

**Minutes of 1090th Meeting of the
Town Planning Board held on 24.7.2015**

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

Ms Julia M.K. Lau

Mr Laurence L.J. Li

Ms Anita W.T. Ma

Professor K.C. Chau

Mr H.W. Cheung

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Mr Lincoln L.H. Huang

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Ms Christina M. Lee

Mr H. F. Leung

Mr Stephen H.B. Yau

Mr F.C. Chan

Mr David Y.T. Lui

Mr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Mr. Philip S.L. Kan

Dr. Laurence W.C. Poon

Deputy Director of Environmental Protection

Mr C.W. Tse

Chief Engineer (Works), Home Affairs Department

Mr Martin W.C. Kwan

Principal Assistant Secretary (Transport 3)

Transport and Housing Bureau

Miss Winnie M.W. Wong

Deputy Director of Lands (General), Lands Department

Mr Jeff W.T. Lam

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 C.P. Lau

Mr Clarence W.C. Leung

Dr W.K. Yau

Ms Bonnie J.Y. Chan

Ms Janice W.M. Lai

In Attendance

Assistant Director of Planning/Board

Ms Lily Y.M. Yam

Chief Town Planner/Town Planning Board

Mr Louis K.H. Kau

Senior Town Planner/Town Planning Board

Ms Karen F.Y. Wong

Agenda Item 1

[Open meeting]

Confirmation of Minutes of the 1089th Meeting held on 10.7.2015

[The meeting was conducted in Cantonese.]

1. The minutes of the 1089th meeting held on 10.7.2015 were confirmed without amendments.

Agenda Item 2

[Open Meeting]

Matters Arising

[The item was conducted in Cantonese.]

(i) Approval of Draft Plan

2. The Secretary reported that on 21.7.2015, the Chief Executive in Council approved the Shek Kip Mei Outline Zoning Plan (OZP) (renumbered as S/K4/29) under section 9(1)(a) of the Town Planning Ordinance. Approval of the said OZP was notified in the Gazette on 24.7.2015.

(ii) Town Planning Appeals Decision Received

Town Planning Appeal No. 9 of 2014

Proposed House (New Territories Exempted House (NTEH) - Small House) in “Agriculture” Zone, Lots 626 S.A. in D.D. 82, Lei Uk Tsuen, Ta Kwu Ling

Application No. A/NE-TKL/467

Town Planning Appeal No. 10 of 2014

Proposed House (NTEH - Small House) in “Agriculture” and “Village Development Type” Zones, Lots 626 R.P. in D.D. 82, Lei Uk Tsuen, Ta Kwu Ling

Application No. A/NE-TKL/468

3. The Secretary reported that appeals No. 9/2014 and 10/2014 were lodged by the Appellants – Mr Lee Kai Wai and Mr Lee Tim Sau respectively to the Appeal Board Panel

(Town Planning) against the Town Planning Board (the Board)'s decisions to reject on review Applications No. A/NE-TKL/467 and 468 for proposed houses (NTEHs - Small Houses) in "Agriculture" ("AGR") zone for Appeal No. 9/2014 and in "AGR" zone (about 95.5%) with a minor portion zoned "Village Type Development" ("V") zone (about 4.5%) for Appeal No. 10/2014 on the approved Ping Che and Ta Kwu Ling Outline Zoning Plan No. S/NE-TKL/14.

4. The subject appeals were considered together as the two appeals were heard at the same Town Planning Board meeting, the reasons for the Board's rejection and the grounds of appeal put up by the Appellants were the same.

5. The appeals were heard by the Town Planning Appeal Board (TPAB) on 19.5.2015. On 8.7.2015, the appeals were dismissed by the TPAB. The main reasons for the decision were as follows:

- (a) if development of Small Houses was allowed at the Appeal Sites and similar applications were made to the surrounding sites and approved, the resulting cumulative traffic thereby generated would be quite substantial and could have adverse impact on the traffic, as well as the provision of fire services installations and emergency vehicular access;
- (b) the Appeal Sites formed part and parcel of agricultural land where there were still active farming activities. It had high potential for agricultural rehabilitation. If the current applications were approved with no good reasons, it would open a floodgate for spreading the development to the west of the Appeal Sites, and such change would frustrate the planning intention of the "AGR" zone and was irreversible;
- (c) there was adequate supply of land within the "V" zone to meet the villagers' demand for Small Houses and the Appellants had never attempted to source any land within the "V" zone;
- (d) should the Appellants consider the current "V" zone not able to meet the 10-year Small House demand, they should apply to the Board for enlarging the extent of "V" zone instead of applying for a section 16 planning permission to change the use of the Appeal Sites from "AGR" to Small House development; and

(e) the same assessment criteria had been applied by the Board to consider similar applications, the sites of which were located to the west and east of the “V” zone.

6. A copy of the TPAB’s decision delivered on 8.7.2015 and the Summary of Appeals were sent to Members for reference on 23.7.2015.

(iii) Appeal Statistics

7. As at 21.7.2015, the appeal statistics were as follows:

Allowed	32
Dismissed	139
Abandoned/Withdrawn/Invalid	187
Yet to be Heard	18
Decision Outstanding	0
<hr/>	
Total	376

Cross-Boundary Infrastructure & Development Section

Agenda Item 3

[Open Meeting]

Planning, Engineering and Architectural Study for Topside Development at Hong Kong Boundary Crossing Facilities Island of Hong Kong-Zhuhai-Macao Bridge
– Feasibility Study Stage One Community Engagement
(TPB Paper No.9964)

[The meeting was conducted in Cantonese.]

8. The Secretary reported that as the study consultant was Ove Arup & Partners Hong Kong Ltd (Arup), the following Members had declared interests on the item:

Mr Thomas T.M. Chow (Chairman) – his family member having a short-term placement with Arup

Mr Patrick H.T. Lau]

Mr Dominic K.K. Lam]

Mr Ivan C.S. Fu]

Professor P.P.Ho]

having business dealings with Arup

Professor S.C. Wong – being traffic consultant of Arup

9. As the item was only a briefing to Members on a study, the meeting agreed that those Members who had declared interests in the item should be allowed to stay in the meeting.

10. The following government representatives and the study consultants were invited to the meeting:

Mr K.T. Yau – Chief Engineer/Cross-boundary Infrastructure & Development, Planning Department (CE/CID, PlanD)

Mr Terence Leung – Senior Town Planner/CID (STP/CID), PlanD

Mr David K.C. Lo – Chief Engineer/Islands, Civil Engineering and Development Department (CE/Is, CEDD)

Ms Doris M.S. Yau – Senior Engineer/Islands (SE/Is), CEDD

Ms Theresa Yeung]

Ms Carmen Chu]

Ms Rachel Lo] Representatives of Arup

Mr York Ip]

11. The Chairman extended a welcome and invited CE/CID and the consultants to brief Members on the study.

12. Mr K.T. Yau, CE/CID, said that the PlanD and CEDD jointly commissioned the Planning, Engineering and Architectural Study for Topside Development at Hong Kong

Boundary Crossing Facilities (HKBCF) Island of Hong Kong-Zhuhai-Macao Bridge (HZMB) – Feasibility Study (the Study) in January 2015 for completion in 25 months (i.e. February 2017). The main objective of the Study was to explore the optimum utilisation of land at the HKBCF Island for topside and underground commercial development and other economic activities. The Study included a two-stage Community Engagement (CE) exercise with Stage 1 CE focusing on initial development concept and Stage 2 CE on the draft Recommended Outline Development Plan (RODP). The Stage 1 CE was launched on 6.7.2015 for two months until 7.9.2015. He then invited the consultants to brief Members on the Study.

13. With the aid of a PowerPoint presentation, Ms Theresa Yeung made the following main points :

Study Background and Objectives

- (a) the whole HKBCF artificial island was about 150 ha in size (including about 130 ha of reclamation for the HKBCF and about 20 ha of reclamation for the Tuen Mun-Chek Lap Kok Link southern landfall). The HKBCF Island site was undergoing reclamation and infrastructure works. The HKBCF Island would serve as a gateway for Hong Kong and the western Pearl River Delta (PRD) with good potential for the development of “bridgehead economy”. The planning facilities on the HKBCF Island included cargo and passenger clearing facilities, vehicle inspection facilities, offices for law enforcement agencies, roads, car parks, public transport interchange and associated civil works, and landscaping works;
- (b) the HKBCF Island was located in the regional transport hub of North Lantau and the crossroads of eastern and western Pearl River Delta regions;
- (c) the main objective of the Study was to explore the optimum utilisation of land at the HKBCF Island for topside and underground commercial development and other economic land uses. The Study would assess the market positioning, recommend an overall development concept and appropriate development parameters, assess the financial viability, and

propose an implementation and operation strategy for the proposed development;

[Mr Patrick H.T. Lau and Ms Julia M.K. Lau arrived to join the meeting at this point.]

The Study Process

- (d) the CE for the Study would be conducted in two stages. The current Stage 1 CE set out the overall development concept and market positioning of the HKBCF Island. Public views collected would be taken into consideration in the formulation of the preliminary outline development plan (PODP) which would be subject to technical assessments. Taking into account the findings of the technical assessments, the PODP would be refined to form the draft RODP for further engagement with the community in Stage 2 CE before it was finalized;

Development Opportunities and Constraints

- (e) the development opportunities offered by the HKBCF Island included its potential for bridgehead economy, the PRD regional development and enhanced connectivity, the synergy with existing and planned tourist attractions of Lantau as well as the well-planned transport infrastructure;
- (f) the development constraints for the HKBCF Island included the airport height restrictions, aircraft noise and air quality issues, security requirements as well as internal connectivity and external connectivity issues;

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

Strategic Planning Goal

- (g) the HKBCF Island was at a bridgehead location serving as both an international gateway and a regional gateway where the flows of people and goods converged and radiated out to different locations. Capturing the opportunities arising from those flows of people and goods and developing a bridgehead economy was the paramount goal;

- (h) reference was made to the overseas case studies of bridgehead development to formulate the implementation mechanism for the strategic planning goal;

[Mr Lincoln L.H. Huang and Miss Winnie M.W. Wong arrived to join the meeting at this point.]

