

**Minutes of 1092<sup>nd</sup> Meeting of the  
Town Planning Board held on 28.8.2015**

**Present**

Permanent Secretary for Development  
(Planning and Lands)  
Mr Thomas C.C. Chan

Chairman

Mr Stanley Y.F. Wong

Vice-chairman

Professor S.C. Wong

Mr Roger K.H. Luk

Professor P.P. Ho

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Ms Anita W.T. Ma

Dr W.K. Yau

Ms Bonnie J.Y. Chan

Mr H.W. Cheung

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr Patrick H. T. Lau

Ms Christina M. Lee

Mr H. F. Leung

Mr Stephen H.B. Yau

Mr F.C. Chan

Mr David Y.T. Lui

Mr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Deputy Director of Environmental Protection

Mr C.W. Tse

Chief Engineer, Home Affairs Department

Mr Martin W.C. Kwan

Principal Assistant Secretary for Transport and Housing

Miss Winnie M.W. Wong

Director of Lands

Ms Bernadette H.H. Linn

Director of Planning

Mr K.K. Ling

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

Secretary

**Absent with Apologies**

Mr Laurence L.J. Li

Professor K.C. Chau

**In Attendance**

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

Chief Town Planner/Town Planning Board  
Mr Louis K.H. Kau

Senior Town Planner/Town Planning Board  
Ms Johanna W.Y. Cheng

**Agenda Item 1**

[Open Meeting]

Confirmation of Minutes of the 1091<sup>st</sup> Meeting held on 14.8.2015

[The meeting was conducted in Cantonese.]

1. The minutes of the 1091<sup>st</sup> Meeting held on 14.8.2015 were confirmed without amendments.

**Agenda Item 2**

[The meeting was conducted in Cantonese.]

Matters Arising

- (i) Approval of Draft Plans  
[Open Meeting]

2. The Secretary reported that on 21.7.2015, the Chief Executive in Council approved the following draft plans under section 9(1)(a) of the Town Planning Ordinance and approval of the said plans was notified in the Gazette on 21.8.2015.

- (a) Kwun Tong (South) Outline Zoning Plan (OZP) (renumbered as S/K14S/20);
- (b) Tai O Town Centre OZP (renumbered as S/I-TOTC/2);
- (c) Ko Lau Wan OZP (renumbered as S/NE-KLW/2); and
- (d) Yim Tin Tsai and Ma Shi Chau OZP (renumbered as S/NE-YTT/2).

- (ii) Reference Back of Approved Plans  
[Open Meeting]

3. The Secretary reported that on 21.7.2015, the Chief Executive in Council referred the approved Wong Nai Chung Outline Zoning Plan (OZP) and the approved Tung Chung Town Centre Area OZP to the Town Planning Board for amendment under

section 12(1)(b)(ii) of the Town Planning Ordinance. The reference back of the said plans was notified in the Gazette on 21.8.2015.

(iii) Town Planning Appeal Received

(a) Town Planning Appeal No. 8 of 2015

Proposed House (New Territories Exempted House – Small House)  
in “Agriculture” and “Village Type Development” Zones,  
Lots 873 S.B and 875 S.C in D.D. 9, Yuen Leng Village, Tai Po  
(Application No. A/NE-KLH/483)

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4. The Secretary reported that a Notice of Appeal was received by the Appeal Board Panel (Town Planning) on 6.8.2015 against the decision of the Town Planning Board (the Board) on 29.5.2015 to reject on review an application for proposed house (New Territories Exempted House – Small House) at Lots 873 S.B and 875 S.C in D.D. 9, Yuen Leng Village, Tai Po. The site was zoned “Agriculture” and “Village Type Development” on the approved Kau Lung Hang Outline Zoning Plan No. S/NE-KLH/11. The application was rejected by the Board for the following reasons:

- (a) the proposed development did not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that the proposed Small House located within the water gathering ground could not be able to be connected to the existing/planned sewerage system in the area as there was no fixed programme for implementation of such system at this juncture; and
- (b) the applicant failed to demonstrate that the proposed development located within the water gathering ground would not cause adverse impact on the water quality in the area.

5. Members noted that the hearing date of the appeal was yet to be fixed and agreed that the Secretary would act on behalf of the Board in dealing with the appeal in the usual manner.

- (b) Town Planning Appeal No. 9 of 2015  
Temporary Open Storage of Construction Materials and  
Miscellaneous Items for a Period of 3 Years in “Agriculture” Zone,  
Lot 1922 (Part) in D.D. 118, Sung Shan New Village, Yuen Long  
(Application No. A/YL-TT/348)
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6. The Secretary reported that an appeal was received by the Appeal Board Panel (Town Planning) on 19.8.2015 against the decision of the Town Planning Board (the Board) on 26.6.2015 to reject on review an application for temporary open storage of construction materials and miscellaneous items for a period of 3 years at a site zoned “Agriculture” (“AGR”) on the Tai Tong Outline Zoning Plan. The application was rejected by the Board for the following reasons:

- (a) the development was not in line with the planning intention of the “AGR” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development under application did not comply with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance in that there was no previous planning approval granted to the site and there were adverse departmental comments against the application;
- (c) the applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an

undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

7. Members noted that the hearing date of the appeal was yet to be fixed and agreed that the Secretary would act on behalf of the Board in dealing with the appeal in the usual manner.

#### Appeal Statistics

8. The Secretary reported that as at 28.8.2015, 20 cases were yet to be heard by Appeal Board Panel (Town Planning). Details of the appeal statistics were as follows:

Allowed	:	32
Dismissed	:	139
Abandoned/Withdrawn/Invalid	:	187
Yet to be Heard	:	20
Decision Outstanding	:	0
Total		378

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

(iv) Matters Arising (iv)  
[Confidential Item][Closed Meeting]

9. This item was recorded under confidential cover.

(v) Matters Arising (v)  
[Confidential Item][Closed Meeting]

10. This item was recorded under confidential cover.

[Ms Julia M.K. Lau, Dr Wilton W.T. Fok and Ms Bernadette H.H. Linn arrived during consideration of Matters Arising (v)]

- (vi) Matter Arising (vi)  
[Confidential Item][Closed Meeting]

11. This item was discussed at the end of the meeting.

[Mr Ivan C.S. Fu arrived to join the meeting and Mr Dominic K.K. Lam left the meeting temporarily at this point.]

### **Sai Kung and Islands District**

#### **Agenda Item 3**

[Open Meeting (Presentation and Question sessions only)]

Review of Application No. A/I-NEL/6

Temporary Concrete Batching Plant for a Period of 3 Years in “Undetermined” zone, Lot No. 30 (Part) in D.D. 362, Tsing Chau Wan, Lantau  
(TPB Paper No. 9984)

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[The meeting was conducted in Cantonese.]

12. As RHL Surveyors Limited and Environs were two of the consultants of the applicant, the following Members had declared interests:

Mr H.F. Leung	-	being an employee of the Department of Real Estate and Construction in the Faculty of Architecture of the University of Hong Kong which had received donation from RHL
Mr Ivan C.S. Fu	]	
Ms Julia M.K. Lau	]	having current business dealings with
Mr Dominic K.K. Lam	]	Environs
Ms Janice W.M. Lai	]	
Mr H.W. Cheung	]	



13. Members noted that Mr Lam had left the meeting temporarily. Members also noted that Mr Fu, Ms Lau, Ms Lai and Mr Cheung had no involvement in the application and agreed that their interest as well as that declared by Mr Leung were indirect and they could stay in the meeting.

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

Mr Ivan M.K. Chung	-	District Planning Officer/Sai Kung and Islands (DPO/SKIs), PlanD
Ms Serena Lau	]	
Mr Roger Leung	]	
Mr William Ho	]	Applicant's representatives
Mr K.C. Huang	]	
Mr Dennis Wong	]	
Mr Kelvin Leung	]	

15. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited Mr Chung (DPO/SKIs) to brief Members on the application.

16. With the aid of a Powerpoint presentation, Mr Chung presented the application and covered the following main points as detailed in the Paper:

- (a) the applicant, Yiu Lian Dockyards Limited, sought planning permission to use the site for a concrete batching plant on a temporary basis for a period of three years. The site, with an area of about 4,595m<sup>2</sup>, was zoned "Undetermined" ("U") on the approved North-East Lantau Outline Zoning Plan (OZP) No. S/I-NEL/12;
- (b) the site formed part of the Yiu Lian Dockyard that was a ship repairing yard, at the north eastern shore of Lantau Island. There were several temporary works areas and an open storage of containers in its surroundings;

- (c) the proposed temporary concrete batching plant had a maximum gross floor area of 3,832.03m<sup>2</sup> and maximum building height of 1-storey (13.5m). There would be 15 mixer truck parking spaces and two loading/unloading bays. The applicant proposed to transport raw materials for concrete production by sea and transport of mixed concrete by road;
- (d) on 8.5.2015, the Rural and New Town Planning Committee (the RNTPC) rejected the application and the reason was that the applicant had failed to demonstrate in the submitted environmental assessment (EA) that the proposed development would not result in adverse impact on the air quality of the surroundings and the proposed development would not involve foundation/excavation/reconstruction works within the workshop building;
- (e) the applicant had not submitted any written representation in support of the review application;
- (f) departmental comments - comments from relevant government departments were detailed in paragraph 5 of the Paper. The Director of Environmental Protection (DEP) did not support the application as the applicant could not demonstrate that the proposal would be acceptable from environmental planning perspective; there were substantial deficiencies in the technical assessments; the applicant failed to demonstrate that the contribution of NO<sub>2</sub> emission from both marine emissions and vehicular emissions was insignificant; and it was unclear in the contamination assessment plan as to whether the project would involve any foundation/excavation/reconstruction of the concrete paving within the footprint of the workshop building. Other government departments either had no adverse comment on or no objection to the review application;
- (g) the previous and similar applications were detailed in paragraphs 4.4 to 4.6 of the Paper;

- (h) public comments - two public comments, submitted by Kadoorie Farm & Botanic Garden Corporation and the World Wide Fund for Nature Hong Kong, objected to the application on grounds of adverse impact on the core habitat of Chinese white dolphin and leakage and spillage of cement that might cause ecological impacts on the marine ecology;
- (i) PlanD's view - did not support the review application based on the planning considerations and assessments set out in paragraph 7 of the Paper, which were summarised below:
  - (i) the site falls within an area zoned "U", which had potential for tourism and recreational uses in North-East Lantau to complement the Hong Kong Disneyland Resort. Subject to funding, the Civil Engineering and Development Department (CEDD) and PlanD would jointly commission the Sunny Bay Study, that would be commenced for completion in early 2017. The application for the concrete batching plant development on a temporary basis for a period of three years would not jeopardise the long-term planning and development of Sunny Bay;
  - (ii) the previous application (No. A/I-NEL/5) for the same temporary concrete batching use for three years was rejected by the RNTPC on grounds of, inter alia, failure to demonstrate that the proposed concrete batching plant was a genuine temporary use. In the subject application, the applicant proposed to apply state-of-the-art equipment which was faster and easier to install and reuse in other areas, and made the relatively short-term lease term for concrete batching plant use feasible. Hence, the proposed development would not frustrate the long-term use of the "U" zone;
  - (iii) the site was used as a shipyard and surrounding uses were temporary works areas and open storage of containers. The

proposed use was not incompatible with the existing industrial-related uses in the surroundings;

- (iv) the applicant proposed delivery of all materials related to concrete production to the site by sea and to limit vehicular traffic to concrete mixer trucks and cement trucks only. The Director of Marine and the Commissioner for Transport had no objection;
- (v) no further information had been submitted to address the rejection reason regarding environmental impacts and DEP's comments as detailed in paragraph 5.2.6 of the Paper. The reason for not supporting the application remained valid; and
- (vi) as to the opposing public comments, the Director of Agriculture, Fisheries and Conservation advised that the sea around the site was not an important habitat of Chinese white dolphins and had no strong view on the application considering that this was mainly a land-based project and that the site was currently a shipyard on reclaimed land surrounded by busy waterway and highway.

