

**Minutes of 1124th Meeting of the
Town Planning Board held on 7.10.2016**

Present

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

Chairman

Professor S.C. Wong

Vice-Chairman

Mr H.W. Cheung

Professor K.C. Chau

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

Dr F.C. Chan

Mr David Y.T. Lui

Dr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Mr K.K. Cheung

Mr Wilson Y.W. Fung

Mr Thomas O.S. Ho

Mr Alex T.H. Lai

Dr Lawrence K.C. Li

Mr Stephen L.H. Liu

Professor T.S. Liu

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr Franklin Yu

Principal Assistant Secretary (Transport) 3
Transport and Housing Bureau
Mr Andy S.H. Lam

Deputy Director of Environmental Protection (1)
Mr C.W. Tse

Assistant Director of Lands/Region (3)
Mr Edwin W.K. Chan

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

Mr Lincoln L.H. Huang

Dr Wilton W.T. Fok

Mr Stephen H.B. Yau

Dr C.H. Hau

Mr T.Y. Ip

In Attendance

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

Chief Town Planners/Town Planning Board
Ms Lily Y.M. Yam (Items 1 - 3)
Mr Louis K.H. Kau (Items 4 - 13)

Senior Town Planners/Town Planning Board
Mr Raymond H.F. Au (Items 1 - 3)
Miss Anissa W.Y. Lai (Items 4 - 13)

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1121st Meeting held on 23.9.2016

[The item was conducted in Cantonese.]

1. The minutes of the 1121st meeting held on 23.9.2016 were confirmed without amendments.

Agenda Item 2

[Open Meeting]

- (i) Amendment to the Confirmed Minutes of 1108th Meeting of Town Planning Board on 1.4.2016

[The meeting was conducted in Cantonese.]

2. The Secretary reported that a typographical amendment to paragraph 4 on page 5 of the confirmed minutes of Town Planning Board meeting held on 1.4.2016 was required. It was related to a review application for a proposed concrete batching factory in an “Industrial” zone at No. 11 On Chuen Street, Fanling (Application No. A/FSS/235). The amendment was made to specify that the approval condition (d) regarding the provision and implementation of design and landscaping proposals was concerned with the building façade fronting Lok Ming Street. The revised sentence should read as follows:

‘(d) the provision and implementation of design and landscaping proposals at the building façade fronting Lok Ming Street to the satisfaction of the Director of Planning or of the Town Planning Board.’

3. The Board agreed to the amendment to the confirmed minutes. The Secretary said that the revised minutes would be uploaded to the Board’s website and a revised approval letter would be sent to the applicant.

- (ii) Request for Release of Planning Documents in relation to five s.16 Planning Applications considered before the commencement of the Town Planning (Amendment) Ordinance 2004 and one s.16A Planning Application

[The meeting was conducted in Cantonese.]

4. The Secretary reported that on 4.10.2016, the Secretariat of the Town Planning Board (the Board) received a request from 朱凱迪議員辦事處 for inspection of planning documents in relation to five s.16/s.17 planning applications (i.e. No. A/DPA/SK-PK/7, A/DPA/SK-PK/30, A/SK-PK/9, A/SK-PK/36 and A/SK-PK/94) which were considered by the Rural and New Town Planning Committee (RNTPC) of the Board or the Board from 1992 to 2003 before the commencement of the Town Planning (Amendment) Ordinance 2004 (Amendment Ordinance), and one s.16A planning application (i.e. No. A/SK-PK/94-1) which was for extension of time limit for commencement of the approved development under application No. A/SK-PK/94.

5. Since planning applications submitted before the commencement of the Amendment Ordinance and applications submitted under s.16A of the Town Planning Ordinance were not subject to the statutory requirement of making available the applications for public inspection, it was the established practice that the Secretariat would seek consent from the applicants before releasing such third party information to the general public.

6. Members noted the established practice and agreed that the Secretariat would follow the established practice in handling the matter and reply the enquirer accordingly.

[Mr Alex T.H. Lai and Miss Winnie W.M. Ng arrived to join the meeting at this point.]

7. MA item (iii) was recorded under confidential cover.

Sha Tin, Tai Po and North District

Agenda Item 3

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in respect of Draft Kuk Po, Fung Hang and Yung Shue Au Outline Zoning Plan No. S/NE-KP/1

(TPB Paper No. 10180)

[The item was conducted in Cantonese.]

8. The Chairman said that the representations and comments would be considered collectively in two groups.

9. The Secretary reported that the following Members had declared interests in the item:

Mr Alex T.H. Lai - his firm having current business dealings with Mr Andrew Chan (representative of World Wide Fund for Nature Hong Kong (WWF(HK)(R1)), Mr Cheung Man Yin (R12), Mr Peter Sung (R44) and Mr David Lee (R97)

Mr K. K. Cheung - his firm having past business dealings with WWF(HK)(R1)

Mr Thomas O.S. Ho - personally knowing Mr Paul Zimmerman (C1 and co-founder and Chief Executive Officer of Designing Hong Kong Limited (R4))

10. Noting that Mr Alex T.H. Lai, Mr K.K. Cheung and Mr Thomas O.S. Ho's relationship with those representers and commenter were remote and they had no discussion with them on or involvement in the subject matter, Members considered that the interests of

Mr Lai, Mr Cheung and Mr Ho were remote and agreed that they should be allowed to stay at the meeting.

Group A

(R1 to R8 and C1 and C2)

Presentation and Question Sessions

11. The Chairman said that reasonable notice had been given to the representers and commenters inviting them to attend the hearing, but other than those who were present or had indicated that they would attend the hearing, the rest had either indicated not to attend or made no reply. As reasonable notice had been given to the representers and commenters, Members agreed to proceed with the hearing of the representations and comments in their absence.

12. The following government representatives and the representers/commenters or their representatives were invited to the meeting at this point:

Government representatives

- | | | |
|-------------------|---|---|
| Mr C.K. Soh | - | District Planning Officer/Shau Tin, Tai Po and North (DPO/STN), Planning Department (PlanD) |
| Ms Channy C. Yang | - | Senior Town Planner/Country Park Enclaves (STP/CPE), PlanD |
| Mr K.W. Cheung | - | Senior Nature Conservation Officer (North), Agriculture, Fisheries and Conservation Department (AFCD) |
| Mr Eric K.Y. Liu | - | Nature Conservation Officer (North), AFCD |

Representers/Commenters or their representatives

R1 – WWF(HK)

Mr Andrew Chan - Representer's representative

R2 – Hong Kong Bird Watching Society (HKBWS)

Ms Woo Ming Chuan - Representer's representative

R3 – Kadoorie Farm and Botanic Garden Corporation (KFBG)

R4 - Designing Hong Kong Limited (DHK)

C1 - Paul Zimmerman

C2 – Ng Chun Wing

Mr Tony Nip] Representers' and commenters'

Ms Kam Yi Lam, Karen] representatives

13. The Chairman extended a welcome and briefly explained the procedures of the hearing as follows:

- (a) DPO/STN would be invited to brief Members on the background, and the representers' representatives would then be invited to make oral submissions in turn according to their representation numbers, followed by the oral submissions by the commenters' representatives;
- (b) to ensure the efficient operation of the meeting, each representer/commenter or their representatives would be allotted 10 minutes for making oral submission;
- (c) there was a timer device to alert the representers/commenters and their representatives 2 minutes before the allotted time was to expire, and when the allotted time limit was up;
- (d) a question and answer (Q&A) session would be held after all attending representers/commenters of Group A or their representatives had completed their oral submissions. Members could direct their questions to

government representatives, representers/commenters or their representatives;

- (e) after the Q&A session, the representers/commenters of Group A or their representatives would be invited to leave the meeting. The government representatives would stay in the meeting for the Group B hearing; and
- (f) after completion of the Group A and Group B hearings, the Town Planning Board (the Board) would deliberate on the representations in the absence of the representers/commenters, their representatives and the government representatives, and would inform the representers/commenters of the Board's decision in due course.