Positioning Consideration

- (i) an intercept survey to investigate, among others, the views of local residents and travellers on what should be developed on the HKBCF Island was conducted. “Family-oriented” retail, hotels and “themed” entertainment facilities were ranked among the top three choices. To gauge the views of the stakeholders and the experts, interviews with respect to specific land uses or industries were also carried out. The interviewees generally considered that offices, conference facilities, business hotels, retail facilities and logistics development might be suitable to be located on the HKBCF Island;

Initial Development Concept

- (j) the initial development theme of the Topside Development would be “The World Converging”, which emphasized the convergence of people, innovation, goods and products on the HKBCF Island and facilitates exchange, innovation and promotion. It included three core elements which were Experiencing Hong Kong and the World, Business Launchpad and Logistics Support;
- (k) an initial development concept plan had been prepared and the development potential had been initially assessed. Subject to the satisfactory resolution of the development constraints and technical issues, the gross floor area of the Topside Development could be more than 300,000 m² and could possibly be brought up to 500,000 m². The exact location, size and configuration of the development sites on the HKBCF Island were to be worked out;

- (l) given that the proposed development would induce additional traffic, possible options for additional external transport links to the airport island and Tung Chung areas would be explored in the next stage of the Study;
- (m) as the design capacity of existing infrastructure provision was to accommodate mainly the boundary crossing facilities, new or enhanced infrastructural works might be required. Such infrastructure works would be studied through technical assessments in the next stage of the Study. Also, the planning layout and architectural arrangement would be studied in the next stage to address the security, connectivity and other development constraints; and

CE

- (n) the activities and the stakeholders consulted/to be consulted in the CE programme as detailed in the Consultative Digest attached to the Paper were presented.

Discussion Session

14. As the presentation of the government representatives and the consultants were completed, the Chairman invited questions from Members. The Vice-Chairman and Members had the following questions and comments:

- (a) there were ample supplies of existing and planned retail and hotel developments in the study area including the airport island and Tung Chung area. Noting that the proposed commercial development in the HKBCF Island would include retail, hotel, office and logistics centre, it was not certain as to how they could complement, rather than compete, with those supplies nearby to achieve a synergy effect;
- (b) whether there was analysis on the types of goods and visitors intended to be captured by the HKBCF Island and their modes of transport and routings such that the strategic locational advantage of the HKBCF as a

converging point of the eastern and western PRD regions could be best captured;

- (c) whether HKBCF was positioned as a transition point for cross-boundary passengers or a place to stay for specific reasons would have substantial land use implications on the HKBCF Island;

[Mr Dominic K.K. Lam and Ms Christina M. Lee arrived to join the meeting at this point.]

- (d) whether the land management of the HKBCF Island, such as by a single party/authority or individual developers/parties, had been studied;
- (e) while the external transport links of the HKBCF Island to the airport island would be subject to future study, whether automatic people movers (APM), travellers or monorail would be considered; and
- (f) the development of the existing logistics centres elsewhere in Hong Kong was constrained by the small size of the sites as 50% of the floor plate area was usually taken up by the vehicular ramps leaving not much room for the main functions. The proposed logistics centre on the HKBCF Island should have large site area and floor plate size to enhance the operational efficiency. The Airport Authority should be consulted so that their facilities, especially the third air cargo terminal, and the proposed logistics centre in HKBCF Island would be developed in a coordinated manner to strengthen the role of Hong Kong as a regional transshipment centre.

15. In response to Members' questions and comments, Mr Yau and Ms Yeung made the following main points:

- (a) the land management issue of the HKBCF Island would be explored at a later stage of the study process when the preferred land use proposal was formulated;
- (b) the planning of the HKBCF Island would take into account the existing and planned developments in the immediate surrounding areas. Regarding the demand for retail facilities, the planned supply in the airport island would be taken into account. The proposed retail use would be mainly for

supporting the visitors and developments in the HKBCF Island and would not be large in scale;

- (c) regarding the demand for hotel rooms, according to Asia World-Expo (AWE), the existing hotels in the airport island could not cope with the demand arising from large-scale events including international examinations to be held in their venue. Given that AWE intended to expand its convention and exhibition facilities, the demand for hotel rooms in the area would increase;
- (d) regarding the demand for office space, as HKBCF Island was located at the crossroads of the West PRD Development Axis and the East PRD Development Axis which were undergoing economic restructuring, the HKBCF Island would be a great location for international, regional and local firms and organizations to establish offices and business in Hong Kong;
- (e) the needs for large site area and floor plate for the logistics centre development would be taken into account in the formulation of the RODP; and
- (f) the mode of transport and external connection of the HKBCF Island with nearby areas could be better worked out in the next stage of the Study when the preferred land use proposal of the HKBCF Island were formulated.

16. Members had the following further questions and comments:

- (a) as retail, hotel and office facilities were also planned in the airport island, the positioning of the HKBCF Island should be more clearly defined. It should focus on the opportunities offered by the HZMB, rather than the Hong Kong International Airport (HKIA), and the development that could best meet the economic needs of Hong Kong. There should be a clear positioning on whether the HKBCF should be developed as a transit point, a place to stay or a logistics centre;

- (b) a clear positioning of the HKBCF Island was important and it should take into account the locational advantage of the nearby HKIA, the HZMB, the transport network to Mainland and the Hong Kong urban areas as well as the rapid growth of the PRD region;
- (c) in the CE, the strategic locational advantage of the HKBCF Island should be emphasized to the public and stakeholders. Information and data on the volume of transit passengers and duration of their stays should be made available to facilitate the public in understanding the economic opportunities and offer their views on the specific planning requirements for the HKBCF Island. Public attention should be drawn to the HKBCF Island and the future developments of the wider area such as the Tung Chung area;
- (d) the logistics centre development in the HKBCF Island would bring in heavy container trucks traffic and hence environmental pollution to the area. Given the HKBCF Island was at a gateway location where visitors would get their first impression of Hong Kong, it would be preferable to having more greening and pleasant development such as meetings, incentive travels, conventions and exhibitions industry. A balance between the economic development and image of Hong Kong should be struck;
- (e) when the HKBCF Island concept was first put forward to the community several years ago, it was intended for transit passengers only without any commercial development and its reclamation would be kept to the minimum. With commercial developments currently proposed on the HKBCF Island, it was doubtful whether the extent of reclamation was enlarged, deviating from its original commitment;
- (f) the amount of the proposed retail facilities should be reviewed in view of the increasing trend of electronic commerce;
- (g) consultation with bureaux, departments and stakeholders should be held to examine how the facilities and developments in the HKBCF Island, airport island and Tung Chung area could be co-ordinated; and

- (h) whether the sea channel between the airport island and the HKBCF Island could be reclaimed to achieve a greater economic scale.

17. In response to Members' questions and comments, Ms Theresa Yeung made the following main points:

- (a) the reclamation of the HKBCF Island was still kept to the minimum to just accommodate the cross-boundary facilities as was originally proposed. Possible developments on the topside and underground of the cross-border facilities were later introduced in view of the commercial opportunities offered by the volume of vehicles and passengers converging towards it;
- (b) with the HZMB and the Tuen Mun-Chek Lap Kok Link in place, the catchment of the HKBCF would be mainly around the PRD region and would not compete with the retail and commercial facilities on the airport island;
- (c) it was agreed that new transport connection to other nearby areas was required as the mass transit railway at AWE was too far, but the mode of transport would be explored at a later stage;
- (d) an Environmental Impact Assessment (EIA) for the HZMB had been completed under the EIA Ordinance on the assumption that the HKBCF Island would only have cross-boundary facilities without any topside and underground developments. The EIA concluded that no significant adverse impact would be resulted. With the proposed topside and underground commercial developments, another EIA under the EIA Ordinance would be conducted;
- (e) the need for more greening and pleasant environment in the HKBCF Island was agreed;
- (f) in the CE programme, the consultants would emphasize the community and economic benefits offered by the HKBCF Island to the public and stakeholders; and

- (g) the development on the HKBCF Island would put more emphasis on catering for creative industry rather than retail facilities so as to bring greater benefits to Hong Kong as a whole and the local community such as employment opportunities.

18. The Chairman concluded the discussion by thanking the Study Team for the briefing and expressing the hope that it would take note of Members' views in proceeding with the Study and briefing the Board again at an appropriate juncture. The Study Team left the meeting at this point.

Sha Tin, Tai Po and North District

Agenda Item 4

[Open Meeting]

Draft Pak Sha O Outline Zoning Plan No. S/NE-PSO/B – Preliminary Consideration of a New Plan

(TPB Paper No. 9965)

[The item was conducted in Cantonese.]

19. Ms Janice W.M. Lai had declared an interest as her spouse owned a shop in Sai Kung. Members noted that the shop of Ms Lai's spouse was not located in Pak Sha O and that Ms Lai had tendered apology for not being able to attend the meeting.