17. The Chairman then invited the applicant's representatives to elaborate on the review application.

18. With the aid of a Powerpoint presentation, Ms Serena Lau made the following main points:

- (a) the site was located in a remote location on Lantau Island and had been used for shipyard purposes for a long time;
- (b) the site was very suitable for concrete batching plant use as it was not incompatible with the existing industrial-related uses in the surroundings; it was far away from residential areas which was in line with the criterion

for locating concrete batching plants in the Hong Kong Planning Standards and Guidelines; there was no noise sensitive receivers in the vicinity; marine-based delivery of materials would reduce air pollution impacts; the proposed plant would have less impact compared to other job-site based plants located within existing communities; the plant could increase supply of concrete that was in high demand; and the application was only for a temporary use of three years;

- (c) the applicant had submitted three planning applications for the same use on the site over the past two years and efforts had been made to address departmental comments where possible. The size and production capacity of the proposed plant in the subject application had been reduced;
- (d) there were only two outstanding matters on the application, air quality impacts on the surroundings and whether the proposed use would involve foundation/excavation/reconstruction works;

*Air Quality Impact*

- (e) regarding air quality impacts, it was considered that the proposed development would comply with all air quality standards except for minor exceeding of the NO<sub>2</sub> standard. According to their assessment, the predicted exceeding of the NO<sub>2</sub> standard was entirely due to vehicular emissions from the North Lantau Expressway rather than from the plant itself, the air quality standard would be exceeded with or without the project. Their sensitivity test confirmed that their project would only contribute 0.04% to the total NO<sub>2</sub> emissions due to their barging activities. In fact, it was very common for some air quality standards to be exceeded on a minor level and some overseas air quality standards would allow for the the standard to be exceeded say by less than 1%;
- (f) it was understood that government departments had to work by the local standard and might not be able to exercise their discretion to accept the

slight exceeding of the air quality standard. Hence, the applicant wished to bring the case to the Board for its decision;

*No Foundation/Excavation/Reconstruction Works*

- (g) the proposed plant would be placed outside the existing workshop building and vehicles would only pass through the workshop building for access to the site. There would be no foundation/excavation/reconstruction works both within or outside the workshop building;
- (h) pictures of the mobile concrete batching machine equipment that would be used on the site were shown. Similar machine was used in a Diamond Hill plant. The machine would only be placed on the ground with no need for any foundation/excavation/reconstruction works;
- (i) if the Board did not accept their argument above that their project would not require excavation, the applicant would undertake to conduct a contamination assessment, sampling and testing as a condition to the planning approval and would undertake remedial actions if there were any negative findings;
- (j) they would only commit to undertake the contamination study, if required by the Board, upon the planning approval because the applicant could not afford the extra time and cost for such assessment without assurance that the application would be approved;

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

- (k) the main concern of the Environmental Protection Department (EPD) was whether there was pre-existing contamination on the site due to previous operations. Hence, EPD had requested that the contamination assessment should include the testing of dioxins and furans. The applicant did not agree with this requirement for the following reasons:

- (i) the applicant, who was all along the operator of the shipyard, had perfect knowledge of previous and current operations on the site. The applicant advised that there had been no burning or incineration nor other operations on the site that would cause dioxin and furan;
  - (ii) there was a 300mm-thick concrete slab covering and protecting the grounds since the first day of operation of the shipyard. Soil underneath the concrete slab was unlikely to be contaminated;
  - (iii) the project under application would not require foundation works; and
  - (iv) the land grant had stipulated that at the expiry of the lease term, the applicant had to pay for cleaning up of any contamination on the site;
- (l) for the above reasons, the applicant considered that the assessment of dioxin and furan was unreasonable. Such assessment would need to be conducted overseas that would lead to further delay and cost; and
- (m) there were three other concrete batching plant sites in the northern shore of Lantau Island, including one site that was tendered in 2012 but there was no sign that the plant was under construction to date. Nevertheless, the possible NO<sub>2</sub> and CO<sub>2</sub> emissions from that plant (yet to operate) had been included in the baseline condition of their air quality assessment.

19. Mr Roger Leung continued the presentation and made the following main points:

- (a) the air sensitive receivers identified for the air quality assessment was at the Lantau Toll Plaza Administration Building, that was 200m away from and 40m above the site;

- (b) the background level of NO<sub>2</sub> at the air sensitive receivers were already 80% to 90% of the Air Quality Objective (AQO). Given that the administration building was located adjacent to a major highway, air quality would be unsatisfactory and there would be exceedance in NO<sub>2</sub> with or without the project; and
- (c) the contribution of NO<sub>2</sub> from the project would be less than 1% of the AQO. In overseas standard, exceeding of less than 1% would be regarded as very minimal impact. There was a precedent case for concrete batching plant in Tsing Yi (planning application No. A/TY/127) that had received no in-principle disagreement from government department even though it had similarly exceeded the standard by less than 1%.

20. The Chairman asked DPO to clarify whether from site location and land use aspects, the site was considered suitable for concrete batching plant use; and other than DEP, whether there were adverse comments from other government departments. In response, Mr Chung (DPO/SKIs, PlanD) said that the concrete batching plant was considered not incompatible with the works area and storage uses in its vicinity. The location of the site was suitable for a concrete batching plant as it was near an expressway and there were no residential uses nearby. The application was only for temporary use for three years and would not affect the long-term planning for Sunny Bay that would be subject to study. Only EPD had adverse comments on the application and all other government department had no adverse or no comment.

21. The Chairman asked the applicant's representatives whether they needed to obtain relevant licence from EPD for operation of the concrete batching plant. Mr Roger Leung (RHL) said that they would need to apply to EPD for a licence for Specified Processes (SP licence) before the concrete batch plant commenced operations. Mr C.W. Tse (Deputy Director of EPD) advised that the SP licence would not deal with soil contamination issues. Mr Tse further asked whether the applicant had approached EPD to address the outstanding comments since the RNTPC rejected the section 16 planning application in May this year. Another Member asked why the applicant had not liaised



with EPD to address the outstanding technical comments and it would be difficult for the Board to decide on the technical issues such as NO<sub>2</sub> emissions.

22. In response, Mr Leung said that they had previously liaised with EPD on the scope and method for the EA. Documents had been submitted to EPD which confirmed that the contribution of pollutants from the project would be minimal. Ms Serena Lau (RHL) supplemented that tables shown in the Powerpoint were extracted from the assessments that had already been submitted to EPD. However, there was difference in opinion between their environmental consultant and EPD. The applicant's view was that when the background level of NO<sub>2</sub> was already 80% to 90% of the AQO standard, it would be inevitable that with the NO<sub>2</sub> emission from marine transport proposed for the site, the AQO standard would be slightly exceeded. However, it appeared that EPD was not able to accept exceedance of the AQO standard, however minimal it might be.

23. Mr Tse said that as advised by his colleagues, the applicant had not contacted EPD since the rejection of the section 16 planning application. Assessments were submitted during the section 16 stage but the applicant had not addressed EPD's comments on those assessments. Other than NO<sub>2</sub>, EPD raised concern on their dust emission assessment, in that wrong calculations and modelling were used. He said that EPD had not objected to the application but considered that the technical assessments needed to be properly revised. The applicant should have clarified the technical matters with EPD rather than putting the unresolved technical issues before the Board. Mr Leung said that they had on-going dialogue with EPD in the past two years since they submitted the first planning application in May 2013. EPD had repeatedly requested them to include new scopes in the assessments and they had tried to address those comments as far as possible.

24. The Chairman asked the applicant to confirm that they would be willing to prepare other assessments to address EPD's concerns as approval conditions if the Board decided to approve the application. Ms Lau said that they would undertake to conduct a contamination study but they did not agree to include the testing of dioxin and furans. Their environmental consultant had advised, after considering the site history and environment, that such tests were unnecessary. Such tests would cause further delay and increase the cost of the project.

25. A Member asked what the applicant's plan was after the concrete batching plant ceased operation after three years; and whether the applicant was operating similar plants in other parts of Hong Kong and if so, whether those plants were subject to the same environmental requirements. In response, Ms Lau said that the applicant had not operated a concrete batching plant before. Whether the applicant would decide to expand its business operations to include concrete batching plant was a commercial decision yet to be confirmed at this juncture.

26. A Member asked whether the applicant was willing to undertake further air quality assessment to address EPD's concern as a condition of approval. Mr Leung said the applicant had to obtain a SP licence from EPD for operation of the concrete batching plant and one of the requirements for a SP licence was to conduct air quality assessment.

27. Another Member asked the applicant to clarify whether the proposed concrete batching plant would worsen the contamination at the site. Ms Lau said that they had not said that there was contamination on the site and it was EPD's concern that any excavation of the site might expose existing contaminants in the soil. The applicant considered that the requirement to include dioxin and furans in the contamination study was unreasonable. Mr Leung added that given that the site was protected by a 300mm-thick concrete slab and the proposed concrete batching plant would be placed on the ground, there was very little chance for causing contamination. They had taken samples of the soil on the site which showed that there was no sign of existing contamination; those findings had been submitted in previous planning applications.

28. A Member said that it was inappropriate for the applicant to request the Board to overrule EPD on such technical matters. Ms Lau said that they were not asking the Board to overrule EPD, but they were not able to resolve the difference in opinion with EPD even though they had already spent a long time liaising with EPD. They wished to present the merits of the case to the Board and requested the Board to approve the case based on its special circumstances.

29. A Member asked DPO to clarify the Highways Department (HyD)'s comments as highlighted in paragraph 5.2.4 of the Paper. Mr Chung said that the proposed access road connecting the site with Sunny Bay Road was currently managed by HyD. HyD and

the Transport Department (TD) proposed that the applicant should take up the traffic signalling and management of the access road. According to the further information submitted, the applicant had no objection to HyD's and TD's proposal. Should the Board decide to approve the application, such requirement was suggested to be included as an approval condition set out in paragraph 8.2 (a) of the Paper.

30. A Member asked whether the air quality assessment should be assessed based on the incremental change in air quality specifically contributed by the proposed use, given that the site was at a very open location with no surrounding residential developments or sensitive uses. Mr Chung said that EPD had their established standard and requirements for air quality assessment which would normally be followed.

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

#### Deliberation

32. Mr Tse said that after the applicant submitted the EA for the section 16 planning application, they had not approached EPD regarding the comments they had raised on the EA. Subject to rectification of some technical issues in the EA, EPD had no in-principle objection to the application. Regarding the contamination study, while the proposed concrete batching plant would unlikely lead to soil contamination, the previous shipyard operation might cause land contamination. It was the government's practice to require the applicant to carry out contamination study through land conditions for any change of use on such sites. This was to establish whether at the time for application for change of use there were pre-existing contamination, this would be important to establish the responsibility for cleaning up the contamination. Testing of dioxin and furans was requested because staff of EPD noted in a site visit in 2003 that there was an area on the site that had signs of burning when the site was used as a shipyard. If the applicant could not provide convincing explanation about the operations that caused the signs of burning, it

would be a reasonable requirement to test for dioxins and furans at that location. However, such technical details could be deferred to EPD to further agree with the applicant. Should the Board decide to approve the application, EPD had no objection subject to conditions being imposed to require the applicant to conduct and rectify the EA prior to commencement of operations.

33. The Chairman said that the Board's main consideration was whether the proposed use was suitable from land use planning perspective. With regard to the environmental concerns, the Board would normally rely on the technical department's views. Based on EPD's advice, he asked for Members' views about approving the application subject to conditions that would fully address EPD's concerns.

34. Mr K.K. Ling (Director of Planning) said that when the RNTPC considered the application, it was considered that the location was suitable for a concrete batching plant as it was distant from any residential developments and had marine access. It was also noted that concrete was in high demand in Hong Kong. The application was rejected mainly due to possible adverse environmental impacts. Members were asked to consider the suggested approval conditions at paragraphs 8.2(d) and (e) of the Paper, that required submission of a revised EA and implementation of the mitigation measures proposed in the EA to the satisfaction of DEP within six months and nine months respectively. With such approval conditions, which were stringent and with a definite timeframe for compliance, he considered that the application could be approved.

35. In response to a Members' question, Mr Ling said that the reason for rejection of the section 16 planning application was related to the applicant's failure to demonstrate that there would not be adverse impact on air quality of the surroundings, and whether the proposed development would involve foundation/excavation/reconstruction works or not. The applicant had tried to respond to the rejection reason at the meeting. It was explained that there would be some exceedance of the AQO standard but the impact would be minimal as there were very little air sensitive receivers in the surroundings and there would be no foundation/excavation/reconstruction works involved in the proposed use and vehicle would only access through the workshop building. Members might consider whether those clarifications made at the meeting were sufficient.