14. The Chairman then invited the representatives of PlanD to brief Members on the representations and comments.

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

Background

- (a) on 19.2.2016, the draft Kuk Po, Fung Hang and Yung Shue Au Outline Zoning Plan (OZP) No. S/NE-KP/1 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (TPO). A total of 97 representations and two comments were received;

The Representations

- (b) on 19.8.2016, the the Board decided to consider the representations and comments in two groups:
 - (i) Group A - collective hearing of eight representations (R1 to R8) and two comments (C1 and C2) submitted by the green/concern groups (including WWF(HK) (R1), HKBWS (R2), KFBG (R3)

and DHK (R4) and individuals, generally supporting the “Conservation Area” (“CA”) zone and providing comments on the draft OZP, whilst R4 also indicated objection to the draft OZP; and

- (ii) Group B - collective hearing of 89 representations (R9 to R97) submitted by the Heung Yee Kuk (HYK) (R9), an Executive Member of the Sha Tau Kok District Rural Committee (STKDRC)(R10), Indigenous Inhabitant Representatives (IIRs) (R10 to R12), villagers and individuals, opposing the draft OZP mainly for inadequate “Village Type Development” (“V”) and “Agriculture” (“AGR”) zones, designation of private land as conservation zones and not respecting their views in preparing the draft OZP;

The Planning Scheme Area

- (c) the Planning Scheme Area (the Area), covering a total land area of about 90.27 hectares, comprised three sub-areas, namely Fung Hang, Kuk Po and Yung Shue Au. It was surrounded by the Plover Cove Country Park (PCCP) at the northeastern fringe of the New Territories and fronting the Starling Inlet in the north;
- (d) the Area was not served by any vehicular access and the nearest public road, Bride’s Pool Road, was situated near Kai Kuk Shue Ha to the west in Luk Keng. There was a walking trail running along the southern coast of Starling Inlet connecting the Area to Luk Keng. There were also piers/jetties in the three sub-areas. There was no public sewer serving the Area;
- (e) comprising mainly woodland, shrubland, fallow agricultural land, low-lying wetland habitat (including freshwater/brackish marsh, intertidal water pond/mudflat, mangrove, reedbed, seagrass), stream course, estuarine mangrove and rocky/sandy shore, the Area formed part of the

wider natural system of the Plover Cove countryside. In general, the Area was natural and rural in character with high landscape and scenic value and was popular to visitors and hikers for its seaside walk;

[Mr Dominic K.K. Lam arrived to join the meeting at this point.]

Fung Hang

- (f) Fung Hang, with an area of about 9.32 hectares, mainly comprised an elongated vegetated knoll in the middle separating two tracts of flat land, which were gradually sloping uphill to the mountains in the south. There were some plant species of conservation significance and butterfly species of conservation concern in Fung Hang. The woodland in the south and west was adjoining the PCCP. Fung Hang was the only recognized village in the sub-area and was flanked by mature woodland to the southwest and freshwater/brackish marsh to the northeast. There was a natural stream flowing in the western part and a dam and a short strip of rocky shore and estuarine mangrove could be found at the coast along the northern fringe. Fallow agricultural land mainly covered with grasses and shrubs could be found in front of and adjoining the existing village cluster, as well as along the natural stream;

Kuk Po

- (g) Kuk Po, with an area of about 62.82 hectares, was dominated by a large piece of flat land at the coastal area facing Tai Wan to the northwest and two strips of flat land sandwiched between the hillslopes extending inland to the south. It was surrounded by vegetated hillslopes on three sides adjoining PCCP and the coastal front was mainly defined by a long dam with sandy/rocky shore in the eastern and western ends. Recognized villages within the sub-area included Kuk Po Lo Wai, Kuk Po San Uk Ha and the inland villages of Yi To, Sam To, Sze To and Ng To. The village clusters were scattered along the periphery of the freshwater/brackish marsh near the coast, amidst patches of marshy areas

on the seasonally wet grassland/shrubland mosaic in the east or situated at the foothills in the inland. Mature woodlands behind villages were located at Kuk Po Lo Wai, Kuk Po San Uk Ha, Sam To and Ng To where plant species of conservation significance could be found. Natural streams flowed across the sub-area from south to north including an Ecologically Important Stream (EIS) of about 1 km from Ng To to Kuk Po San Uk Ha. The sub-area supported a high diversity of dragonflies and freshwater fishes, and provided a good habitat for over 100 species of butterflies and wetland plants of conservation concern. Fallow agricultural land mainly covered with grasses and shrubs basically spread around the existing village clusters;

- (h) Kai Choi School and Hip Tin Temple, and Yeung Ancestral Hall and Li Ancestral Hall at Kuk Po Lo Wai were Grade 3 historic buildings worthy of preservation. Also, the Kuk Po Site of Archaeological Interest largely fell within the sub-area;

Yung Shue Au

- (i) Yung Shue Au, with an area of about 18.13 hectares, comprised a large piece of flat land fronting Yung Shue Au Wan in the northeast and extended into a narrow valley in the southwest surrounded by vegetated hillslopes. Yung Shue Au Village, which was the only recognized village in the sub-area, was a long strip of village cluster basically uninhabited and situated between the freshwater/brackish marsh to the east and the mature woodland to the west. A dam dominated the coastal front with sandy/rocky shore at its eastern end. Plant and butterfly species of conservation concern were recorded in the sub-area. An EIS of about 750 m in length flowing across the sub-area was identified as a hotspot for freshwater fish with records of a rare goby, *Stiphodon atropurpureus* (菲律賓枝牙鰕虎魚). Fallow agricultural land mainly covered with grasses and shrubs were located near the village cluster;

Planning Intention

- (j) the general planning intention of the Area was to protect its high conservation and landscape value which complemented the overall naturalness and the landscape beauty of the surrounding PCCP. Apart from the environmental and ecological considerations, development in the Area was constrained by limited transport and infrastructural provisions. It was also intended to consolidate village development so as to avoid undesirable disturbances to the natural environment and overtaxing the limited infrastructure in the Area;

Local Consultation

- (k) the NDC and STKDRC were consulted on the draft Kuk Po, Fung Hang and Yung Shue Au OZP No. S/NE-KP/B on 14.9.2015 and 2.10.2015 respectively. They strongly objected to the draft OZP mainly on the grounds that the “V” zones were insufficient to meet the demand of indigenous villagers for Small House developments and designation of private agricultural land as conservation zones would deprive the landowners’ interests; and considered that landowners’ comments had not been reflected in the draft OZP. They mainly proposed to expand the “V” zones, designate private agricultural land as “AGR” zone and provide access road for the villages;
- (l) STKDRC was consulted on the gazetted draft Kuk Po, Fung Hang and Yung Shue Au OZP No. S/NE-KP/1 on 9.3.2016. They strongly objected to the draft OZP considering that their views had not been respected and proposed to expand the “V” zones, designate private agricultural land as “AGR” zone and provide compensation for the private land in “CA” zone. The NDC was previously consulted on the draft OZP on 14.9.2015 and as no amendment had been made to the draft OZP, NDC did not consider repeated consultation necessary;

Major Grounds of Representations, Representers' Proposals and Responses

- (m) the major grounds of the representations and representers' proposals, as summarised in paragraphs 2.2 to 2.19 of the Paper, and responses to grounds of representations and responses to representers' proposals, as summarised in paragraphs 6.16 to 6.39 of the Paper, were highlighted below:

Group A (R1 – R8)

- (i) R1 to R3 and R5 to R7 supported the "CA" zone and R5 and R7 also supported the "AGR" and/or "V" zone in the draft OZP. R4, though generally satisfied with many aspects of the draft OZP, objected to the Plan because of the concerns on environmental conservation and adverse impacts of Small House development;
- (ii) response - all the supportive views were noted;

Ecological Importance of the Area (R1-R4 & R8)

- (iii) woodlands in the Area were dense and ecologically linked with the surrounding PCCP. The wetland complexes in the Area supported various odonate, freshwater fish and freshwater crab species of conservation concern. There were amphibians, reptiles and mammals in the Area and R2 submitted records of 104 bird species including 31 species of conservation concern in the Area. R8 also opined that Starling Inlet was one of the last 'undisturbed' habitats for Mangrove horseshoe crabs in Hong Kong;
- (iv) proposal - designating areas covered by woodlands, seasonal wetlands, natural streams and 30m riparian zones as "Green Belt (1)" ("GB(1)") or "CA" zone;

(v) the responses to the above grounds and proposal were:

- the Area was natural and rural in character and had high conservation, landscape and scenic value which had been an important consideration in drawing up the draft OZP. In formulating the land use zonings, special attention had been given to protect the ecological and landscape significance of the Area having regard to the wider natural system of the adjoining PCCP;
- the ecological information submitted by some representers was noted. The ecological importance of the Area had been taken account of in the course of preparing the OZP;
- the ecologically more sensitive areas including mature woodlands behind villages and freshwater/brackish marshes in the three sub-areas as well as the estuarine mangrove in Fung Hang had been zoned “CA”, whilst vast areas of woodlands and shrublands, streams and their remaining riparian zones, part of the seasonally wet grassland as well as rocky/sandy shores were largely zoned “GB”; and
- according to the Agriculture, Fisheries and Conservation Department (AFCD), the riparian zones of the upper sections of the EISs should be zoned with reference to their respective adjacent areas having similar habitats and site conditions for which the current “GB” zoning was considered appropriate. AFCD also considered that both conservation zonings with a general presumption against development in the draft OZP were appropriate in providing adequate planning protection to the natural environment of the Area;

Adverse Environmental Impacts of the Small House Development (R1-R4 and R7)

- (vi) the use of septic tanks and soakaway (STS) systems was not effective in treatment of domestic sewage, and with the associated construction works and infrastructure, Small House developments would cause adverse impacts on the natural environment, in particular the surrounding wetland habitats;
- (vii) proposal - removing 'House' use from the Notes for "AGR" and/or "GB" zones (R4 and R7)
- (viii) the responses to the above ground and proposal were:
- there was sufficient control in the current administrative system to ensure that individual Small House development would not entail unacceptable impacts on the surrounding environment. The design and construction of the STS systems for Small House development needed to comply with relevant standards and regulations, such as Environmental Protection Department (EPD)'s Practice Note for Professional Person (ProPECC PN) 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department". Operation and maintenance practices for septic tank were also given in EPD's "Guidance Notes on Discharges from Village Houses";
 - in accordance with the Environment, Transport and Works Bureau's Technical Circular (Works) No. 5/2005 "Protection of Natural Streams/Rivers from Adverse Impacts arising from Construction Works", for development proposals/submissions that might affect natural streams/rivers, the approving/processing authorities should consult and collate comments from AFCD and relevant

authorities;

- the Lands Department (LandsD), when processing Small House grant applications, would consult concerned government departments including the EPD, AFCD, Water Supplies Department, Drainage Services Department, Civil Engineering and Development Department (on slope issue), Transport Department, Fire Services Department (on emergency vehicular access issue) and PlanD to ensure that all relevant departments would have adequate opportunity to review and comment on the applications to avoid adverse impacts of Small House development on the surrounding environment. The applicants would also be required to comply with relevant standards and regulations for development proposals/submissions;
- the Schedules of Uses under the Notes of the “AGR” and “GB” zones primarily followed the Master Schedule of Notes endorsed by the Board. ‘House (New Territories Exempted House (NTEH) only)’ and ‘House’ were Column 2 uses under the “AGR” and “GB” zones respectively requiring planning permission from the Board.;
- any potential adverse impact from Small House development on the surrounding area would be assessed through the planning application system in consultation with departments concerned. Each application would be considered by the Board based on its individual merits taking into account the prevailing planning circumstances, relevant guidelines and relevant departments’ comments; and
- activities such as diversion of streams or filling of land/pond in “AGR” and “GB” zones that might cause adverse impacts

on the natural environment should not be undertaken without permission from the Board. There was no strong justification to support the proposal;

Designation of “AGR” Zones (R1-R5 and R7)

- (ix) the “AGR” zone in Kuk Po was a seasonally wet grassland/shrubland mosaic which was hydrologically and ecologically connected with the adjacent marshes/wetland complexes. Agricultural activities which involved the use of pesticides and fertilizers would adversely affect marshes/wetland habitats;
- (x) there were no large-scale agricultural activities in the Area and ‘Agriculture Use’ was always permitted in conservation zones. The “AGR” zones provided opportunity for Small House development and were not supported by R1 to R4. R4 also considered that the villagers’ intention was for development rather than agricultural rehabilitation as some land in Fung Hang and Kuk Po had been entered into agreements of sale and purchase by private companies;
- (xi) the responses to the above grounds were:
- with a view to facilitating revitalization of the inhabited villages with agricultural activities and preserving the rural setting in the Area, in consultation with AFCD, about 3.94 hectares of the fallow agricultural land which was relatively flat with potential for agricultural rehabilitation mainly covered with grasses and shrubs near the existing village clusters in Fung Hang and Kuk Po Lo Wai at more accessible locations had been zoned “AGR”. Though ‘Agriculture Use’ was in general always permitted in “CA”, “GB” and “V” zones, the designation of “AGR” zone at

suitable location could provide a clearer planning intention for agricultural activities; and

- regarding the concern on adverse ecological impacts arising from agricultural activities, AFCD advised that cropping activities could co-exist with conservation;

[Mr Franklin Yu arrived to join the meeting at this point.]

Inadequate Planning Control for Conservation (R1, R2 and R4-R7)

(xii) recent tree felling activities were found in Fung Hang and Kuk Po. Such acts should be punished by strengthening control against land and environmental destruction;

(xiii) proposals -

- imposing restriction on tree felling and vegetation clearance in the Notes of the “GB” and “CA” zones (R1, R2 and R4);
- tree legislation should be introduced for management and protection of natural environment in the long run (R6); and
- in assessing the conservation value of disturbed habitats, due consideration should be given to the land’s physiographical properties supporting the original species thereon (R7);

(xiv) the responses to the above grounds and proposals were:

- apart from designating areas having high conservation and landscape values as “GB” and “CA” zones where there was a general presumption against development, there were other measures in force to provide protection of plants and animals. The Forests and Countryside Ordinance (Cap. 96)

prohibited felling, cutting, burning or destroying of trees and growing plants in forests and plantations on Government land. Its subsidiary legislation, the Forestry Regulations (Cap. 96A), prohibited the picking, felling, selling or possession of listed plant species. The Wild Animals Protection Ordinance (Cap. 170) protected local wildlife through both the prohibition of hunting territory-wide and the possession of scheduled protected wild animals or hunting appliances. With regard to trees on private land, tree preservation clause would usually be included in new grant lot but Block Government Leases for agricultural use in the New Territories did not have any tree preservation clause;

- the TPO might not be the appropriate vehicle to serve the purpose of controlling tree felling. The TPO had primarily made provision for systematic preparation of town plans for providing guidance and control on the use and development of land. Tree felling and vegetation clearance in itself did not constitute development;
- the proposal of introducing tree legislation was outside the purview of the Board and would be relayed to relevant government bureaux/departments for consideration as appropriate; and
- areas having high conservation and landscape values were zoned “GB” and “CA” on the OZP taking account of their natural habitats as well as the wider natural system of the adjoining PCCP. Development within those zones would be strictly controlled and required planning permission from the Board. Any deliberate action to destroy the rural and natural environment would not gain sympathy from the Board. The Board had well established practice in dealing

with “Destroy First, Build Later” cases;

Other Views (R8)

- (xv) any land use or activity which was incompatible with preserving the unique marine ecosystem in Starling Inlet should not be allowed;
- (xvi) response – the suggestion was outside the purview of the Board or not directly related to the draft OZP, and would be relayed to relevant government departments for consideration as appropriate.

Group B (R9 – R97)

Insufficient “V” Zones to Meet Small House Demand (R9-R10, R11-R16, R19-R23, R25, R27, R29-R38, R40-R41, R44, R46-R47, R49, R51, R52, R54-R55, R62, R66-R67, R72, R79, R80, R83-R86, R90-R92 & R95)

- (xvii) the “V” zones were insufficient to meet the demand of indigenous villagers for Small House developments;
- (xviii) the “V” zones in Kuk Po had been designated based on the incorrect estimation of population of Kuk Po Village, i.e. 67 persons which was much less than the actual population. While villagers had moved out due to the lack of access road and other infrastructure provision in the villages, they had not given up their homeland inherited from ancestors and would return to live in the villages;
- (xix) priority should be given to development over conservation. The “V” zones should be designated based on the number of male indigenous villagers in each village or expanded to provide more land for development. Application for Small House

development should be allowed in agricultural lots and building lots should be designated for housing development;

(xx) the responses to the above grounds were:

- the boundaries of the “V” zones had been drawn up having regard to the village ‘environs’ (‘VEs’), 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
- based on PlanD’s preliminary estimate, land required for meeting the total Small House demand of 1,426 was about 35.65 hectares. With a view to minimizing adverse impacts on the natural environment of the Area and coupled with its limited infrastructure, an incremental approach had been adopted for designating “V” zones for Small House development in that the land area of “V” zones would not fully meet the land requirement of Small House demand at the outset with an aim to confining such developments at suitable locations adjacent to existing village clusters for more orderly development pattern, efficient use of land and provision of infrastructure and services.
- a total of about 5.88 hectares of land had been zoned “V” on the draft OZP for Small House development. Within the “V” zones, about 2.58 hectares of land was available, equivalent to about 102 Small House sites, capable of meeting the three outstanding Small House applications and about 7% of the estimated Small House demand of 1,426 houses;
- taking account of the 2011 Census information, an estimation of about 67 persons for the whole Area had been

adopted in the preparation of the draft OZP. Population was only one of the indicators and background information of the characteristics of the Area to facilitate the preparation of the draft OZP; and

