become a precedent case if approved and the cumulative effect of which would affect the total water yield in WGG.

91. In response to a Member's question, Mr Lo said that in Dr Lau's proposal, the surface runoff collected in the raised platform would be diverted via a J-channel to the existing manhole, and discharged outside WGG into the rivers via the existing channel. The J-channel would be constructed in compliance with relevant guidelines of the Drainage Services Department. It was noted that WSD had agreed to Dr Lau's proposal to address the non-point source pollution problem. However, WSD raised another concern that the proposal would affect the water yield collected via surface runoff and thus the function of WGG. It should be noted that the loss in water yield in the concerned area was insignificant and Dr Lau would continue liaising with WSD to resolve the issue.

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

Planning Application Mechanism

92. The Chairman and two Members asked why WSD's concern on Small House development could not be addressed in Small House grant applications processed by LandsD. In response, Mr C.K. Soh, DPO/STN said that the land use zoning would provide a clear framework on the uses that were always permitted on a piece of land. Any Column 2 uses, which were to provide flexibility on the use of land, would require planning permission from the Board. If the 'Green' area was rezoned to "V", Small House development would be permitted as of right and there was no need to submit planning application for the Board's consideration. LandsD in considering Small House grant applications would only focus on technical issues such as sewerage connection and building design. If the 'Green' area was not zoned "V", the applicant would need to submit planning application for Small House development and the Board would consider the application in accordance with the Interim Criteria, including the percentage of building footprint falling within the "V" zone and 'VE', the planning intention of the concerned zone, as well as impacts of the proposed development on the environment, landscape, and etc. Subject to the approval of the Board, LandsD would then consider other technical issues in relation to the proposed development. In the subject OZP amendment, the planning intention was to concentrate the Small House developments within the proposed "V" zone. If there was a need to expand the "V" zone in future, PlanD would assess which area was more suitable for Small House development. In any case, PlanD and WSD considered it inappropriate to rezone area that fell within the lower indirect WGG to "V". Given that the 'Green' area fell within lower indirect WGG, Small House development in the area should better be scrutinized by the Board on a case-by-case basis, rather than leaving it to other departments with approval merely based on technical considerations.

93. The Chairman further asked: (a) whether LandsD in processing Small House grant applications would seek comment from relevant government departments; and (b) whether WSD would agree to the proposed Small House development in the 'Green' area if it could be connected to the public sewerage system. In response, Mr Soh said that even if planning permission for Small House development in the 'Green' area was

obtained, the applicant still needed to submit Small House grant application to LandsD for consideration. LandsD would seek comments from relevant government departments including the Environmental Protection Department, WSD and PlanD. The main concerns included whether the proposed Small House could be connected to the public sewerage system and whether there was non-point source pollution problem and the function of the WGG would be affected by the layout and design of the proposed developments. Ms Lam supplemented that Small House development in the WGG was not encouraged and the general intention was to avoid designating WGG as “V” zone. With respect to Small House development in the ‘Green’ and ‘Yellow’ areas within WGG, WSD’s concern was mainly on its implications on the function of the WGG, including both the quality and quantity of water being collected. WSD would consider each application having regard to the Interim Criteria. Since each application would have its own implications on the WGG, WSD needed to assess its impact on the WGG on a case-by-case basis. For the approved applications, relevant approval condition including the connection to the public sewerage system would be required. However, if the ‘Green’ area was rezoned to “V”, the villagers would have the wrong perception that Small House development in the area would be approved as of right. This would be contradictory to the current practice for protection of the WGG.

94. In response to the Chairman’s question, Ms Lam said that there was currently no established mechanism to handle the non-point source pollution in association with Small House developments. As any addition of Small House would increase the cumulative impact of non-point source pollution, each application would need to be considered on its individual basis to assess whether the resultant pollution level could be accepted.