36. A Member indicated no objection to the application and asked what would be EPD's stance if the applicant could not satisfy their requirements on the contamination study but the applicant committed that there would be no excavation on the site. In response, Mr Tse said that the treatment of contamination would be different depending on the site circumstances, not all contamination needed to be extracted from the ground, and it was also feasible to cover up the contaminated soil. The main objective of the contamination study was to establish the pre-existing conditions prior to the change in use, which was necessary for determining the responsibility for cleaning up the contaminants. A Member agreed that determining the responsibility for cleaning up the contaminants was important.

37. A Member asked what the government's plan was for the site and its surrounding area. Mr Ling said that there might be reclamation at that location in the long term. The Secretary referred Members to paragraph 7.2 of the Paper regarding details and programme of the Sunny Bay Study, that would cover the site and its adjacent areas.

38. A Member agreed that the application could be approved with conditions. However, it was not appropriate for the applicant not to approach EPD but put the technical issues to the Board for a decision, and approving the application might set a bad precedent. Furthermore, if the relevant approval condition was to the satisfaction of DEP or the Board, the Member doubted if the applicant would again not approach EPD but the Board regarding compliance with conditions. The Secretary said that approval conditions were normally written in such way and the applicant should first approach the relevant departments to prepare the required submissions and if there was difference in opinion that could not be resolved, there were past cases where compliance of approval condition was submitted to the Board for consideration.

39. Another Member said that the Board should not speculate the motives of the applicant in not approaching EPD, the applicant had full discretion as to how to present the review case to the Board. The most important issue would be EPD's latest views on the application after hearing the presentation at the meeting. Another Member said that Ms Lau had explained that they had approached EPD in the past two years but they might not have done so only for the subject review application. This Member agreed that the

application could be approved with conditions.

40. After further deliberation, Members agreed to approve the application with conditions. Members then went through the approval conditions and advisory clauses in paragraph 8.2 of the Paper and considered that they were appropriate.

41. After deliberation, the Board decided to approve the application on a temporary basis for three years until 28.8.2018 on the terms of the application as submitted to the Board and subject to the following conditions:

- “ (a) the management and maintenance of the existing access road between Sunny Bay Road and the site as well as the traffic signal at the access road, as proposed by the applicant, to the satisfaction of the Director of Highways or of the Town Planning Board during the planning approval period;
- (b) the transportation and delivery of all raw material for concrete production to the site by sea, as proposed by the applicant, during the planning approval period;
- (c) no vehicles other than the concrete mixer trucks proposed by the applicant are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) the submission of a revised Environmental Assessment (EA), including the revised land contamination assessment, within 6 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 28.2.2016;
- (e) in relation to (d) above, the implementation of mitigation measures (if any) proposed in the EA within 9 months from the date of planning approval by 28.5.2016, or before the operation of the

proposed development, whichever is the earlier, and the maintenance of such measures throughout the planning approval period, to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;

- (f) the submission of a “Barging Operation Plan” within 6 months from the date of planning approval to the satisfaction of the Director of Marine or of the Town Planning Board by 28.2.2016;
- (g) in relation to (f) above, the implementation of the measures proposed in the “Barging Operation Plan” within 9 months from the date of planning approval by 28.5.2016, or before the operation of the proposed development, whichever is the earlier, and the maintenance of such measures throughout the planning approval period, to the satisfaction of the Director of Marine or of the Town Planning Board;
- (h) the submission of a sewerage system design proposal within 6 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 28.2.2016;
- (i) in relation to (h) above, the implementation of a sewerage system within 9 months from the date of planning approval by 28.5.2016, or before the operation of the proposed development, whichever is the earlier, and the maintenance of such facilities throughout the planning approval period to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (j) the submission of a drainage system design proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 28.2.2016;
- (k) in relation to (j) above, the implementation of a drainage system

within 9 months from the date of planning approval by 28.5.2016, or before the operation of the proposed development, whichever is the earlier, and the maintenance of such facilities throughout the planning approval period to the satisfaction of the Director of Drainage Services or of the Town Planning Board;

- (l) the submission of emergency vehicular access, water supplies for fire fighting and fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 28.2.2016;
- (m) in relation to (l) above, the implementation of emergency vehicular access, water supplies for fire fighting and fire service installations proposals within 9 months from the date of planning approval by 28.5.2016, or before the operation of the proposed development, whichever is the earlier, and the maintenance of such facilities throughout the planning approval period to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (n) if any of the above planning conditions (a), (b) and (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (o) if any of the above planning conditions (d), (e), (f), (g), (h), (i), (j), (k), (l) and (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

42. The Board also agreed to advise the applicant of the following:

- “ (a) to note the comments of the District Lands Officer/Islands, Lands Department (DLO/Is, LandsD) that a waiver application for the



proposed temporary concrete batching plant use on the site is required. The application would be examined by LandsD on its own merits at the sole discretion of the Director of Lands in her capacity as the landlord. However, it must not be construed that waiver or approval under lease would be given by LandsD;

(b) to note the comments of the Director of Marine (D of Marine) that:

(i) the “Barging Operation Plan” should demonstrate the establishment of a barging point at the site, mooring of vessels at the sea frontage and its associated barging activities to the satisfaction of the D of Marine prior to the commencement of the operation of the proposed development;

(ii) all vessels employed for the business concerned shall hold/carry valid licences and any other necessary permits;

(c) to note the comments of the Director of Fire Services that:

(i) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;

(ii) provision of emergency vehicular access shall comply with Section 6, Part D of Code Practice for Fire Safety in Buildings 2011 which is administrated by the Buildings Department (BD);

(d) to note the comments of the Chief Building Surveyor/New Territories West, BD that:

(i) a means of obtaining access to the Site from a street of not

less than 4.5m wide should be provided in accordance with the Building (Planning) Regulation (B(P)R)5;

- (ii) the gross floor area figure provided in the application should also take into account the office and control room areas where appropriate; and
  - (iii) detailed checking will be carried out in the General Building Plans submission stage. The applicant should demonstrate compliance with the Building Ordinance (BO) in particular but not restricted to emergency vehicular access provision, fire separation with existing building on Site, Sustainable Building Development requirements when applicable and that prescribed window provision of the existing building will not be jeopardised;
- (e) to note the comments of the Director of Electrical and Mechanical Services that:
- (i) there is an intermediate pressure underground town gas transmission pipelines running in the vicinity of the site. The applicant should maintain liaison/coordination with the Hong Kong and China Gas Company Limited in respect of the exact location of existing or planned gas pipe routes/gas installations in the vicinity of the site and the minimum set back distance away from the gas pipes/gas installations if any excavation works are required during the design and construction stages of the proposed development; and
  - (ii) the applicant is required to observe the requirements of the Electrical and Mechanical Services Department's "Code of Practice on Avoiding Danger from Gas Pipes"

during the construction and operation of the proposed development.”

### **Hong Kong District**

#### **Agenda Item 4**

[Open Meeting (Presentation and Question sessions only)]

Consideration of Representations and Comments in relation to the Draft Stanley Outline Zoning Plan No. S/H19/11  
(TPB Paper No. 9983)

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[The meeting was conducted in Cantonese.]

43. Mr Ivan C.S. Fu had declared interests for having current business dealings with Masterplan Limited that had submitted R1. As Mr Fu’s interest was direct, Members agreed that he should leave the meeting temporarily.

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

44. The following representatives from government departments and the representers, commenters and their representatives were invited to the meeting at this point:

- |                      |   |
|----------------------|---|
| Ms Ginger K.Y. Kiang | - District Planning Officer/Hong Kong, Planning Department (DPO/HK, PlanD)  |
| Ms Jessica K.T. Lee  | - Senior Town Planner/Hong Kong (STP/HK), PlanD   |
| Mr Chan Chung Yuen   | - Chief Traffic Engineer/Hong Kong, Transport Department (CTE/HK, TD)   |
| Mr Cary P.H. Ho      | - Senior Nature Conservation Officer (Southern District), Agriculture, Fisheries and Conservation Department (AFCD) |
| Mr John T.T. Kwok    | - Senior Landscape Architect/Tree Unit,   |

Lands Department (SLA, LandsD)

R1 - Masterplan Limited

Miss Kira Brownlee - Representers' representative

R2 and C1 – Green Sense

Mr Roy Tam - Representers' representative

R3 - Mary Mulvihill

R724 – Candy Tam

Ms Mary Mulvihill - Representers and representers' representative

R6 – Paul Zimmerman

R237 - Leung Sui Wan Monica

R624 – David Lorimer

C3 – Designing Hong Kong Limited

Mr Paul Zimmerman - Representers and representers' representative

R20 – Jamie Paton

Mr Jamie Paton - Representers

R192 – James Robertson

Mr James Robertson - Representers

R622 - Mark Geary

Mr Howard Winn - Representers' representative

R722 - David Price

Mr David Price - Representers

Mr David Schaus - Representers' representative

R866 - Wong Kam Kee, Simon

Mr Wong Kam Kee, Simon - Representers

C4 - Maxine Yao

Ms Maxine Yao - Commenter

45. The Chairman extended a welcome and explained the procedures of the hearing. The Chairman said that as a large number of representers and commenters had indicated that they would attend the hearing, it was necessary to limit the time for making oral submissions. The Board agreed on 24.7.2015 that each representer/commenter or their representatives should be allotted 10 minutes for their oral presentation. The representers and commenters had been informed about this arrangement before the meeting. There was a timer device to alert the representers/commenters and their representatives, 2 minutes before the allotted 10-minute time was to expire, and when the allotted 10-minute time limit was up. He then invited the representatives of PlanD to brief Members on the representations.

46. With the aid of a Powerpoint presentation, Ms Jessica K.T. Lee, STP/HK, PlanD made the following main points as detailed in the Paper:

- (a) on 20.3.2015, the draft Stanley Outline Zoning Plan (OZP) No. S/H19/11 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The amendments were:
  - (i) Amendment Item A: rezoning of a site to the south of Regalia Bay at Wong Ma Kok Road (the site) from “Green Belt” (“GB”) to “Residential (Group C)1” (“R(C)1”). The “R(C)1” zone was subject to maximum plot ratio of 0.9, maximum site coverage of 22.5% and a maximum building height of 4 storeys in addition to one storey of carport;
  - (ii) Amendment Item B: rezoning of an area at the southern end of Wong Ma Kok Road from “GB” to an area shown as ‘Road’; and
  - (iii) Amendment Item C: deletion of the possible alignment and annotation of the proposed Route 81;

- (b) a total of 892 representations and 40 comments were received. All representations opposed Amendment Item A and two representations (R1 and R2) also objected to Amendment Items B and C;
- (c) consultation with the Southern District Council (SDC) was highlighted in paragraph 3 of the Paper;

#### Grounds of Representations and Responses

- (d) the main grounds of the representations were summarised in paragraph 4.2 of the Paper. Concerned government bureaux/departments had been consulted on the representations and comments and their latest assessments were set out in the responses summarised in paragraph 6.3 of the Paper. The main grounds of representations and departmental responses were highlighted below:

#### Amendment Item A

##### *“GB” Review*

- (i) the site was fully covered with trees and vegetation and development thereon would require extensive tree felling or slope cutting. The rezoning would defeat the original purpose of the “GB” zone as buffer and ‘green lung’;
- (ii) the responses to the above grounds were:
  - rezoning of “GB” sites was one of the measures of the multi-pronged approach. The site was one of the potential sites identified in the Stage 2 “GB” review, that was located close to the existing developed area and adjacent to existing infrastructure including road, water supply and sewerage, etc.;

- although the site was vegetated, it had a relatively lower conservation value. The site was distant from the Tai Tam Country Park, and the buffer function between the built-up areas and country park would not be jeopardised; and
- pre-land sale tree survey, traffic review, air ventilation assessment and visual appraisal had been undertaken. Concerned government departments had confirmed the technical feasibility and the related development parameters;