20. The following representatives from the Planning Department (PlanD) were invited to the meeting :

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

Mr David Y.M. Ng – Senior Town Planner/Country Park Enclave

21. 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 7.12.2012, the draft Pak Sha O Development Permission Area (DPA) Plan No. DPA/NE-PSO/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). On 7.1.2014, the draft plan was approved by the Chief Executive in Council after completion of the plan-making process;
- (b) pursuant to section 20(5) of the Ordinance, the Pak Sha O DPA Plan was effective for a period of three years until 7.12.2015. An Outline Zoning Plan (OZP) had to be prepared to replace the DPA Plan in order to maintain statutory planning control over the planning scheme area (the Area) upon expiry of the DPA Plan;
- (c) on 22.5.2015, the Secretary for Development directed the Board, under section 3(1)(a) of the Ordinance, to prepare an OZP to cover the Pak Sha O area;

Planning Context

- (d) the Area, covering a total land area of about 33.27 ha, was encircled by Sai Kung West (SKW) Country Park with Hoi Ha Wan (HHW) Marine Park to the further north. It was accessible by vehicles via Hoi Ha Road leading from Pak Tam Road, and a number of hiking trails from Pak Tam Chung, some of which were connected to HHW;
- (e) the Area had tranquil and coherent landscape character and fell entirely within upper indirect Water Gathering Grounds (WGGs). It had Ecologically Important Stream (EIS) and mature (*fung shui*) woodland on the hillsides at the southern part of the Area. Pak Sha O and Pak Sha O Ha Yeung were the two recognized villages in the Area with a population of below 50 persons according to the 2011 Population Census. About 56% of the land in the Area was government land (44% private land). Other landscape features included the traditional village houses and surrounding woodland of Pak Sha O and Pak Sha O Ha Yeung villages as well as the adjacent ornamental and mature tree planting;

Issues Arising from Consideration of the DPA Plan

- (f) the village representative of Pak Sha O, Sai Kung North Rural Committee (SKNRC) and local villagers proposed to expand the “Village Type Development” (“V”) zone and designate the “Unspecified Use” areas as “Agriculture” (“AGR”) and “Recreation”;
- (g) the green/concern groups proposed to reduce the “V” zone, designate appropriate conservation zonings, prohibit demolition and building activities, amend the Notes of the DPA Plan and incorporate the Area into the country park;
- (h) the Board on 26.7.2013 decided to partially uphold some of the representations by amending the Notes of the DPA Plan so that any New Territories Exempted House (NTEH) and any demolition of or any addition, alteration and/or modification to or redevelopment of an existing building within the “V” zone would require planning permission from the Board. The Board also noted that detailed studies and analysis would be conducted to determine the appropriate zonings for areas of high ecological, landscape and cultural heritage value and the boundary of the “V” zones in the course of preparing the OZP;

Development Proposals Received in the Course of Preparation of the Plan

- (i) a Green Group indicated that important features and native species should be conserved and protected from development and proposed that : (i) conservation zonings should be designated for areas covered by mature woodland to the south of Pak Sha O, secondary woodlands, freshwater marshes, Hoi Ha EIS and its tributaries as well as the riparian zones; (ii) the “V” zone should be confined to a minimum and should not be expanded; and (iii) should the active agricultural areas be zoned “AGR”, it should be stipulated in the Notes that development of Small House was not permitted and redevelopment of existing houses required planning permission from the Board;

- (j) the Chairman of SKNRC and Indigenous Inhabitant Representative (IIR) of Pak Sha O considered that : (i) the “V” zone of Pak Sha O should be extended to the immediate north of the existing cluster to cater for the Small House demand; (ii) the statutory planning restrictions of the “V” zone on the current DPA Plan (i.e. proposed new Small Houses and any demolition of or addition, alteration and/or modification to or replacement/redevelopment of an existing building within the “V” zone requiring planning permission from the Board) should not be included in the “V” zone of the future OZP; (iii) areas under agricultural activities should be covered by the “AGR” zoning; and (iv) the Government should provide new access roads and communal sewage treatment facilities to facilitate development of the Area;
- (k) the above views had been taken into account in preparing the draft Pak Sha O OZP and delineating the various land-use zonings;

Land Use Planning Considerations

- (l) Conservation and Natural Landscape - the Area possessed a mixture of habitats and natural resources worthy for preservation, including Hoi Ha EIS and natural streams and their riparian zones, mature and secondary woodlands as well as freshwater marshes. Extensive stretches of wooded areas were largely undisturbed and connected with the surrounding SKW Country Park. There was a mature (*fung shui*) woodland on the hillsides at the southern part of Pak Sha O, and a large stretch of freshwater marsh to the south of the village cluster of Pak Sha O Ha Yeung. Many stream tributaries flowed through the Area feeding the low-lying active agricultural land and regenerated woodlands. The Area supported rare and very rare butterfly species, and a rare freshwater fish species;
- (m) Agriculture - recently, plots of abandoned agricultural land adjoining the EIS to the north of the village cluster of Pak Sha O across the woodland had been rehabilitated for agricultural purpose. To reflect the active agricultural use on site, it was proposed that the area should be designated as “AGR” zone. Diversion of streams required planning permission from

the Board. The use of pesticide within WGG was not allowed. There should be sufficient safeguard for the protection of the part of the EIS;

- (n) Village Development - the two recognized villages in the Area, namely Pak Sha O and Pak Sha O Ha Yeung, were outstanding vernacular Hakka villages and were well-preserved with historical buildings. The heritage value of historic buildings partly lied in their original physical environment, and any change to the existing vernacular Hakka village setting with possible adverse impact on the heritage value of historic buildings should be avoided. To conserve the ambience of the existing villages, an incremental approach had been adopted for designating the “V” zones. In order to ensure that new houses would be in harmony with the existing historic buildings, stricter planning control over village development had been proposed for the two existing core village clusters. The area of the “V” zone had been reduced from 1.38 ha on the DPA Plan to 0.5 ha on the draft OZP Plan to mainly cover the core village clusters. A total of about 0.15 ha of land (or equivalent to about 5 house sites) available in the “V” zone was capable of meeting about 6% of the total Small House demand of 94 houses for Pak Sha O and Pak Sha O Ha Yeung. While land zoned “V” was insufficient to meet Small House demand in the Area, cross-village applications might be considered under the current land administrative practice. The surplus of land for Small House development within the “V” zone of Pak Tam Au could help meet the Small House demand of other villages within the Country Park enclaves in Sai Kung North (e.g. Pak Sha O and Pak Sha O Ha Yeung);

Planning Intention

- (o) the general planning intention for the Area was to conserve the high natural landscape and ecological significance of the Area in safeguarding the natural habitat and natural system of the wider area. Village development was consolidated so as to avoid undesirable disturbances to the natural environment and overtaxing the limited infrastructure in the Area. The planning intention was also to preserve the existing vernacular Hakka village setting and any change to the existing village setting with possible

adverse impact on the heritage value of historic buildings should be avoided;

- (p) in the designation of various land use zones in the Area, consideration had been given to the natural environment, physical landform, existing land use pattern, demand for Small Houses and availability of infrastructure. The following land use zones were proposed to be designated on the draft OZP;

Land Use Zoning Proposals

- (q) “Conservation Area” (“CA”) zone (1.36 ha) – it included the mature (*fung shui*) woodland on the hillsides forming a backdrop for the Pak Sha O village cluster at the southern part of the Area, and the large stretch of freshwater marsh to the south of the village cluster of Pak Sha O Ha Yeung, where an orchid species with a limited local distribution was found;
- (r) “Green Belt” (“GB”) zone (28.86 ha) – it included mainly woodlands, scrublands and streams, including the EIS and its riparian zone. Designation of “GB” would conserve and maintain the integrity of the vast secondary woodland including woodland on the hillslopes which were contiguous with SKW Country Park and conserve the natural and rural character of the Area. Part of a traditional burial ground falling within the “GB” zone had been in existence for many years, and was considered as an existing use. Burial activities within the traditional burial ground in the zone were generally tolerated;
- (s) “Government, Institution or Community” zone (0.52 ha) – it included three sites covering Pak Sha O Youth Hostel, Immaculate Heart of Mary Chapel and a public toilet located to the south of the youth hostel;
- (t) “AGR” zone (1.49 ha) – it was intended 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, and to reflect the active agricultural use on site;

- (u) “V” zone (0.50 ha) – it was intended to designate both existing recognized villages and areas of land considered suitable for village expansion. The boundaries of the “V” zone were drawn up having regard to the village ‘environs’, the number of outstanding Small House applications, Small House demand forecast, local topography, site constraints and the high conservation value of existing buildings. Any change to the existing village setting should be avoided. Addition, alteration, modification, redevelopment of an existing building required planning permission from the Board. Prior consultation with relevant authorities should be made; and

Consultation

- (v) prior to the preparation of the draft OZP, the major stakeholders had been approached for their views/proposals. The draft OZP together with its Notes and Explanatory Statement (ES) and the Planning Report had been circulated to the relevant government bureaux and departments for comments, and comments received had been incorporated as appropriate. Subject to the agreement of the Board, the draft OZP No. S/NE-PSO/B would be submitted to the Tai Po District Council (TPDC) and the SKNRC for consultation. Comments from the TPDC and the SKNRC would be submitted to the Board for consideration prior to the publication of the draft OZP.

22. As the presentation of the representatives of PlanD was completed, the Chairman invited questions from Members.

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

23. In response to a Member’s enquiry on whether agricultural use was allowed outside the “AGR” zone, Mr C.K. Soh, DPO/STN, said that while the intention was to confine agricultural practice in the “AGR” zone, genuine agricultural use was always permitted in the “GB” and “CA” zones.

24. The Chairman asked whether the villagers had indicated any preference to building their Small Houses in “V” zone or “AGR” zone. Mr Soh said that the villagers had

once indicated that it was difficult to have more village houses in the “V” zone on the DPA Plan that could meet the requirements of the government departments. The current Small House applications being processed by the Lands Department were at sites outside the “V” zone and mostly fell within the “AGR” and “GB” zones on the proposed OZP. There had also been no application for Small House development in the “V” zone on the DPA Plan since its promulgation. Mr Soh further said that should there be counter proposal for the “V” zone designation submitted by villagers during consultation of the draft OZP, the proposal would be reported to the Board for consideration.

25. A Member said that according to the covering Notes of the draft OZP, replacement of an existing domestic building by a New Territories Exempted House (NTEH) was always permitted in the Area. If so, the existing one-storey or two-storey village houses could be rebuilt into the three-storey NTEH, which would be contradictory to the planning intention of preserving Hakka village character. Mr Soh said that according to the covering Notes of the OZP, such replacement was always permitted except where the Remarks in the Notes of the zone stated otherwise. Remarks (b) in the Notes of the “V” zone stated that replacement/redevelopment of an existing building required planning permission from the Board. The preservation of the Hakka village character could then be safeguarded through the planning application mechanism.