95. A Member asked if WSD had all along taken into account the connection with the public sewerage system, non-point source pollution and the water yield, in considering the Small House applications that fell within WGG. In response, Ms Lam said that WSD would consider the impact of the proposed development on the function of WGG, which covered both the quality and quantity of water being collected. As all Small House developments would generate non-point source pollution problem, WSD needed to assess if the cumulative impact of the proposed developments was acceptable. The concern on water yield was raised mainly because WSD noted that Dr Lau’s proposal would divert all surface runoff in the concerned area outside WGG.

96. A Member asked: (a) whether inadequate land within the “V” zone was one of the reasons for approving Small House applications in the ‘Green’ area; (b) whether the expansion of the “V” zone in the proposed OZP amendment could address this problem; and (c) how many Small Houses could be developed in the remaining portion of the ‘Green’ area. Mr Soh said that planning permissions for Small House development in the ‘Green’ area were granted on the grounds that, among others, there was inadequate land within the “V” zone for Small House development at that time. In the current OZP amendments, the “V” zone was expanded from 0.41 ha to 1.35ha. As more land would be available within the “V” zone for Small House development, consideration for future Small House applications would be different but each case would be assessed on its own merits. According to PlanD’s estimation, the remaining portion of the ‘Green’ area could accommodate an addition of 16 Small Houses. However, the actual figure might be different depending on the layout of the proposed developments.

97. In response to a Member’s question on whether there was capacity in terms of pollution level to accommodate an additional 16 Small Houses in the ‘Green’ area, Ms Lam said that according to their preliminary assessment, the cumulative impact of the approved Small Houses in the ‘Green’ area had almost reached the threshold. As such, they had reservation on the addition of 16 Small Houses in the area. If new planning application for Small House development in the ‘Green’ area was received, they would assess if the cumulative impact of the proposed development was acceptable on a case-by-case basis.

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

Designation of “V” Zone

98. In response to Mr K.K. Ling, Director of Planning’s request to explain how the proposed “V” zone was derived, Mr Soh said that the boundaries of the “V” zone had been drawn up having regard to the ‘VE’, local topography, settlement pattern, the provision of infrastructural facilities, Small House demand, area of conservation importance as well as other site specific characteristics. In particular, the south-eastern boundary had made reference to the boundary of the lower indirect WGG, the western and north-eastern

boundaries mainly followed the road features and the edge of the existing woodlands. The hill slopes and vegetated areas in the north-western portion which were not suitable for development had been excluded from the “V” zone. Besides, a piece of flat and abandoned agricultural land in the northern portion had been incorporated in the “V” zone. With respect to the ‘Orange’ area, it mainly comprised abandoned agricultural land covered with weeds which was similar to the other areas within the “V” zone. Although it was located to the north of a natural stream, there were regulations and standards to ensure that Small House developments would not cause adverse impact on the water quality of the stream. The “V” zone in the OZP was considered suitable for Small House development and the expansion of Shan Liu Village.

99. A Member asked if the areas with approved Small House developments in the New Territories would be incorporated into the “V” zone according to the prevailing practice. In response, Mr Soh said that the boundaries of the “V” zone were usually drawn up according to the settlement pattern to facilitate provision of infrastructures and services. The surrounding areas close to the village cluster without adverse impacts could also be incorporated into the “V” zone for village expansion. However, it would not be appropriate to incorporate the scattered developments in the rural area into the “V” zone so as to ensure a more concentrated and orderly development pattern.

100. In response to Ms Bernadette H.H. Linn, Director of Lands’ question, Mr Soh said that the Agriculture, Fisheries and Conservation Department (AFCD) did not support the rezoning of “AGR” to “V” as the concerned land had high potential for rehabilitation for agricultural activities. It was only after PlanD’s explanation of the inadequate land in the “V” zone had AFCD reluctantly agreed to the rezoning of part of “AGR” to “V” in order to strike a balance between protection of agricultural land and development.

