

**Minutes of 1104th Meeting of the
Town Planning Board held on 29.1.2016**

Present

Permanent Secretary for Development
(Planning and Lands)
Mr Michael W.L. Wong

Chairman

Mr Stanley Y.F. Wong

Vice-Chairman

Mr Roger K.H. Luk

Professor S.C. Wong

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Ms Anita W.T. Ma

Dr W.K. Yau

Professor K.C. Chau

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Ms Christina M. Lee

Mr H.F. Leung

Mr Stephen H.B. Yau

Mr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Deputy Director of Environmental Protection
Mr C.W. Tse

Director of Lands
Ms Bernadette H.H. Linn

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

Director of Planning
Mr K.K. Ling

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

Secretary

Absent with Apologies

Professor P.P. Ho

Mr Laurence L.J. Li

Ms Bonnie J.Y. Chan

Mr H.W. Cheung

Mr Lincoln L.H. Huang

Mr Frankie W.C. Yeung

Principal Assistant Secretary (Transport 3)
Transport and Housing Bureau
Miss Winnie M.W. Wong

In Attendance

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

Chief Town Planner/Town Planning Board
Ms Lily Y.M. Yam

Senior Town Planner/Town Planning Board
Miss Anissa W.Y. Lai

Agenda Item 1

[Open meeting]

Confirmation of Minutes of the 1103rd Meeting held on 15.1.2016

[The meeting was conducted in Cantonese.]

1. The minutes of the 1103rd meeting held on 15.1.2016 were confirmed without amendments.

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

Agenda Item 2

Matters Arising

[The meeting was conducted in Cantonese]

- (i) **Approval of Draft Plans**

[Open Meeting]

2. The Secretary reported that on 5.1.2016, the Chief Executive in Council approved the following draft plans under section 9(1)(a) of the Town Planning Ordinance:

- (a) Kwun Tong (North) Outline Zoning Plan (OZP) (renumbered as S/K14N/15); and

- (b) Ma On Shan OZP (renumbered as S/MOS/22).

3. The approval of the above plans was notified in the Gazette on 15.1.2016.

[Mr David Y.T. Lui and Mr Stanley Y.F. Wong arrived to join the meeting at this point.]

General

Agenda Item 3

[Open Meeting]

Planning and Engineering Study for Housing Sites in Yuen Long South - Investigation – Stage 3
Community Engagement

(TPB Paper No. 10064)

[The item was conducted in Cantonese.]

[Mr Patrick H.T. Lau arrived to join the meeting at this point.]

Declaration of Interests

4. The Secretary reported that as Ove Arup & Partners Hong Kong Limited (ARUP) was the consultant of the Planning and Engineering Study for Housing Sites in Yuen Long South (YLS) – Investigation (the Study), and the draft Recommended Outline Development Plan (RODP) of the Study had recommended that 60% of the total number of flats would be for public housing, the following Members had declared interests in this item:

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| Mr Stanley Y.F. Wong
(<i>Vice-chairman</i>) | - being a member of the Hong Kong Housing Authority (HKHA) and its Strategic Planning Committee and Chairman of its Subsidized 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 |

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| Mr K.K. Ling
(as Director of Planning) | - | being a member of the Strategic Planning Committee and Building Committee of HKHA |
| Ms Bernadette H.H. Linn
(as Director of Lands) | - | being a member of HKHA |
| Mr Martin W.C. Kwan
(as Chief Engineer (Works),
Home Affairs Department) | - | being an alternate representative of the Director of Home Affairs who was a member of the Strategic Planning Committee and the Subsidised Housing Committee of HKHA |
| Ms Janice W.M. Lai | - | having business dealing with HKHA |
| Mr Ivan C.S. Fu |] | having business dealing with HKHA and ARUP |
| Mr Patrick H.T. Lau |] | |
| Mr Dominic K.K. Lam | - | having past business dealing with HKHA and ARUP |
| Dr Lawrence W.C. Poon | - | his spouse being an employee of Housing Department but not involved in planning work |
| Professor S.C. Wong | - | being a traffic consultant of ARUP |

5. Since the item was only a briefing to Members as part of the Community Engagement exercise, the meeting agreed that the above Members who had declared interests could stay in the meeting and participate in the discussion. Members also noted that Professor S.C. Wong and Mr H.F. Leung had not yet arrived to join the meeting and Professor P.P. Ho had tendered apologies for not being able to attend the meeting.

Presentation Session

6. The following representatives of the Planning Department (PlanD) and the study consultant were invited to the meeting:

Mr K.T. Yau	-	Chief Engineer/Cross-boundary Infrastructure & Development (CE/CID), PlanD
Ms Katy C.W. Fung	-	Senior Town Planner/Cross-boundary Infrastructure & Development (STP/CID), PlanD
Mr LAU Wing Kam	-	Chief Engineer/New Territories West, Civil Engineering and Development Department (CE/NTW, CEDD)
Ms Carmen K.M. Chu]	
Ms Theresa W.S. Yeung]	ARUP
Mr Peter L. Y. Chan]	

7. The Chairman extended a welcome and invited the study team to brief Members on the Paper.

8. Mr K.T. Yau, CE/CID, briefed Members that the objective of the Study was to examine and optimise the development potential of the degraded brownfield land in YLS for housing and other uses with supporting infrastructure and community facilities and to improve the existing environment. The Stage 2 Community Engagement (CE2) of the Study was completed in July 2014. Taking account of the public comments collected in CE2 and the findings of the various technical assessments conducted, a draft RODP was prepared. The purpose of Stage 3 Community Engagement (CE3) was to collect public views on the draft RODP.

[Mr Sunny L.K. Ho and Professor S.C. Wong arrived to join the meeting at this point.]

9. With the aid of a PowerPoint presentation, Ms Theresa W.S. Yeung of the study consultant made the following main points:

Background

- (a) during CE2 which was carried out between May and July 2014, a series of community engagement activities including a community forum, briefing

sessions, focus group meetings were conducted. Various statutory and advisory bodies were consulted. Relevant stakeholder groups including local residents, local open-storage/rural industrial operators, local farmers, professional institutes and green groups/concern groups were also consulted. About 1,300 written submissions were received;

Major Comments of CE2

- (b) public views collected in CE2 were generally in support of the YLS development as it would help meet the long-term territorial housing demand and improve the living environment. The key comments included:

Planning and Urban Design

- (i) the planning concept should be strengthened;
- (ii) local villagers were concerned about the wall effect of the proposed development;
- (iii) there should be more commercial development, community facilities and employment opportunities;
- (iv) preservation of active agricultural land were supported;
- (v) while there were concerns that the livestock farms might pose environmental nuisance to the surroundings, there were requests for retention of the livestock farms; and

Open Storage and Workshop Uses

- (vi) the commenters generally agreed to the approach of consolidating the brownfield operations in multi-storey industrial compounds and locating them along the highway away from residential neighbourhood. However, there was general concern particularly among the brownfield operators on the adequacy of the floor space provided, the feasibility of operations in multi-storey building and the high rental. Some requested to provide relocation sites in Shap Pat Heung. The existing

residents raised concern over industrial/residential interface issue;

Transport Infrastructure and Connectivity

(vii) many raised grave concerns on the traffic impact on Yuen Long area as the existing road and rail transport infrastructures were already operating at full capacity. Some requested the enhancement of connectivity with Yuen Long New Town and the Hung Shui Kiu (HSK) New Development Area (NDA) and the improvement of road networks and public transport services. The proposed environmentally friendly transport services (EFTS) was supported;

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

Drainage

(viii) there were diverse views on decking and revitalization of Yuen Long Nullah. A majority supported full decking of the nullah for traffic improvement while some preferred no decking for revitalisation of the water body;

Environment and Ecology

(ix) there were views that impacts on egrets and natural streams should be avoided/minimised; and

Implementation Arrangements

(x) there was grave concern over the implementation mechanism, particularly the impacts on existing residents, storage and workshop uses. There were views that impacts on the existing development/uses should be minimised as far as possible. All the affected parties should be fairly and reasonably compensated and relocated/rehoused;

Positioning, Vision and Planning Areas

(c) through comprehensive planning and improvement of connectivity, the YLS development was positioned as a southern extension of Yuen Long New

Town and would serve as one of the major sources of housing land supply (27,700 new flats) in the medium to long-term;

- (d) the vision was to create a sustainable, green and livable community;

Draft RODP

- (e) taken into consideration the public views, development proposals were revised. Technical assessments undertaken had confirmed that the draft RODP was broadly feasible. The major development parameters were:

Total Area	223 ha
Development Area	183 ha
Total Population	85,000 (about 82,700 new)
No. of New Flats	27,700
Housing Mix	Public 60% : Private 40% 16,500 : 11,200
Plot Ratio	1 to 5
Employment	10,800
Anticipated First Population Intake	2026

Five Planning Areas

- (i) three residential communities of different densities, which were summarised as below :

Urban Living Planning Area

- the area was located closest to Yuen Long New Town, and the development intensity was the highest with a maximum plot ratio of 5. In addition to an activity node, 'low-building areas' and 'non-building areas' were incorporated to provide a buffer to existing villages, including Lam Hau Tsuen and Shan Ha Tsuen in the west and Tin Liu Tsuen and Muk Kiu Tau Tsuen in the east, and to protect egrets' flight path;

[Mr Peter K.T. Yuen and Ms Anita W.T. Ma arrived to join the meeting at this point.]