- a number of building lots, mostly small and demised for latrine use, were scattering away from the existing village clusters and/or in environmentally sensitive areas, and hence not covered by “V” zones. There were provisions to allow for application for their development/redevelopment to the Board. Each application would be considered by the Board based on its individual merits;

Insufficient “AGR” Zones (R9-R11, R19-R20, R23, R34-R38, R40, R42, R47, R59, R66-R67, R69, R72, R75, R80, R84, R91-R92 & R94)

(xxi) the conservation zonings would restrict agricultural activities in the Area, not conducive to agricultural rehabilitation, and there was insufficient land zoned “AGR”;

(xxii) proposals - designating agricultural lots as “AGR” zone instead of conservation zones or to retain them for agricultural use;

(xxiii) the responses to the above grounds and proposals were:

- with a view to facilitating revitalization of the inhabited villages with agricultural activities and preserving the rural setting in the Area, about 3.94 hectares of the fallow agricultural land which was relatively flat with potential for agricultural rehabilitation near the existing village clusters in Fung Hang and Kuk Po Lo Wai at more accessible locations had been zoned “AGR”; and
- ‘agricultural use’ was in general always permitted in “CA”, “GB” and “V” zones;

Objection to Designation of Private Land as Conservation Zones (R9-R41, R43-R97)

- (xxiv) designation of private land as “CA” and “GB” zones without compensation to or consent from landowners infringed their private land rights/interests, and hence was unreasonable or unfair. The draft OZP had disregarded the rights and interests of indigenous villagers, which should be protected by Articles 40 and 122 of the Basic Law (BL 40 and BL 122), Section 9 of 1991 Regulations on the Protection of Overseas Chinese (RPOC) (1991 年中國華僑保護法例) and Articles 17 and 25 of the International Covenant on Civil and Political Rights (ICCPR);
- (xxv) R80 opined that given the limited development potential of the Area and as urban sprawl would not encroach onto the surrounding Country Park, the designation of agricultural land and permitted burial grounds as conservation zones was unnecessary;
- (xxvi) proposals -
- reconsidering or withdrawing the conservation zonings of private land or planned land uses for the Area, and providing compensation or resuming the land in the “CA” and “GB” zones;
 - creating wetland on government land for relocating the animal species on private land in the Kuk Po Village (R58);
 - only designating the government land in the area 50m extending from the dam to the village as “CA” zone in Kuk Po, and setting a time limit for the “GB” zone and reviewing

the zoning thereafter (R62);

(xxvii) the responses to the above grounds and proposals were:

- the zoning on the draft OZP would unlikely constitute “deprivation” of property and the issue of compensation did not arise since 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. Insofar as it pursued the legitimate aim of providing better planning control and the land concerned could be put to “always permitted uses” and other uses as long as planning approval was obtained, it did not appear inconsistent with protection of property rights under Articles 6 and 105 of the Basic Law (BL 6 and BL 105);
- as long as any asserted traditional rights and interests had already been subject to the system of OZP under the TPO by the time the Basic Law came into effect, subjecting them to the planning control of designation as “CA” and “GB” zones that might be lawfully imposed pursuant to the TPO by way of the draft OZP would not be inconsistent with BL 40. As there would not be any change in rent resulting from the draft OZP, BL 122 would not be engaged;
- 1991 RPOC did not exist under the Mainland laws. Neither had it been listed in Annex III to the Basic Law. As such, it was not applied in the HKSAR according to Article 18 of the Basic Law;
- the zoning arrangement in the draft OZP could not be said to be inconsistent with Article 17 or 25 of the ICCPR. With respect to Article 17 of the ICCPR, the right to be free from

arbitrary or unlawful interference with one's privacy, family or home was not engaged in the present context, and even if it was engaged, there was no violation of Article 17 because any interference was neither arbitrary nor unlawful. With respect to Article 25 of the ICCPR, the representor had not put forward any concrete arguments as to how the draft OZP had affected his right to participate in public life. In any event, the representor and the villagers had been given ample opportunities to participate in the preparation of the draft OZP;

- whether the habitat was on government land or not should not be the only factor for formulating the land use zones;
- the concerned government land formed part of a freshwater/brackish marsh which was covered by the "CA" zone. AFCD considered that the current extent of the "CA" zoning was appropriate to reflect the ecological importance of the habitat; and
- statutory plans would be reviewed from time to time and amended to meet changing community needs and aspirations in individual areas as appropriate;

Unreasonable Designation of "Government, Institution or Community" ("G/IC") Zone in Kuk Po (R50, R62, R67 & R96)

(xxviii) Kai Choi School and Hip Tin Temple belonged to Kuk Po Village. Its designation for "G/IC" use was unreasonable;

(xxix) the responses to the above ground were:

- Kai Choi School and Hip Tin Temple fell outside any 'VEs' of Kuk Po Village and was isolated from the existing village

clusters and “V” zones in Kuk Po; and

- about 32% of the area of the “G/IC” zone was on private land. The “G/IC” zone was mainly intended to reflect the existing use of the building, which was a Grade 3 historic building worthy of preservation;

To Provide Access Road for Villages (R9, R12, R29-R33, R40, R44, R46-R47, R49, R55, R70, R72, R88, R91-R92 & R97)

(xxx) the Government should provide access road for the villages to improve their accessibility and facilitate villagers’ living therein;

(xxx) the responses to the above ground were:

- according to the covering Notes of the draft OZP, road works coordinated or implemented by the Government were in general always permitted on land falling within the boundaries of the Plan; and
- at present, the Area was not served by any vehicular access but was mainly accessible by a walking trail from Luk Keng and piers/jetties in the three sub-areas. Relevant works departments would keep in view the need for infrastructure in future subject to resources availability;

Not Respecting Stakeholders’ Views (R9-R10, R12, R29-R39, R42, R44, R49, R53, R55-R57, R60, R66, R68, R69, R74-R77, R80-R81, R84, R86, R89, R93-R94 & R96)

(xxxii) villagers, rather than the Government/green groups, were stakeholders eligible for providing views on the draft OZP or planning for the villages. However, their views had not been respected in the preparation of the draft OZP. The villagers

should be consulted and their views should be duly considered;
and

(xxxiii) the responses to the above ground were:

- when formulating the draft OZP, public views, including those from the NDC, STKDRC, IIRs of the concerned villages, villagers and other relevant stakeholders such as green/concern groups, had been sought and reported to the Board for preliminary and further considerations before gazetting the draft OZP; and
- upon gazettal of the draft OZP, the statutory plan-making process, which involved its exhibition for public inspection and hearing of representations and comments received, was itself a public consultation process under the TPO. The Board would take into account the relevant planning considerations and the representations and comments received before making a decision;

Other Views (R67)

(xxxiv) R67 complained about incorporation of the Sha Tau Kok area into the PCCP; and

(xxxv) response - the complaint was outside the purview of the Board or not directly related to the draft OZP. It would be relayed to relevant Government departments for consideration as appropriate;

Comments on Representations and Responses

(n) Comments C1 and C2 were submitted by two individuals objecting to the representations in Group B (R9 to R97) on their proposed “V” zone

expansion and designation of “AGR” zones. The views of the comments were similar to the grounds of representations in Group A and the responses to the representations as detailed in paragraphs 15(m)(v), (xi) and (xx) above were relevant;

PlanD’s Views

- (o) the supportive views of representations R1 to R7 on the draft OZP and its individual zonings were noted; and
- (p) PlanD did not support the representations R8, R9 to R97 and the remaining part of representations R1 to R7 and considered that no amendment should be made to the draft OZP to meet those representations.

16. The Chairman then invited the representers/commenters and their representatives to elaborate on their representations/comments.