101. As Members had no further question, the Chairman thanked the government representatives, representers and representers’ representatives for attending the meeting and said that the Board would deliberate on the representations in their absence and would inform the representers of the Board’s decision in due course. They all left the meeting at this point.

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

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

Deliberation Session

102. The Chairman invited Members to consider the representations, taking into consideration all the written and oral submissions and materials.

103. The Chairman said that in considering the rezoning proposals, land use suitability and planning intention should be the primary considerations, instead of what development control mechanism should be adopted. For the 'Green' area, given that AFCD had advised that it had high potential for rehabilitation for agricultural activities, the planning intention was to maintain the "AGR" zone in the area. If there was a need to develop Small House in the area, planning application could be submitted for the Board's consideration. By doing so, WSD's concern on the WGG could be addressed in the planning application mechanism.

104. A Member agreed that land use suitability and planning intention should be the primary considerations. The 'Green' area should not be rezoned to "V" given AFCD's objection and the precedent effect on the lower indirect WGG. Approval of Small Houses in the area was mainly a compromise due to inadequate "V" zone. Those applications had been assessed on a case-by-case basis to avoid adverse impacts on the water quality of WGG. As the "V" zone had been expanded in the current OZP amendment, it was reasonable to maintain the 'Green' area as "AGR". It was not appropriate to rezone the 'Green' area to "V" just for the reason that Small House applications had previously been approved in the area.

105. Ms Linn suggested that apart from stating the need to have more stringent control on the development within the 'Green' area as mentioned in paragraph 6(e) of the Paper, other considerations such as the site was more suitable for agriculture use should be added. However, another Member considered that as a number of Small House developments had been approved in the 'Green' area, it would be more appropriate to include WSD's advice that the cumulative impact of the proposed Small House developments had almost reached the threshold. The Member also agreed with PlanD's

view that Small House development should be confined within the “V” zone, and any new development within the ‘Green’ area should be controlled through the planning application mechanism.

106. The Chairman said the WSD’s concern on the quality and quantity of the water in WGG should be noted. Given WSD’s advice that there was little capacity for Small House development within the ‘Green’ area, rezoning the area to “V” would not be appropriate. Maintaining the “AGR” zone in the ‘Green’ area could allow WSD to assess the cumulative impact of the proposed Small House development on a case-by-case basis through the planning application mechanism.

107. A Member said that given that WSD’s advice on the remaining capacity within the ‘Green’ area was not definite, it would not be necessary to mention WSD’s concern but to maintain the ‘Green’ area as “AGR” from planning intention perspective. Since there was already an expansion of the “V” zone to facilitate Small House development, the ‘Green’ area should be maintained as “AGR”. However, another member said that WSD’s concern on water quality and quantity in the WGG should be emphasized since this was a main reason for maintaining the “AGR” zone in the ‘Green’ area.

108. The Vice-chairman said that the main purpose in the designation of land use zoning was to exercise control on the uses in the area. In this regard, the “AGR” zone should be maintained to provide control in the ‘Green’ area despite there were Small Houses approved in the area. Besides, land use zoning was to reflect the planning intention of the area. In the subject OZP amendment, the planning intention was to concentrate Small House developments in the proposed “V” zone to form an orderly development cluster.

109. After further discussion, the Chairman concluded by saying that there should be two considerations for not rezoning the ‘Green’ area as “V”. The primary consideration was AFCD’s advice that the area had high potential for rehabilitation for agricultural activities. The secondary consideration was WSD’s concern on the cumulative impact of the Small House development on the quality and quantity of water in the WGG. Maintaining the “AGR” zone in the ‘Green’ area could provide a mechanism for WSD to assess the cumulative impact of the proposed Small House development on a case-by-case

basis. With respect to the 'Orange' area, since it was predominantly abandoned agricultural land covered by weeds without significant vegetation or tree groups, it was not appropriate to rezone the area to "GB". For the 'Yellow' area, since it did not fall within the "VE" and was located within the lower indirect WGG, it should not be rezoned to "V".