LOHAS (Lifestyle of Health and Sustainability) Living Planning Area

- being located farther from the new town and near Tai Lam Country Park in the south, the area was planned with lower development intensity of plot ratios 2.4 and 4. With a descending intensity from north to south, the air ventilation of the area would not be affected. The southern part was reserved for government uses including a sewage treatment works which would provide treated sewage effluent for non-potable use such as flushing and irrigation and site intended for government depots. Retaining the existing livestock farms at the southern fringe of the Planning Area would be subject to detailed assessment for compliance with the Environmental Impact Assessment Ordinance (EIAO);

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

Garden Community Planning Area

- in response to the suggestion of strengthening the “Gateway” location of Tong Yan San Tsuen (TYST), a mixed commercial and residential development of PR 3.5 was proposed. To complement the existing residential developments at TYST, the remaining area was planned for low-density developments with plot ratios of 1 and 1.5. The well-established residential communities would be retained as far as possible;
- (ii) Green Zone – to preserve active agricultural land (about 8ha) to the south of TYST which also contained secondary woodland and natural streams;
- (iii) Employment Belt - about 12 ha of land was reserved in the northern part of TYST for storage, workshop uses and open-storage purpose. The proposed location near Yuen Long Highway would facilitate easy access of freight traffic to the highway and avoid freight traffic

penetrating the residential neighbourhoods. Green buffers would be provided to segregate it from the residential developments;

Transport Connectivity

- (iv) the connectivity of YLS with Yuen Long New Town and HSK NDA would be enhanced with the following proposals :
- a dual carriageway to connect YLS to Yuen Long Highway;
 - a new road adjacent to the Yuen Long Highway allowing direct connection to a proposed public transport interchange (PTI) near the West Rail Yuen Long Station area;
 - widening and upgrading of Kung Um Road and Kiu Hing Road;
 - four proposed PTIs;
 - reserve land for EFTS with connection to West Rail Tin Shui Wai Station via HSK NDA; and
 - comprehensive cycle track and pedestrian networks and a scenic cycle track along the hillside and streams;
- (v) for the strategic road network, the Government would study a possible new strategic highway connecting HSK NDA with the urban area and a possible highway connecting HSK NDA with the proposed Tuen Mun Western Bypass to cope with the anticipated traffic growth in the Northwest New Territories including YLS;

Sustainable, Green and Livable Community

- (vi) the draft RODP strived for creating a sustainable, green and livable community in the new town extension. A blue-green infrastructure network combining the green space network and the sustainable water management initiatives would enrich the character of YLS. The sustainable water management initiatives comprised revitalised nullahs, a new water channel with retention lake, reedbed, and sewage treatment works with reuse of treated sewage effluent for non-potable purposes. Other measures to promote green mobility, such as EFTS, comprehensive cycle and pedestrian networks would also be encouraged; and

- (vii) partial decking of the northern section of Yuen Long Nullah was recommended for both traffic improvement and for revitalisation of the water body as an urban and landscape feature. Along the Nullah, Kung Um Road and Kiu Hing Road would be widened to improve the traffic flow with landscaped footpaths along both roads. The southern section of the Nullah would be fully revitalised without decking with amenity walkways and cycle tracks which would be linked to the scenic cycle track along the hillside;

Implementation Arrangements

Existing Residents

- (f) while the planning of YLS had minimised impacts on the existing residents as far as possible, it was unavoidable that some existing structures would have to be cleared to facilitate implementation. Suitable arrangement would be devised for all those affected by the development. For the affected clearerees, special compensation and rehousing arrangements (including local rehousing) would be considered, making reference to the compensation and rehousing package for the Kwu Tung North (KTN) and Fanling North (FLN) NDAs;

Brownfield Operators

- (g) subject to the pilot case on the arrangement of accommodating some of the affected brownfield operations in HSK NDA, the Government would explore providing accommodation for some of the brownfield operations through development of multi-storey industrial compounds or other land-efficient means at suitable locations. The study on multi-storey industrial compounds in relation to HSK NDA would commence in mid 2016;

Farmers

- (h) to assist farmers affected by the project, special agricultural rehabilitation arrangement was proposed, similar to that applicable to the KTN and FLN NDAs, by giving priority assistance in matching of farmers and agricultural

land owners;

- (i) an implementation approach that would ensure timely and orderly development of the project was crucial to the successful implementation of the YLS project. The “Enhanced Conventional New Town” approach as the implementation mode, making reference to that adopted for the KTN/FLN NDAs would be considered. The Government would resume land required for the project while allowing the processing of land owners’ applications for land exchange over individual sites planned for private developments subject to meeting specified criteria and conditions; and
- (j) taking into account the views/suggestions collected in CE3, detailed arrangements would be worked out in the next stage. A community liaison team comprising social workers was set up to enhance communication with affected households and to collect their views and concerns.

Discussion Session

10. As the presentation of the study team was completed, the Chairman invited questions from Members.

Brownfield sites

11. Three Members raised concerns on the brownfield operations in the area and had the following questions and views:

- (a) the difference in the scale of brownfield operations between YLS and the NDAs in North East New Territories (NENT);
- (b) in view of the large number of planning applications for open storage, storage and workshop uses in the YLS area, there should be many operations in the area. The proposed Employment Belt with an area of about 12 ha for locating these operations appeared too small to provide sufficient accommodation and employment opportunities. Whether there

were any figures on the total area of the existing operations and required area in future in order to estimate the reduction in area. Although some of the operations could be consolidated in the proposed multi-storey industrial compounds, there were concerns over traffic capacity, adequacy of the floor space provided, the feasibility of operations for bulky and heavy goods, and potential high rental. There was a lack of information on the actual types of uses within the area and whether those operations could be accommodated in warehouses and the proposed multi-storey industrial compounds. The Study should consider if there were sufficient measures to address the adverse impacts on the operators and existing workers; and

- (c) some of the existing open storage uses might be accommodated in the proposed multi-storey industrial compounds but some might not. Whether the Study had examined if there were any existing open storage uses which were already phasing out in Hong Kong or would not be compatible with the planned developments.

12. In response, Ms Teresa W.S. Yeung, Mr K.T. Yau, CE/CID and Mr Lau Wing Kam, CE/NTW, made the following main points:

- (a) there were much less brownfield operations in NENT NDA than in YLS;
- (b) the study team had initially communicated with the operators in the area and some of them considered operations in multi-storey industrial compounds feasible. However, more information on the operations would be required for detail planning, and a survey would be conducted in February 2016 for three months to gather information and data to facilitate better understanding of the operation and usage of the existing brownfield sites in YLS. The findings from the questionnaire survey would form the basis for further exploration of feasibility of accommodating some of these uses in multi-storey compounds or other more land-efficient means. The future implementation mechanism would make reference to outcome of the pilot case in the HSK NDA;
- (c) there were currently about 100 ha of brownfield sites in YLS. Taking

account of the proposed multi-storey industrial compounds, the 12 ha Employment Belt would provide a floor area of about 400,000m². Besides, with a more efficient use of land and operation, it was expected that the required area for relocation of these uses would be less than the existing occupied area;

- (d) according to the land use survey carried out for the Study, most of the brownfield area were warehouses used for the storage of household wares including furniture, brick, and carpet etc., open storages of vehicle components and some for sand depots, etc. with some workshops for vehicle repair or dismantling, and metal workshops. There were a few hectares for open storage of building and construction materials including large-scale machineries with heavy loading. Hence, it was considered that some operations could be accommodated in multi-storey industrial buildings. The questionnaire survey to be conducted in February 2016 would help provide more information on the existing operations for consideration of accommodating the brownfield operations in the proposed multi-storey industrial compounds. The questionnaire survey of brownfield operations in HSK NDA had already been completed and the study team would make reference to the findings and recommendations of that survey.

Non-indigenous villagers

13. In response to a Member's question about the approach in dealing with the non-indigenous villagers as compared with those in the NENT NDAs, Ms Teresa W.S. Yeung said that it was proposed that those existing well-established residential communities would be preserved as far as possible.

Traffic Issues

14. The Vice Chairman and two Members had the following questions and views on traffic issues:

- (a) traffic had been a major concern on new development areas. To cope with the traffic capacity constraints, rail-based development and highway improvements beyond the district level were required. It was suggested that a more comprehensive assessment of the traffic movement and impact on a regional basis should be provided;
- (b) the portion of Kung Um Road and Kiu Hing Road near Muk Kiu Tau Tsuen and Pak Sha Tsuen was a two-way single lane non-standard road without footpath. The newly generated traffic as a result of the increase in population would likely spill over to Tai Tong Road for access to Yuen Long Highway and the capacity of Tai Tong Road should be assessed; and
- (c) there was query whether there would be improvement works such as road widening for Kung Um Road and Kiu Hing Road.

15. In response, Mr K.T. Yau, Mr Lau Wing Kam and Ms Carmen K.M. Chu made the following main points:

- (a) the developments in the nearby areas including Kam Tin South, Yuen Long New Town and HSK NDA had already been included in the traffic impact assessment. A new slip road was proposed to connect Kung Um Road with the proposed PTI near the West Rail Yuen Long Station area and Shap Pat Heung Road as well as Yuen Long Highway. Besides a new dual carriageway was proposed as the main road running in a north-south direction through YLS and connecting Tong Yan San Tsuen with the area along Kung Um Road;
- (b) a comprehensive pedestrian and cycling network connecting to Yuen Long New Town would be provided with supporting facilities to encourage walking and cycling. The PTI near the West Rail Yuen Long Station would also be connected to the station by pedestrian facilities;
- (c) both Kung Um Road and Kiu Hing Road would be upgraded to a standard 2-lane carriageway in each direction with one-way circulation and with footpaths along both roads to improve the traffic flow, which would

perform the same function as a dual two-lane carriageway;

- (d) partial decking of the Yuen Long Nullah was proposed for widening of Kung Um Road and Kiu Hing Road. As the connections of the two roads currently were not satisfactory, crossings at about 200m interval were proposed between the two roads to improve the connectivity; and
- (e) in the briefing to the Legislation Council recently, the Transport and Housing Bureau had announced measures to increase the patronage capacity of the West Rail such as adding an extra carriage to the existing seven-car trains as well as increasing the train frequency.

Planning and Design

16. The Vice Chairman and four Members had the following questions and views on planning and design aspects:

- (a) the proposed scenic cycle track should be more creative, which should be of at least of 30m wide with landscaping on both sides to provide a green corridor, and connected to the hiking trail of the Tai Lam Country Park. Another Member concurred with the suggestion, but as cycling was not allowed inside country park, he suggested that a cycle park may be considered;
- (b) the development plan under consultation in CE3 would form a basis for plan-making for the area. The vision of the study to create a sustainable, green and livable community was appreciated, however, the detailed proposal of a blue-green network was not clearly reflected on the draft RODP. That would create difficulties for the Board in designating suitable land use zonings for the future Outline Zoning Plan (OZP);
- (c) what the rationale was for designating different zonings for various water channels, such as “Other Specified Use” (“OU”) and “Local Open Space” (“LO”). It was also not clear if the landscape area on both sides of the decked nullah should be zoned as “Green Belt” (“GB”) or “LO”;

- (d) consideration should be given to proposing pedestrian links along the green network instead of along the roads;
- (e) the general public who did not have knowledge of the overall planning context might not be able to comprehend the planning intention and design concept of various zones as proposed under the Study, and the draft RODP might be seen as just a layout to exhaust the land resource in maximizing land supply for housing. It was suggested that the draft RODP should include more details on the existing and planned developments in the surrounding areas/districts for information of the public;
- (f) together with the existing residential developments and village areas, the draft RODP appeared mainly to reserve land for housing developments. To formulate a better layout, consideration could be given to providing buffers between the proposed and existing residential developments with “GB” and agriculture areas;
- (g) clarification was required on why low-density residential area was proposed near roads/rail tracks and railway station while the medium-density residential area was located near country park;
- (h) there was also query on why the EFTS would align with roads instead of running through the residential areas.
- (i) YLS was positioned as an extension of the Yuen Long New Town, however, the connection between the two areas was not clear;
- (j) the proposed decking of the Yuen Long Nullah should be considered carefully as the work once done might not be reversible. The need for decking was queried as there seemed to be land along the nullah for road widening;
- (k) the cross-section and photomontage of the Yuen Long Nullah and Kung Um

Road showing a high water capacity of the nullah was appreciated but whether such proposal was realistic and implementable were questionable;

- (l) concerns on wall effect, cultural and historical features had been received during CE2, and how those issues were addressed;
- (m) whether there were any special features for the green building design of the government maintenance depot at the southern tip of the YLS area;
- (n) how the existing low-rise residential developments in TYST would be integrated with the planned low-density residential developments; and
- (o) whether there was planned use for the blank area on the draft RODP in between the Garden Community and LOHAS Living Planning Areas.