R1 – WWF(HK)

17. With the aid of a PowerPoint presentation, Mr Andrew Chan made the following main points:

- (a) the three sub-areas of Fung Hang, Kuk Po and Yung Shue Au were in natural state and were ecologically linked with the surrounding PCCP. The ecological setting of the sub-areas was similar, each with streams (including EISs) flowing from the upland area through the woodlands and forming freshwater/brackish marshes by the dams in the lowland. Intertidal mudflats and mangroves could be found near the water outlets of the dams and there were mature woodlands behind the villages. The setting supported a diversity of wetland dependent species including those of conservation interests. The “CA” zone was supported for protecting the important wetland complex;

- (b) there were concerns on the “AGR” zone in Kuk Po. According to Plan H-3 in the Paper prepared by PlanD, the “AGR” zone was seasonally wet grassland/shrubland. Although it was separated from the area zoned “CA” to its west by a footpath, the condition of the two areas was in fact similar. Since the two areas were hydrologically and ecologically linked, they should be considered as integral parts of the wetland system. As Small House development was under Column 2 in the “AGR” zone and the approval rate for applications involving “AGR” zone was as high as 62.5%, there were concerns that adverse ecological and water quality impacts would be caused by future developments. With the increase in Small House developments, potential environmental and hygiene problems associated with STS would be resulted including exceedance of natural purification capability of the soil, sewage overflow and discharge of sewage to surface channel. It was proposed to rezone the “AGR” to “GB(1)” or “CA” to avoid any adverse impact on the important habitats;
- (c) the natural streams in Kuk Po and Yung Shue Au and their riparian zones provided important habitats for species of conservation interest. Since they fell within the ‘VEs’ and were zoned “GB” and/or “AGR” on the draft OZP, there were concerns that any future developments therein would entail adverse ecological and water quality impacts. The streams and their riparian zones should also be rezoned to “GB(1)” or “CA”; and
- (d) noting that tree felling activities were recently found in the Kuk Po area, it was proposed to add in the Remarks of respective zones planning control on tree felling activities.

R2 – HKBWS

18. With the aid of a PowerPoint presentation, Ms Woo Ming Chuan made the following main points:

- (a) the Area was of high ecological value and conservation importance as the three sub-areas were ecologically linked with the surrounding PCCP.

The planning intention of the Plan to protect the high conservation and landscape value of the Area was supported;

- (b) HKBWS had recorded 118 bird species in the Area including 34 species of conservation concern and 27 water birds and wetland dependent species. There were also records of woodland birds, open country birds and raptors in the Area which were of conservation interest. The above records indicated that the Area had a healthy ecosystem. The undisturbed and natural conditions of the diverse habitats in the Area should be adequately protected. The “CA” zonings were supported for the protection of habitats of high ecological value in Kuk Po, Fung Hang and Yung Shue Au;
- (c) the Area was not served by public sewers and STS was relied upon for sewage treatment. As the Area was also not served by any vehicular access, there was concern on how the STS could be properly desludged or maintained. In fact, the environmental and hygiene problems of STS was well-recognized, in that such facilities might be ineffective in removing pollutants due to their close proximity to watercourses and inadequate maintenance;
- (d) sewage from unsewered areas was a source of water pollution to nearby watercourses. With a planned population of about 550 persons, the “V” zones were considered incompatible with the surrounding sensitive natural environment as they might adversely affect the ecological value of the wetland within the “CA” zones. The proposed expansion of the “V” zones by other representers were therefore not supported;
- (e) according to Plan H-3 in the Paper prepared by PlanD, the “AGR” zone in Kuk Po was seasonally wet grassland/shrubland. There were streams flowing from the upland area through the “AGR” zone to the freshwater/brackish marshes zoned “CA” near the dam. According to site inspection, the site zoned “AGR” was found wet even in November. That indicated that the streams (including EIS) and the “AGR” zone were

hydrologically connected to the wetland habitats in the “CA” zone. Thus, the “AGR” zone, which was in the upstream area of the “CA”, should also be adequately protected;

- (f) farming practice within the “AGR” zone involving land filling and/or the use of fertilizers and pesticides might lead to water pollution and loss of wetland habitats. There were also concerns that any Small House developments within the “GB” and “AGR” zones, with an approval rate for Small Development at about 55%, would cause adverse impact on the EIS and its riparian zones and the wetland habitats; and
- (g) an ecosystem approach should be adopted for the protection of the whole wetland complex. It was proposed to rezone all streams (including the EIS) and their 30m riparian zone and the “AGR” zones to “CA” or “GB(1)” to provide further protection to the seasonal wetlands.

R3 – KFBG

R4 - Designing Hong Kong Limited

C1 - Paul Zimmerman

C2 – Ng Chun Wing

19. With the aid of a PowerPoint presentation, Mr Tony Nip made the following main points:

- (a) the ecological value of the three sub-areas had been examined in the studies carried out by KFBG since 2003;
- (b) the purpose of the “AGR” zones was questionable. The “AGR” zones in Fung Hang and Kuk Po were both located within the ‘VEs’ of the villages and there were no active agricultural activities found therein;
- (c) the area zoned “AGR” in Kuk Po was seasonally wet grassland with close hydrological and ecological linkages with the freshwater/brackish marshes in the “CA” zone. As for the “AGR” zone in Fung Hang, the area was

actually identified as a freshwater marsh in a planning study for Sha Tau Kok which was also well connected to the wetland within the “CA” zone;

- (d) tree felling and vegetation clearance activities were recently found in the fung shui woodlands, reedbeds, mangroves and various other areas in Fung Hang, Kuk Po and areas outside the enclave. The trees and mangroves were felled by tools. Banners against the Government’s planning for the area were also found hanged up in the villages;
- (e) after the tree felling and vegetation clearance, some trees and plants had started to re-grow. That indicated that if development in the Area was properly controlled, the natural environment and habitats would be adequately protected; and
- (f) Small House developments were permissible within the “AGR” zones and it was noted that the approval rate for application within “AGR” zones was more than 60%. As the “AGR” zones were hydrologically and ecologically linked with the “CA” zones and STS might not be effective in removing pollutants in wetland areas, it was proposed to rezone the “AGR” areas to conservation zonings.

20. As the presentations from the representers/commenters or their representatives were completed, the Chairman invited questions from Members.

21. A Member enquired about the zoning of those areas where tree felling and vegetation clearance were found. Mr C.K. Soh, DPO/STN, said that several site inspections had been conducted by the relevant government departments including PlanD, AFCD and LandsD. It was found that tree felling and vegetation clearance activities were scattering throughout the Fung Hang and Kuk Po sub-areas mainly in conservation zones not close to the villages. As the trees were felled by tools and both private land and government land were involved, the concerned departments were following up on the matter.

22. A Member asked the representers where they considered the suitable locations for carrying out agricultural activities in the Area should be. Mr Tony Nip said that agricultural

use was always permitted within “GB”, “GB(1)” and “CA” zones and any agricultural rehabilitation or genuine farming activities would not be affected by the zoning.

23. A Member asked the representative of R3 how a proper balance between nature conservation and the facilitation of agricultural activities in the Area could be struck. Mr Tony Nip said that agricultural use was always permitted within “GB”, “GB(1)” and “CA” zones in the draft OZP. In other areas, there had been aspirations from villagers, suggestions by green groups and views of developers that resumption of private land or land exchange should be considered for those areas of significant conservation interest. In fact, such measures had also been mentioned in the government’s New Nature Conservation Policy. The Government should seriously consider the public benefits that would be brought about by those measures.

24. A Member asked DPO/STN to explain how the ecological integrity of the “CA” zones could be protected from the agricultural activities within the adjacent “AGR” zones. With the aid of aerial photos, Mr C.K. Soh said that both Fung Hang and Kuk Po were situated in a valley which comprised extensive area of agricultural fields for cultivation in the past. Streams flowing from the upland area passed through the agricultural fields towards the lowland at the seaside. After the cessation of agricultural activities, woodlands had evolved on some agricultural fields in the upland area while marshes and ponds were formed in the lowland areas. The areas zoned “AGR” were mainly seasonally wet grassland/shrubland located in between the marsh and the upland near the existing village clusters in Fung Hang and Kuk Po Lo Wai. Although agricultural use was in general always permitted in “CA” and “GB” zones, designation of the “AGR” zones at suitable locations near the villages could provide a clearer planning intention for genuine agricultural activities to meet the villagers’ aspiration for agricultural rehabilitation, thereby minimising disturbance on the natural environment and/or ecological habitats in the “CA” and “GB” zones. The existing jetties in the sub-areas could help transporting the farm produces out of the Area. As for Yung Shue Au, since the sub-area was basically uninhabited, no “AGR” zone had been planned. In response to the question of the same Member, Mr Soh supplemented that the total area zoned “AGR” was about 4 hectares. Since the use of pesticides and fertilizers was regulated under the relevant ordinances and regulations, genuine agricultural activities within the “AGR” zone should not have any significant adverse impact on the wetlands in the “CA” zones. There were also views that agricultural activities could provide opportunities for

creation of new habitats in the areas and hence beneficial to the ecological environment.