### *Housing Need*

- (iii) the rezoning was for luxurious private residential development and could not address the housing needs of the general public. More affordable housing should be provided. The government's Long Term Housing Strategy (LTHS) to increase housing land supply through rezoning should be revisited. Priority should be given to develop brownfield sites for affordable housing units;
- (iv) the responses to the above grounds were:
  - according to the LTHS announced in December 2014, the government had adopted a total housing supply target of 480,000 units for a ten-year period. To achieve this, the government would continue to adopt a multi-pronged approach to increase land supply in the short, medium and long term, including making better use of existing developable land and identifying new sites for development;
  - among the target supply, a 60:40 public-private split in new housing production should be achieved. Hence, apart from subsidized housing sites, private residential sites of different development intensities should be identified to meet the demand for different housing types;

- rezoning the site for residential use help meet the housing demand. The site was suitable for development of a low-rise low-density residential development, that would be compatible with its surroundings;
- substantial areas of under-utilised brownfield sites had been included for potential long-term land supply to meet Hong Kong's future needs;

*Traffic Impact*

- (v) the traffic capacity of the existing road networks in Stanley, in particular Stanley Gap Road and Tai Tam Road, were close to saturation. The proposed development would further worsen the traffic congestion problems;
- (vi) the existing roads in the Stanley area were narrow, sub-standard and dangerous. The increase in traffic would lead to more traffic accidents;

*Traffic Issues not related to OZP Amendments*

- (vii) there were currently insufficient car parking spaces in Stanley. The proposed development would create more demand for car parking spaces. There was inadequate provision of footpaths for pedestrians along Stanley Gap Road and between Stanley and Repulse Bay and people were not able to walk safely between Stanley and Repulse Bay;
- (viii) there were a large number of cyclists on Stanley Gap Road and Wong Ma Kok Road. There was no provision on the road for cyclists;



(ix) the responses to the above grounds were:

- the Commission for Transport (C for T) advised that in view of the nature of the proposed development which was a low-density private residential development (182 flats), the traffic trips anticipated to be generated were within the capacity of the existing road network. The critical junctions (Stanley Village Road/Stanley Beach Road/Stanley New Street) had not reached saturation. A Traffic Impact Assessment (TIA) was considered not necessary;
- C for T had conducted a traffic review on the nearby road junctions and confirmed that the vehicle flow on nearby roads during peak hours would increase by not more than 50 passenger car units per hour (pcu/hr) and would have no significant impact on the local traffic condition. The traffic impact on the other distant road junctions (such as Stanley Gap Road and Tai Tam Road) would be minimal;

*Traffic Issues not related to OZP Amendments*

- with reference to the Hong Kong Planning Standards and Guidelines (HKPSG), C for T estimated that the maximum number of car parking spaces provided on the site would be not more than 230 parking spaces which would be specified under the lease;
- a footpath with clear width of not less than 2m along Wong Ma Kok Road would be provided and surrendered to the government for maintenance upon completion. Consideration would be given to incorporate the requirements in the land sale conditions;

- the concerns on the inadequate provision of car parking spaces, footpaths and cycle tracks in Stanley were not related to the subject of amendments to the OZP. These local concerns had been passed to TD for consideration; and
- regarding the concerns on road and pedestrian safety, the Commissioner of Police had no comment on the proposed rezoning;

*Environmental Impact*

- (x) many trees would be affected, resulting in loss of greenery and jeopardizing of the natural environment. Green belts and trees should be preserved and should not be destroyed to meet housing target;
- (xi) traffic related pollution would be worsened with the increase in traffic flow generated by the proposed development;
- (xii) the responses to the above grounds were:
  - according to the pre-land sale tree survey, the 1006 trees found on the site were mostly of common species, and there was no tree listed in the Register of Old and Valuable Trees within the site. The Director of Agriculture, Fisheries and Conservation (DAFC) had advised that no tree of particular value had been identified;
  - relevant tree preservation and removal clauses and the requirement for the submission of a Landscape Master Plan would be incorporated in the land sale conditions as appropriate. A minimum of 30% site coverage for greenery would be required for the new development under the Sustainability Building Design (SBD) Guidelines; and

- the Director of Environmental Protection (DEP) advised that the proposed rezoning would not have significant adverse environmental impacts, including vehicular emission and traffic noise pollution, on the surrounding areas. DEP advised that a 5m-air quality buffer distance should be provided between Wong Ma Kok Road and all air sensitive uses on the site in accordance with the requirement of the HKPSG, and this requirement would be incorporated in the land sale conditions as appropriate;

*Public Consultation*

(xiii) the Government had extensively rezoned “GB” sites all over Hong Kong, without prior public consultation;

(xiv) the responses to the above grounds were:

- the “GB” review was first announced in the 2011-12 Policy Address which stated that there would be a review on devegetated, deserted or formed “GB” sites. The second stage of “GB” review announced in the 2013 Policy Address was undertaken to recommend those vegetated “GB” sites with a relatively lower buffer or conservation value and adjacent to existing transport and infrastructure facilities;
- review of “GB” zones was part of the on-going process to review different land uses for rezoning into appropriate uses to meet society’s needs; and
- statutory and administrative procedures in consulting the public on the proposed zoning amendments had been duly followed;

*Others*

- (xv) the proposal would have adverse impact on the local character;
- (xvi) there were inadequate studies or impact assessments on the rezoning proposal. Information on ecological value of the area had not been provided;
- (xvii) the responses to the above grounds were:
  - the low-rise low-density residential development on the site would be comparable to the adjacent existing residential development (Regalia Bay) in terms of development scale, height and density and significant adverse impact on the character of the area was not anticipated; and
  - the relevant government departments had examined and evaluated the possible impacts of the proposed residential development at the site and had confirmed that the proposed amendments would not cause insurmountable problems on traffic and other infrastructural capacity as well as on visual, air ventilation and environmental aspects;

Amendment Item B

- (xviii) R2 objected to Amendment Item B on grounds that the rezoning also involved rezoning of “GB” sites;
- (xix) the response to the above ground was that the rezoning of the site to an area shown as ‘Road’ was only to reflect the as-built condition;

Amendment Item C

- (xx) R1 objected to deletion of Route 81 and no alternative transport route was proposed, yet new flats that would increase traffic load were proposed under Amendment Item A;
- (xxi) the response to the above ground was that:
- C for T advised that the proposed Route 81 was no longer required. The possible alignment of proposed Route 81 in the two adjoining OZPs had already been deleted since 2007 and 2008 respectively. Hence, Amendment Item C was only a technical amendment;

Grounds Not Related to the Proposed Amendments

- (xxii) some representers opposed the proposal to construct a multi-storey carpark at Stanley Village;
- (xxiii) the massive increase in tourists would cause the loss of local character, quietness and charm/uniqueness as well as more traffic congestion;
- (xxiv) the responses to the above grounds were that:
- the multi-storey carpark at Stanley Village was not a subject of amendments to the OZP; and
  - the proposal to rezone a “GB” site for residential use was not a tourism project and should not result in additional tourists visiting the Stanley area;

### Representers' Proposals

- (e) the representers' proposals and the responses were summarised in paragraphs 4.3 and 6.4 of the Paper respectively. Most of the representers' (R1, R4 and R6 to R892) proposals were related to traffic aspect, such as the improvement of road capacity and safety, provision of car parking spaces, expansion of public transport services, provision of ferry services, restriction to number of tour coaches, implementation of traffic mitigation measures, etc.;
- (f) the response to the representers' proposals was that according to C for T, the traffic generated by the proposed development was within the capacity of the existing road network and traffic improvement / mitigation measures were not required for the proposed amendments;

### Comments on Representations

- (g) all 40 comments objected to Amendment Item A on nature conservation and traffic grounds. The grounds of comments were similar to those raised in the representations and the above responses to the representations were relevant; and

### PlanD's Views

- (h) PlanD's views of not supporting all the representations (R1 to R892) and the reasons that the Plan should not be amended were summarised in paragraph 8 of the Paper.

47. The Chairman then invited the representers/commenters and their representatives to elaborate on their representations/comments. The Chairman said that R866 requested to make his presentation first and there was no objection from other attendees.

R866 – Wong Kam Kee, Simon

48. Mr Wong said that he had lived in Stanley for 18 years. The traffic was very congested in the weekends. The proposed multi-storey carpark would attract more cars and aggravate the traffic congestion problem. Congestion on the roads would affect access of emergency vehicles to Stanley. Increase in vehicles would also increase air and noise pollution. The multi-storey carpark would attract too many people to Stanley and would destroy its ambience and attractiveness.

R1 – Masterplan Limited

49. With the aid of a Powerpoint presentation, Ms Kira Brownlee made the following main points:

- (a) matters regarding the existing traffic condition as well as inadequacy of footpaths and cycling tracks on roads in the Southern District were related to the amendments to the OZP;
- (b) Route 81 was deleted without proposal for an alternative transport route or road improvements and TD had not devised a long-term traffic strategy for upgrading the roads in the Southern District. No TIA had been conducted for the site and TD only reviewed the junction capacities. Junction capacities were not an issue in the Southern District and the main concerns should be the narrow roads with inadequate footpaths and cycling tracks. The site was only the first of 14 housing sites identified in the Southern District. The Board's decision would set a precedent for other rezoning;
- (c) photos were shown to demonstrate that Stanley Gap Road was inadequate from traffic safety perspective as there were many sections with no or narrow footpaths even at entrances to hiking trails, and bus stops were located along the narrow footpaths with no safe pedestrian crossing. On the contrary, at sections along Tai Tam Road, road improvements had been implemented to widen the carriageway and

footpaths. There was no safe footpath for pedestrians to walk between Repulse Bay, Stanley and Tai Tam;

- (d) the amendments to the OZP were bad planning proposals. According to the 2014 Policy Address, rezoning of sites for housing should take into account traffic and infrastructure capacities. TD should have undertaken a TIA and identified areas for road improvement and upgrading before the rezoning was agreed;
- (e) to ensure safety of pedestrians and cyclists, Stanley Gap Road should be improved in accordance with the HKPSG, that was, 7.3m-carriageway (for district distributor), 3.5m-wide cycling lanes on both sides of the road and a 2m-wide footpath. Such improvement should be implemented prior to additional developments being proposed in Stanley. Land revenue from the sale site could contribute towards the cost of the road improvements; and
- (f) the proposals to meet R1's representation were:
  - (i) the "R(C)1" site should be reverted to "GB" zone until road improvements had been implemented; or
  - (ii) should the rezoning proceed, the government should be required to upgrade the roads as per R1's proposal before the site was sold; or
  - (iii) at the very least, TD should be requested to conduct a full TIA as well as devise a long-term traffic strategy to either provide an alternative transport route or upgrade the existing roads before any more housing sites were to be identified in the Southern District.

R2/C1 – Green Sense

50. Mr Roy Tam indicated that he had submitted a request to the Board's secretariat for a 1-hour presentation, he had substantial grounds to cover on the "GB"



policy in general, the so-called ‘multi-pronged’ approach in identification of housing sites, and views about rezoning of the site. The Chairman said that for the purpose of meeting arrangement, each representer/commenter had been allotted 10 minutes for their presentation and some extension might be granted with the permission by the Board. As Mr Tam was both a representer and a commenter, he had been allotted 20 minutes for his presentation. Mr Tam disagreed with limiting his presentation time and insisted that he required more time for his presentation, he would allow the other attendees to make their presentation first.