17. In response, Mr K.T. Yau, Ms Teresa W.S. Yeung, Mr Lau Wing Kam and Mr Peter L.Y. Chan made the following main points:

- (a) areas along the water channels were proposed to be zoned “GB”, “OU” and “LO” on the draft RODP due to different considerations. “GB” zone was proposed to cover the environmental sensitive features and for passive uses such as for the preservation of natural streams with buffers and secondary woodland. “OU” zone was for a new water channel with scenic cycle track and “LO” for land along the revitalised Yuen Long Nullah, and both allowed active recreational uses. Appropriate statutory zonings would be further considered during the preparation of the OZP. In addition to the “LO” and “GB” zones, there were various amenity areas within each planning area;
- (b) the proposed scenic cycle track would run along the hillsides, water channels, open space, green belts and amenity areas through the LOHAS Living Planning Area to the Green Zone to link up the cycle track system in YLS to Yuen Long New Town. Similarly, the cycle track in the Garden Community and Urban Living Planning Areas would also connect to Yuen Long New Town. A width of 30m was generally adopted for the cycle

tracks along the environmental sensitive feature such as the preserved natural stream for buffer purpose;

- (c) the planned population and development intensities had already taken account of infrastructure capacity and the existing development intensities in the surroundings. Besides, job opportunity was not limited to the Employment Belt as the proposed residential developments and their supporting facilities would also provide jobs for the neighbourhood. There were 150,000 jobs proposed in the nearby HSK NDA which could also offer job opportunities for the future population of YLS;
- (d) the Study had proposed a lot of green areas and pedestrian routes to encourage walking or cycling to reduce vehicular traffic. The proposed width of these green corridors varied due to site character and the surrounding settings;
- (e) the presentation would be improved to highlight the development concept of the transition in a north-south direction from high-density, medium-density, to low-density developments. The suggestion of extending the cycle track to the country park to the south would be also considered;
- (f) it was a general planning principle to locate the highest density development nearest to the town centre. The development intensity of the LOHAS Planning Area was the gradation from the Urban Living Planning Area descending southwards as it was close to the Tai Lam Country Park. There were existing low-density residential developments, non-indigenous villages as well as active agricultural land in Garden Community Planning Area in TYST. As such, the development intensity of Garden Community Planning Area was lower to complement these existing development/uses. The proposed residential development of low-density and the open space would help integration with the existing low-rise settlements;
- (g) the proposed EFTS would run through the residential areas in YLS and

would connect to HSK NDA;

- (h) the connection of YLS with Yuen Long New Town was through the comprehensively planned road and pedestrian networks;
- (i) to address the possible wall effect of the proposed residential developments in the Urban Living Planning Area on the existing villages, “low building areas” had been incorporated in the adjacent residential zones and a stepped height profile declining towards the villages would be adopted;
- (j) Kung Um Road and Kiu Hing Road were sub-standard roads and there were existing villages locating along the northern section of nullah and clearance was not preferred. Having balanced the need for improving the two roads and nullah revitalisation, partial decking was proposed;
- (k) the Yuen Long Nullah was connected to a natural stream upstream with continuous flowing water. In order to achieve a water body in the revitalised nullah, landscape and engineering works could be introduced such as small weir at downstream and water pools to hold water temporarily allowing water to flow slowly through the nullah as part of the revitalisation design. Subject to the views of the Environmental Protection Department, some treated effluent from the sewage treatment works after passing through the proposed reedbed for further water polishing could supplement the water flow in the nullah. There should be no technical difficulties in achieving the water body as illustrated;
- (l) the depot at the southern part of the area was reserved for Government use. Green building design and green initiative were proposed for the building for appreciation of the green initiatives at government facilities; and
- (m) the blank area on the draft RODP was a green area well-covered with vegetation and was excluded from the study area for preservation purpose.

Public Consultation

18. In response to a Member's doubt on whether public views received in CE2 were generally in support of the YLS development, Ms Teresa W.S. Yeung explained that the public consultation process had wide coverage as they had sent publicity materials to every households and business establishments within the development area and conducted briefings and site visits to concerned villages, local residents and local stakeholders as well as briefings to relevant District Council and Rural Committees. Public forum was also held to solicit public comments on the proposals. She considered that the local residents were well-informed of the proposed development plan. The comments received during CE2 were generally in support of the YLS development although there were some dissenting views.

Other Aspects

19. In response to a Member's question on the existing uses within the proposed Green Zone adjoining the Garden Community Planning Area, Mr K.T. Yau clarified that the existing uses within the Green Zone were mostly active agricultural land of about 8 ha.

20. In response to two Members' questions on matters related to the operation of proposed sewage treatment works, Mr Peter L. Y. Chan said that the treated effluent could not be directly discharged to the water receiving body of Deep Bay due to the policy of the Environmental Protection Department on no net increase in pollutant load in Deep Bay. A sewage treatment works of tertiary treatment level was proposed for the YLS development. The treated effluent would be of sufficient standard for reuse as toilet flushing water and irrigation water for grassland and landscaped area but not suitable for cultivation purposes.

[Mr H.F. Leung, Ms Christina M. Lee, Ms Bernadette H.H. Linn and Mr Clarence W.C. Leung arrived to join the meeting during the discussion.]

21. The Chairman concluded the discussion and requested the study team to take note of Members' comments and suggestions on the above issues. He thanked the representatives of the government departments and the consultant for attending the meeting. They left the meeting at this point.

Agenda Item 4

[Open Meeting]

Public Consultation on Biodiversity Strategy and Action Plan for Hong Kong
(TPB Paper No. 10065)

[The item was conducted in Cantonese.]

Presentation Session

22. The following government representatives were invited to the meeting:

Mr Simon K.F. Chan - Assistant Director (Conservation),
Agriculture, Fisheries and Conservation
Department (AD/C, AFCD)

Dr Jackie Y. Yip - Senior Conservation Officer/ Biodiversity
(SConO/B), AFCD

Dr Flora S.Y. Mok - Conservation Officer/Biodiversity
(ConO/B), AFCD

Ms Vivian W.Y. Chan - Senior Administrative Officer (Nature
Conservation), Environmental Protection
Department (SAO(NC), EPD)

23. The Chairman extended a welcome and invited the government representatives to brief Members on the Paper.

24. With the aid of a PowerPoint presentation, Dr Jackie Y. Yip (SConO/B, AFCD) made the following main points:

Background

- (a) the Government had commenced the public consultation on Biodiversity Strategy and Action Plan (BSAP) for Hong Kong on 8.1.2016;

- (b) there were many different natural landscapes including forest, valley, mangrove, wetland and rocky shore etc. in Hong Kong which had extraordinarily rich biodiversity. For example, despite the small size of the city, Hong Kong has 538 species of birds which is more than one-third of China's record;
- (c) the existing mechanisms in protecting natural landscapes and habitats in Hong Kong included designation of country parks, special areas, marine parks and reserves, restricted areas as well as Sites of Special Scientific Interest;
- (d) there were also other mechanisms such as the Town Planning Ordinance which provided for the designation of ecologically sensitive areas as conservation zones on statutory plans to protect these areas from incompatible developments. The Environmental Impact Assessment Ordinance provided a mechanism for ensuring that the potential ecological impact of designated projects were avoided or mitigated at the project planning stage. Besides, strategic assessments could facilitate the inclusion of biodiversity at the early stage of new strategic initiatives or major programmes;
- (e) in enhancing biodiversity in development project, the Kam Tin River drainage work was a good example to illustrate that biodiversity considerations could be incorporated into development. The Government had planted mangroves along the bank of the river to make them compatible with the surroundings and such areas had provided habitats for many water birds;
- (f) since 1992, over 190 countries had signed the "Convention on Biological Diversity" (CBD). China joined CBD in 1993 and it was extended to Hong Kong in 2011. The three objectives of CBD were conservation of biodiversity, sustainable use of its components, and fair and equitable sharing of benefits arising from the use of genetic resources. In 2010, a strategic plan with the aim of inspiring action in support of biodiversity over the next decade was agreed at the 10th Conference of the Parties (COP10). Each

country was to, based on its conditions, set goals to take actions to contribute to global efforts in halting the loss of biodiversity. It also encouraged the development of biodiversity strategy and action plan in sub-national and local levels;

- (g) while Hong Kong was not itself a Party to the Convention, as part of China, Hong Kong could contribute to the achievement of global targets according to its particular conditions and capabilities. It was against that background that the work on formulating the first city-level BSAP for Hong Kong began in 2013. The first BSAP of Hong Kong would create strategies and set out actions to conserve Hong Kong's biodiversity and support sustainable development in the next five years. The Government had set up a three-tier advisory committee which included different biodiversity experts, academics and representatives from various groups to collect inputs across Hong Kong so as to identify priority issues and make recommendations on biodiversity conservation in Hong Kong as well as on raising awareness and mainstreaming biodiversity. To raise awareness and enhance knowledge on biodiversity, discussion and engagement sessions were held, a 3-month Hong Kong Biodiversity Festival was organised. Public lectures and exhibitions were held and promotional materials were distributed. A wide range of comments and suggestions have been received;

- (h) taking into account the views so far collected, a strategy with vision and mission as well as four action areas are proposed for the BSAP. The proposed vision was 'the rich biodiversity of Hong Kong is valued, conserved, restored, sustainably managed and wisely used, thereby maintaining essential ecosystem services, sustaining a healthy and liveable place and delivering benefits for all people'. The proposed mission was 'to value, conserve and restore the rich biodiversity of Hong Kong, to ensure that it is sustainably managed and wisely used, and to promote the mainstreaming of biodiversity issues and values across all sectors of the society, with social and economic aspects duly considered and balanced, so that ecosystems are resilient and continue to provide essential services, and the precious environment that

supports and enriches the life of Hong Kong people is passed on to future generations’;

- (i) the four major action areas recommended for public consultation were:
- conservation : to continue to implement and enhance existing conservation measures that would maintain and support biodiversity;
 - mainstreaming : to incorporate biodiversity considerations into planning and decision-making across the society, in public and private sectors, to achieve sustainable development;
 - knowledge : to conduct biodiversity surveys to monitor the status of local biodiversity and studies to increase our understanding; and
 - community involvement : to promote public awareness and knowledge of biodiversity so as to gain public support and involvement at every level, in every sector;
- (j) Hong Kong’s BSAP would touch upon a wide range of issues and was relevant to every citizen. In developing specific actions under each area, the Government would further consider proposals arising from the consultation with stakeholders including academia, government departments, green groups, private sectors, local communities, as well as the general public through public engagement activities.