25. A Member asked for PlanD's views on some representers' proposal of rezoning "AGR" areas to "CA". Mr C.K. Soh said that in general "CA" zone should be justified by appropriate ecological value and species diversity. Judging from site circumstances, AFCD was of the view that the "AGR" zones on the Plan were appropriate. The same Member further asked whether the type of agricultural use to be cultivated within the "CA" zone could be controlled. Mr Soh said that in some areas such as Hoo Hok Wai which comprised a large tract of fish pond areas, it had been specified in the Notes of the OZP that only those agricultural uses related to fish pond culture were always permitted within the "CA" zone. As for the subject OZP, although 'agricultural use' was a Column 1 use under the "CA" zone, any filling of land/pond including that to effect a permitted use would also require planning permission from the Board. Mr K.K. Ling, Director of Planning, supplemented that as to the "AGR" zone, the laying of soil not exceeding 1.2m in thickness for cultivation purpose did not require planning permission from the Board.

26. A Member asked the representative of R2 to explain the rationale for proposing to rezone the streams and their 30m riparian zones to "CA" or "GB(1)". Ms Woo Ming Chuan said that the natural streams and riparian zones in Fung Hang and Kuk Po were currently zoned "AGR" or "GB". By rezoning those areas to "CA" or "GB(1)", the scope of new Small House developments therein would be limited thus providing further safeguard to the natural environment and habitats. A buffer distance of 30m was generally adopted in delineating the riparian zone in order to provide sufficient protection against the adverse environmental impacts of Small House developments on the streams. Ms Woo further said that for protection of the wetland areas, in those OZPs in the Mai Po and Deep Bay area, it had been specified that 'agricultural use (fish pond culture only)' was always permitted within the "CA" zones. Restricting the type of agricultural uses within the "CA" zone to wet agriculture was feasible in the subject OZP.

27. As the representatives of the representers/commenters had finished their presentations and Members had no further question to raise, the Chairman said that the hearing procedures for Group A had been completed. The Board would deliberate on the representations upon completion of the Group B hearing in the absence of all representers/commenters or their representatives and would inform them of the Board's

decision in due course. The Chairman thanked the representatives of the representers/commenters of Group A for attending the hearing. They left the meeting at this point.

[Professor S.C. Wong left the meeting at this point.]

Group B (R9 to R97)

Presentation and Question Sessions

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

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

29. The following representers and their representatives were invited to the meeting at this point:

Representers or their representatives

R10 - Sung Wong Kwai (IIR of Kuk Po Village cum Executive Member of the STKDRC)

R44 - Peter Sung

R45 - 李宋觀娣

R68 - 邱帶嬌、宋冠明、宋惠珍、宋惠群

R75 - 宋傑斌、潘俊敏、宋陳偉燕

R95 - Sung Koon Wong, Raymond

R97 - David Lee

Mr Sung Wong Kwai - Representer and representers' representative

Mr Sung Ma Sang] Representers' representatives
Mr Yeung Ping Sang]

R20 – Sung Yuen Ching

Ms Sung Yuen Ching - Representer

R11 – Yeung Yuk Fung (Village Representative (VR) of Kuk Po Village), his wife and daughter

Mr Yeung Yuk Fung - Representer
Mr Pang Lam Kwai] Representers' representatives
Mr Lau Yat Kwong]

R12 – Cheung Man Yin (VR of Fung Hang Village), Cheung Chun Yuen, Cheung Chi Wah and Cheung Fu Wah

Mr Cheung Man Yin - Representer
Mr Cheung Chun Yuen - Representer
Mr Cheung Chi Wah - Representer
Mr Cheung Fu Wah - Representer
Mr Cheung Wai Keun] Representers' representatives
Mr Cheung Yuen Hing]

R22 - 鄭容生

R39 - 鄭秀英

R49 - 宋碧麗

R83 - Sung Yee Ling

Ms Sung Yee Ling - Representer
Mr Tsang Yuk On - Representers' representative

R40 - Cheng Chee Keung

Mr Cheng Chee Keung - Representer
Mr Lee Koon Hung - Representer's representative

R46 - Ng Yip Fong Tai

R55 - Ng Ma Sung

Mr Ng Ma Sung	-	Representer
Mr Yip Wah Ching]	Representers' representatives
Ms Ng Lai Sheung]	

R56 - Sung Ah Kau, Sung Lam Ah Ho

Ms Sung Ah Kau	-	Representer
Mr Sung Lam Ah Ho	-	Representer

R57 - 宋榮耀

Mr Sung Ah Keung	-	Representer's representative
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R58 - Sung Yuk Ning

Ms Sung Yuk Ning	-	Representer
Mr Chan Tin Sung	-	Representer's representative

R53 - 何嘉瑜

R62 - Ho Shui Ting

R76 - 宋玉霞

Mr Ho Sui Ting	-	Representer
Mr Wong Kwok Lun]	Representers' representatives
Mr Thomas Lai]	

R67 - Pang Ching Fong

Ms Pang Ching Fong	-	Representer
Mr Wan Wah Mou	-	Representer's representative

R80 - Sung Bit Yue

Mr Sung Bit Yue	-	Representer
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30. The Chairman extended a welcome and briefly explained the procedures of the hearing as follows:

- (a) DPO/STN would be invited to brief Members on the background, and the representers and their representatives would then be invited to make oral submissions in turn according to their representation numbers;
- (b) to ensure the efficient operation of the meeting, each representer or their representatives would be allotted 10 minutes for making oral submission;
- (c) there was a timer device to alert the representers and their representatives 2 minutes before the allotted time was to expire, and when the allotted time limit was up;
- (d) a Q&A session would be held after all attending representers of Group B or their representatives had completed their oral submissions. Members could direct their questions to government representatives, representers or their representatives; and
- (e) after the Q&A session, the representers of Group B or their representatives and the government representatives would be invited to leave the meeting. The Board would then deliberate on the representations in the absence of the representers/commenters, their representatives and the government representatives, and would inform the representers/commenters of the Board's decision in due course.

31. The Chairman then invited DPO/STN to brief Members on the representations and comments.

32. With the aid of a PowerPoint presentation, Mr C.K. Soh, DPO/STN, repeated the presentation as recorded in paragraph 15 above.

33. The Chairman then invited the representers and their representatives to elaborate on their submissions.

34. The representatives of R46, R55, R53, R62 and R76 requested to make their oral submissions first as they had some other commitments and had to leave the meeting early. As no objection to the proposed arrangement was raised by other attendees, Members agreed to accede to their request.

R46 - Ng Yip Fong Tai

R55 - Ng Ma Sung

35. Mr Yip Wah Ching, who was the VR of Lin Ma Hang Village, executive member of STKDRC and special councillor of HYK, complained that the Board's arrangement on the hearing of representations/comments was not satisfactory. Although he arrived before 9:00am, the representatives of green/concern groups in Group A were allowed to make oral submissions first, and he was not able to keep his appointment at 11:00am at the North District Office.

36. Mr Yip then read out a letter on behalf of Ng Yip Fong Tai (R46), which was the same as the written representation made by R46 attached at Annex I of the Paper.

37. Mr Yip said that the letter had voiced out the grievances and helpless feeling of hundreds of villagers in Kuk Po. They strongly objected to the draft OZP as it would freeze the possible land uses and deprive the villagers' rights. Mr Yip continued to make the following main points:

- (a) in the planning of the frontier closed area (FCA) in 2008, majority of the land was originally proposed for conservation purposes. As the property rights and the rights/interests of the indigenous villagers which should be protected under BL 6 and BL 40 might be infringed by the proposed zoning, the villagers of Lin Ma Hang planned to take legal actions against the proposed zoning. PlanD commissioned the consultants to carry out a comprehensive consultation exercise and finally amended the zoning proposals in response to the villagers' requests;

- (b) the current Government was reluctant to listen to the views of the local villagers, STKDRC and HYK and had pushed through its policy. The consultation exercise was window-dressing and the views of the local villagers were ignored. The approach adopted was very different from the preservation of King Yin Lei and Ho Tung Gardens; and
- (c) the Court of Final Appeal's (CFA) judgment on Hysan's case revealed that the Board needed to consider private property rights as stipulated in the Basic Law in the statutory plan-making process. If the Board ignored the views of the villagers and acted as a rubber stamp to endorse PlanD's zoning proposals, he would appeal to the villagers of Kuk Po, Fung Hang and Yung Shue Au to take legal action against the draft OZP. He would also solicit support from STKDRC and HYK to protect the rights of the indigenous villagers.