110. After deliberation, the Board decided not to support R1 to R31 and considered that no amendment should be made to the OZP to meet those representations. Members then went through the suggested reasons for not upholding the representations as detailed in paragraph 6 of the Paper and suggested to supplement the reasons of not rezoning the 'Green' and 'Yellow' areas to "V" as stated in paragraph 6(e). The reasons were :

"Not reflecting the actual situation of Shan Liu Village/ Site not suitable for Small House developments/ Destruction of natural rural scenery

- (a) the land-use zoning boundaries have been drawn up having regard to the village 'environs', local topography, settlement pattern, the provision of infrastructural facilities, Small House demand, area of conservation importance as well as other site specific characteristics; (R1 to R12, R16, R18 to R31)
- (b) rezoning the site to "Village Type Development" ("V") under Amendments A and B is intended to help address the current shortage of land in the "V" zone of Shan Liu for meeting the Small House demand of indigenous villagers. Small House developments within the area are not incompatible with the surrounding rural character; (R14 to R17)

Deprivation of development right

- (c) the private land within the "Green Belt" ("GB") zone is primarily demised for agricultural purpose under the Block Government lease. 'Agricultural Use' is always permitted under such zoning. There is no deprivation of the rights of the landowners; (R1 to R4 and R13)

Proposal to rezone part of the area under Amendment Item A from "V" to "GB"

- (d) area in the southwest of the "V" zone is predominantly abandoned

agricultural land. It is generally covered by weeds without significant vegetation or tree groups. Rezoning the site from “V” to “GB” is considered not appropriate; and (R1 to R4)

Proposals to extend “V” zone by rezoning the area from “AGR” to “V”

- (e) **as the areas have high potential for rehabilitation for agricultural activities, rezoning the areas from “AGR” to “V” is not appropriate.** Besides, the areas are located within lower indirect Water Gathering Ground and close to water intake. The risk of pollution of the fresh water resources caused by any development is very high and more stringent control on development within the areas is necessary. Extending the “V” zone boundary into the lower indirect WGG is thus considered not appropriate. (R1 to R4 and R18 to R31)”

Agenda Item 4

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-LT/530

Proposed House (New Territories Exempted House – Small House) in “Agriculture” and “Village Type Development” zones, Lot 408 S.B ss.4 in D.D. 10, Chai Kek, Tai Po (TPB Paper No. 9963)

[The meeting was conducted in Cantonese.]

[Ms Julia M.K. Lau returned to join the meeting at this point.]

111. The applicant, Mr Chung Cheuk Wai, had indicated that he would not attend the meeting but he had submitted a letter dated 3.7.2015 requesting Members to give sympathetic consideration to his review application. A copy of the letter had been tabled at the meeting for Members’ reference.

Presentation and Question Sessions

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

PlanD, was invited to the meeting at this point.

113. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited DPO/STN to brief Members on the review application.

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

Background

- (a) on 23.1.2015, the applicant sought planning permission to build a house (New Territories Exempted House (NTEH) - Small House) at the application site (the Site) under s.16 of the Town Planning Ordinance (the Ordinance). The Site fell partly within an area zoned "Agriculture" ("AGR") (about 88%) and partly within an area zoned "Village Type Development" ("V") (about 12%) on the approved Lam Tsuen Outline Zoning Plan (OZP) No. S/NE-LT/11;
- (b) on 13.3.2015, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the application and the reasons were:
 - (i) the proposed development was not in line with the planning intention of the "AGR" zone for the area which 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. There was no strong planning justification provided in the submission to justify a departure from the planning intention; and
 - (ii) land was still available within the "V" zone of Chai Kek which was primarily intended for Small House development. It was considered more appropriate to concentrate Small House

development close to the existing village cluster for more orderly development pattern, efficient use of land and provision of infrastructures and services;