Discussion Session

25. As the presentation was completed, the Chairman invited questions from Members.

26. In response to the Chairman’s question on obligations of Hong Kong to CBD, Mr Simon K.F. Chan, AD/C, said that the articles of CBD were mainly guiding principles for the conservation of biodiversity. In 2010, the Parties to CBD adopted a strategic plan consisting of a shared vision and mission, general goals and specific global targets. Each Party had the

obligation to, based on its conditions and what was feasible in the country, set goals and take actions to contribute to global efforts in halting the loss of biodiversity through the adoption of a national BSAP. CBD also encouraged the development of sub-national and local BSAP in city and regional levels but it is not obligatory.

27. The Vice Chairman said that from a practical point of view, environmental protection and biodiversity conservation would have resource implications including financial and land resources. In recent years, the need for adopting the principles of sustainable development in Hong Kong was well recognised. He would like to know if there was an existing global biodiversity database and biodiversity indicators readily available for Hong Kong's reference and whether there was any study conducted on this aspect. The study findings would be useful in the plan-making process for achieving a sustainable development.

28. In response, Mr Simon K.F. Chan said that biodiversity was important to sustainable development as it was a measure of how stable the ecosystems were, particularly when physical conditions changed. It was relevant to people and their daily needs, as well as a healthy environment in which to live and biodiversity provides the essential ecosystem services to human. One of the main areas of focus of BSAP was to promote public awareness and knowledge of biodiversity so as to gain public support and involvement. Awareness and knowledge would inform action and guide people to take appropriate actions. Some countries had engaged ecosystem services valuation to assess the impact of development proposal on biodiversity; however, such practice was new to Hong Kong. During the process of formulating the BSAP, information gap on ecosystem services had been identified and it was proposed to encourage relevant institutions to conduct research relating to ecosystem services and important species, etc. to help make informed decision on biodiversity conservation and sustainable development.

29. Three Members had the following questions and views on quantifying biodiversity:

- (a) there were difficulties in quantifying the impact of development on biodiversity;
- (b) to introduce a measurement method on biodiversity such as a biodiversity index to quantify the status of biodiversity in different districts, in particular the new development areas;

- (c) to make reference to overseas experiences on various types of measurement being employed to enhance knowledge on the ecosystem;
- (d) to review regularly the biodiversity index adopted; and
- (e) to commission study and research in specific areas and on various species to provide more information for assessing biodiversity.

30. In response, Mr Simon K.F. Chan said that there were some international indices such as the City Biodiversity Index which was recommended by CBD. Whether the City Biodiversity Index would be suitable for the situation in Hong Kong would be further examined after taking account of the views and comments collected during the public consultation exercise.

31. A Member noted that there were divergent views and comments on biodiversity, with some having higher expectation while some lower. The Member understood that AFCDC had been conducting a territory-wide ecological survey programme with a view to maintaining and updating an ecological database for the whole of Hong Kong. The survey findings would help provide information on the biodiversity of Hong Kong. In addition, the existing Public-Private Partnership and Management Agreement with landowners overseen by AFCDC to enhance conservation under the New Nature Conservation Policy were effective and would be easily understood by the general public. The recommendations of BSAP after the public consultation should also be practical and pragmatic.

32. In response, Mr Simon K.F. Chan said that as indicated in their presentation earlier, two of the action areas, viz mainstreaming and community involvement were important areas of focus in the first BSAP. The Government intended to promote public awareness and involvement through a series of activities. The more people in Hong Kong understood what biodiversity would mean to them, the easier for biodiversity consideration to form an integral part of the decision-making process.

33. A Member said that biodiversity was relevant to the work of the Board. On Action Area on Conservation, there was already sufficient mechanism to protect natural landscapes and habitats in the planning and development process. However, it was more difficult to make a decision on land use proposals at the peripheral areas of conservation zones

as there were often divergent views on conservation and development. More information and professional knowledge were required to deal with those cases. As regards the Action Area on Mainstreaming, it was noted that biodiversity was not mentioned at all in the Yuen Long South study discussed earlier in the meeting. The Government should consider to prepare a set of guidelines on biodiversity for incorporation into the Hong Kong Planning Standards and Guidelines so as to allow inclusion of biodiversity considerations in the future planning studies. Biodiversity was three dimensional and how it could be translated onto the statutory plans was very important. The Member further said that the consultation document had not covered areas such as slope stabilisation, greening, service reservoirs and in maintenance works, and they should be further examined. It was important that biodiversity be integrated into our daily lives.

34. Mr. K.K. Ling, the Director of Planning, said that the coverage of the BSAP appeared to be more rural area oriented and suggested that consideration could be given to strengthening biodiversity in the urban part of the city. For example, planting in parks and along road-side would not only perform the amenity function but also providing urban natural habitats. The formulation of guidelines incorporating biodiversity elements would be useful.

35. In response, Dr Jackie Y. Yip said that AFCDD had been closely liaising with the Development Bureau in holding seminars and discussion meetings on incorporating biodiversity into urban areas with relevant stakeholders.

36. With regard to the Action Area on Knowledge, a Member said that the education aspect could be enhanced to help the public to understand more the controversial conservation issues. Mr Simon K.F. Chan responded that a database which would consolidate the current scattered biodiversity data collected and held by different parties and organisations was proposed to make the scientific information widely available in a publicly accessible database or platform. This would help the public and concerned parties to be better informed on biodiversity conservation.

37. A Member said the proposed actions under BSAP should not just be guidelines but should be action oriented with concrete implementation plans. In achieving sustainable development, it was noted that the Government had been facing many difficulties. For biodiversity, it would be desirable if a dedicated entity could be established to oversee and to strike a balance among the various interests of the society. Also, the ecosystem services

valuation was supported as it was an effective means to measure the adverse impacts and financial implications of a proposal and help formulate compensatory measures. In addition, apart from the science subjects, consideration could be given to including biodiversity in primary and secondary school curriculum.

38. The Chairman asked AFCD to take into account Members' suggestions on enhancing education and setting out guidelines/standards in further developing the action plan for biodiversity.

39. In response, Mr Simon K.F. Chan said that BSAP involved two parts where the strategy would set out the goals and the priorities identified while the action plan would be the actions taken for conserving biodiversity. While biodiversity was already included in the curricula of a number of school subjects, AFCD would further explore with a view to continuously incorporating the concept of biodiversity into formal school curriculum and providing capacity building opportunities for teachers. The four major action areas were a framework for Hong Kong's first BSAP. Views and suggestions collected would form a basis for creating a concrete plan.

40. In response to a Member's question about the funding source for the action plan, Mr Simon K.F. Chan said that according to the 2016 Policy Address, the Government had earmarked additional resources to take forward the relevant initiatives of the first BSAP.

[Ms Anita W.T. Ma and Dr W.K. Yau left the meeting at this point.]

41. A Member said that the formulation of action plans should be area specific taking into account the needs of both human beings and other living creatures. Whether the global views could be applied to Hong Kong and what adjustments would be required should all be duly considered.

42. Mr Simon K.F. Chan said that according to CBD, each country had to take action to contribute to global efforts in halting the loss of biodiversity. However, it did not include any presumption against development. At the city level, contribution could be made to the achievement of global targets according to the particular conditions and capabilities of the city. It was against that background that Hong Kong began formulating the first city-level BSAP. At the same time, Hong Kong would continue to implement the existing conservation measures

in protecting the natural landscapes and habitats.

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

43. The Chairman concluded the discussion and requested AFCD to take note of Members' comments and suggestions on the above issues. He thanked the representatives of AFCD and EPD for attending the meeting. They left the meeting at this point.

[Dr Wilton W.T. Fok, Mr Patrick H.T. Lau and Ms Christina M. Lee left the meeting and Ms Julia M.K. Lau left the meeting temporarily at this point.]

44. As the attendees of agenda items 6, 7 and 8 had arrived, the Chairman suggested and Members agreed to proceed with agenda items 6, 7 and 8 first.

Sha Tin, Tai Po and North District

Agenda Item 6

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-HLH/23

Proposed House (New Territories Exempted House – Small House) in “Agriculture” Zone,
Lots 471 S.B ss.18 in D.D. 82, Chow Tin Tsuen, Lo Shue Ling, Ta Kwu Ling

Agenda Item 7

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-HLH/24

Proposed House (New Territories Exempted House – Small House) in “Agriculture” Zone,
Lot 471 S.B ss.21 in D.D. 82, Chow Tin Tsuen, Lo Shue Ling, Ta Kwu Ling

Agenda Item 8

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-HLH/27

Proposed House (New Territories Exempted House – Small House) in “Agriculture” Zone,
Lot 471 S.B ss.25 in D.D. 82, Chow Tin Tsuen, Lo Shue Ling, Ta Kwu Ling
(TPB Paper No. 10067)

[The items were conducted in Cantonese.]

45. The Chairman said that since the three applications were for the same use and the application sites were located in close proximity to one another in the same “Agriculture” (“AGR”) zone, the three applications would be considered together.