26. After deliberation, the Board agreed that the draft Pak Sha O OZP No. S/NE-PSO/B together with its Notes and ES was suitable for consultation with the TPDC and SKNRC. After consultation, comments from TPDC and SKNRC would be submitted to the Board for consideration prior to publication of the draft OZP under section 5 of the Ordinance.

27. The Chairman thanked Government’s representatives for attending the meeting and they left the meeting at this point.

Agenda Item 5

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/MOS/104

Proposed House (New Territories Exempted House – Small House) in “Green Belt” and “Village Type Development” Zones, Lots No. 146 S.A, 146 S.B ss.1 and 146 S.B RP in D.D. 167 Cheung Muk Tau, Ma On Shan

(TPB Paper No. 9969)

[The item was conducted in Cantonese.]

28. The following Members had declared interests on the item:

Mr Clarence W.C. Leung - owning a property in Ma On Shan

Dr Lawrence W.C. Poon - his spouse owning a property in Ma On Shan

Mr Dominic K.K. Lam - his spouse owning properties in Ma On Shan

29. As the properties of above Members or their spouses had no direct view of the application site, Members agreed that their interests were remote and that they could stay in the meeting. Members also noted that Mr Clarence W.C. Leung had tendered apology for not being able to attend the meeting.

30. The following representative from the Planning Department (PlanD) and the applicant’s representative were invited to the meeting :

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

Mr 洪樹平 - Applicant’s representative

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

32. 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:

- (a) on 6.1.2015, 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 within an area partly zoned “Village Type Development” (“V”) (about 34%) and partly zoned “Green Belt” (“GB”) (about 66%) on the approved Ma On Shan Outline Zoning Plan (OZP) No. S/MOS/20 at the time of the consideration of the s.16 application. The draft Ma On Shan OZP No. S/MOS/21 was currently in force, and there was no change in the zoning of the Site;
- (b) on 27.2.2015, 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 “Green Belt” (“GB”) zone, which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within the “GB” zone. There was no strong planning justification in the submission for a departure from the planning intention;
 - (ii) the proposed development did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that there was no general shortage of land in meeting the demand for Small House development in the “V” zone of Cheung Muk Tau Village. It was considered more appropriate to concentrate Small House development within the “V” zone so as to ensure an orderly development pattern, efficient use of land and provision of infrastructure and services;
 - (iii) the applicant failed to demonstrate that the proposed development would not be subject to adverse traffic noise impact from Sai Sha Road;
- and

- (iv) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area;
- (c) on 31.3.2015, the applicant applied for a review of the RNTPC’s decision to reject the application;
- (d) the applicant’s justifications were as follows :
 - (i) since residential developments had been developed in the vicinity of Cheung Muk Tau Village, the function of that narrow strip of “GB” zone to contain urban sprawl had been lost. Besides, that narrow strip of “GB” zone fell entirely within the ‘village environs’ (‘VE’) of Cheung Muk Tau Village, most of which was on private land, and it had lost the character and function of a “GB” zone;
 - (ii) it was a cross-village Small House application. The applicant was not permitted to build Small House on Government land within the “V” zone of Cheung Muk Tau Village. Since most of the private land within the “V” zone was reserved for future generations (of the individual owners), there was no suitable private land for the applicant to build Small House. The applicant reiterated that about 80% of the footprint of the Small House fell within the “V” zone and the remaining area of the Site would be used for private garden only;
 - (iii) the noise barrier along a section of Ma On Shan Bypass/Sai Sha Road was installed by the Government to minimize the traffic noise impact. Besides, the utilization rate of the Emergency Vehicular Access (EVA) fronting the Site was very low. The Site was also located about 9m away from the EVA and 22m away from Ma On Shan Bypass/Sai Sha Road which was situated at a level of 2m higher than the Site. Moreover, the local villagers considered that the traffic noise did not cause a nuisance to them. Hence, the traffic noise impact was insignificant. Should the application be approved, the applicant would implement noise mitigation measures;

- (iv) the number of Small Houses that could be constructed on that narrow strip of “GB” zone was questioned. Approval of the application would help improve the environment; and
 - (v) the objectors exaggerated the possible impacts of the proposed development on the surrounding area. Some of the objectors from House No. 31A did not want any development to be built in front of their house. In that regard, the proposed development had allowed a 6m-wide area in between.
- (e) the Site was located at the northern fringe of the Cheung Muk Tau “V” zone next to Sai Sha Road, currently paved and vacant and accessible via a local road branching off Nin Fung Road. The remaining area of the subject “GB” was currently used as a car parking and landscaping area. The surrounding areas were predominated by village houses and residential developments with Nin Fung Road and Sai Sha Road to the north. Across Sai Sha Road was a “Residential (Group B)5” site for proposed residential development, and a “Government, Institution or Community” site planned for a sports centre;
- (f) previous application - the Site was the subject of a s.12A application (Application No. Y/MOS/2) for rezoning part of the Site from the then “Open Space” (“O”) (now “GB”) to “V” and a s.16 application for Small House development (Application No. A/MOS/88). Both applications were rejected by the RNTPC on the grounds similar to the subject s.16 application;
- (g) similar application - there was one similar application (No. A/MOS/72) for Small House development within the same “GB” zone near the southeastern boundary of Cheung Muk Tau “V” zone which was approved by the RNTPC on 10.10.2008 on the consideration that the proposed Small House complied with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) in that the footprint of the proposed Small House fell entirely within the ‘VE’; there was a general shortage of land in meeting the demand for Small House

development in the “V” zone of Cheung Muk Tau; and the proposed Small House was compatible with the surrounding rural environment and it was not envisaged that adverse impact would be imposed on the surrounding area nor would it overstrain the capacity of existing and planned infrastructure;

(h) departmental comments – comments from the relevant government departments were detailed in paragraph 5 of the Paper and summarized below :

- (i) the District Lands Office/Tai Po, Lands Department (DLO/TP, LandsD) had no objection to the application and updated that the total number of outstanding Small House application was 4 and the latest 10-year Small House demand forecast (2015-2024) was 28. The number of outstanding Small House applications and the 10-year Small House demand forecast were 5 and 0 respectively at the time of the consideration of the s.16 application;
- (ii) the Director of Environmental Protection (DEP) advised that despite that there was a 2m-high noise barrier along the section of Ma On Shan Bypass/Sai Sha Road near the Site, the top floor (i.e. 2/F) of the proposed Small House would still be exposed to adverse traffic noise in view of limited separation from major roads. He had no in-principle objection to the application provided that non noise-sensitive uses such as kitchen and bathroom as well as the balcony were located on the side facing the roads as stated in the further information submitted by the applicant;
- (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) maintained her previous views of having reservation on the application. The approval of the application would set an undesirable precedent which would encourage more houses in the “GB” zone leading to further deterioration, and the cumulative impact would adversely affect the integrity of the green belt as buffer along Sai Sha Road. The Site

was flat and partly hard paved without significant vegetation and currently used for parking. The proposed development was not incompatible with the adjacent village development. No landscape proposal was submitted to mitigate the loss of buffer zone; and

- (iv) other departments consulted had no adverse comment on or no objection to the review application;
- (i) public comments - 11 public comments on the application and 9 public comments on the further information of the application were received. They were mainly from the residents of Cheung Muk Tau Village and Designing Hong Kong Limited. They objected to the application mainly on the grounds that the proposed Small House development was not in line with the planning intention of the “GB” zone; the approval of the application would set an undesirable precedent; the proposed Small House development would adversely affect the local environment, traffic, landscape or visual quality, pedestrian access, sewerage/drainage system and provision of community facilities in the village; and no impact assessments had been provided; and
- (j) PlanD’s view – PlanD did not support the review application based on the planning considerations and assessment as detailed in paragraph 7 of the Paper and were summarised below:
 - (i) the Site and its adjoining area was rezoned from “O” to “GB” in 2009 to preserve the woodland and protect the amenity surrounding Cheung Muk Tau Village. It was currently used as car parking/landscaping areas without substantial structure or village house. It provided a buffer between Sai Sha Road and Cheung Muk Tau Village. CTP/UD&L of PlanD had reservation on the application from the landscape planning point of view as approval of the application would set an undesirable precedent and would encourage more houses to be developed in that strip of “GB” zone, and the cumulative impact would adversely affect the integrity of the green belt. In that regard, the proposed Small House development was not in line with the planning

intention of the “GB” zone. There was a general presumption against development within the “GB” zone. There was no strong planning justification for a departure from the planning intention;

- (ii) according to DLO/TP’s records, the total number of outstanding Small House applications and the 10-year Small House demand forecast for Cheung Muk Tau Village was updated as 4 and 28 respectively. From the latest estimate by PlanD, about 0.54 ha of land (or equivalent to about 22 Small House sites) were available within the “V” zone of Cheung Muk Tau Village. Although the land available in the village could not fully meet the future Small House demand (about 0.8 ha of land or equivalent to about 32 Small House sites were required), there was still land available in that “V” zone to meet the outstanding Small House applications;
- (iii) the previous applications (No. Y/MOS/2 and A/MOS/88) for Small House developments at the Site were rejected by the RNTPC in 2007 and 2012 respectively on similar grounds. Whilst a similar application (A/MOS/72) within the same “GB” zone was approved in 2008, it was located at the other side of the “V” zone at the southern fringe having totally different site circumstances; and
- (iv) apart from the change in the 10-year forecast of Small House demand, there had been no material change in planning circumstances for the Site and its immediate environs since the rejection of the application. There was no strong planning justification to warrant a departure from the RNTPC’s decision.