The Site and the surrounding areas

- (c) the Site was generally flat and paved, currently used for local access and parking of cars. The Site was entirely within the village ‘environs’ (‘VE’) of Chai Kek Village and accessible by a local road connecting Lam Kam Road and Chai Kek Road;
- (d) the surrounding areas were predominantly rural in character which comprised agricultural land and village houses. A group of village houses in the “V” zone of Chai Kek was about 20m to the east of the Site. Some active agricultural land were scattered to the south of the Site;

Planning intention

- (e) the planning intention of the “AGR” zone 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;
- (f) the planning intention of the “V” zone was to reflect existing recognised villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. 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 infrastructures and services;

Applicant's justifications

- (g) the applicant had not submitted any written representation in support of the review application;

Departmental comments

- (h) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural development point of view as the Site fell partly within "AGR" zone, there were active agricultural activities in the vicinity and the Site itself had high potential for rehabilitation of agricultural activities;
- (i) the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) advised that the 10-year Small House demand and the outstanding Small House application for Chai Kek Village were 125 and 25 respectively. The applicant was an indigenous villager of Chai Kek of Tai Po Heung as confirmed by the Indigenous Inhabitant Representative of the concerned village. He maintained his views of no objection to the application;
- (j) the Chief Engineer/Project Management, Drainage Services Department (CE/PM, DSD) had no objection to the application as the proposed development was not in conflict with DSD's project scheme. The village sewerage works in Chai Kek were being carried out under 'Lam Tsuen Valley Sewerage – Stage 2' which had started in 2012 for completion in end 2016 tentatively;
- (k) the Director of Environmental Protection (DEP) advised that the Site was located within the Water Gathering Ground (WGG). The applicant had proposed to connect the Small House with the planned sewer and he had no objection to the application subject to the stipulation of approval conditions on sewerage connection;

- (l) the Chief Town Planner/Urban Design and Landscape, PlanD advised that the area was of rural landscape character with a mix of village houses, agricultural land, vegetated fields and woodland trees. The proposed Small House was not incompatible with the surrounding landscape character. There was no significant vegetation within the Site and a village house could be found in close proximity. Adverse impact on landscape resources was not anticipated. She had no objection to the application from a landscape planning point of view. Should the application be approved, an approval condition on the submission and implementation of a landscape proposal was recommended;
- (m) other relevant government departments consulted had no objection to or no adverse comment on the application;

Public comments

- (n) two public comments objecting to the application were received. They objected to the application mainly on the following grounds:
- the proposed Small House would affect the local access;
 - no impact assessment had been submitted;
 - there was potential cumulative impact;
 - the development was not in line with the planning intention of "AGR" zone;

Planning Department (PlanD)'s View

- (o) PlanD did not support the review application based on the planning considerations and assessments in paragraph 6 of the Paper as summarized below:
- (i) the application was rejected by the RNTPC on 13.3.2015 mainly on the grounds that the proposed development was not in line with the planning intention of the "AGR" zone; and land was still

available within the “V” zone of Chai Kek and it was considered more appropriate to concentrate Small House development close to the existing village cluster for more orderly development pattern, efficient use of land and provision of infrastructures and services;

- (ii) the Site fell partly (12%) within “V” zone and mainly (88%) within “AGR” zone whilst the proposed Small House footprint fell entirely within the “AGR” zone. DAFC maintained his view of not supporting the application as there were active agricultural activities in the vicinity of the Site and the Site itself had high potential for rehabilitation of agricultural activities;
- (iii) the Site was located at the northern fringe of Chek Kei Village. The proposed Small House was not incompatible with the surrounding environment which was predominantly rural in character and the proposed Small House within WGG would be able to be connected to the planned sewerage system. Relevant departments had no objection to or no adverse comment on the application;
- (iv) according to DLO/TP, LandsD’s record, the total number of outstanding Small House applications for the Chai Kek and Wo Liu was 25 while the 10-year Small House demand forecasts for the same villages was 125. From the latest estimate by PlanD, about 1.42 ha (or equivalent to about 56 House sites) of land were available within the “V” zone of concerned villages therefore the land available could not fully meet the future Small House demand (i.e. about 3.75 ha of land which was equivalent to about 150 Small House sites);
- (v) the application generally met the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories (Interim Criteria) in that more than 50% of the

proposed Small House footprints fell within the 'VE'; there was a general shortage of land in meeting the demand for Small House development in the concerned "V" zone, and the proposed Small House within WGG would be able to be connected to the planned sewerage system in the area;