Presentation and Question Sessions

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

Mr C.K. Soh	- District Planning Officer/Sha Tin, Tai Po and North (DPO/STN), PlanD
Mr Man Sun Choi] Applicants’ representatives
Mr Yik Wai Tung]
Mr Hung Shu Ping]

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

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

- (a) the applicants, three indigenous villagers of Chow Tin Tsuen, sought planning permissions to build a New Territories Exempted House (NTEH) – Small House on each of the application sites (the sites), which

fell within the “Agriculture” (“AGR”) zone on the approved Hung Lung Hang Outline Zoning Plan (OZP) No. S/NE-HLH/9;

- (b) on 18.9.2015, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) rejected the applications and the rejection reasons for each of the applications were:
- (i) the proposed development was not in line with the planning intention of the “AGR” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission for a departure from the planning intention;
 - (ii) 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 there was no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of Chow Tin Tsuen; and
 - (iii) land was still available within the “V” zone of Chow Tin Tsuen which was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development within “V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services;
- (c) on 29.10.2015, the applicants applied for a review of the RNTPC’s decision to reject the applications. The applicants’ justifications were:
- (i) the proposed Small Houses were in line with the government policy of developing Small Houses within the village ‘environs’

(‘VE’);

- (ii) the applicants found it very difficult to buy suitable land within the “V” zone for construction of their Small Houses;
 - (iii) a land parcel on Lot 467 S.A in D.D. 82 was reserved for the construction of an emergency vehicular access and provision of other necessary infrastructure to serve the proposed Small Houses in the vicinity. The villagers were willing to comply with the approval conditions to be stipulated by the Board should the applications be approved on review; and
 - (iv) it was anticipated that the Small House demand forecast for Chow Tin Tsuen would be far more than that provided by the Lands Department (LandsD); and some of the land available within the “V” zone considered as suitable for Small House development by PlanD was in fact not suitable for such development purpose given the unique circumstances in the indigenous villages in the New Territories;
- (d) the sites were vacant and mainly covered by grass. They were located to the immediate south of the “V” zone of Chow Tin Tsuen on the approved Man Kam To OZP No. S/NE-MKT/2 but within the ‘VE’ of the village. The surrounding areas of the sites were rural in character with fallow agricultural land, tree groups, vacant/unused land and some domestic structures under construction. To the northwest of the sites was the village proper of Chow Tin Tsuen and to the east was Ping Yuen River (River Ganges);
- (e) previous application – the sites were not the subjects of any previous application;
- (f) similar applications – a similar application (No. A/NE-HLH/22) within the same “AGR” zone to the south of Chow Tin Tsuen was rejected by the

RNTPC on 21.8.2015 for the same reasons as the subject applications;

- (g) planning intention – the planning intention of the “AGR” zone was to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes;

- (h) departmental comments – the departmental comments were summarised in paragraph 5 of the Paper. Relevant departments maintained their previous views on the application. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD had reservation on the applications as the sites were far from the existing village cluster, the construction of road and/or footpath might result in further landscape impact outside the site boundary, and approval of the applications would encourage unnecessary expansion of village development and spread of Small House development along Ping Yuen River which was a sensitive landscape resource. The Commissioner for Transport had reservation on the applications as Small House development should be confined within the “V” zone. Approval of the applications would set undesirable precedents for similar applications and result in substantial cumulative adverse traffic impact. Nevertheless, as the applications only involved the development of three Small Houses, they could be tolerated unless rejected on other grounds. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as the sites with farm access and water supply had potential for agricultural rehabilitation. Other government departments had no adverse comment on the review applications;

- (i) public comments – three public comments on the review applications were received. One NDC member supported the applications, while Kadoorie Farm & Botanic Garden Corporation (KFBG) and an individual objected to the applications on similar grounds as the rejection reasons of the RNTPC. The District Officer (North), Home Affairs Department, had

consulted the locals regarding the applications. All the respondents, including the Vice-chairman of Ta Kwu Ling District Rural Committee (TKLDRC), the incumbent North District Council (NDC) member and two Indigenous Inhabitant Representatives (IIR) and Resident Representative of Chow Tin Tsuen, had no comment on the applications; and

- (j) PlanD's view – PlanD did not support the review applications based on the planning considerations and assessments set out in paragraph 7 of the Paper, which were summarised below:
- (i) although the applicants had reiterated that the sites fell within 'VE' of Chow Tin Tsuen, the proposed Small Houses were not in line with the planning intention of the "AGR" zone. The applicants had not provided convincing planning justifications in the review applications to warrant a departure from the planning intention. DAFC did not support the applications as the sites had potential for agricultural rehabilitation;
 - (ii) there were about 9.9 ha of land (equivalent to 396 Small House sites) within the "V" zone of Chow Tin Tsuen for Small House development, but the number of outstanding Small House application was only 120 while the 10-year Small House demand forecast was 260. It was considered more appropriate to concentrate the proposed Small Houses close to the existing village cluster within the "V" zone for orderly development pattern, efficient use of land and provision of infrastructures and services;
 - (iii) while the applicants indicated that it was difficult to acquire land within the "V" zone for construction of Small Houses, whether the land owners would sell their land was purely a market decision which was outside the purview of the Board. Besides, native indigenous villagers could apply to LandsD for Small House grant on government land within the "V" zone;

- (iv) the 10-year Small House demand forecast for Chow Tin Tsuen was provided by the relevant IIR without verification by LandsD. As advised by LandsD, there was no change to the demand forecast figure since the rejection of the applications by the RNTPC;
- (v) the land available within “V” zone for Small House development was estimated by PlanD based on the net developable area, areas not suitable for development, NTEH cases already approved by the District Lands Office, and planned public facilities;
- (vi) there had been no material change in planning circumstances for the sites and their surrounding areas since the rejection of the applications by the RNTPC, and there was no strong planning justification which warranted a departure from the RNTPC’s decisions; and
- (vii) there were adverse public comments on the applications for the reasons of not being in line with the planning intention of “AGR” zone, the need to retain arable land for agricultural purposes, and the setting of undesirable precedents for similar applications.

49. The Chairman then invited the applicants’ representatives to elaborate on the review applications. Mr Hung Shu Ping made the following main points:

- (a) the justifications in support of the review applications were submitted to the Board on 5.11.2015. As the sites fell entirely within the ‘VE’ of Chow Tin Tsuen, the applications complied with the Small House Policy and the planning intention;
- (b) according to the Policy Address announced by the Chief Executive, the Government would spend \$2 billion to implement the New Agricultural Policy and develop an Agricultural Park of about 70 to 80 ha in Kwu Tung for accommodating about 400 farmers. He hoped that the latest policy

initiatives could ease the worries of DAFC, KFBG and others on agricultural grounds;

- (c) as the Government was identifying sites to develop science park and industrial estate in the areas near Liantang/Heung Yuen Wai Boundary Control Point (BCP), the land use planning of the Ta Kwu Ling area would be changed significantly. The areas currently zoned “AGR” might also be rezoned to other uses;
- (d) as Chow Tin Tsuen was previously located within the Closed Area of Ta Kwu Ling with poor accessibility, many of the villagers had moved out for work and education and there was no demand for Small Houses in the village at that time. However, with the development of Liantang/Heung Yuen Wai BCP, many villagers intended to return to the village and 120 applications for Small House grant were submitted within a short period of time. It was expected that with the commissioning of the BCP and its connecting road in 2018, more and more villagers would return to the village, including those who had emigrated overseas, and the demand for Small Houses would far exceed the supply in the next ten years;
- (e) although it was indicated in Plan R-2b of the Paper that there was much government land within the “V” zone of Chow Tin Tsuen which could be used for Small House development by the villagers, according to the policy of LandsD, if the villagers had their own land within ‘VE’, they would not be allocated government land for building Small Houses;
- (f) while it was pointed out in the Paper that the sites were located quite far away from the existing village cluster, the village cluster was only about 50m to 70m away from the sites which was not far. In fact, about 90% of the ‘VE’ of Chow Tin Tsuen was within the “V” zone. He wondered why the area to the south of the village cluster covering the sites were not zoned “V” notwithstanding that the area was within the ‘VE’ and there was already a Small House granted in the area to the southwest of the sites in the 1970s; and

- (g) the area rezoned from “AGR” to “V” in 2011 (for partially meeting a representation on the draft Man Kam To Development Permission Area (DPA) Plan No. DPA/NE-MKT/1) at the north-western corner of the “V” zone of Chow Tin Tsuen for compensating the loss in “V” zone area of Fung Wong Wu due to the training of Ping Yuen River could only accommodate about 10 Small Houses, which was far below 60 Small Houses as required.

50. Mr Yik Wai Tung made the following main points:

- (a) he was the IIR of Fung Wong Wu. He hoped the Board could extend the “V” zone of Fung Wong Wu on the Man Kam To OZP;
- (b) Fung Wong Wu was sandwiched between two streams of Ping Yuen River. After the training of Ping Yuen River, the area available for building Small Houses within the “V” zone of Fung Wong Wu was reduced by about two-thirds. He had attended the hearing session of the Board held on 8.9.2011 for consideration of the representations and comment in respect of the draft Man Kam To DPA Plan No. DPA/NE-MKT/1, in which the Board decided to propose amendment to the draft OZP to partially meet a representation by rezoning an area to the northwest of Chow Tin Tsuen from “AGR” to “V”. However, the new area rezoned to “V” was inadequate to meet the Small House demand of Fung Wong Wu; and
- (c) he hoped that all areas within the common ‘VE’ of Chow Tin Tsuen, Fung Wong Wu and Lei Uk could be included in the “V” zone and the ‘VE’ and “V” zone boundaries of the three villages could accord with each other in order to avoid ambiguity to villagers when applying for Small House development.

51. Mr Man Sun Choi made the following main points:

- (a) he was an Executive Committee Member of TKLDRC. The applicants sought his assistance after their applications were rejected by the RNTPC. He did not agree with the rejection reasons of the RNTPC on the three applications;
- (b) while it was indicated that there was government land available within the “V” zone of Chow Tin Tsuen for Small House development, there were restrictions on the use of government land. PlanD had also over-estimated that there were 396 Small House sites available within the “V” zone as some of the sites were covered by woodland and *fung shui* pond and could not be used for development;
- (c) as advised by Mr Yik Wai Tung, land should be reserved in the “V” zone of Chow Tin Tsuen for the development of at least 60 Small Houses by the villagers of Fung Wong Wu. However, the area rezoned from “AGR” to “V” at the north-western corner of the “V” zone of Chow Tin Tsuen in 2011 could only accommodate about 10 Small Houses, which was far below the demand;
- (d) he did not agree that the sites had good potential for agricultural rehabilitation as the Government’s New Agricultural Policy was not to be implemented in Ta Kwu Ling. As the newly established Innovation and Technology Bureau had indicated that they would identify sites near Liantang/Heung Yuen Wai for the development of science park and industrial estate, the future development of the Ta Kwu Ling area would not be for agricultural purposes;
- (e) there was already an approved Small House built to the southwest of the sites within the same “AGR” zone in the 1970s, which formed part of Chow Tin Tsuen. It was unreasonable to divide Chow Tin Tsuen into “V” and “AGR” zones. The approval of the three proposed Small House developments by the indigenous villagers of Chow Tin Tsuen on the sites would not have adverse impact on the integrity of the village; and

- (f) it was very difficult for the applicants to acquire private land for Small House development even though the sites were not within the “V” zone. The Board was urged to give sympathetic consideration to the applications.