R6 – Paul Zimmerman

R237 – Leung Sui Wan, Monica

R624 – David Lorimer

C3 –Designing Hong Kong Limited

51. With the aid of a Powerpoint presentation, Mr Zimmerman made the following main points:

- (a) his presentation was made in his capacity as a SDC member and representative of Designing Hong Kong Limited;
- (b) the issues at stake were not about taking up a “GB” site; nor about satisfying housing demand as the site would only provide 200 units; nor about adverse traffic impact as the trip generation of the proposed development would be low. The main principle at stake was whether the Board was making a rational and responsible decision in agreeing to a new development in Stanley when the roads in Stanley were sub-standard and dangerous even under existing traffic conditions and that a proposed road alignment had been deleted without other transport alternatives;
- (c) photos of Wong Ma Kok Road were shown to illustrate that the road was narrow with no footpath other than in the section abutting Regalia Bay. The government had indicated that a footpath with clear width of not less than 2m along Wong Ma Kok Road would be provided. However, such footpath would only serve as entrance to the site that would be similar to

the one provided at Regalia Bay, but the footpath would not enhance connectivity of the site to other areas in Stanley. The Government had an obligation to provide a footpath connecting the site to Stanley so that kids and pedestrians would not be forced to walk on the road which might cause fatal accidents;

- (d) under Designing Hong Kong Limited's 'missing link' campaign, they had identified many similar situations in Hong Kong, but the government had refused to improve those roads on the excuse that the pedestrian flow was low and costs were high. A video was shown to demonstrate how dangerous it was for pedestrians to walk on roads with no footpath that had busy traffic. Hence, road improvements should be implemented, or at least committed, before the development on the site could proceed. This was to ensure people mobility, safety and a good living environment;
- (e) the Board should require that the footpath to be provided at the site should connect to the north with the existing footpath at Regalia Bay and the existing footpaths near Stanley prison. Such requirement should be incorporated in the land sale conditions;
- (f) the point where Wong Ma Kok Road and the pedestrian route between Stanley Main Beach and the Stanley waterfront intersected near the bus terminus was the key traffic node in Stanley. The rezoning of the site would load more traffic at this traffic node where there was already a lot of pedestrian movement. The multi-storey carpark being proposed at the bus terminus location, as opposed by some representers, would also add traffic load there. It should be noted that both Stanley Gap Road and Stanley Village Road had above average traffic accident rates. These were all relevant matters for the Board to consider when deciding on the rezoning of the site;
- (g) the views of the representers and SDC were that before the government had devised an overall sustainable development plan for Stanley, more

housing should not be proposed, otherwise, it would stifle Stanley's sustainability;

- (h) it would be irresponsible and unreasonable for the Board to agree to rezoning the site when there was no proper road corridors. Large coaches travelling in opposite directions often needed to slow down or stop in order to pass each other, this aggravated traffic congestion along the road corridors;
- (i) a gridlock situation often occurred in the summer seasons and it might take up to 90 minutes to commute between Stanley and the north side of Hong Kong Island. All traffic engineers should be well aware that even one car could create a gridlock in the area. Hence, the argument that there would be no traffic impact as the development would only give rise to 50 pcu/hr was irrational;
- (j) on the road corridors to Stanley, only intermittent railings and low stone walls were provided as the downhill road side barriers. These barriers were substandard and unsafe and would not prevent large vehicles from crashing through; and
- (k) it was unacceptable for the Board to make a decision that would require new residents to walk on the road with no footpath and to ride buses on dangerous roads or to allow new residents to add to the intermittent gridlock and worsen the sufferings of Stanley residents. The existing traffic problems should be resolved before proposing any new developments in Stanley.

R192 – James Robertson

52. Mr James Robertson made the following main points:

- (a) he lived and operated a business in Stanley. He would take morning walks along Wong Ma Kok Road, that had no footpath, and he had

unsafe personal experience when buses passed by very close to him;

- (b) the roads in Stanley were seriously clogged up in the weekends and special days such as Dragon Boat Festival and the traffic condition was unacceptable. He had experienced serious tailback of vehicles at the dam at Tai Tam Reservoir on a weekend. That alternative route from Stanley to the urban area had to be improved, the dam had to be taken down and replaced by a wider road;
- (c) he showed via the visualiser pictures of the two temporary carparks on Carmel Road. Those temporary carparks were empty in the weekdays, which meant there was no need for a new permanent carpark. Those carparks only got filled up in the weekends and public holidays. If a multi-storey carpark had to be built in Stanley, they should be located on those sites at Carmel Road which was a much wider road compared to those roads near the existing bus terminus (i.e. the location proposed for the multi-storey carpark). It was not possible to allow more coaches and cars to access the major intersection proposed for the multi-storey carpark; and
- (d) the residents of Stanley were already suffering from the existing road network and traffic congestion, addition of more housing would worsen the situation. The road system to/from Stanley needed to be upgraded and improved.

R3 – Mary Mulvihill

R724 – Candy Tam

53. With the aid of a Powerpoint presentation, Ms Mary Mulvihill made the following main points:

- (a) she had personal experience about the poor traffic conditions in the Southern District. She supported the views of R1 and R6/C3 that the roads had to be improved before rezoning the site for residential

development in Stanley;

- (b) TD advised that there was no significant traffic impact for rezoning the site. It was noted that TD had similarly indicated that the Harrow International School would create no significant traffic impacts in Tuen Mun. However, a new road was being built to alleviate the traffic situation and some 200 to 300 trees had to be felled;
- (c) the so-called tree preservation proposal or mitigation measures for the site might result in similar situation as the proposed upgrading of the Tsim Sha Tsui promenade. Trees were being removed before the Board considered the application and none of the trees were preserved;
- (d) other cases such as the closure of the Middle Road public carpark as well as the closure of Carnarvon Road where TD advised that there would be no traffic impacts, mitigation measures were supposedly proposed. However, from her own observation, both cases had resulted in illegal parking, chaotic traffic conditions and increase in pollution in Tsim Sha Tsui and residents there had to suffer;
- (e) the Board had allowed rezonings or planning applications with approval conditions requiring mitigation measures. However, there was no mechanism for the Board to ensure that the mitigation measures or conditions were taken forward and implemented. Those conditions were not enforceable because they were not included in the leases. An example was The One where an underground carpark was proposed as a measure to alleviate the on-street parking problem. However, eventually only one loading/unloading bay was provided at the site to serve the entire building and delivery vehicles often clogged up the roads waiting for their turn to use the loading/unloading bay. When vehicles back out of the building, they created irritating noise that was very disturbing to residents. The Board was failing the public by not monitoring the approval conditions and mitigation measures associated with OZP amendments and approval of planning applications;

- (f) for the same token, the Board had approved the planning application for upgrading of the Tsim Sha Tsui promenade last week with a number of approval conditions that might not be taken forward. The Board should have deferred the application and requested the applicant to revise the scheme to address comments raised by the public;

[Mr Frankie W.C. Yeung left the meeting and Dr C.P. Lau left the meeting temporarily at this point.]

- (g) her experience in Tsim Sha Tsui would be replicated in Stanley. The mitigation measures being promised would not be taken forward and would not be included in the lease, making them not legally enforceable; and
- (h) the zoning amendments being put forward were for fulfilling political agenda and not for the genuine well-being and safety of the public and community. The increase in population and massive increase of tourists had put pressure on communities like Stanley. However, the government had no plans to alleviate impacts from the increase in coaches and tourists. Those were all relevant considerations for the Board when deciding on the rezoning.

[Mr David Y.T. Lui, Mr Clarence W.C. Leung and Professor S.C. Wong left the meeting and Ms Christina M. Lee arrived to join the meeting at this point.]

R772 – David Price

54. Mr David Price said that he had lived in Shek O for 25 years. Shek O experienced similar traffic problems as Stanley. Coaches and buses had to manoeuvre around the small roundabout at the entrance to Shek O Village and the traffic condition was chaotic during public holidays and weekends. One possible solution would be the introduction of an around the island ferry services, that could be called ‘the south side sea link’.

55. Mr David Schaus who lived in Repulse Bay, representing the Bays Area Concern Group, made the presentation. Their Concern Group proposed a water taxi system that could help relieve the traffic condition in the Southern District. It would be low cost, low impact and low construction as it could make use of the Blake Pier at Stanley and the jetties at Repulse Bay. The Board was requested to consider the development in Southern District in a holistic manner and the traffic congestion issues had to be resolved before allowing the rezoning for more new developments. The water taxi system could tie in with the operation of MTR service at Ap Lei Chau to enhance its viability.

56. Mr David Price said that such water taxi system could connect various places in Southern District, including Shek O. The water taxi system would not completely resolve the current traffic problems but should replace some bus trips, and would itself be a tourist attraction. It would enhance connectivity of the Southern District.

57. In response to the Chairman enquiry, Mr Roy Tam (R2/C1) agreed to allow the commenter, C4, to make her presentation first.

C4 – Maxine Yao

58. With the aid of some tables and photos, Ms Maxine Yao, representing the Stanley Residents Concern Group, made the following main points:

- (a) she had lived in Stanley for more than 15 years and the traffic congestion problem was very serious. Her kids had once been stuck in traffic for three hours on their way back home from their school in Pok Fu Lam merely due to break down of a coach on Repulse Bay Road. Members should empathise with residents' concern when making planning decisions;
- (b) from TD's data, the traffic accident rates in the Southern District had increased by 29% between 2010 and 2014. The increase was not on fatal accidents but on slight and serious traffic accidents, this showed that the capacities of the roads in the Southern District had saturated;

- (c) there was no data on vehicular traffic flow in Repulse Bay and Stanley, hence, she had extracted TD's data on vehicular flow at the Aberdeen Tunnel as an indication of traffic conditions in the Southern District. Between 2010 and 2014, the vehicular flow for single deck bus/light goods vehicle/goods vehicle less than 5.5 tonnes had decreased but that for private car/double deck bus/goods vehicle over 5.5 tonnes had increased dramatically. In particular, comparing 2010 and 2014, vehicular flows of private car/taxi/motor cycle had increased by 6% and that for double deck bus/goods vehicle over 5.5 tonnes (including coaches) had increased by 7%. The government had to consider road improvements to accommodate such increase in traffic flow;
- (d) there were serious conflicts between vehicular traffic and pedestrian movements in Stanley. The main problem was due to excessive number of coaches and that situation was recently reported in an August news report in the South China Morning Post;
- (e) Wong Chuk Hang Road near the Aberdeen Tunnel was often congested in the weekends, due to gridlock created by tailback of coaches to Ocean Park; and
- (f) rezoning of the site was for provision of 200 units of luxury housing, and it was doubted how that could help address the housing demand. Their Concern Group demanded that road improvements should be implemented first before new developments were proposed in Stanley and the Southern District.

[Dr Wilton W.T. Fok left the meeting and Dr C.P. Lau returned to join the meeting at this point.]

R2/C1 – Green Sense

59. The Chairman said that according to the meeting arrangement, 20 minutes



would be allotted for R2/C1's presentation (i.e. 10 minutes per representer/comment) and discretion might be exercised to allow for some extension of time depending on the presentation.

60. With the aid of a Powerpoint presentation, Mr Roy Tam made the following main points:

- (a) he did not agree to the time limit being set on his presentation, a much longer time was needed to cover the complex issues relating to rezoning of the "GB" site that involved many trees. He considered that he had no obligation to obtain authorisations from other representers/commenters and the present meeting arrangement was unfair. He said that the Chairman, being an official of the Development Bureau and Mr K. K. Ling being the Director of Planning had conflict of interest to chair and attend the meeting respectively and that was one of the grounds of several judicial reviews;

*Planning Policy on Rezoning "GB"*

- (b) Green Sense objected to the so-called multi-pronged approach to large-scale rezoning of sites for housing. The Government was proposing large-scale rezoning of "GB" sites in Hong Kong which was a major policy change in town planning. The policy to rezone 70 "GB" sites was first promulgated in the Secretary for Development (SDEV)'s blog. Such rezoning would have major impacts on Hong Kong. However, the environmental groups and the general public were not consulted on the policy change. PlanD only consulted District Councils and the Board on a piecemeal basis and that was unacceptable;
- (c) an example of more proper consultation and planning would be the planning for Tung Chung New Town Extension. Multi-staged public consultation was undertaken and refinements to the proposals (including preservation of Ma Wan Chung village and the mudflat) were made to respond to public views. Similarly for the study on reclamation outside

the Victoria Harbour, there were various stages of public consultation to set the direction for actions, identify the potential sites and shortlist the sites for detailed studies;

- (d) the current large-scale “GB” rezoning exercise was made under the directive of the Chief Executive (CE) and some 70 “GB” sites were identified for rezoning and unilaterally announced to the public. The government claimed that the 70 ‘GB’ sites identified were based on internal technical studies and assessments conducted by the government, but those assessments had never been disclosed to the public. For example, the basis for rezoning the site with 1000 odd trees for luxury housing had not been explained;
- (e) the Government should have consulted the public on the changes in policy first to build consensus on the direction and agree on principles for tree preservation, that might be different for public and private housing sites. Currently, there were no established criteria and densely vegetated sites that would involve excessive tree felling were proposed for both public and private housing developments. There might be objection from district councils but the Board would still be asked to approve such rezoning proposals;
- (f) relevant technical assessments should also be prepared to support the rezoning proposals, but there was no proper tree survey of the 1000 odd trees on the site nor TIA to assess the traffic impacts. As Members would unlikely have visited the site, there was insufficient information for the Board to make an informed decision. By allowing the rezoning, Members would permit the 1000 odd trees on the site to be felled, not for any overriding public needs but would only benefit those who could afford to buy luxury housing;
- (g) the CE and SDEV had pledged on many occasions that the “GB” site identified for rezoning were devegetated, deserted or formed. From his observation, the site was densely covered with trees. Although the trees

might be common species, all trees should be regarded as valuable and there would be cumulative impacts from felling of trees on all of the “GB” sites identified for rezoning;