33. The Chairman then invited the applicant’s representative to elaborate on the review application.

34. With the aid of the visualizer, Mr 洪樹平 made the following main points:

- (a) with reference to the applicant’s layout plan of the proposed development, about 80% of the building footprint of the proposed Small House (excluding the balcony) fell within the “V” zone with only about 20% fell

within the “GB” zone. The septic tank/soakaway pit would also be located within the “V” zone. The remaining portion of the Site located within the “GB” would be used as private garden, and therefore the visual relief function of that part “GB” area would be maintained. In fact, it was unreasonable to divide a private lot into two zones with an arbitrary boundary;

- (b) a large portion of the land in the ‘VE’ was currently used for Sai Sha Road leaving not much land, especially private land, in the ‘VE’ for Small House development. The concerned “GB” strip was not totally on government land. There was not much private land in the “V” zone for Small House development, and some of the private land, if used to build Small House, would result in a lot of disputes. Flexibility should be allowed for Small House developments in the subject narrow “GB” strip, which, if approved, should not be many;
- (c) the road between the noise barrier for Sai Sha Road and the Site was an EVA which should not result in any noise impact on the proposed Small House; and
- (d) the adverse public comments on the proposed Small House were similar and submitted by the residents of the adjacent houses and their relatives/friends. Their objection grounds were unreasonable in that the footprint of the Small House located largely fell within the “V” zone rather than the “GB” zone, the location and disposition of the proposed Small House were different from those in the previous rejected case at the Site (No. A/MOS/88), and the footpath or EVA was on government land and would not be affected by the proposed Small House. Their ultimate objection ground was that the proposed house would affect the views of the row of Small Houses to its south, which should not be a planning consideration.

35. As the presentation of the applicant’s representative was completed, the Chairman invited questions from Members.

36. A Member asked whether the village representative of Cheung Muk Tau had requested for adjustment to the 'VE' boundary when Sai Sha Road was constructed. Both Mr 洪樹平 and Mr C.K. Soh said that they had no such information. Mr Soh supplemented that the current application was a cross-village application, and the "V" zone of Cheung Muk Tau had been enlarged from 2.7 ha to 3.1 ha in 2009 subsequent to a land use review conducted by PlanD. Since then, the Small House applications were rejected on the grounds that, inter alia, there was still land available in the "V" zone.

37. The Chairman asked whether the assessment had taken into account that the footprint of the proposed Small House fell largely within the "V" zone, and whether there was any mechanism to control the location and disposition of the Small House should the application be approved. Mr Soh said that according to the Interim Criteria, the proportion of the footprint of the Small House, rather than the lot, falling within the "V" zone was one of the criteria used in assessing the application. In the current case, more than 50% of the footprint of the Small House fell within the "V" zone which could meet the Interim Criteria. Should the application be approved, when the Small House application was subsequently processed by DLO/TP, DPO could raise objection if the building footprint deviated from the approved scheme. As such, there was mechanism to control the location/disposition of the Small House.

38. As Members had no further question, the Chairman informed the application's representative that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application in his absence and inform the applicant of the Board's decision in due course. The Chairman thanked the representative of PlanD and the applicant's representative for attending the meeting. They left the meeting at this point.

[Mr Philip S.L. Kan left the meeting at this point.]

Deliberation

39. Members noted that: (a) the footprint of the proposed Small House fell largely within the "V" zone while the remaining area falling within "GB" would be used as private garden; (b) there was an existing mechanism to control the location and disposition of the proposed Small House; (c) the subject "GB" strip had already been formed and used for car

parking without much greening; and (d) the Site was separated with Sai Sha Road with an EVA/service road in between and Sai Sha Road was installed with a noise barrier to mitigate its traffic noise impact.

40. A Member said that should the application be approved, the cumulative impact of approving similar applications in the subject “GB” strip would undermine the function of the “GB” strip as a visual relief between the village and Sai Sha Road. The key consideration for the current application was on its undesirable precedent set.

41. In response to the Chairman’s enquiry, the Secretary said that there were private gardens of existing Small Houses in the subject “GB” strip, and the outstanding Small House applications were 4 and the 10-year Small House demand was 28, while the available land in the “V” zone could allow for 22 Small Houses.

42. Some Members opined that given that there were sufficient land in the “V” zone for the outstanding applications and some of the 10-year forecast demand, the current application should not be approved.

43. A Member, having noted that there was an EVA/service road between the noise barrier and the village to act as a buffer and the “GB” zone had not much greening, considered that the buffering function of the subject “GB” strip was not high. Besides, as only a small portion of the proposed Small House fell within the “GB” zone with the remaining portion of the Site used as private garden, sympathetic consideration might be given to the application.

44. Mr. K.K. Ling, the Director of Planning, said that the current application was marginal in that Small House development near the edge of the “V” zone might inevitably have a portion of its footprint falling outside the zone, the subject “GB” strip was formed rather than vegetated, and the EVA/service road could act as a buffer between the noise barrier of Sai Sha Road and the future development.

45. As Members had different views on the review application, the Chairman suggested and Members agreed to vote on the matter. A voting was conducted and more Members did not support the review application.

46. The Board decided to reject the application on review. Members then went through the reasons for rejection as stated in paragraph 8.1 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 “Green Belt”(“GB”) zone, which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within “GB” zone. The site and its adjoining area along Sai Sha Road would also serve as a buffer between Sai Sha Road and Cheung Muk Tau Village. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) land is still available within the “Village Type Development” (“V”) zone of Cheung Muk Tau Village where land is primarily intended for Small House development. It is considered more appropriate to concentrate Small House development within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area. ”

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

[Mr Jeff Lam and Dr Wilton W.T. Fok left the meeting temporarily at this point.]

Agenda Item 6

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-TKL/502

Proposed House (New Territories Exempted House) in “Agriculture” Zone, Lot 1113 S.A in D.D. 82, Ping Che Road, Ta Kwu Ling

(TPB Paper No. 9966)

[The item was conducted in Cantonese.]

47. The following representative from the Planning Department (PlanD) and the applicant's representative were invited to the meeting :

- Mr C.K. Soh – District Planning Officer/Shu Tin, Tai Po and North (DPO/STN), PlanD
- Mr Sit Kwok Keung – Applicant's representative (Intellects Consultancy Ltd.)

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

49. 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:

- (a) on 10.2.2015, the applicant sought planning permission to build a house (NTEH) on the application site (the Site). The Site fell within an area zoned "Agriculture" ("AGR") on the approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP) No. S/NE-TKL/14;
- (b) on 27.3.2015, 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 "Agriculture" ("AGR") zone in the Ta Kwu Ling area which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong justification in the submission for a departure from such planning intention; and
 - (ii) approval of the application would set an undesirable precedent for similar applications within the "AGR" zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area;

- (c) the Site was subject to planning enforcement actions for unauthorized storage use (including deposit of containers). Reinstatement Notices (RNs) were issued to the concerned landowner on 14.7.2014 requiring the removal of debris, leftovers and hard paving on the land, and grassing of the land. On 11.8.2014, the notice recipient applied to the Secretary for Development (SDEV) for a review of the Planning Authority's (PA's) decision to serve RN on the eastern portion of the Site. On 16.3.2015, SDEV confirmed the PA's decision and revised the compliance deadline of the RN to 14.6.2015. The PA was currently monitoring the compliance with the RN in accordance with the established procedures;
- (d) on 24.4.2015, the applicant applied for a review of the RNTPC's decision to reject the application;
- (e) the applicant's justifications were as follows:
 - (i) the proposed NTEH was to provide on-farm accommodation for a farmer/family to work on the Site for farming. It would allow the farmer to have easy access to the farm and pay it round-the-clock attention. It was therefore in line with the planning intention for the Site;
 - (ii) in response to the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) on the subject s.16 application, the Site would be rehabilitated for agricultural purposes, and the house would be raised by 2m to form a voided area underneath for mushroom growing and/or green house planting; and
 - (iii) in response to the comments of the District Land Officer/North, Lands Department (DLO/N, LandsD), the applicant stated that the development parameters of the proposed NTEH (gross floor area of 74.32m², two-storey, building height of 8m, roofed-over area of 37.16m²) and the proposed use of the voided area (mushroom growing and green house) would comply with the requirements of the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121);

- (f) the Site was located to the south of Tong Fong Village and accessible via a village track leading to Ping Che Road. It had two portions separated by fallow agricultural land. The surrounding area had a rural character dominated by farm land, vacant land, tree groups and temporary structures for warehouse and domestic use;
- (g) previous application - the Site, in part or in whole, was the subject of five previous applications No. A/NE-TKL/346, 347, 422, 465 and 479. One application (Application No. A/NE-TKL/346) for temporary open storage of semi-products and two applications (Application No. A/NE-TKL/422 and 465) for three proposed New Territories Exempted Houses (NTEHs) were rejected by RNTPC while one application (Application No. A/NE-TKL/347) for a proposed single-storey farm house/eco-house development was considered by RNTPC neither an 'On-Farm Structure' nor a 'NTEH' and therefore no provision for such application under the OZP. Application No. A/NE-TKL/479 for a proposed NTEH with development parameters same as those under the current application was rejected by RNTPC on 12.9.2014 and by the Board on review on 9.1.2015;
- (h) similar application - there was no similar application for proposed NTEH development in the same "AGR" zone of the Site;
- (i) departmental comments - comments from the relevant government departments were detailed in paragraph 5 of the Paper and summarised below:
 - (i) DAFC did not support the application from the agricultural development point of view as the Site was of high potential for agricultural rehabilitation. Technically speaking, one might grow crops on soil even on ground floor but artificial lighting might be needed which would increase the cost of production. Mushroom could be cultivated in indoor environment in tray or container of growing substrate with careful control of light, temperature and humidity. It would be difficult to assess the technical feasibility without more details on the operation;