- (vi) in considering the s.16 application, the RNTPC was concerned that land was still available within the "V" zone for Small House development and the approval of the application might lead to further Small House development outside the "V" zone. The application was thus rejected; and
- (vii) there had been no submission made by the applicant in the review application to address RNTPC's concern and no significant change in planning circumstances of the Site and the nearby areas since the application was rejected by the RNTPC. Hence, there was no strong planning justification for a departure from the RNTPC's decision on the application. A similar application (No. A/NE-LT/535) of which the site was situated to the north was also rejected by the RNTPC on 8.5.2015 on similar grounds.

115. The Chairman invited questions from Members. In response to the Chairman's question on whether there was any special consideration to reject the application since it generally met the Interim Criteria, Mr Soh said that the Interim Criteria only stated that sympathetic consideration might be given if the application generally complied with the Interim Criteria. In considering the s.16 application, Members were of the view that land was still available within the "V" zone and it was more appropriate to concentrate Small House developments close to the existing village cluster for more orderly development pattern.

116. The Chairman further asked: (a) whether it would be contradictory to say that there was a general shortage of land for Small House development but land was still available within the "V" zone; and (b) in what situation would be considered as having

shortage of land for Small House development. In response, Mr Soh said that in considering whether there was a genuine shortage of land for Small House development in other similar cases, Members would not simply compare the total demand (i.e. outstanding Small House applications plus the 10-year Small House demand forecast) with the land still available within the “V” zone. Other factors such as the amount of land still available in the “V” zone after meeting all the outstanding Small House applications, and the difference between the number of outstanding Small House applications and the 10-year Small House demand forecast would also be taken into consideration. The subject application was rejected mainly on the grounds that the proposed development was not in line with the planning intention of the “AGR” zone; and land was still available within the “V” zone of Chai Kek and it was considered more appropriate to concentrate Small House development close to the existing village cluster for more orderly development pattern, efficient use of land and provision of infrastructures and services.

117. Mr K.K. Ling, Director of Planning, supplemented that the RNTPC had adopted a more cautious approach in considering Small House applications requiring planning permission since 2013/14 and more weighting had been put on the number of outstanding Small House applications. In the subject application, about 1.42 ha of land was available within the “V” zone, which could accommodate about 56 House sites that were more than double of the number of the outstanding Small House applications. The application was rejected as there was still land available within the “V” zone for Small House development.

118. As Members had no further question to raise, the Chairman informed the hearing procedures for the review application had been completed. The Board would further deliberate on the review application. The Chairman thanked the representative of PlanD for attending the meeting. Mr Soh left the meeting at this point.

Deliberation

119. A Member said that the s.16 application was rejected by RNTPC with a view to concentrating Small House development within the “V” zone for more orderly development pattern. In considering if there was a genuine shortage of land for Small House development, more weighting had been put on the number of outstanding Small House applications and whether there was still land available within the “V” zone after

accommodating these outstanding applications. As a relatively large amount of land would still be available even after meeting the outstanding Small House applications of 25, there was no immediate shortage of land for Small House development and no sympathetic consideration had been given to the subject application. Another Member supplemented that although the outstanding Small House applications of 25 was considered reasonable, the 10-year Small House demand forecast of 125 might not be reasonable as it nearly doubled the existing developments in Chai Kek.