52. As the presentations of DPO/STN and the applicants’ representatives had been completed, the Chairman invited questions from Members.

53. A Member asked how the “V” zones covering Chow Tin Tsuen, Fung Wong Wu and Lei Uk were drawn noting that the three villages shared a common ‘VE’ which also covered parts of Ping Yuen River. In response, Mr C.K. Soh, DPO/STN, said that the ‘VE’ surrounding Chow Tin Tsuen straddled the Hung Lung Hang and the Man Kam To OZPs. While the southern part of the ‘VE’ was zoned “AGR” on the Hung Lung Hang OZP and not included in the “V” zone, a large area to the north of ‘VE’ was zoned “V” on the Man Kam To OZP despite it was outside the ‘VE’. The Man Kam To OZP was one of the five OZPs prepared for the Frontier Closed Area several years ago. When drawing up the “V” zones on those five OZPs, due regard had been given to the views of the villagers on where they considered to be suitable for their Small House developments, on the basis that the size of “V” zone would not be larger than that of the ‘VE’. Eventually, most of the “V” zones designated on the five OZPs were of similar size as their ‘VE’ although the boundaries of the “V” zones and ‘VE’ were not the same. The clusters of land available for Small House development within the “V” zone of Chow Tin Tsuen as assessed by PlanD, which were shown on Plan R-2b of the Paper, had not included any woodland. The assumption of 1 ha of land for 40 Small Houses was adopted in the estimation of the number of available Small House sites in “V” zone, which was equivalent to about 250 m² of land per Small House. Such an assumption had made allowance for provision of circulation, landscaping and communal spaces to serve the villagers’ basic needs.

54. As the applicants’ representatives had no further comments to make and Members had no further questions to raise, the Chairman informed the applicants’ representatives that the hearing procedure for the review applications had been completed. The Board would further deliberate on the review applications in their absence and inform the applicants of the Board’s decisions in due course. The Chairman thanked the applicants’ representatives and DPO/STN for attending the meeting. They left the meeting at this point.

Deliberation

55. In response to the Chairman's enquiry, Ms Bernadette H.H. Linn, Director of Lands, said that LandsD would consider an application for government land to build Small House if the indigenous villager could prove that he did not own any private land suitable for the purpose within his village. There would be no guarantee, however, that such an application would be approved.

56. A Member considered that the rejection reasons of the RNTPC at the section 16 stage were appropriate. As there was no major change in the planning circumstances of the cases since the rejection of the applications by the RNTPC, there was no strong reason in the review applications to depart from the RNTPC's decisions.

57. After deliberation, the Board decided to reject the applications on review based on the following reasons for each of the applications:

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that there is no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of Chow Tin Tsuen; and
- (c) land is still available within the “V” zone of Chow Tin Tsuen which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within “V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services.”

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

[Mr David Y.T. Lui and Mr Clarence W.C. Leung left the meeting at this point.]

Agenda Item 5

[Open Meeting]

Draft Kuk Po, Fung Hang and Yung Shue Au Outline Zoning Plan No. S/NE-KP/B

– Further Consideration of a New Plan

(TPB Paper No. 10066)

[The item was conducted in Cantonese.]

58. The following representatives of the Planning Department (PlanD) and the Agriculture, Fisheries and Conservation Department (AFCD) were invited to the meeting at this point:

- | | |
|-------------------|--|
| Mr C.K. Soh | - District Planning Officer/Shu Tin, Tai Po and North (DPO/STN), PlanD |
| Ms Channy C. Yang | - Senior Town Planner/Country Park Enclaves 2 (STP/CPE2), PlanD |
| Mr Eric K.Y. Liu | - Nature Conservation Officer (North), AFCD |

59. The Chairman extended a welcome and invited DPO/STN to brief Members on the Paper.

60. Mr C.K. Soh, DPO/STN, drew Members' attention that two replacement pages (pp. 5 and 6) of the Paper were tabled at the meeting.

61. With the aid of a PowerPoint presentation, Mr C.K. Soh briefed Members on the draft Kuk Po, Fung Hang and Yung Shue Au Outline Zoning Plan (OZP) No. S/NE-KP/B as detailed in the Paper and covered the following main points:

Background

- (a) on 28.8.2015, the Town Planning Board (the Board) gave preliminary consideration to the draft Kuk Po, Fung Hang and Yung Shue Au OZP No. S/NE-KP/B and agreed that the draft OZP was suitable for submission to the North District Council (NDC) and the Sha Tau Kok District Rural Committee (STKDRC) for consultation;

Major Land Use Proposals of the draft OZP

- (b) the major land use proposals of the draft OZP No. S/NE-KP/B considered by the Board on 28.8.2015 were recapitulated in paragraph 2.2 of the Paper and highlighted as follows:
- (i) “Conservation Area” (“CA”) zone (23.01 ha and 25.49%) – mainly covered the mature woodlands behind the villages in Fung Hang, Kuk Po and Yung Shue Au (the Area), the freshwater/brackish marshes, the lower sections of the Ecologically Important Streams (EISs) in Kuk Po and Yung Shue Au, and the estuarine mangrove in Fung Hang;
 - (ii) “Green Belt” “GB” zone (57.38 ha and 63.57%) – comprised mainly woodlands, shrublands, streams and rocky/sandy shores for conserving the natural and rural character of the Area and providing a buffer between the village type developments and Plover Cove Country Park (PCCP);
 - (iii) “Agriculture” (“AGR”) zone (3.94 ha and 4.36%) – covered fallow agricultural land with potential for agricultural rehabilitation, not covered by significant vegetation and close to the existing village clusters at more accessible locations in Fung Hang and Kuk Po;
 - (iv) “Government, Institution or Community” (“G/IC”) zone (0.06 ha and 0.07%) – covered the building of Kai Choi School and Hip Tin

Temple in Kuk Po, which was a Grade 3 historic building worthy of preservation; and

- (v) “Village Type Development” (“V”) zone (5.88 ha and 6.51%) – covered the existing village cluster of the recognised villages of Fung Hang, Kuk Po (including Kuk Po Lo Wai, Kuk Po San Uk Ha, Yi To, Sam To, Sze To and Ng To) and Yung Shue Au in the Area and their adjoining fallow agricultural land mainly covered with grasses and shrubs. An incremental approach for designation of “V” zones had been adopted with an aim to confining Small House development at suitable locations so as to avoid undesirable disturbances to the natural environment and overtaxing the existing limited infrastructure;

Local Consultation

NDC, STKDRC and Villagers

- (c) NDC and STKDRC were consulted on the draft OZP on 14.9.2015 and 2.10.2015 respectively, and they strongly objected to the draft OZP. There were four submissions from STKDRC and local groups and 160 standard letters from villagers objecting to the OZP. The major comments and proposals of NDC, STKDRC and the villagers as highlighted in paragraph 3.1 of the Paper were summarised as follows:

Insufficient “V” Zone

- (i) the draft OZP was biased towards nature conservation. The villagers’ traditional rights for building Small Houses under the Basic Law had been ignored. The “V” zones were insufficient to meet the demand of indigenous villagers and should be expanded based on the number of male indigenous villagers;

Objection to Designating Private Agricultural Land as Conservation Zones

- (ii) the designation was unfair and would deprive the landowners' interests and should be compensated. The "CA" and "GB" zones were excessive, and were at prominent location with flat topography. Private agricultural land should be zoned "AGR";

"G/IC" Zone in Kuk Po

- (iii) Kai Choi School should not be zoned "G/IC" without the landowner's consent and compensation. It should be rezoned to "V";

Provision of Vehicular Access Road to All Villages

- (iv) vehicular access should be provided to enhance accessibility among villages;

Local Consultation

- (v) the landowners' comments had not been respected nor incorporated in the OZP. STKDRC and the villagers should be consulted before consultation with NDC, and the representatives of the concerned villages and stakeholders should be engaged for re-planning of the Area;

Green/Concern Groups

- (d) in September and October 2015, five submissions were received from Kadoorie Farm & Botanic Garden Corporation (KFBG), World Wide Fund for Nature Hong Kong (WWF-HK), The Conservancy Association (CA), The Hong Kong Bird Watching Society (HKBWS) and Designing Hong Kong Limited (DHKL). The major views and proposals of the

green/concern groups as highlighted in paragraph 3.2 of the Paper were summarised as follows:

Support to the “CA” Zone and Planning Intention of the “AGR” Zone

- (i) WWF-HK and HKBWS supported the “CA” zoning, and DHKL supported the planning intention of the “AGR” zone on the draft OZP;

Adverse Environmental Impacts of Small House Development and Agricultural Activities

- (ii) septic tanks and soakaway (STS) systems were not effective in treatment of domestic sewage. Small House developments immediately adjacent to marshes would cause adverse impacts on the natural environment. More stringent planning control should be imposed on the “AGR” and “GB” zones by excluding house development from the Notes of the two zones;
- (iii) as “AGR” zones were hydrologically and ecologically connected with the adjacent marshes/wetland complexes, agricultural activities with the use of pesticides and fertilizers would adversely affect the wetland habitats. The “AGR” zones should be rezoned to “GB”, “GB(1)” or “CA”. The shrubland in the eastern part of Kuk Po could be designated as “AGR” zone;

To Rezone Natural Streams and their Riparian Zones, Seasonal Wetlands and Woodlands from “GB” to “GB(1)” or “CA”

- (iv) to minimise the adverse environmental impacts of Small House developments and to comprehensively protect the wetland complexes, all natural streams and their 30m riparian zones and seasonal wetlands were proposed to be covered by “GB(1)” or “CA” zone;

- (v) as the woodlands in the Area were dense and ecologically connected with the surrounding PCCP, they should be rezoned from “GB” to “GB(1)” or “CA” to reflect their ecological value; and

To Designate the Area as Country Park

- (vi) the Area was proposed to be incorporated into PCCP;

PlanD’s Responses

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

Designation of “V” Zone

- (i) in drawing up the draft OZP, special attention had been given to protect the high conservation and landscape value of the Area. The environmentally sensitive areas, including woodland, shrubland, low-lying wetland habitat, stream course, estuarine mangrove and rocky/sandy shore, had been zoned “CA” or “GB”;
- (ii) Fung Hang, Kuk Po and Yung Shue Au were the recognised villages in the Area. There was a need to designate “V” zones at suitable locations to meet the Small House demand of local villagers after delineating the areas that had to be conserved. The boundaries of the “V” zones had been drawn up having regard to the village ‘environs’ (‘VE’), the number of outstanding Small House applications, Small House demand forecast, local topography and site constraints. Areas of difficult terrain, dense vegetation, stream courses and burial grounds had been avoided as far as possible;