R53 - 何嘉瑜

R62 - Ho Shui Ting

R76 - 宋玉霞

38. Mr Wong Kwok Lun, who was the executive member of STKDRC, made the following main points with the aid of the visualiser:

- (a) his oral submission, adopting a compromised stance with a view to persuade the Government, was provided in the capacity of a farmer;
- (b) out of about 90 hectares of land covered by the draft OZP, most of the land were designated as "CA" and "GB" zones, leaving only about 4 hectares as "AGR" zone, which was far from enough for the villagers to make a living. Besides, no "AGR" zone had been planned for Yung Shue Au. He proposed to increase the "AGR" zone with the following reasons:

- (i) there were agricultural fields along a stream in each of the three villages in the planning scheme area. With a natural irrigation system, the agricultural fields were suitable for crop cultivation in particular paddy rice. PlanD's proposal to designate those areas as "CA" zones was unreasonable;
- (ii) AFCD, non-government organizations and universities had actively promoted rehabilitation of agricultural land in recent years. Given the three villages could be accessed from Kai Kuk Shue Ha of Luk Keng by walking (30 to 40 minutes) and from Sha Tau Kok pier by boat (about 5 minutes), the Area had good potential for agricultural rehabilitation and conservation making reference to the situation in Lai Chi Wo;
- (iii) rehabilitation of agricultural land was a right direction for conservation. Cultivation of paddy rice not only helped to improve the aesthetics value of the environment, but also created a food chain with diversified natural habitats. The participation of farmers ensured that the land would be efficiently used;
- (iv) designating agricultural land as "CA" zone could not optimize land use but to turn a piece of high quality farm land into a marsh or wild area covered with weeds. It would intensify the conflicts among the Government, green/concern groups and the villagers and would result in an all-lose situation like the case in Sha Lo Tung of Tai Po. Members should learn a lesson from that case and should not repeat the mistakes;
- (v) as the agricultural land was purchased by the villagers' ancestors with hard-earned money, they would have the greatest incentive to protect the land and would not destroy the environment. Both private individuals and the whole society would be benefited by designating agricultural land as "AGR" zone; and

- (vi) if the Board insisted on designating private land as conservation zones, it would infringe BL 6 and BL 105 and would be subjected to legal challenge;
- (c) PlanD's argument that 'Agricultural Use' was always permitted within "CA" and "GB" zones was not convincing. It should explain to the Board why agricultural land was not designated as "AGR" zone;
- (d) the real conservationists and stakeholders should be the indigenous villagers rather than the environmentalists who were only spectators without the need to pay any price and used to object to all uses/developments with malicious intention; and
- (e) by quoting CFA's judgment on Hysan's case on the proportionality analysis and the need to strike a balance between private property rights and societal benefits, he urged the Board to rezone part of the "CA" zone near the coastal area in Yung Shue Au, half of the "CA" zone near the coastal area in Kuk Po, and part of the "GB" zone near the stream in Fung Hang to "AGR" zone.

R40 – Cheng Chee Keung

39. Mr Lee Koon Hung, who was the Chairman of STKDRC, made the following main points:

- (a) STKDRC had been involved in the plan-making process for a number of OZPs in Sha Tau Kok area. They had actively cooperated with PlanD by accompanying PlanD's officers to site visits and providing comments on the proposed land uses based on local knowledge. As STKDRC's opinions were unbiased and practical, PlanD usually agreed with their views in the previous plan-making process;
- (b) although the Government was promoting new agricultural policy, PlanD proposed to designate most of the agricultural land in the Area

for conservation purposes. According to his previous discussion with PlanD's officer, he was told that although some of the "GB" sites were suitable for agricultural uses, designating those areas as "AGR" zone might invite objections from the green/concern groups and be challenged by the Board;

- (c) he did not have any landed interest in the Area. Although STKDRC respected the views of the villagers, they were more practical and would try to make compromise within constraints. As such, they were not asking for an increase in the "V" zone nor a reduction in the "CA" zone, but only made a modest request to rezone some "GB" sites which were suitable for agricultural uses as "AGR" zone;
- (d) although it was claimed by PlanD and the green/concern groups that 'Agricultural Use' was always permitted within "CA" and "GB" zones, PlanD admitted that the "CA" and "GB" zones would be more restrictive and the "AGR" zone could provide a clearer planning intention for agricultural activities. Nowadays, agricultural uses should not be confined to crop cultivation. More uses such as hobby farm should be allowed so as to promote a diversified and sustainable agricultural development, which was also in line with the new agricultural policy;
- (e) the conflicts between the urban and rural areas had been intensified in recent years. The green/concern groups had gone to extremes and objected to everything including agricultural activities in rural areas. It was unfair for the green/concern groups to make a prejudgment that the villagers' requests were paving ways for large-scale development or destroying the environment. Given the Area was surrounded by country parks without infrastructural provisions, agricultural development was the only way out for the villagers to earn a living. If the allowable uses on the private agricultural land were restricted by the conservation zonings, it would be very difficult for the villagers to make a compromise;

- (f) he regretted that some trees had been felled within the “CA” zone. Although he did not agree with the villagers’ action, he believed that the villagers were not adopting a ‘Destroy First, Build Later’ approach, but to voice out their grievances on the zoning proposals on the draft OZP; and
- (g) he urged the Board to consider the draft OZP impartially and make a balanced decision based on professional judgments. If Members considered that some of the “GB” sites were suitable for agricultural uses, they should have the courage to designate the concerned areas as “AGR” zone.

R10 - Sung Wong Kwai (IIR of Kuk Po Village cum Executive Member of the STKDRC)

R44 - Peter Sung

R45 - 李宋觀娣

R68 - 邱帶嬌、宋冠明、宋惠珍、宋惠群

R75 - 宋傑斌、潘俊敏、宋陳偉燕

R95 - Sung Koon Wong, Raymond

R97 - David Lee

40. Mr Sung Wong Kwai, who was the IIR of Kuk Po Village cum executive member of STKDRC, made the following main points with the aid of a PowerPoint presentation:

- (a) he clarified that the relevant section in the 1991 RPOC which was quoted in his representation should be section 9 (RPOC 9) instead of section 90. As nearly 90% of the villagers in Kuk Po were overseas Chinese, he queried why their legal rights and interests were not protected by the Hong Kong Government under RPOC, which was also applicable in Mainland China;

[Mr David Y.T. Lui left the meeting temporarily at this point.]

- (b) the population in Kuk Po Village should be more than 1,000 rather than 67 as claimed by PlanD. The evidence included that there were over 200 houses in the area, more than 180 letters had been sent by PlanD in response to the villagers' comments and more than 100 persons had made donation for the rehabilitation of Kai Choi School and Hip Tin Temple;
- (c) the planning in Kuk Po was irrational as the "V" zone was not designated in proportion to the actual population figure, resulting in a substantial reduction in the village boundary, and the burial grounds fell within the country park;
- (d) designating private land for conservation purposes without compensation was equivalent to robbing land from the villagers, which would infringe BL 40 and RPOC 9;

[Mr Thomas O.S. Ho left the meeting at this point.]

- (e) Kai Choi School and Hip Tin Temple belonged to Kuk Po Village. They should not be taken over by the Government merely because they were located on government land; and
- (f) he urged the Board to restore the original land uses and boundary of the village, excise the burial grounds from country park, and make reasonable compensation to the villagers if private land was designated as conservation zones.

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

41. Mr Sung then read out two letters on behalf of Peter Sung (R44) and 宋傑斌 (R75), which were the same as the written representations made by R44 and R75 attached at

Annex I of the Paper.

R12 – Cheung Man Yin (VR of Fung Hang Village), Cheung Chun Yuen, Cheung Chi Wah and Cheung Fu Wah

42. Mr Cheung Man Yin, who was the VR of Fung Hang Village, made the following main points:

- (a) all of the villagers in Fung Hang Village strongly objected to the draft OZP as it was unfair for the Government to designate private land as conservation zones without compensation. Most of the land within the three villages had been designated as “GB” (57.38 ha) and “CA” (23.01 ha) zones, leaving very limited areas as “V” (5.88 ha), “G/IC” (0.06 ha) and “AGR” (3.94 ha) zones, which were insufficient to cater for the needs of the villagers;
- (b) their ancestors began to inhabit in Fung Hang Village a few hundred years ago. Although they had paid rent, the Government, however, refused to construct even an access road to meet their basic needs. Due to the lack of transport and infrastructural provisions, the villagers were forced to move out of the village;
- (c) PlanD only took into account the views of AFCD and the green/concern groups. The views of the villagers had been ignored and the planning in the Area was not people-oriented. PlanD should consult the villagers thoroughly and respect their private land rights; and
- (d) agricultural land should be designated for agricultural uses and building lots should be designated for housing development (「屋地歸屋地」, 「農地歸農地」). Priority should be given to development over conservation.