- (ii) the Commissioner for Transport had reservation on the application. Such type of development should be confined within the “Village Type Development” (“V”) zone as far as possible. Notwithstanding, the application only involved construction of one NTEH. It was considered that the application could be tolerated;
- (iii) DLO/N, LandsD had no comment on the review application and advised that the applicant should be obliged to confirm whether the proposed development would conform as NTEH in accordance with the Schedule to Cap. 121. Should the application be approved, the applicant should apply to her office for a land exchange to implement the proposal. There was no guarantee that such application would be approved; and
- (iv) other departments consulted had no adverse comment on or no objection to the review application;
- (j) public comments - 4 public comments were received on the review application. One public comment from a North District Council member supported the application as it could provide convenience to the villagers. The other three public comments were submitted by Designing Hong Kong Limited and two individuals who objected to the application mainly on the grounds that the proposed development was not in line with the planning intention; the farming potential of the Site would be diminished; the proposed NTEH was incompatible with the setting of the area; no relevant technical assessments had been submitted; there was very little information contained in the applicant’s submission regarding the development proposal; and the setting of undesirable precedent for similar applications; and
- (k) PlanD’s view - PlanD did not support the review application based on the planning considerations and assessment set out in paragraph 6 of the Paper, which were summarized below:
 - (i) the applied use under the current application was for erection of a NTEH within the “AGR” zone, and DAFC did not support the review

application from the agricultural development point of view and advised that the applicant had not provided further information in the s.17 review to respond to his previous comments on the technical feasibility of the proposal in the s.16 application stage. Agricultural use, be it for growing mushrooms and/or greenhouse produce, was always permitted on the Site which was zoned “AGR”. However, the proposed NTEH, which was a Column 2 use under the “AGR” zone, required planning permission from the Board. The applicant had not given convincing planning justification in his review application to demonstrate that the proposed NTEH was in line with the planning intention of the “AGR” zone or warranted a departure from the planning intention;

- (ii) the applicant argued that the development parameters of the proposed NTEH and the proposed use of the voided area would comply with the requirements of the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121). DLO/N, LandsD advised that the applicant should be obliged to confirm whether the proposed development was an NTEH under Part 1 of the Schedule to Cap. 121; and
- (iii) there had been no major change in the planning circumstances of the area since the rejection of the previous cases by RNTPC and by the Board on review, the planning considerations and assessment in rejecting those previous cases (Applications No. A/NE-TKL/422, 465 and 479) were still relevant.

50. The Chairman then invited the applicant’s representative to elaborate on the review application.

51. With the aid of the visualizer, Mr Sit Kwok Keung made the following main points :

- (a) as the enforcement action at the Site was not featured in the s.16 application stage, it should not be mentioned in the current review application. It would give Members the impression that the applicant had adopted the

‘destroy first and built later’ approach which would affect the Board in making a fair decision. Moreover, should the application be approved, the Site would be developed for the approved use in any case. He also claimed that the issue of unauthorized development had already been resolved; and

- (b) the subject s.16 application was rejected mainly on the technical grounds. With reference to the applicant’s justifications in Annex D of the Paper, it should be noted that the applicant had already addressed the concerns of DLO/N and AFCD and the issues raised by RNTPC in the s.16 application stage.

52. A Member said that Mr Sit should elaborate on the justification in support of the review application rather than repeating the information contained in his written submission which had already been included in the Paper and perused by Members. The Chairman reminded Mr Sit to pay attention to that comment.

53. Mr Sit continued to make the following main points :

- (a) the concerns/impacts of the proposed development as raised by relevant departments had already been substantially mitigated and the residual impacts could be addressed by the approval conditions. The Board should focus on the following merits of the application which were:
 - (i) the proposal would bring agricultural rehabilitation to 99.9% of the Site zoned “AGR”;
 - (ii) the proposed NTEH was using 1m² of land to provide on-site accommodation to a farming family;
 - (iii) the proposed 2-storey NTEH was compatible with the surrounding rural developments; and
 - (iv) the raised ground level by 2m would provide all-weather farming premises for high value mushroom/greenhouse farming;
- (b) in view of the merits of the proposed development and that the technical issues could either be mitigated or addressed by approved conditions, he requested the Board to approve the review application.

54. In response to the Chairman's enquiry, Mr Sit said that the 1m² of land for on-site accommodation mentioned before referred to the total land area to be taken up by the 6 columns supporting the proposed NTEH. A Member asked DPO about the definition of the NTEH and on-farm domestic structure. With the aid of the visualizer, Mr C.K. Soh said that according to the Schedule to the Buildings Ordinance (Application to New Territories) Ordinance (Cap.121), three types of NTEH developments could obtain certificate of exemption in respect of housing or community use under Cap.121. They were buildings : (1) for new housing or community use with height less than 3 storeys (8.23m high) and roofed-over area less than 65.03m²; (2) for agricultural use with one storey (4.57m high); and (3) replacement housing with height less than 5.18m and roofed-over area less than 37.16m. According to the Board's Definition of Terms, on-farm domestic structure referred to a residential unit on agricultural land for habitation of the farmer who worked on the farm (including fish-farm), and the unit should not exceed a maximum of two storeys and 5.18m in height with a roofed-over area not exceeding 37.2m². The dimension and nature of on-farm domestic structure was more akin to the categories of replacement housing and building for agricultural use under Cap. 121.

55. As Members had no further question, the Chairman informed the applicant's representative that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application in his absence and inform the applicant of the Board's decision in due course. The Chairman thanked the representative of PlanD and the applicant's representative for attending the meeting. They left the meeting at this point.

Deliberation

56. Members noted that the current application was for a proposed NTEH in the "AGR" zone; and the 1m² of land for building use, as claimed by the applicant's representative, referred to the total land area taken up by the 6 columns supporting the proposed NTEH with a roofed-over area of 37.16m².

57. In response to a Member's enquiry, the Secretary said that the enforcement actions taken by the Planning Authority at the Site was mentioned in the RNTPC paper at the s.16 application stage as background information and was not a reason for rejecting the application.

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone in the Ta Kwu Ling area which is primarily to retain and safeguard good 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 justification in the submission for a departure from such planning intention; and
- (b) approval of the application would set an undesirable precedent for other similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.”

[Ms Anita W.T. Ma and Mr Laurence L.J. Li arrived, Mr. Jeff W.T. Lam and Dr Wilton W.T. Fok returned to join the meeting at this point.]

Agenda Items 7 and 8

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-FTA/150

Proposed Temporary Covered Goods Reshuffling Points for a Period of 3 Years in “Agriculture” Zone, Lot 554 S.A RP (Part) in D.D. 89, Man Kam To Road, Sha Ling

(TPB Paper No. 9967)

Review of Application No. A/NE-FTA/151

Proposed Temporary Goods Reshuffling Yard for a Period of 3 Years in “Agriculture” Zone, Lots 464 to 466, 520 RP and 521 to 523 in D.D. 89, Man Kam To Road, Sha Ling

(TPB Paper No. 9968)

[The items were conducted in Cantonese.]

59. The following representative from the Planning Department (PlanD) and the applicant's representative were invited to the meeting :

- Mr C.K. Soh – District Planning Officer/Shu Tin, Tai Po and North (DPO/STN), PlanD
- Mr Sit Kwok Keung – Applicants' representative (Intellects Consultancy Ltd.)

60. The Chairman extended a welcome and explained the procedure of the review hearing.

61. The Chairman asked Mr Sit Kwok Keung, the applicants' representative, whether the two review applications could be considered together given that they were for the same use in the same zone of the Outline Zoning Plan (OZP). Mr Sit had no objection to consider the two review application together. The Chairman then invited DPO/STN to brief Members on the review applications.

62. 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:

- (a) on 12.2.2015, the applicants sought planning permission to use the application sites (the Sites) for proposed temporary covered goods reshuffling points/yard for a period of three years. The Sites fell within an area zoned "Agriculture" ("AGR") on the draft Fu Tei Au and Sha Ling OZP No. S/NE-FTA/13 at the time of s.16 application and the approved OZP No. S/NE-FTA/14 which was currently in force, and there was no change in the zoning of the Sites;
- (b) on 27.3.2015, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the applications with the same set of reasons which were as follows:
 - (i) the application was not in line with the planning intention of the "AGR" zone for the area which was primarily intended 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 in the submission for a departure from such planning intention, even on a temporary basis;

- (ii) the application did not comply with the Town Planning Board Guidelines No. 13E in that there was no previous planning approval granted at the Site; the proposed development was not compatible with the surrounding land uses which were predominantly rural in character; there were adverse departmental comments on the application; and the applicant failed to demonstrate that the development would have no adverse traffic, environmental and landscape impacts on the surrounding areas; and
 - (iii) approval of the application would set an undesirable precedent for similar applications within the same “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area;
- (c) for Application No. A/NE-FTA/150, the Site was subject to two active enforcement cases for unauthorised development (UD) involving land filling, and storage and workshop uses. As the UD did not discontinue, further enforcement/prosecution action would be taken against the notice recipient. There was no active enforcement case at the Site under Application No. A/NE-FTA/151;
- (d) on 30.4.2015, the applicants applied with justifications for a review of the RNTPC’s decision to reject the applications.
- (e) the applicant’s justifications were the same for both review applications and were summarized below:
- (i) although the Frontier Closed Area (FCA) was scheduled to open up in 2015, the detailed long-term planning for the Closed Area had yet to be prepared to guide the future development in the areas.