- (iii) based on the 10-year Small House demand forecasts provided by the District Lands Officer/North (DLO/N) and those figures provided by the village representatives with justification, the 10-year Small House demand forecasts adopted for Fung Hang, Kuk Po and Yung Shue Au were 182, 500 and 283 respectively. There were three outstanding Small House applications in Kuk Po and no such application in Fung Hang and Yung Shue Au. An incremental approach for designating the “V” zones had been adopted to confine development at suitable locations. About 5.88 ha of land was zoned “V” on the OZP, in which about 2.58 ha of land (equivalent to about 102 Small House sites) was available for Small House development, meeting about 10.66% of the total Small House demand of 968 Small Houses, including the 3 outstanding applications. The planning application system provided a means for the villagers to apply for Small House development outside the “V” zone;

Specific Zoning Proposals to Expand the “V” Zones

- (iv) on the villagers’ proposals to expand the “V” zones of Fung Hang, Kuk Po and Yung Shue Au to the adjoining areas zoned “CA”, “GB” and “AGR”, the current “CA” and “GB” zones were environmentally sensitive areas of high landscape value which should be protected and the current “AGR” zones in Fung Hang and Kuk Po consisted of fallow agricultural land with potential for agricultural rehabilitation. AFCD considered that the conservation zonings of “CA” and “GB” were appropriate and did not support the proposed rezoning from “AGR” to “V”;

Adverse Environmental Impacts of Small House Development

- (v) the Schedule of Uses under the Notes of the “AGR” and “GB” zones primarily followed the Master Schedule of Notes endorsed

by the Board, where 'House' was a Column 2 use requiring planning permission from the Board in the two zones. The potential adverse impact of Small House development on the surrounding areas would be assessed through the planning application system, and each application would be considered based on its individual merits. As such, there was no strong justification to amend the Notes of "AGR" and "GB" zones;

- (vi) the design and construction of STS systems for Small House developments also needed to comply with relevant standards and regulations. There was sufficient control in the current administrative system to ensure no unacceptable environmental impacts;

Designation of "AGR" Zones

- (vii) since 'Agricultural Use' was in general always permitted under "CA" and "GB" zones, there was no deprivation of the landowners' rights;
- (viii) there was no "AGR" zone proposed for Yung Shue Au as the areas adjoining the village cluster were either freshwater/brackish marsh, vegetated hillslopes or covered with relatively dense vegetation. The village was basically uninhabited and situated in the more remote location;
- (ix) the eastern part of Kuk Po proposed by the green/concern group for "AGR" zone was considered less suitable as it was more distant from the existing village clusters, near the hillslopes and covered with relatively dense vegetation. AFCD advised that cropping activities could co-exist with conservation;

To Rezone Natural Streams and their Riparian Zones, Seasonal Wetlands and Woodland from “GB” to “GB(1)” or “CA”

- (x) both “CA” and “GB” zones were conservation zonings with a general presumption against development. The ecologically more sensitive areas including the mature woodlands behind villages and freshwater/brackish marshes in the three sub-areas (including the adjoining lower sections of the EISs in Kuk Po and Yung Shue Au) as well as the estuarine mangrove in Fung Hang were already zoned “CA”. The vast areas of woodlands, shrublands, streams and their remaining riparian zones, part of the seasonally wet grassland, and rocky/sandy shores were largely zoned as “GB”. AFCD considered that the conservation zonings were appropriate in providing adequate planning protection to the natural environment of the Area;

“G/IC” Zone in Kuk Po

- (xi) the “G/IC” zone in Kuk Po was mainly to reflect the existing use of Kai Choi School and Hip Tin Temple, which was a Grade 3 historic building worthy of preservation. It fell outside the ‘VEs’ of Kuk Po and was isolated from the existing village clusters of the “V” zones in Kuk Po;

Contravention of the Basic Law

- (xii) so long as Small House development was subject to planning controls that might be lawfully imposed under the Town Planning Ordinance before the Basic Law came into effect, applying those controls to the area concerned by way of the draft OZP did not appear inconsistent with the protection of lawful traditional rights and interests of New Territories indigenous inhabitants under Article 40 of the Basic Law;

- (xiii) the draft OZP would not affect any landowner's right to transfer or assign his/her interest of land, nor would it leave the land concerned without any meaningful use or economically viable use;
- (xiv) insofar as the zoning restrictions pursued the legitimate aim of conserving and protecting the existing natural landscape or topographical features of the Area, and that the land concerned could be put to "always permitted uses" and uses that might be permitted with or without conditions on application to the Board, it did not appear inconsistent with the protection of property rights under the Basic Law;

Provision of Vehicular Access Road to All Villages

- (xv) road works coordinated or implemented by the Government were in general always permitted on land falling within the boundaries of the draft OZP. The relevant works departments would keep in view the need for infrastructure in future subject to resource availability;

Local Consultation

- (xvi) the views/proposals from STKDRC and the villagers in August 2015 had been incorporated into the draft OZP No. S/NE-KP/B where appropriate for the Board's preliminary consideration. NDC and STKDRC were consulted on 14.9.2015 and 2.10.2015 respectively and their views/proposals had been examined in consultation with concerned departments and reported to the Board for consideration; and

To Designate the Area as Country Park

- (xvii) designation of country park was under the jurisdiction of the Country and Marine Parks Authority which was outside the

purview of the Board. The preparation of statutory town plan would not preclude any future designation of Country Park;

Land Use Zonings

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

Consultation

- (g) NDC and STKDRC would be consulted after the Board's agreement to the publication of the draft Kuk Po, Fung Hang and Yung Shue Au OZP under section 5 of the Ordinance during the exhibition period of the OZP.

62. The Chairman invited questions and comments from Members.

63. In response to a Member's enquiry on how the total Small House demand of 968 Small Houses was derived, Mr C.K. Soh, DPO/STN, said that the figure was the summation of the 10-year Small House demand forecasts adopted for Fung Hang, Kuk Po and Yung Shue Au, which were 182, 500 and 283 respectively, plus the 3 outstanding Small House demand in Kuk Po.

64. A Member asked whether land zoned "AGR" was in general more valuable than land zoned "CA". In response, Mr C.K. Soh said that while he had no expertise in land valuation, from the land use point of view, the range of uses permitted in the "CA" zone was more restrictive than that permitted in the "AGR" zone. It might therefore expect that land zoned "AGR" would have a higher economic value than land zoned "CA".

65. After deliberation, Members noted the comments from and responses to NDC, STKDRC and others on the draft Kuk Po, Fung Hang and Yung Shue Au OZP No. S/NE-KP/B in Parts 3 and 4 of the Paper. Members also:

- (a) agreed that the draft Kuk Po, Fung Hang and Yung Shue Au OZP No.

S/NE-KP/B (to be renumbered as S/NE-KP/1 upon gazetting) and its Notes at Annexes I and II of the Paper respectively were suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance (the Ordinance);

- (b) adopted the Explanatory Statement (ES) at Annex III of the Paper as an expression of the planning intentions and objectives of the Board for various land use zonings of the draft Kuk Po, Fung Hang and Yung Shue Au OZP No. S/NE-KP/B; and
- (c) agreed that the ES was suitable for exhibition for public inspection together with the draft OZP and issued under the name of the Board.

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

67. The Chairman thanked the government representatives for their presentation and they left the meeting at this point.

68. As the attendees of agenda item 11 had arrived, the Chairman suggested and Members agreed to proceed with agenda item 11 first.

Tuen Mun and Yuen Long West District

Agenda Item 11

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/YL-HT/977

Proposed Temporary Shop and Services (Convenience Store) for a Period of 3 Years
in “Village Type Development” Zone, Lot 1089 (Part) in D.D. 125,

Sik Kong Wai, Yuen Long

(TPB Paper No. 10071)

[The item was conducted in Cantonese.]

69. The Secretary reported that Ms Janice W.M. Lai had declared an interest in the item as her spouse was a shareholder of a company which owned two pieces of land in D.D. 125, Ha Tsuen. As the two pieces of land of Ms Lai’s spouse did not have direct view to the application site, Members agreed that Ms Lai could stay in the meeting.

Presentation and Question Sessions

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

Mr David C.M. Lam - District Planning Officer/Tuen Mun and Yuen
Long West (DPO/TM&YLW), PlanD

Mr Sit Kwok Keung - Applicant’s representative

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

72. Mr David C.M. Lam, DPO/TM&YLW, drew Members’ attention that ‘the Director of Planning’ referred to in paragraphs 7.2(b) and (c) of the Paper should read as ‘the Director of Drainage Services’.

73. With the aid of a PowerPoint presentation, Mr David Lam, presented the review application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for temporary shop and services (convenience store) for a period of 3 years at the application site (the site) which fell within an area zoned “Village Type Development” (“V”) on the approved Ha Tsuen Outline Zoning Plan (OZP) No. S/YL-HT/10. The applied convenience store comprised three structures with a total floor area of about 152 m²;
- (b) background – the site was the subject of a previous application (No. A/YL-HT/882) for the same use which was approved with conditions for a period of 3 years by the Rural and New Town Planning Committee (RNTPC) on 7.2.2014. The planning permission was revoked on 7.2.2015 due to non-compliance with approval conditions on implementation of drainage facilities and landscape proposal, and submission and implementation of fire service installations (FSIs) proposal. Comparing with the previous application, the current application proposed to delete two car parking spaces and convert the concerned parking area of 42 m² for shop use. As the applicant had not provided clarifications at the section 16 stage on loading/unloading arrangement and trip generation and attraction rate as requested by the Commission for Transport (C for T), C for T considered that there were insufficient details to assess the application;
- (c) on 9.10.2015, the RNTPC rejected the application for the reason that the applicant failed to demonstrate that the proposed development would not have adverse traffic impact on the surrounding areas;
- (d) on 31.10.2015, the applicant applied for a review of the RNTPC’s decision to reject the application. The main justifications were:
 - (i) the area (42 m²) previously proposed to be converted for shop use would be left vacant; and

- (ii) the applied shop did not require car parking in its current operation and would have insignificant loading/unloading, car parking and traffic impacts on the surrounding areas. The trucks for delivery of soft drinks would only stop at Sik Kong Wai Road once or twice a month;
- (e) departmental comments – the departmental comments were summarised in paragraph 4 of the Paper. Having considered the applicant’s justifications submitted at the section 17 stage, C for T had no in-principle objection to the review application. Other concerned departments had no adverse comment on the application;
- (f) public comments – four public comments on the review application were received. A Yuen Long District Council member agreed with the review application, and three individuals objected to the application mainly on the grounds that the applied use would cause adverse environmental, traffic and drainage impacts and the site was intended to be used for recreational and festival event uses. At the section 16 stage, there were seven public comments objecting to the application with similar grounds; and
- (g) PlanD’s view – PlanD considered that the applied shop and services use could be tolerated for a period of 3 years based on the planning considerations and assessments set out in paragraph 6 of the Paper. The traffic concern of C for T was the only reason for rejecting the application at the section 16 stage and it had been addressed in the review application. Other government departments consulted generally had no adverse comment on the review application. The suggested approval conditions were set out in paragraph 7.2 of the Paper.