120. After discussion, the Chairman concluded that a number of factors had been considered by the RNTPC in the rejection of the s.16 application, including land was still available within the “V” zone for Small House development and the approval of the application might lead to further Small House development outside the “V” zone. As no submission had been made by the applicant in the review application to address RNTPC’s concern and there had been no significant change in planning circumstances of the Site and the nearby areas since the s.16 application was rejected, Members generally agreed that there was no strong planning justification for a departure from the RNTPC’s decision on the application.

121. 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 7.1 of the Paper and considered that they were appropriate. The reasons were:

- “(a) the proposed development is not in line with the planning intention of the “AGR” zone for the area which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification provided in the submission to justify a departure from the planning intention; and
- (b) land is still available within the “V” zone of Chai Kek which is primarily intended for Small House development. It is considered more appropriate to concentrate Small House development close to

the existing village cluster for more orderly development pattern, efficient use of land and provision of infrastructures and services.”

Agenda Item 6

[Close Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories (Interim Criteria)

122. Arising from the consideration of a review application No. A/NE-LT/530 for Small House development in Agenda Item 4 above, the Chairman said that according to the Interim Criteria, if there was a general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of the village and not less than 50% of the proposed Small House footprint fell within village ‘environs’ (‘VE’) of the village, sympathetic consideration might be given. Since some applications were rejected by the Rural and New Town Planning Committee (RNTPC) even if they appeared to meet with the above-mentioned criteria, the Chairman asked if there was any special reason for not giving sympathetic consideration. A Member concurred that an application should be approved if all the criteria were satisfied unless there was special reason not to do so. If the special considerations had not been spelt out by the Interim Criteria, consideration should be taken to amend the Interim Criteria to provide a clearer guideline for Small House applications.

123. Mr K.K. Ling, Director of Planning, said that according to the previous practice, a general shortage of land in meeting the demand for Small House development in the “V” zone was interpreted as the situation when the number of outstanding Small House applications plus the 10-year Small House demand forecast was larger than the number of Small Houses that could be developed in the land available within the “V” zone. However, the RNTPC had adopted a more cautious approach in considering Small House applications requiring planning permission since 2013/14 and more weighting had been put on the number of outstanding Small House applications. If land available within the

“V” zone was able to fully meet the outstanding Small House applications, the RNTPC would consider a number of factors to see if there was sufficient justification to give sympathetic consideration to approve the application.

124. Two Members supplemented that in some cases, the accuracy and basis for the 10-year Small House demand forecast was in doubt. As such, more weighting would be put on the number of outstanding Small House applications. In determining if there was a genuine shortage of land in meeting the demand for Small House development in the “V” zone, factors such as changes in the number of outstanding Small House applications and the 10-year demand forecast, the progress of the approved applications, and the amount of land still available in the “V” zone after accommodating the outstanding Small House applications in progress would be taken into account. In line with the Interim Criteria, if there was a genuine shortage of land in meeting the demand for Small House development in the “V” zone, sympathetic consideration would be given to approve the application.

125. A Member asked if the Interim Criteria needed to be revised to clearly spell out how the “general shortage” of land should be interpreted. The Chairman said that the Interim Criteria were still providing sufficient guidance in the consideration of Small House application and it might not need to be revised. To facilitate the Board’s consideration on the Small House applications, some principles should be derived from the RNTPC’s cautious approach.

126. The Secretary supplemented that the review of the Interim Criteria would be subject to the review of Small House policy by the Government. The main purpose of the Interim Criteria was to provide a framework for Members to assess Small House applications so as to ensure an orderly development pattern. Since there was no definition of “general shortage” in the Interim Criteria, it would be subject to Members’ interpretation with reference to the approach adopted in assessing the Small House applications. The Secretary further said that in response to a Member’s request, the Secretariat was preparing some information on Small House applications including the number of applications received and approved within “GB” and “AGR” zones in the past few years and a list of factors such as the progress of the approved applications and the pattern of approvals in the surrounding area that had been taken into account previously by the RNTPC in considering Small House applications. It was expected that with these

information, Members could discuss and align their views on how the Interim Criteria could be better executed.