Pending the availability of the OZP for the Fu Tei Au and Sha Ling area, short-term uses should be given due consideration;

- (ii) the Study on Land Use Planning for the Closed Area (FCA Study) had recommended that the area be developed as 'non-polluting logistics and warehousing/distribution centres that would benefit from the cross-boundary location'. The temporary use under applications was in line with the FCA Study's land use proposal;
 - (iii) Town Planning Board Guidelines No. 13E on Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) should not be used for the planning assessment on the current applications as the applied use was neither an open storage nor a port back-up use;
 - (iv) due to the proximity to the Man Kam To boundary crossing, there were numerous open storage and lorry park operations on both sides of Man Kam To Road. They were either approved by the Board or in existence before the first statutory plan was in place;
 - (v) the proposed temporary goods reshuffling points/yard would serve as a midway goods transfer location promoting the Shenzhen-Hong Kong goods transport. Through careful planning of trips, empty trucks on road could be kept to the minimum so as to reduce the traffic impact; and
 - (vi) the applicants provided responses to address the departmental comments on the two subject s.16 applications;
- (f) for Application No. A/NE-FTA/150, the Site was currently formed, fenced off, partly used as open storage of machines and computer equipment. Some trees were found at the western part and southern boundary of the Site. It was accessible from Man Kam To Road or via a local track from Kong Nga Po Road. To the northwest of the Site were Man Kam To Road, some pipelines, fallow agricultural land and an area being used for open storage use. To the east of the Site were an open storage of container vehicle, a small stream running in a south-north direction and

some domestic structures in the vicinity of the stream. To the south and southwest of the Site were some domestic structures and further south was a woodland zoned “Green Belt”;

- (g) for Application No. A/NE-FTA/151, the Site was vacant, flat and mainly grown with wild grass and shrubs/trees. It was traversed/encroached by two sections of a stream. It was connected to Man Kam To Road via a village track. To the northwest of the Site was a cluster of domestic structures and a stream. To the north and south of the Site was active/fallow agricultural land. To the east of the Site were a track, some pipelines, fallow agricultural land, some domestic structures and a plant nursery;
- (h) previous application - the Site under Application No. A/NE-FTA/150 was the subject of a previous application (No. A/NE-FTA/135) for proposed temporary open storage of building materials with ancillary warehouse and parking facilities for lorries and private cars which was rejected by RNTPC on 31.10.2014 on grounds similar to the subject application. There was no previous application for the Site under application No. A/NE-FTA/151;
- (i) similar applications – apart from the two subject applications, there were two similar applications in the vicinity of the Sites. Two similar applications involving the same site (No. A/NE-FTA/110 and 149) were approved with conditions by RNTPC in 2011 and 2015, mainly on considerations that the site fell within Category 2 area under the TPB PG-No. 13E; the site had been paved and occupied as storage use for some time; the uses under application on a temporary basis were considered not incompatible with the surrounding land uses which mainly comprised open storage yards and logistics centres; and the developments were in line with the TPB PG-No. 13E in that relevant departments in general had no objection to the application or their concerns could be addressed through the imposition of approval conditions;

- (j) departmental comments - comments from the relevant government departments were detailed in paragraph 5 of the Papers and summarized below :
- (i) the Commissioner for Transport (C for T) did not support the two review applications. The applicant should clarify how the loading/unloading/parking and manoeuvring arrangement could be carried out within the Sites for the estimated number of panel truck trips per hour, and indicate on the plan whether the open area would not be occupied during loading/unloading/parking and manoeuvring in order to demonstrate no vehicle reversing and queuing on public road. For Application No. A/NE-FTA/151, the applicant should also specify if the 6m wide vehicular access was for 1-way or 2-way traffic at the same time;
 - (ii) the Commissioner of Police (C of P) had no comments on the review applications but raised the concerns that the Sites were situated at Man Kam To Road and there were heavy traffic movements on the road. Any vehicle slowdown would easily cause traffic jam to that road and then the adjacent road network. Trucks/heavy goods vehicles needed to slow down for manoeuvring into the Sites or even were required to line up at the entrance of the Sites. As a result, the traffic flow would be affected, or other vehicles were forced to pass over the opposite lane for overtaking and causing danger to the public. The Sites fell within the Frontier Closed Area, and permits were required for vehicles. Permit would only be issued to the applicants with full justifications;
 - (iii) the Director of Environmental Protection (DEP) did not support the applications as there were domestic structures in the close vicinity of the Sites and environmental nuisance were expected;
 - (iv) the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD, maintained her objection to the applications from the landscape planning point of view. For Application No. A/NE-FTA/150, the Site was a piece of vacant formed land with a few large existing trees at

the western side of the Site. In comparison with the aerial photo in 2013, majority of the trees and vegetation within the Site had been removed. Significant adverse impacts to the existing landscape character and resources had taken place. For Application No. A/NE-FTA/151, the Site was a fallow agricultural land adjacent to a village settlement buffered by cluster of trees. The Site was surrounded by both active and inactive farmland in a typical rural agricultural setting. For both applications, the proposed use was incompatible with the surrounding environment. Approval of the applications might set an undesirable precedent of spreading undesirable uses within the “AGR” zone and threaten the surrounding active farmland, which was an important landscape resource. Moreover, no landscape proposal was provided in the applications;

- (v) the Chief Engineer/Mainland North, Drainage Services Department had no objection to the two review applications. For Application No. A/NE-FTA/150, the total area of the Site was about 25,000m² with no details of the area to be paved. Two temporary covered goods reshuffling points with total area of about 10,500m² were proposed and that would affect the overland flow path, thereby increasing the risk of flooding in the area. As such, the applicant should submit a project profile or Drainage Impact Assessment; and
- (vi) the Director of Agriculture, Fisheries and Conservation Department did not support Application No. A/NE-FTA/151. Active agricultural activities were found in the vicinity of the Site. Footpath and water source were available. The Site possessed good potential for agricultural rehabilitation;
- (k) public comments – 7 and 13 public comments were received on the review applications No. A/NE-FTA/150 and No. A/NE-FTA/151 respectively. A North District Council member submitted a public comment on each review application indicating no comment on them. A public comment, for each application, was submitted by a group of residents of Sha Ling Village (打鼓嶺沙嶺村居民福利會) enclosing 144/148 signatures from

villagers raising objection to the review applications mainly on the grounds of the proposed use being not in line with the planning intention of the “AGR” zone, causing flooding and environmental problems; and injecting large amount of traffic to the Closed Area; and the need of obtaining consent from the landowner;

- (l) the remaining public comments were submitted by individuals, villagers of Sha Ling, 羅湖村村委會, Designing Hong Kong Limited, and for application No. A/NE-FTA/151, there were additional comments from Sheung Shui Vegetable Marketing and Credit Co-operative Society Limited, World Wide Fund for Nature Hong Kong and Kadoorie Farm and Botanic Garden. They objected to / raised concerns on the review applications on similar grounds to the public comment from a group of residents of Sha Ling Village; and
- (m) PlanD’s view - PlanD did not support the review applications based on the planning considerations and assessment set out in paragraph 7 of the Papers, which were summarized below:
 - (i) the Sites were zoned “AGR” ” and the planning intention was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. There was no strong planning justification in the submissions to merit a departure from the planning intention; even on a temporary basis;
 - (ii) the FCA Study proposed the Site of application No. A/NE-FTA/150 and its surroundings for a Man Kam To Development Corridor with the intention to enhance the local environment and permit non-polluting logistics and warehousing / distribution centres as well as other high-tech uses and creative industry uses that would benefit from the cross-boundary location. The proposal, however, had to be further examined to take into account the latest planning circumstances and requirements of the district. For the purpose of assessing the current application, reference should be made to the planning intention of respective land use zone(s) on the extant OZP;

- (iii) under the FCA Study, the Site of application No. A/NE-FTA/151 and its surrounding area was proposed to be reserved for agricultural use, not ‘non-polluting logistics and warehousing/distribution centres’ as mentioned by the applicants representative;
- (iv) according to the TPB PG-No. 13E, logistics centre, which was similar to the goods reshuffling points / yard under application intended for goods transport, was regarded as one of the port back-up uses and the Guidelines could, therefore, be applied in considering the applications. Both Sites fell within Category 3 area under the Guidelines and applications falling within that area would normally not be favourably considered unless the applications were on sites with previous planning approvals;
- (v) whilst there were open storage, lorry park operations on both sides of Man Kam To Road, many of those areas were zoned “Open Storage” and “Other Specified Uses” annotated “Port Back-up Uses” not in the vicinity of the Sites. They were mainly in Category 1 area under the TPB-PG No. 13E where planning permission for open storage and port back-up uses would normally be granted by RNTPC;
- (vi) regarding the traffic impact arising from the developments, the applicants had failed to demonstrate its acceptability. C for T maintained his previous view of not supporting the applications. The traffic concern was also raised by the C of P. CTP/UD&L, PlanD, had objection to the applications as the approval of the applications would likely encourage more similar use in the area leading to further deterioration of the rural landscape character. DEP did not support the applications as there were domestic structures in the vicinity of the Sites. The proposed developments would cause environmental nuisance to the nearby residents. DAFC did not support application No. A/NE-FTA/151 as the Site possesses good potential for agricultural rehabilitation; and

- (vii) there had been no material change in planning circumstances for the Sites and the surrounding area since the rejection of the subject applications by RNTPC on 27.3.2015.

63. The Chairman then invited the applicant's representative to elaborate on the review applications.

64. With the aid of the visualizer, Mr Sit Kwok Keung made the following main points :

- (a) similar to the application No. A/MOS/104, enforcement action taken at the application site should not be mentioned in the Paper and the presentation by DPO/STN. When the Planning Authority was taking enforcement actions against unauthorized developments, land owners were encouraged to make applications to rectify the situation. The inclusion of such information in the Paper for Application No. A/NE-FTA/150 and in the presentation to the Board was contrary to such a practice, which might become an unfavourable factor in considering the application. Moreover, the enforcement action was taken against the land owner's representative while the applicant in the subject application was the operator. In any case, the Board should not take into account the enforcement action taken at the Site in considering Application No. A/NE-FTA/150;
- (b) the merits of the proposed use as stated in the applicants' submission in the s.16 application stage were not well reflected in the Papers. The proposed temporary covered goods reshuffling points/yard was to allow exchange of goods directly between the vehicles from Mainland and Hong Kong at the Sites. The operations would minimize the cross-boundary traffic and enhance traffic safety as Mainland left-hand drive vehicles would not need to travel around Hong Kong, where right-hand traffic was the norm, to deliver/collect their goods, and vice versa. The proposed use should not be considered as the convention logistics centre since it did not involve reshuffling and storage of large amount of goods at the Sites;

- (c) as stated in the applicants' justifications in supporting the review applications, the concerns raised by various departments on the proposed uses at the s.16 application stage had been substantially addressed. For example, regarding the management issue of the local track raised by C for T, the operators of different open storage yards in the area would manage and maintain the local track jointly without the need to involve government departments. By using mobile phones to communicate, the transfer of goods between vehicles could be pre-arranged and the vehicles could arrive at the Sites at the scheduled time. It was estimated that there were only 6 to 10 panel truck trips per hour for the Sites, which would not create significant traffic impact on Man Kam To Road. The residual impacts of the proposed use could be addressed by approval conditions; and
- (d) for Application No. A/NE-FTA/150, there were a lot of adverse comments received which was due to the land dispute between different parties after the decease of the land owner of the Site. The land dispute issue should not be a planning consideration of the Board.