*Other Ways to Increase Housing Land*

- (h) the current shortage of housing units in Hong Kong was attributable to many reasons, e.g. some commercial/residential sites were allowed to be converted to hotel use for serving Mainland visitors. There were too many new immigrants to Hong Kong. Rezoning “GB” sites for luxury housing did not address the public need for more affordable housing and was not agreeable. In addition, there were other brownfield sites and military sites in the urban area that were more suitable for housing developments;

*Shortcomings of LandsD’s Practice Note No. 7/2007 on “Tree Preservation and Tree Removal Application for Private Projects” (PN 7/2007)*

- (i) in rezoning the “GB” sites, PlanD wrongly relied on PN 7/2007 in that any trees affected would be governed by tree preservation clauses and compensatory planting proposals. PN 7/2007 was intended to balance tree preservation and development and encourage tree preservation through appropriate layout. However, that practice note had no room for application on sites that were fully covered with vegetation, like the site. Developers would inevitably fell most, if not all, of the trees to achieve the best layout for the residential development. Loss of “GB” zones could not be compensated; and
- (j) PN 7/2007 was ineffective from tree preservation perspective as revealed from the Sheung Shing Street site. There were originally about 450 trees within the Sheung Shing Street site but eventually all trees were felled with only two trees transplanted after negotiations between the Tree Unit of LandsD and the team of tree experts employed by the

developer. PN 7/2007 would need to be revised should it be used for the densely vegetated sites like the site.

61. At this point, the Chairman reminded Mr Tam that he had used up his 20-minute of presentation time but he would be given five more minutes for his presentation which should focus on the Stanley OZP and be more concise.

62. Mr Tam continued the presentation and made the following main points:

(a) the developer's tree experts were usually able to justify that nearly all trees within the site were unhealthy and could be felled. Developers were usually unwilling to cater for tree preservation through the design of the development layout as they already obtained development right of the site. If PN 7/2007 was not effective in preserving trees at the Sheung Shing Street site that only had 40% tree coverage, it would be useless for the site that was almost 100% covered with trees;

*Amendment to Stanley OZP*

(b) the site was 100% covered with trees. Neither tree survey nor information was disclosed about the species, health conditions and size of the trees on the site. PlanD had justified rezoning of the site based on the wrong criteria that there was no tree of high ecological value nor rare species. However, all trees had a value and 1000 trees had even more value as they would have positive effects on greening, local microclimate and buffer from excessive urban developments. There was no compensation once the "GB" zone had been rezoned; and

(c) the government had not established the principles for rezoning "GB" sites, there was no consultation on the change in policy on "GB" zones. Those matters had entered into a vicious cycle where the public would object to but the Board would still approve the rezonings and the public would then launch judicial reviews against the Board's decisions. The main problem was that the Board's decisions were highly influenced by

the official members of the Board;

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

63. At this point, the Chairman reminded Mr Tam again that he had used up his presentation time but he would be given a further five minutes to conclude his presentation.

64. Mr Tam continued the presentation and made the following main points:

- (a) massive rezoning of “GB” site could no longer be tolerated and there was a need to preserve more trees for better air quality and microclimate;
- (b) most of the sites on the land sale programme would be for developing luxury housing rather than affordable housing and could not address the housing demand of the needy;
- (c) the site would likely be developed into a low-density luxury housing development similar to Regalia Bay. Based on the Rating and Valuation Department’s 2015 data, the vacancy rate of large domestic units was 7.9%, it was obvious that there was no demand for luxury housing. The vacancy rate of small/medium units was 3.5%, that meant small/medium units were in high demand. The rezoning of the site would not address the housing demand and it would only benefit the developers and the construction industry;
- (d) the rezoning of “GB” sites that required excessive felling of trees was against the Board’s duty to ensure the health, safety, convenience and general welfare of the community. The SDC strongly opposed the rezoning. The Board needed to balance different planning considerations and it was hoped that the Board would make a correct decision on the OZP;
- (e) the government should defer rezoning of the sites identified in the Stage

two “GB” review. Sustaining the current conflict with legal challenges against the Board was not beneficial to Hong Kong. A multi-party platform with members from green groups, experts on housing matters and the government should be set up to facilitate consultation and exchange of views on future rezonings;

- (f) it was proposed that the site be reverted to “GB” zone. The Board should stop allowing hotel developments on commercial/residential sites. There should also be control on growth of population in Hong Kong, especially immigrants from the Mainland;
- (g) the Board should change the meeting procedures to allow questioning by representers/commenters. This would enhance the dialogue between the Board and the public.

#### Traffic Conditions

65. The Chairman requested the government representatives to respond to the grounds raised by representers/commenters about the traffic conditions in Stanley. Ms Ginger K.Y. Kiang (DPO/HK, PlanD) said that based on the traffic review conducted by TD, the trips generated by rezoning of the site would not be high and would not create unacceptable traffic impacts. Mr C.Y. Chan (CTE/HK, TD) supplemented that it was estimated that the proposed development on the site would only generate 50 pcu/hr and would have no major traffic impact on the road network.

66. A Member said that although the vehicle trips generated from the site would be insignificant, many attendees had pointed out that the traffic conditions in Stanley had reached a critical condition. The Member asked whether TD had or would in future conduct a comprehensive traffic review for Stanley as a whole and whether there were any improvement plans for Stanley Village Road or Tai Tam Road to enhance pedestrian safety. Mr Chan said that there was no plan to conduct a comprehensive traffic review of Stanley and there were no road improvement plans. From TD’s perspective, the traffic condition in Stanley was not critical. The traffic conditions mentioned by the attendees only happened on weekends or public holidays and were mainly due to illegal parking or

stopping of cars along the roads but not insufficient road capacities. Enforcement and traffic management by the Police could address those concerns.

### Pedestrian Footpaths

67. In response to the Chairman's question, Ms Kiang said that after consulting TD, a requirement for providing a footpath of not less 2m in width at the site would be proposed for incorporation into lease condition. That footpath would connect with the existing footpath at Regalia Bay to enhance connectivity at that location. Mr Chan supplemented that the current road design standard (i.e. provision of roads with footpaths) had no retrospective effect on as-built roads. The current standard would be applied, where appropriate, for new developments or redevelopments as in the case of the site.

68. The Vice-chairman asked about the length of the footpath proposed at the site and whether similar requirement was stipulated previously for the Regalia Bay development. Ms Kiang said that she did not have information about the detailed lease conditions for the Regalia Bay development at hand. The proposed footpath at the site would be provided along the entire site boundary abutting Wong Ma Kok Road.

69. A Member said that it would be difficult to incorporate footpaths along some existing sections of the roads in the Southern District. The Member asked whether footpaths could be provided a little bit further up the hillside instead of along the roads to enhance connectivity. In response, Mr Chan said that TD's main purview and priority when planning footpaths was to facilitate daily commuting. The footpaths along the hillside would be regarded as hiking trails for recreation purpose and under the purview of another department.

70. Another Member said that it was not satisfactory that footpaths could not be provided along some sections of roads. TD was asked whether there was information about the level of daily pedestrian movement near those sections of roads with no footpaths. In response, Mr Chan said that there was no information available about the actual level of pedestrian movement along those road sections but from his observation, there were not much pedestrian movements. He said that residents did not need to rely on walking for their daily commuting needs; as there were alternative transport modes, such

as private cars, taxis, buses or shuttle buses.

71. In response to a Member's question, Ms Mulvihill (R3/R724) said that the proposed footpath at the site would only be connected to Regalia Bay and would have very limited function. Instead, footpath should be provided to encourage walking, say to the Stanley Village. Residents should not be forced to drive or use vehicular transport, walking would be a healthier alternative.

### Tree Preservation

72. The Vice-chairman asked what mitigation measures were anticipated for the site if tree preservation proposal was to be processed in accordance with PN 7/2007 as Mr Tam (R2/C1) had raised serious doubts on the effectiveness of PN 7/2007 and considered that all 1000 odd trees on the site would be felled. Noting that 30% green coverage would be stipulated for the proposed development, he asked whether the required green coverage would be grass turfs or newly planted/transplanted trees as the effectiveness of the likely mitigation measures would be one of the Board's considerations on the rezoning of the site. In response, Ms Kiang said that LandsD had conducted a pre-land sale tree survey of the site and confirmed that there was no tree of high value requiring preservation. It was inevitable that some trees would be felled when the site was rezoned for development. Through stipulation in the land sale conditions, the design and layout of the proposed development would be comprehensively considered together with the tree preservation proposal.

73. Mr John Kwok (SLA, LandsD) supplemented that PN 7/2007 was only applicable to sites with tree preservation clause in the leases. Tree preservation clauses would be stipulated after obtaining views from the relevant government departments, such as AFCD, the Leisure and Cultural Services Department and PlanD. For trees with special value, more specific tree preservation clause would be devised to ensure their preservation. As a general principle, the tree preservation requirements under the practice notes should not affect the development potential allowed under the leases. As such, for sites with a higher plot ratio and site coverage, more trees would inevitably be affected. LandsD would assess all tree preservation proposals in accordance with the tree preservation clause and PN 7/2007, taking into account such factors as the developer's



rationale for tree felling, health conditions and value of the trees, and the possibility of transplanting. The ultimate objective was to minimise the impacts on existing trees.

74. A Member asked that if the 1000 odd trees on the site were to be felled, whether there would be requirement for compensatory planting and if so, what the extent of compensatory planting would be. In response, Mr Kwok said that the amount of trees to be felled and compensated would depend on the design and layout of the development. A lease condition would be added to require 30% green coverage for the site.

75. In response to the Vice-chairman's question above, Mr Tam said that as the site was on a slope; the realistic scenario would be that the developer would fell all trees for slope stabilisation works and develop the site similar to Regalia Bay. LandsD would be forced to approve the tree felling proposal for safety reasons. The developer had no obligation to save any of the trees on the site and new trees would be provided to meet the 30% green coverage requirement in the lease. It was unrealistic to assume that 30% of the existing trees on the site would be preserved.

[Mr H.W. Cheung and Ms Winnie M.W. Wong left the meeting during the question and answer sessions.]

76. As the representer and representatives of the representers and/or commenters representatives had finished their presentations and Members had no further question to raise, the Chairman said that the hearing procedures had been completed and the Board would deliberate on the representations in their absence and would inform them of the Board's decision in due course. The Chairman thanked them and the government's representatives for attending the hearing. They all left the meeting at this point.

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

### Deliberation Session

77. Member noted that Dr C.P. Lau had left the meeting temporarily during the representers' presentation. After deliberation, Members agreed that Dr Lau should be allowed to stay in the meeting as he only left the meeting for a short period of time, and

that the grounds raised by the representers during his absence were similar to those raised by other representers as well as recapped during the question and answer sessions.

78. A Member said that some views were not really opposing the rezoning of the site itself but were concerns on the poor traffic conditions in Stanley, while some other views were against the rezoning due to the adverse impacts on trees for a luxury housing development. In the latter views, it would be inevitable that trees had to be felled if the site was to be developed; the details of how many trees would be felled or preserved and the effectiveness of PN 7/2007 were implementation details that might not be the main concern of the Board in considering the rezoning of the site. Regarding the traffic concerns, it was noted that TD had raised no objection due to the low traffic impact of the proposed development. There was also no information to indicate that traffic conditions near the Regalia Bay and the site was a concern to local residents. While the need for better pedestrian and cycling facilities in the area was noted, but those were not related to the rezoning of the site and the solution to the issues would require widening of roads and further cutting into slopes and hillside which might not be agreeable to other representers. Based on the above, there was no justification for the Board to revert the zoning of the site to “GB”.