127. The Vice-chairman agreed that the definition of “general shortage” should be subject to Members’ interpretation. He further suggested that since the 10-year Small House demand forecast might not be always reliable, this figure should not be taken into account in determining whether there was a “general shortage” of land in the “V” zone. If the land available in the “V” zone could accommodate all the outstanding Small House applications, new developments should be concentrated in the “V” zone for an orderly development pattern. Sympathetic consideration would only be given to Small House applications outside the “V” zone if the land within the “V” zone was used up.

128. A Member suggested that a more scientific method might be adopted by using the buffer year concept which measured the number of years within which the land in the “V” zone would be used up. The Member also agreed that other factors such as the take up rate of land for Small House development should be taken into account in assessing whether there was a general shortage of land in the “V” zone for Small House development.

129. The Chairman said that there could be two approaches in considering Small House applications. For a more flexible approach, each application would be assessed on its own basis taking into account all relevant factors. The other approach was rather straight-jacket by basing on the demand and supply figures which would be derived by a more scientific method. Although the latter was easier to apply, the decision made merely based on figures might not be reasonable and could be subject to challenge.

130. In response to the Chairman’s question, Ms Bernadette H.H. Linn, Director of Lands said that starting from last year, LandsD had requested the indigenous inhabitant representatives to provide more information to substantiate the 10-year Small House demand forecast including the number of applications from Hong Kong and overseas, and the number of indigenous villagers who had already submitted applications.

[Professor K.C. Chau left the meeting at this point.]

131. A Member said that it was not appropriate to make decision merely based on figures which could be manipulated easily. Although an application could satisfy all criteria in terms of figure, there could be situations that approving the application would not be reasonable. As such, it would be more appropriate to leave the interpretation of “general shortage” to the RNTPC. Over the years, the RNTPC had established some principles in interpreting “general shortage” through collective deliberation and decision. It would be better to follow this practice as any change would have implications on the consistency of the RNTPC’s decisions.

132. The Member who had raised the question on whether the Interim Criteria needed to be amended said that after listening to the views of the Members, it was agreeable that the “general shortage” could be interpreted by the RNTPC taking into account various factors and there was no need to amend the Interim Criteria.

133. Another Member agreed that there was no need to spell out the definition of “general shortage” in the Interim Criteria as the RNTPC had already adopted a cautious approach to interpret “general shortage”. The Secretariat should consolidate the Small House application statistics and brief the Board on the RNTPC’s latest practice.

134. The Chairman said that a general guidance had the advantage in that it would provide flexibility for Members to make an informed decision. If the judgement made was reasonable and had taken into account all relevant factors, it would be defensible.

135. A Member noted that it might not be opportune to amend the Interim Criteria. Given the 10-year Small House demand forecast might not be reliable, other factors should be taken into account in the interpretation of the “general shortage”. The Member pointed out that the cautious approach recently adopted by the RNTPC might be interpreted as deviation from the convention formed in previous years.

136. Mr Ling said that the cautious approach adopted by the RNTPC had gradually formed a new convention, which could ensure consistency in the decision making process. It was appropriate to take account of changing circumstances to ensure that the decisions made were consistent.

137. A Member said that as the indigenous villagers would make reference to the RNTPC's decisions in searching for sites for Small House developments, this could be an education process such that Small Houses could be developed in a more orderly pattern.

138. The Chairman said that apart from the demand and supply figures, various factors should be taken into account in processing Small House applications. Members could cast doubt on the figures if they considered them unreasonable. Besides, refining the practice by the RNTPC in response to the changing circumstances was reasonable and responsible. There was no need to amend the Interim Criteria with a view to leaving more flexibility for the interpretation of "general shortage" taken into account all relevant considerations. Members agreed.

139. There being no other business, the meeting was closed at 6:00 p.m.