65. In response to the Vice-chairman's enquiry on the operation of the goods reshuffling points/yard, Mr Sit Kwok Keung said that a Mainland vehicle and a Hong Kong vehicle would drive to the yard at the scheduled time and exchange their goods over the two vehicles without any need for storage of goods at the Sites. It would minimize the need for Hong Kong vehicles to travel to Mainland to deliver/collect the goods. The Vice-chairman further asked whether the goods reshuffled at the Sites belonged to one company, and the Mainland and Hong Kong vehicles were operated under one company to ensure such efficiency in reshuffling. In response, Mr Sit said that the goods were from various sources and first reshuffled at some yards in Shenzhen before transporting to the Sites. While the yard was operated by one operator, the Mainland and Hong Kong vehicles could come from different companies.

66. As Members had no further question, the Chairman informed the applicants' representative that the hearing procedure for the review applications had been completed. The Board would further deliberate on the review applications in his absence and inform the applicants of the Board's decision in due course. The Chairman thanked the representative

of PlanD and the applicants' representative for attending the meeting. They left the meeting at this point.

Deliberation

67. Members agreed that the main consideration of the review applications was whether the proposed temporary covered goods reshuffling points/yard were suitable use at the Sites. Members re-affirmed the views that the proposed use was not in line with the planning intention of the "AGR" zone and did not comply with the TPB PG-No. 13E, and approval of the applications would set an undesirable precedent.

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

- “(a) the proposed use is not in line with the planning intention of the “Agriculture” (“AGR”) zone for the area which is primarily intended 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 in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the proposed use does not comply with the Town Planning Board Guidelines No. 13E in that there is no previous planning approval granted at the site; the proposed development is not compatible with the surrounding land uses which are predominantly rural in character; there are adverse departmental comments on the application; and the applicant fails to demonstrate that the development would have no adverse traffic, environmental and landscape impacts on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for similar applications within the same “AGR” zone. The cumulative effect of

approving such similar applications would result in a general degradation of the environment of the area.”

Tuen Mun & Yuen Long West District

Agenda Item 9

[Open Meeting]

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

Proposed Columbarium (within a Religious Institution or Extension of Existing Columbarium only) in “Green Belt” Zone, Section A and Section B of Lot 294 and Lot 351 (Part) in D.D. 376, Tuen Mun

(TPB Paper No. 9970)

[The meeting was conducted in Cantonese.]

69. The following Members had declared interests in the item for having affiliation/current business dealings with the applicant/applicant’s consultants including LWK & Partners Limited (LWK), RHL Surveyors Limited (RHL) and Townland Consultants Limited (TCL):

- | | | |
|---------------------|---|--|
| Mr Ivan C.S. Fu | – | being the director and a shareholder of LWK and having business dealings with the Applicant |
| Mr Laurence L.J. Li | – | having current business dealings with LWK |
| Professor P.P. Ho |] | having current business dealings with TCL |
| Mr Dominic K.K. Lam |] | |
| Mr Patrick H.T. Lau |] | |
| Mr H.F. Leung | – | working in the Department of Real Estate and Construction of the University of Hong Kong, which had received a donation from RHL |

70. Members considered that the interest of Mr Ivan C.S. Fu was direct but as the item was a request for deferment, Mr Fu could stay in the meeting but should refrain from participating in the discussion. As the interest of the other Members was considered indirect, Members agreed that they should be allowed to stay in the meeting.

71. The Secretary reported that on 6.7.2015, the applicant's representative wrote to the Secretary of the Town Planning Board (the Board) and requested the Board to further defer making a decision on the review application for two months in order to allow more time for the applicant to liaise with the relevant government departments to address the comments received on the application. That was the third request for the review hearing.

72. Member noted that since the second deferment on 6.3.2015, the applicant's representative had submitted a written representation on 7.5.2015 with supplementary information to address comments from the Transport Department and the Hong Kong Police Force. The applicant needed more time for discussion with the relevant government departments to address their comments.

73. Members also noted that the justifications for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33) in that the applicant needed more time to consult relevant government departments and resolve the outstanding technical issues, the deferment period was not indefinite and the deferment would not affect the interests of other relevant parties.

74. After deliberation, the Board agreed to defer a decision on the review application as requested by the applicant pending the submission of further information by the applicant. The Board also agreed that the review application should be submitted to the Board for consideration within three months upon receipt of further submission from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Board's consideration. The Board also agreed to advise the applicant that the Board had allowed a further two months for the preparation of submission of further information. Since that was the third deferment and the Board had allowed a total of six months for preparation of

submission of further information, it was the last deferment and no further deferment would be granted.

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 10

[Open Meeting]

Request for Deferment of Review of Application No. A/YL-ST/453

Proposed Temporary Place of Recreation, Sports or Culture (Cable Wakeboarding Training Centre) for a Period of 3 Years in “Other Specified Uses” annotated “Comprehensive Development to Include Wetland Enhancement Area” Zone, Lot 768 RP(Part) in D.D. 99, San Tin, Yuen Long

(TPB Paper No. 9971)

[The item was conducted in Cantonese.]

75. The Secretary reported that on 14.7.2015, the applicant wrote to the Secretary of the Board and requested the Town Planning Board (the Board) to defer making a decision on the application for two months so as to allow sufficient time for preparation of responses to address comments from the Environmental Protection Department (EPD), the Agriculture, Fisheries and Conservation Department (AFCD) and the Transport Department (TD). That was the second request from the applicant for deferment of the review hearing.

76. Members noted that since the first deferment on 13.2.2015, the applicant had submitted further information including an environmental and ecological impact assessment and responses to address the comments from concerned government departments. In mid June 2015, EPD, AFCD, TD and the Commissioner of Police provided their comments on the application. The applicant indicated that more time was required to obtain more supporting documents from other organizations to present to the Board and to address the comments from government departments including EPD, AFCD and TD.

77. Members noted that the justifications for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town

Planning Ordinance (TPB PG-No. 33) in that the applicant needed more time to prepare further information in response to departmental comments, the deferment period was not indefinite and the deferment would not affect the interests of other relevant parties.

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

Procedural Matter

Agenda Item 11

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments for Draft Stanley Outline Zoning Plan No. S/H19/11

(TPB Paper No. 9973)

[The item was conducted in Cantonese.]

79. The Secretary briefly introduced the Paper. On 20.3.2015, the draft Stanley Outline Zoning Plan No. S/H19/11 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 892 representations and 40 comments were received.

80. All the 892 representations objected to the rezoning of the site at Wong Ma Kok Road under Amendment Item A. Two representers, i.e. R1 and R2, also objected to Amendment Items C and B respectively. Among the 892 opposing representations, one was submitted by Green Sense (R2), one was submitted by a Southern District Councillor (R6),

and the remaining were from members of the public. 887 of the 892 (R6 to R892) representations were in standard emails with 276 of them (R617 to R892) having additional comments / suggestions.

81. The grounds of objection were mainly related to traffic aspect including the additional traffic impact arising from the proposed residential development, the existing traffic congestion problem, inadequate provision for pedestrians and cyclists, road safety and traffic control / enforcement issues. Other grounds of objection included traffic related pollution, destroying the natural environment, inadequate studies or impact assessments. R4 to R892, except R783, also opposed to the proposal to construct a multi-storey carpark at Stanley Village, which was not the subject of amendments.

82. Among the 40 comments on representations received, C3 (supported R1, R3-R782, R784-R800 and R861-R892), C1 and C2 objected to Amendment Item A on nature conservation ground. C5 to C6 (supported R1 and R6), C7 to C8 (supported R1), C9 to C39 (supported R1 and R6) and C4 objected to Amendment Item A on traffic ground. C7 to C40 also objected to R828, R844 and R858 which suggested that cycling should be banned.

83. Since the amendments incorporated in the Plan had attracted general local concerns with substantial number of representations received, it was recommended that the representations and comments should be considered by the full Board. The hearing could be accommodated in the Board's regular meeting and a separate hearing session would not be necessary. The arrangement would not delay the completion of the representation consideration process. Based on the similar nature of representations, the hearing of the representations was suggested to be considered in one group.

84. As 892 representations and 40 comments were received, in circumstances where a large number of representers/commenters would like to make oral submissions to the Board, to ensure efficiency of the hearing, it was recommended that a maximum of 10 minutes presentation time be allotted to each representer/commenter in the hearing session.

85. Consideration of the representations and comments by the full Board under section 6B of the Ordinance was tentatively scheduled for 28.8.2015.

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

Agenda Item 12

[Closed Meeting] [Confidential Item]

87. The item was recorded under confidential cover.

Agenda Item 13

[Open Meeting]

Any Other Business

Vote of Thanks

88. Noting that the current meeting was the last meeting for Mr Thomas T.M. Chow (the Chairman) before he was transferred to another post, the Vice-chairman suggested recording a vote of thanks to Mr Chow for his service and invaluable contributions to the Board. The Vice-chairman further said that under Mr Chow's chairmanship, the Board meetings were conducted effectively with sufficient room for Members to discuss the cases thoroughly, despite all the challenges encountered and the tight meeting schedule over the past years. Members supported the Vice-chairman's suggestion. Mr Chow thanked Members for their dedicated services and support to the Board.

89. There being no other business, the meeting was closed at 12:15 pm.