74. The Chairman then invited the applicant’s representative to elaborate on the review application. With the aid of some site photos, Mr Sit Kwok Keung made the following main points:

- (a) his recent site inspection revealed that drainage facilities were already provided by the Drainage Services Department in the area. As such, the applicant should not be asked to implement his own drainage facilities which would affect the drainage facilities already in place;
- (b) all the government requirements had been complied with by the applicant during the approval period of the last application (No. A/YL-HT/882), except the Fire Services Department (FSD)'s requirement on the provision of a sprinkler system for the application premises. The provision of a sprinkler system for the convenience store was very costly and unnecessary as the premises was only a gathering place for the villagers, which was not prone to fire risk. Due to the non-compliance with the approval condition on FSIs within the time limit, the previous planning approval was revoked by the Board;
- (c) the applicant had proposed to provide two powder-type fire extinguishers for the convenience store, which was considered acceptable by FSD. However, FSD's acceptance of the applicant's proposal was not duly reflected in the Paper; and
- (d) paragraph 7.2 of the Paper only repeated those approval conditions imposed under application No. A/YL-HT/882 without taking into account the latest circumstances. Drainage facilities were already in place and the approval condition on landscaping had already been complied with. The applicant was only willing to install the proposed powder-type fire extinguishers on the site.

75. As the presentations of DPO/TM&YLW and the applicant's representative had been completed, the Chairman invited questions from Members.

76. In response to the Chairman's enquiry on whether on the proposed provision of powder-type fire extinguishers on the site would be acceptable by FSD and be implemented within the stipulated time limit, Mr Sit Kwok Keung said that he was dissatisfied that the latest requirements of the relevant government departments were not accurately reflected in

the Paper.

77. In response to a Member's enquiry on the revocation of the previous planning approval and the status of the current application, Mr David Lam, DPO/TM&YLW said that the previous planning approval under application No. A/YL-HT/882 for the same use at the site was revoked by the Board on 7.2.2015. The current application was a fresh application in which the Board might impose such conditions as it considered appropriate should it decide to approve the application.

78. A Member asked if the approval conditions on the drainage, landscaping and fire safety aspects were commonly imposed by the Board in other similar applications for convenience store use. In response, Mr David Lam said that as summarised in Annex F of the Paper, such approval conditions were common for similar planning approvals.

79. A Member asked if the applicant would accept the planning approval subject to those suggested conditions as set out in the Paper. In response, Mr Sit Kwok Keung said that the previous application (No. A/YL-HT/882) was not submitted by him. In the current application, he had suggested the applicant to provide powder-type fire extinguishers on the site and FSD had no objection to his proposal.

80. As the applicant's representative had no further comments to make and Members had no further questions to raise, the Chairman informed the applicant's representative that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application in his absence and inform the applicant of the Board's decision in due course. The Chairman thanked the applicant's representative and DPO/TM&YLW for attending the meeting. They left the meeting at this point.

Deliberation

81. The Chairman said that the subject application was rejected by the RNTPC at the section 16 stage as the applicant had not provided the information required by C for T for ascertaining the traffic impact of the proposal at that time. In the review application, C for T was satisfied with the applicant's explanation that the area previously proposed for two parking spaces and converted for shop use would be deleted. He thus advised that the

operation of the proposed shop did not require parking space. If Members considered that the application could be approved, the Board could impose conditions as it considered appropriate. It would be up to the relevant government departments to decide whether the conditions had been satisfactorily complied with. If the conditions were not complied with by the applicant, the approval would be revoked by the Board.

82. A Member opined that the consideration of a planning application should be based on its individual merits. It was not necessary for the Board to negotiate with the applicant on the conditions to be imposed. Based on the information available, the Member considered that the application could be approved subject to those conditions as suggested in the Paper, which were recommended by the relevant departments and similar to those imposed in other similar applications.

83. After deliberation, the Board decided to approve the application on a temporary basis for a period of 3 years until 29.1.2019, on the terms of the application as submitted to the Board. The permission was subject to the following conditions:

- “(a) no operation between 9:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the submission of a drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 29.4.2016;
- (c) in relation to (b) above, the implementation of the drainage 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 29.7.2016;
- (d) in relation to (c) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (e) the submission of a tree preservation and landscape proposal within 3 months from the date of planning approval to the satisfaction of the

Director of Planning or of the Town Planning Board by 29.4.2016;

- (f) in relation to (e) above, the implementation of the tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 29.7.2016;
- (g) the submission of a fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 29.4.2016;
- (h) in relation to (g) above, the implementation of the fire service installations proposal 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 29.7.2016;
- (i) if any of the above planning conditions (a) or (d) 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;
- (j) if any of the above planning conditions (b), (c), (e), (f), (g) or (h) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (k) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.”

84. The Board also agreed to advise the applicant to note the advisory clauses as set out at Annex H of the Paper.

Sha Tin, Tai Po and North District

Agenda Item 9

[Open Meeting]

Request for Deferment of Review of Application No. A/DPA/NE-TT/26

Proposed House (New Territories Exempted House – Small House)

in Area Designated as “Unspecified Use”, Government land in D.D. 289, Ko Tong, Tai Po

(TPB Paper No. 10069)

Agenda Item 10

[Open Meeting]

Request for Deferment of Review of Application No. A/DPA/NE-TT/27

Proposed House (New Territories Exempted House – Small House)

in Area Designated as “Unspecified Use”, Government land in D.D. 289, Ko Tong, Tai Po

(TPB Paper No. 10070)

[The items were conducted in Cantonese.]

85. The Chairman said that since the two applications were for the same use and the application sites were located next to each other, the two applications would be considered together.

86. The Secretary reported that on 31.12.2015, the applicants of applications No. A/DPA/NE-TT/26 and A/DPA/NE-TT/27 wrote to the Secretary of the Board and requested the Board to defer making a decision on the review applications for two months to allow time for them to prepare technical documents, such as environmental impact assessment and tree appraisal, for addressing departmental comments on the review applications. It was the second request from the applicants for deferment of the review applications.

87. 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 (TPB PG-No. 33) in that the applicants needed more time to address departmental comments, the deferment period

was not indefinite and the deferment would not affect the interests of other relevant parties. Members also noted that since the first deferment on 30.10.2015, the applicants had not submitted any further information

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

Tuen Mun and Yuen Long West District

Agenda Item 12

[Open Meeting]

Request for Deferment of Review of Application No. A/YL-TT/357

Temporary Shop and Services (Environmental Consultancy and Landscaping Services) for a Period of 3 Years in "Village Type Development" Zone, Lots 4891 RP (Part), 4892 RP (Part), 4893 (Part) and 4894 in D.D. 116 and Adjoining Government Land, Tai Tong Road, Yuen Long (TPB Paper No. 10072)

[The items were conducted in Cantonese.]

89. The Secretary reported that on 21.1.2016, the applicant wrote to the Secretary of the Town Planning Board (the Board) and requested the Board to defer making a decision on the review application for two months to allow time for preparation of further information to support the review application. It was the first request from the applicant for deferment of the review application.

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

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

Procedural Matters

Agenda Item 13

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments on the Draft Tsing Yi Outline Zoning Plan No. S/TY/27
(TPB Paper No. 10073)

[The item was conducted in Cantonese.]

92. The Secretary reported that two of the amendment items (i.e. Amendment Items A1 and A2) of the Outline Zoning Plan (OZP) were for a proposed public housing development to be undertaken by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA). The following Members had declared interests in the item:

- Mr Stanley Y.F. Wong
(*Vice-chairman*) - 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
(*as Director of Planning*) - being a member of the Strategic Planning Committee and the Building Committee of HKHA
- Ms Bernadette H.H. Linn
(*as Director of Lands*) - being a member of HKHA
- Mr Martin W.C. Kwan
(*as Chief Engineer (Works), Home Affairs Department*) - being a representative of the Director of Home Affairs who was a member of the Strategic Planning Committee and the Subsidised Housing Committee of HKHA
- Mr Ivan C.S. Fu] having business dealings with HKHA
- Ms Janice W.M. Lai]
- Mr Patrick H.T. Lau]
- Mr Dominic K.K. Lam - having past business dealings with HKHA
- Dr Lawrence W.C. Poon - his spouse being an employee of HD but not involved in planning work

93. As the item was procedural in nature, Members agreed that the above Members who had declared interest could stay in the meeting. Members also noted that Professor P.P. Ho had tendered apologies for being unable to attend the meeting and Mr Patrick H.T. Lau had already left the meeting.

94. The Secretary briefly introduced the Paper. On 7.8.2015, the draft Tsing Yi OZP No. S/TY/27 was exhibited for public inspection under section 5 of the Town Planning Ordinance. A total of 961 representations and 350 comments were received.

95. Amongst the representations received, a total of 773 representations (R2 to R773 and R955) were related to all amendment items and 176 representations (R1, R774 to R948) were related to the rezoning of the site between Tsing Yi Road and Tsing Hung Road (Amendment Item A1) and/or two pieces of land abutting Tsing Yi Road and Tsing Sha Highway (Amendment Item A2). The remaining 12 representations (R949 to R954 and R956 to R961) were related to Amendment Item A1 with various combinations with other items. One representation was supportive while the remaining 960 representations opposed the amendment items.

96. Amongst the comments received, a total of 345 comments were related to R171 (submitted by the Owners' Committee of Rambler Crest) and 5 comments were related to other representations.

97. It was recommended that the representations and comments should be considered by the full Town Planning Board (the Board). The hearing could be accommodated in the Board's regular meeting and a separate hearing session would not be necessary.

98. In view of the large number of representations and comment received and to ensure efficiency of the hearing, it was recommended to allot a maximum of 10 minutes presentation time to each representer/commenter in the hearing session. Consideration of the representations and comments by the full Board under section 6B of the Ordinance was tentatively scheduled for April 2016.

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

Agenda Item 14

[Open Meeting]

100. Any Other Business

[The item was conducted in Cantonese.]

101. There being no other business, the meeting was closed at 1:05 p.m.