79. The Vice-chairman said that the representers/commenters attending the meeting were mainly people living in other parts of Stanley or in the Southern District as well as concern groups but no resident from the adjacent Regalia Bay development attended the meeting. The main views of the representers were that even though the proposed development would only generate trips at 50 pcu/hr, the overall traffic conditions in Stanley had been saturated and there might not be capacity for any new developments.

80. The Vice-chairman further said that the Board had deliberated previously in great depth about the principles for rezoning “GB” sites, in particular, it was agreed that sites with relatively lower buffer value and that were near existing transport/infrastructure facilities could be considered suitable for rezoning for either private or public residential uses to meet the housing needs of the community. The type and scale of housing to be proposed on a suitable residential site would depend on compatibility with the surrounding developments and other technical considerations. More up-market housing would likely be developed on the site and that type of housing would not generate a lot of pedestrian

activities. The rezoning of the site should not therefore be hinged on whether the existing problems of pedestrian facilities for the whole area would be addressed. The rezoning of the site was considered in line with the Board's principles for rezoning "GB" sites.

81. A Member said that there was no strong ground to amend the Plan to address the traffic concerns raised by the attendees. However, there were many 'missing links' in the Southern District, which would be a pedestrian safety concern especially for kids and people with disabilities. It was appropriate for the Board to convey such concern to the government which should look into the problem and provide footpaths along roads where appropriate.

82. Two Members shared the concerns of the representers/commenters about the chaotic traffic conditions in Stanley during weekends and public holidays as well as safety concern on existing roads. It was considered that the Police should be requested to step up traffic management measures during those critical periods. For road safety concerns, TD should be requested to continuously monitor the traffic condition and propose corresponding upgrading of the road infrastructure and pedestrian facilities to match with the increased level of developments in the Southern District. TD should also be required to ensure safe pedestrian connectivity within the local area and facilities should be provided to encourage walking or cycling rather than forcing people to drive.

83. Another Member considered that the Plan needed not be amended and agreed that the concerns on traffic conditions and road safety should be conveyed to the concerned departments. Given the increase in development in the Southern District for the past decades, the traffic conditions had become critical on weekends and TD's view expressed at the meeting that there was no major traffic problem in Stanley as a whole was not agreed to. Another Member considered that the Plan needed not be amended and shared the concerns on road safety due to inadequacy of footpaths.

84. The Chairman recapped the grounds of representations/comments as well as main views made by Members:

- (a) regarding the grounds about the "GB" review, Members noted that the rezoning of "GB" sites was part of the continuous land use review

regularly undertaken to identify sites to meet development needs; the site was close to the existing developed area; the site had relatively lower buffer value as it was distant from the Tai Tam Country Park; and the site was adjacent to existing infrastructure including road, water supply and sewerage etc. Residential use on the site was not incompatible from land use perspective;

- (b) regarding the grounds that rezoning the site for luxury housing could not meet the housing demand, Members views were whether a “GB” site was suitable for residential use should be based on the Board’s established principles. The type of housing to be developed on the identified sites should take into account the surrounding land uses and scale of development. The site was considered suitable for development of a low-rise low-density residential development. Housing demand had to be considered in a holistic manner and there was demand for both public and private housings of different types;
- (c) regarding the grounds on traffic conditions for Stanley or the Southern District as a whole, Members noted TD’s advice that vehicular trips of not more than 50pcu/hr would be generated from the development and that would be well within the capacity of the existing local road network. For concerns about the weekend traffic conditions, it was more related to traffic management measures and such concerns could be conveyed to the Police and/or TD to examine appropriate improvement measures;
- (d) regarding the grounds on inadequacy of footpath on roads that were built in the past decades, the concerns would be conveyed to TD to examine whether there was room for improvement but no amendment was needed on the OZP;
- (e) regarding the site, a footpath with clear width of not less than 2m along the site boundary abutting Wong Ma Kok Road would be provided to connect to Regalia Bay. The concerns that there were also inadequate footpath on Wong Ma Kok Road would also be conveyed to TD to

examine whether there was room for improvement but again no amendment was needed on the OZP;

- (f) regarding the grounds opposing tree felling on the site, it was indicated in the Paper that the 1006 trees found within the site were mostly of common species and DAFC had advised that no tree of particular value had been identified for preservation. In line with the existing practice, LandsD would process any tree preservation proposals in future in accordance with PN 7/2007 and the representative of LandsD had advised at the meeting that the objective would be to minimise impacts on existing trees on the site. Furthermore, a minimal green coverage of 30% would be required in accordance with the SBD guidelines. Following the established principles adopted by Members when considering rezoning of other “GB” sites in respect of other OZPs, rezoning of the site was in line with those established principles;
- (g) with regard to the grounds on adverse environmental impacts, Members noted that DEP considered that the rezoning would not create any adverse environmental impacts; and
- (h) with regard to the grounds on insufficient public consultation, Members noted that the government had on several occasions explained the rationale and scope of the two stages of the “GB” review. With regard to the site, the statutory and administrative procedures for consulting the public had been duly followed. The Board would make a decision for specific sites after considering and balancing the assessments results and relevant factors.

85. A Member said that the Board had previously decided to revert two sites on the Tai Po OZP to “GB”. For one of the sites, the Board considered that it should be retained as “GB” to serve its buffer function. The Chairman added that for that site, the Board considered that it was necessary to protect the integrity of the “GB” zone at that location. The Member said that for the other site, there were some very old and valuable trees worthy of preservation. Members noted that the above considerations were not applicable

to the site.

86. Members also noted the responses to grounds opposing Amendment Items B and C and other grounds not related to the proposed amendments as detailed in paragraphs 4.2.16 to 4.2.19 of the Paper and the responses in paragraphs 6.3.24 to 6.3.27 of the Paper.

87. The Secretary reported that an e-mail was received from R862 that morning. R862 was not able to attend the meeting and provided his views in the e-mail. The views were similar to those raised by other representers/commenters at the meeting, including that the road link between Repulse Bay and Stanley was unsafe and objection to the multi-storey carpark proposal at Stanley.

88. After further deliberation, Members decided not to uphold any of the representations. Members then went through the suggested reasons for not upholding the representations as detailed in paragraph 8 of the Paper and considered that they were appropriate.

#### Representations No. R1 to R892

89. After deliberation, the Board decided not to uphold Representations No. R1 to R892 for the following reasons:

“ Amendment Item A

- (a) there is a need for optimizing the use of land available to meet the pressing demand for various development needs, particularly housing need. Rezoning of “GB” sites is one of the measures of the multi-pronged approach of the Government to meet housing and other development needs. Planning is an on-going process and the Government will continue to review land uses and rezone sites as appropriate for residential uses;
- (b) the site is located close to the existing developed area and adjacent to existing infrastructure including road, water supply

and sewerage, etc. It is considered suitable for residential development. The proposed low-rise low-density residential development will be compatible with the surrounding developments. The zoning amendment of the site will contribute to the Government's effort in meeting the need for housing land supply;

- (c) the proposed residential development under the zoning amendment would not generate unacceptable adverse impacts on the surrounding areas on traffic, environment, landscape, infrastructure, air ventilation and visual aspects;
- (d) trees found within the site are mostly of common species. There is no tree listed in the Register of Old and Valuable Trees within the site. Relevant tree preservation and removal clauses and the requirement for the submission of a Landscape Master Plan will be incorporated in the land sale conditions as appropriate (R2 only);
- (e) the statutory and administrative procedures in consulting the public on the proposed zoning amendments have been duly followed. The exhibition of OZP for public inspection and the provisions for submission of representations/ comments form part of the statutory consultation process under the Town Planning Ordinance (R2, R764 and R801 only);
- (f) the issue on the provision of footpaths / cycle tracks in Stanley is not relevant as it is not related to amendment items on the OZP (R1 only);
- (g) the issue on the multi-storey carpark in Stanley Village Road is not relevant as it is not related to amendment items on the OZP (R4 to R616 only);
- (h) the issues on the multi-storey carpark in Stanley Village Road and

the provision of car parking spaces / footpaths / cycle tracks in Stanley are not relevant as they are not related to amendment items on the OZP (R617 to R892 only);

Amendment Item B

- (i) the rezoning of the site to an area shown as ‘Road’ is to reflect the as-built condition (R2 only); and

Amendment Item C

- (j) it is a technical amendment to delete the possible alignment and annotation of the proposed Route 81 which would no longer be required (R1 only).”

[Mr Martin W.C. Kwan, Ms Bonnie J.Y. Chan and Professor P.P. Ho left the meeting and Ms Christina M. Lee returned to join the meeting at this point.]

Tuen Mun & Yuen Long West District

**Agenda Item 5**

[Open Meeting]

Request for Deferment of Review of Application No. A/TM-LTY/291

Proposed Flat Development in “Residential (Group E)” zone, Lots 220 RP (Part), and 221 in D.D. 130, San Hing Road, San Hing Tsuen, Tuen Mun

(TPB Paper No. 9985)

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[The meeting was conducted in Cantonese.]

90. On 31.7.2015, the applicant’s representative wrote to the Secretary of the Board and requested the Board to defer making a decision on the review application for two months so as to allow time for preparation of further information to address the comments of the Environmental Protection Department. This was the first request from the applicant for deferment of the review application.



91. 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 that the deferment would not affect the interests of other relevant parties.

92. After deliberation, the Board agreed to defer consideration of the review application as requested by the applicant. The Board also agreed that the review application should be submitted for its consideration within three months upon receipt of further information 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 two months for preparation of the submission of further information and no further deferment would be granted unless under very special circumstances.

### **Agenda Item 6**

[Open Meeting]

Draft Kuk Po, Fung Hang and Yung Shue Au Outline Zoning Plan No. S/NE-KP/B  
Preliminary Consideration of a New Plan  
(TPB Paper No. 9982)

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[The meeting was conducted in Cantonese.]

93. The representatives of the Planning Department (PlanD), Mr C.K. Soh (District Planning Officer/Shu Tin, Tai Po & North) and Ms Channy C. Yang (Senior Town Planner/Country Park Enclave) were invited to the meeting at this point.

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

### Background

- (a) on 8.3.2013, the draft Kuk Po, Fung Hang and Yung Shue Au Development Permission Area (DPA) Plan No. DPA/NE-KP/1 was exhibited. 12 representations and no comment were received. On 6.12.2013, the Board decided not to propose any amendment to the draft DPA plan. On 11.3.2014, draft DPA Plan was approved by the Chief Executive in Council. Pursuant to section 20(5) of the Ordinance, the DPA Plan was effective for a period of three years until 8.3.2016;

### The Planning Scheme Area (the Area)

- (b) the Area, covering a total land area of about 90.72 ha, comprised three sub-areas: Fung Hang, Kuk Po and Yung Shue Au. It was surrounded by the Plover Cove Country Park (PCCP)) at the northeastern fringe of the New Territories and fronting the Starling Inlet in the north. The detailed description about the three sub-areas were in paragraph 6 of the Paper.;
- (c) the Area formed an integral part of the natural system of the adjoining PCCP with a wide spectrum of natural habitats which should be preserved and protected;

### Issues arising from consideration of DPA Plan

- (d) the villagers' groups objected to the draft DPA Plan or offered views that the "Village Type Development" ("V") zone was insufficient. Their main proposals were to expand the "V" zone; designate the 'Unspecified Use' area as "Recreation" zone and for reserving land for infrastructure facilities;
- (e) the green/concern groups supported the draft DPA Plan or expressed concerns on the excessive "V" zones. Their main proposals were to reduce the "V" zones, designate appropriate conservation zonings and

incorporate the Area into the Country Park;

- (f) the development proposals from the green groups and the villager groups received in the course of preparing the OZP were highlighted in paragraph 7 of the Paper;

#### Planning Intention

- (g) the general planning intention for the Area was to protect its high conservation and landscape value which complemented the overall naturalness and the landscape beauty of the surrounding PCCP. The Area was constrained by limited transport and infrastructural provisions and it was intended to consolidate village development to avoid undesirable disturbances to the natural environment and overtaxing the limited infrastructure in the Area;

#### Land Use Zonings

- (h) based on the planning considerations as detailed in paragraph 8 of the Paper, the following land use zonings were proposed:

##### *“Conservation Area” (“CA”) (23.01 ha)*

- (i) the “CA” zone was to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes;
- (ii) that zone mainly covered the mature woodlands behind the villages, the freshwater/brackish marshes comprising mainly intertidal water pond/mudflat, mangrove, reedbed and seagrass along the low-lying coastal areas in the three sub-areas, as well as lower sections of the ecologically important streams in Kuk Po and Yung Shue Au and the estuarine mangrove in Fung Hang;

*“Green Belt” (“GB”) (57.38 ha)*

- (iii) that “GB” zone could provide a buffer between the village type developments and the PCCP and conserve the natural and rural character of the Area;
- (iv) this zone comprised mainly woodlands, shrublands, streams, and rocky/sandy shores. It also included small portions of the permitted burial ground along the northwestern edge of Fung Hang and the northeastern edge of Kuk Po that had been in existence for many years and were considered as existing use. Burial activities within this zone were generally tolerated;

*“Agriculture” (“AGR”) (3.94 ha)*

- (v) that zone was to retain arable land for agricultural purposes and encourage agricultural rehabilitation and to preserve the rural setting of the Area;
- (vi) the zone covered mainly fallow agricultural lands with potential for agricultural rehabilitation and were not covered with dense vegetation adjoining the existing village clusters at more accessible locations;

*“Government, Institution or Community” (“G/IC”) (0.06 ha)*

- (vii) the major Government, institution and community facilities under that zone were Kai Choi School and Hip Tin Temple in Kuk Po, which were constructed in 1931. The buildings were Grade 3 historic buildings worthy of preservation;

*“Village Type Development” (“V”) (5.88 ha)*

- (viii) the Small House demand figures provided by the indigenous

inhabitant representatives in 2013 and 2015 were summarised in the below table. As there was a substantial and unjustified increase in the updated 10-year demand forecast figure as compared with the previous corresponding figure in preparing the DPA Plan, according to the established practice of the Board, the previous figure would be adopted in the preparation of the OZP;

Village	Small House Demand Figure in 2013		Small House Demand Figure in 2015		Small House Demand Figure adopted for draft OZP
	Outstanding Demand	10-year Forecast	Outstanding Demand	10-year Forecast	
Fung Hang	0	182 (2011-2020)	0	418 (2014-2023)	182
Kuk Po	0	500 (2012-2021)	1	800 (2014-2023)	501
Yung Shue Au	0	20 (2009 - 2018)	0	20 (2009-2018)	20
Total	0	702	1	1238	703

- (ix) the areas reserved for Small House development mainly covered the existing village clusters and their adjoining fallow agricultural land currently covered with grasses and shrubs. There was an increase of 1.1 ha in the area of the “V” zones as compared with that on the draft DPA Plan (i.e. 4.78 ha). Details of the “V” zone were summarised in the below table.

Village	Village ‘Environs’ (VE) Area (VE Area in Draft OZP) (ha)	“V” Zone on Draft OZP (ha)	Required Land to Meet New Demand (ha)	Available Land to Meet New Demand (ha)	Percentage of the New Demand Meet by Available Land (%)
Fung Hang	6.47 (5.86)	0.73	4.55	0.42 (16 houses)	9.23%
Kuk Po	14.32 (13.49)	3.63	12.53	1.7 (70 houses)	14.05%
Yung Shue Au	6.72 (6.72)	1.52	0.50	0.40 (16 houses)	80%
Total	27.51 (26.07)	5.88	17.58	2.58 (102 houses)	14.68%

- (x) Yeung Ancestral Hall and Li Ancestral Hall at Kuk Po Lo Wai were Grade 3 historic buildings worthy of preservation. Part of the area under that zoning fell within the Kuk Po Site of Archaeological Interest. Prior consultation with the Antiquities and Monuments Office was needed if development might affect the above historic buildings or site of archaeological interest and their/its immediate environs;
- (i) a comparison of land use zonings on the approved DPA Plan and the draft OZP was summarised in the table below:

Land Use Zonings	Approved DPA Plan	Draft OZP
“V”	4.78 ha (5.30%)	5.88 ha (6.51%)
“Unspecified”	85.49 ha (94.70%)	-
“G/IC”	-	0.06 ha (0.07%)
“AGR”	-	3.94 ha (4.36%)
“GB”	-	57.38 ha (63.57%)
“CA”	-	23.01 ha (25.49%)
Total	90.27 ha	90.27 ha

- (j) relevant government bureaux and departments had been consulted. Views from green/concern groups and villagers’ groups had been incorporated where appropriate; and
- (k) Members were asked to agree that the draft OZP No. S/NE-KP/B together with the Notes and Explanatory Statement (ES) were suitable for consultation with the North District Council (NDC) and Sha Tau Kok District Rural Committee (STKDRC).

95. The Chairman then invited questions from Members. Members had no question to raise.

96. After deliberation, the Board agreed that the draft Kuk Po, Fung Hang and

Yung Shue Au OZP S/NE-KP/B together with its Notes and ES were suitable for consultation with NDC and STKDRC. After consultation, comments from NDC and STKDRC would be submitted to the Board for consideration prior to publication of the draft OZP under section 5 of the Ordinance.

97. The Chairman thanked the PlanD's representatives for their presentation and they left the meeting at this point.

[Dr Lawrence W.C. Poon left the meeting at this point.]

### **Agenda Item 7**

[Open Meeting]

Submission of the Draft Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan No S/K15/22A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance

(TPB Paper No. 9986)

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[The meeting was conducted in Cantonese.]

98. As Amendment Item B in respect of the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan (OZP) No S/K15/22 involved a site for subsidised housing development with implementation agent yet to be decided, the following Members had declared interests for having affiliation and/or business dealings with the Hong Kong Housing Authority (HKHA) and/or the Hong Kong Housing Society (HKHS):

- |                      |   |   |
|----------------------|---|---|
| Mr Stanley Y.F. Wong | - | being a member of HKHA and its Strategic Planning Committee and Chairman of its Subsidised Housing Committee, and a non-official member of HKHS |
| Ms Julia M.K. Lau    | - | being a member of HKHA and its Commercial Properties Committee and Tender Committee   |
| Professor P.P. Ho    | - | being a member of the Building Committee of HKHA  |

- Mr H.F. Leung - being a member of the Tender Committee of HKHA
- Mr H.W. Cheung - being a member of the Task Force on Construction of HKHS
- Mr K.K. Ling - being a member of the Strategic Planning  
(as Director of Committee and the Building Committee of  
Planning) HKHA and an Ex-officio member of HKHS  
Supervisory Board
- Ms Bernadette Linn - being a member of HKHA and an Ex-officio  
(as Director of Lands) member of HKHS Supervisory Board
- Mr Martin W.C. Kwan - being the representative of the Director of  
(as Chief Engineer of Home Affairs who was a member of the  
Department) Strategic Planning Committee and the  
Subsidised Housing Committee of HKHA
- Dr Lawrence W.C. Poon - his wife being an employee of the Housing  
Department but was not involved in planning  
work
- Ms Janice W.M. Lai ] having current business dealings with HKHA
- Mr Patrick H.T. Lau ]
- Mr Ivan C.S. Fu ]
- Mr Dominic K.K. Lam - having current business dealings with HKHA  
and HKHS

99. At the representation hearing held on 26.6.2015, Members agreed that as Amendment Item B was only concerned with the zoning and development restrictions of the sites for subsidised housing and no specific housing project on the sites had yet been taken up by either HKHA or HKHS, a direct conflict of interest did not arise. In addition to the above, Mr Laurence L.J. Li had declared interest in the item as his spouse's relatives owned a factory in Yau Tong. As the item was procedural in nature, Members agreed that all the above Members should be allowed to stay at the meeting. Members noted that Mr Li had tendered apologies for being unable to attend the meeting; and Ms Lau, Professor Ho, Mr Cheung, Mr Kwan, Dr Poon, Mr Lau and Mr Fu had left the meeting.



100. The Secretary reported that on 19.12.2014, the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP No. S/K15/22 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the 2-month exhibition period, 4,855 representations were received. On 24.3.2015, the representations were published for public comments and in the first three weeks of the publication period, 53 comments were received. On 26.6.2015, after giving consideration of the representations, the Board decided not to propose any amendments to the draft OZP to meet the representations.

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

102. After deliberation, the Board:

- (a) agreed that the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP No. S/K15/22A at Annex I of the Paper and its Notes at Annex II of the Paper were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated ES for the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP No. S/K15/22A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

**Agenda Item 8**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments on the Draft Ma On Shan Outline Zoning Plan No. S/MOS/21 (TPB Paper No. 9987)

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[The meeting was conducted in Cantonese.]

103. As Amendment item B in respect of the draft Ma On Shan Outline Zoning Plan (OZP) No. S/MOS/21 involved a site for public housing to be undertaken by the Hong Kong Housing Authority (HKHA), the following Members had declared interests for having affiliation and/or business dealings with HKHA:

- |   |   |  |
|---|---|--|
| Mr Stanley Y.F. Wong  | - | being a member of HKHA and its Strategic Planning Committee and Chairman of its Subsidised Housing Committee   |
| Ms Julia M.K. Lau   | - | being a member of HKHA and its Commercial Properties Committee and Tender Committee  |
| Professor P.P. Ho   | - | being a member of the Building Committee of HKHA   |
| Mr H.F. Leung   | - | being a member of the Tender Committee of HKHA   |
| Mr K.K. Ling<br>(as Director of Planning)                                 | - | being a member of the Strategic Planning Committee and the Building Committee of HKHA  |
| Ms Bernadette Linn<br>(as Director of Lands)                              | - | being a member of HKHA   |
| Mr. Martin W.C. Kwan (as<br>Chief Engineer of Home<br>Affairs Department) | - | being the representative of the Director of Home Affairs who was a member of the Strategic Planning Committee and the Subsidised Housing Committee of HKHA |

Dr Lawrence W.C. Poon - his wife being an employee of the Housing Department but was not involved in planning work

Ms Janice W.M. Lai ]

Mr Patrick H.T. Lau ] having current business dealings with

Mr Ivan C.S. Fu ] HKHA

Mr Dominic K.K. Lam ]

104. The following Members had declared additional interests:

Mr Dominic K.K. Lam ] having business dealings with the MTR

Mr Janice W.M. Lai ] Corporation Limited that had submitted R699

Mr Ivan C.S. Fu ]

Mr Patrick H.T. Lau ]

Mr Clarence W.C. Leung - owning a property at Double Cove in Wu Kai Sha

105. As the item was procedural in nature, Members agreed that the above Members should be allowed to stay at the meeting. Members noted Ms Lau, Professor Ho, Mr Kwan, Dr Poon, Mr Lau, Mr Fu and Mr Leung had left the meeting.

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

106. The Secretary reported that on 27.3.2015, the draft Ma On Shan OZP No. S/MOS/21 was gazetted under section 5 of the Town Planning Ordinance (the Ordinance). A total of 699 representations and 25 comments were received. The representations could be categorized into two groups:

- (a) Group 1: relating to Amendment Item A for private housing on a site to the east of Yiu Sha Road; and
- (b) Group 2: relating to Amendment Item B for public housing on a site at Hang Kin Street.

107. Since the concerned amendments and grounds of representations/comments for each of the above groups were different, the representations and comments were suggested to be considered in the above two groups. Since the proposed amendments to the OZP had attracted much public interest, it was recommended that the representations should be considered by the full Board, without resorting to the appointment of a Representation Hearing Committee. The Board could consider the representations in the Board's regular meeting and a separate hearing session would not be necessary. In view of the large number of representations and comments received and to ensure efficiency of the hearing, a maximum of 10 minutes presentation time was suggested for each representer and commenter.

108. 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 and commenter, taking into account the number of representers and commenters attending the hearing.

[Mr Dominic K.K. Lam left the meeting at this point.]

## **Agenda Item 2**

[Closed Meeting] [Confidential Item]

### Matters Arising (vi)

[The meeting was conducted in Cantonese.]

109. This item was recorded under confidential cover.

[Mr Philip S.L. Kan and Professor Eddie C.M. Hui left the meeting during consideration of MA (vi)]

**Agenda Item 9**

[Open Meeting]

**Any Other Business**

[The meeting was conducted in Cantonese.]

110.       There being no other business, the meeting was closed at 2:30 p.m.