R22 - 鄭容生

R39 - 鄭秀英

R49 - 宋碧麗

R83 - Sung Yee Ling

43. Mr Tsang Yuk On, who was the Vice-chairman of STKDRC and the Chairman of 'Hing Chuen Yeuk' (慶春約) which included seven villages in the Sha Tau Kok area, made the following main points:

- (a) he had actively participated in the planning of Sha Tau Kok in the past 10 years, including the FCA and the country park enclaves. It was noted that PlanD was more willing to listen to the views of the local villagers and adopted a more practical approach in the past;
- (b) the Government had adopted a wrong approach and designated too much private land for conservation purposes after the Tai Long Sai Wan incident. It was unfair to presume the local villagers would merely aim at developments which would destroy the natural environment. A more proactive approach should be adopted to encourage revitalization of the rural areas making reference to the agricultural rehabilitation program in Lai Chi Wo. Private land should be excised from conservation areas and agricultural land should be planned for every village;
- (c) he quoted part of a letter from one of the representers, which stated that the villagers had lost confidence in the Government as private property rights had not been respected. If the Government insisted on the unreasonable land use zoning, their decision would be subjected to challenge by judicial review;
- (d) in designating "V" zone for Small House development in other OZPs, PlanD used to take into account the total Small House demand which was based on the number of male indigenous villagers. Recently,

PlanD had adopted a different approach i.e. incremental approach in the designation of “V” zone in the plan-making process, which was in fact depriving the Small House development rights of the indigenous villagers;

- (e) many villagers returned to Hong Kong but could not live in the villages due to the lack of vehicular access. Since they were not eligible for public/subsidizing housing, their welfare was ignored by the Government. The Government should have the responsibility to provide basic infrastructures and allow compatible developments such as homestay so as to revitalize the Area;
- (f) PlanD should adopt a participatory approach and consult all stakeholders in the preparation of the draft OZP. However, PlanD failed to solicit support from the rural community and the zoning proposals were strongly objected by STKDRC, and the NDC had not been properly consulted;
- (g) designating private fallow agricultural land as conservation zones could not achieve conservation objectives as the plant species in the area were usually with low ecological value and the landowners could clear the vegetation for agricultural rehabilitation. As such, those areas should be designated as “AGR” zone rather than “CA” zone, the latter should only cover areas with high ecological value such as fung shui woodlands and areas with rare plant species. The Government should identify priority conservation areas and put more resources to those areas to better achieve the conservation objectives. If private land was involved, the landowners should be compensated reasonably;
- (h) the previous conservation policy in rural areas, including the pilot scheme for 12 priority sites such as Long Valley under the New Nature Conservation Policy introduced in 2004, was not successful. The Government should learn a lesson and should not repeat the mistakes; and

- (i) Members of the Board should think out of box and adopt a more strategic approach to reassess the role of the rural area in the development context of the whole territory, with the aim to achieve a more balanced land uses and decentralize the dense population in the urban area. For example, with the construction of a new connecting road to Liantang/Heung Yuen Wai, the accessibility of Sha Tau Kok would be improved and hence more diversified developments could be allowed. The Government could also consider concentrating Small House developments in a suitable location with proper infrastructural provisions, or taking back the Small House development rights from the indigenous villagers by reasonable compensation.

R57 - 宋榮耀

44. Mr Sung Ah Keung made the following main points:

- (a) he had lived in Kuk Po Village for more than 60 years. There was no development in the village in the past 100 years as the Government had not provided any vehicular access nor infrastructural facilities for the Area;
- (b) although all indigenous villagers had Small House development rights, the villagers of Kuk Po could not benefit from the Small House policy due to the lack of access road in the Area;
- (c) the population figure of 67 for Kuk Po as claimed by PlanD was incorrect as the local and overseas villagers currently living outside the village had not been taken into account. The area of the “V” zone was insufficient to meet the Small House demand;
- (d) the Government should not be biased towards the green/concern groups and designate private agricultural land as conservation zones. The plantation of canola flowers by the villagers in Sha Lo Tung was one of

the examples of passive resistance to the Government's policy. Designating private land for conservation purposes or other uses without compensation would infringe BL 40 and violate the contractual spirit of the lease;

- (e) the Government should consider constructing a bicycle track to link up Fung Hang, Kuk Po and Yung Shue Au with Kai Kuk Shue Ha, which was in line with the Government's policy to promote cycling; and
- (f) the Government should respect the views of all stakeholders including SKTDRC, NDC and local villagers and revise the zoning proposals to address the requests of the rural community.

R56 - Sung Ah Kau, Sung Lam Ah Ho

45. Mr Sung Ah Kau made the following main points:

- (a) the proposal of the green/concern groups was to grab private land from the villagers for conservation purposes. There was insufficient consultation in the preparation of the draft OZP; and
- (b) if flora and fauna species with conservation value were found in the Area, they should be collected and concentrated in a suitable area designated for conservation and eco-tourism purposes without affecting private land. The private land should not be designated as conservation zones, otherwise the villagers should be compensated reasonably.

R67 - Pang Ching Fong

46. With the aid of the visualiser, Mr Wan Wah Mou made the following main points on behalf of Pang Ching Fong who was the villager of Kuk Po Village:

- (a) designating private agricultural land as "CA" and "GB" zones would

restrict the villagers' rights to use their land. PlanD's claim that the issue of compensation did not arise since the draft OZP would not affect any landowner's right to transfer or assign his/her interest of land was shameful. If the rights and interests of the indigenous villagers under the Basic Law were affected by the draft OZP, they should be compensated fairly;

- (b) the Government should designate the same area of government land as "AGR" zone in exchange for designating private agricultural land as conservation zones;
- (c) with the intention to extend its influences, AFCD in collaboration with PlanD proposed to take back private land without compensation to or consent from landowners to complement the naturalness and landscape beauty of the surrounding PCCP. The environmentalists supported the draft OZP out of ignorance;
- (d) Kuk Po had become the backyard of the city dwellers and some tourists searched the abandoned houses and picked the fruits from the gardens without permission. The situation would be even worse if Kuk Po Village was included in the country park; and
- (e) Kai Choi School and Hip Tin Temple belonged to Kuk Po. Its designation for "G/IC" use was unreasonable.

47. Mr Wan Wah Mou continued to make the following main points:

- (a) he was the indigenous villager of Yung Shue Au Village and agreed with the objection reasons of Pang Ching Fong. The VR of Yung Shue Au had sent a letter to PlanD attaching a list of about 200 villagers/families. Although the list only included part of the villagers/families, the proposed "V" zone was insufficient to meet their Small House demand;

- (b) some of the villagers planned to revitalize Yung Shue Au Village by adopting traditional agricultural practice;
- (c) a newspaper article on 22.5.2016 quoted PlanD's comment that "V" zone would be designated in appropriate locations to meet the Small House demand of the indigenous villagers after designating land for conservation purposes. He queried if it was only a public relations strategy as no reasonable "V" zone could be found on the draft plan; and
- (d) if their rights and interests which should be protected under BL 6 and BL 105 were deprived, they would continue to fight for their interests by reasonable and legitimate means including judicial review.

R80 - Sung Bit Yue

48. With the aid of a PowerPoint presentation, Mr Sung Bit Yue made the following main points:

- (a) he found in the Paper that PlanD was biased towards the green/concern groups. PlanD showed a lack of respect for the local villagers as there were mistakes on the place name within Kuk Po in the Paper;
- (b) tree felling was common in rural areas. The death and growth of trees belonged to the normal cycle in the natural environment;
- (c) the representative from HKBWS said that a number of birds were recorded in the Area. However, she had not mentioned that sparrow could no longer be found in the Area due to the disappearance of human activities. Appropriate human activities had positive contribution to maintain a healthy eco-system. The widely spread of Mikania (薇甘菊) which would destroy the natural woodland was one of the consequences of non-intervention by human activities;

- (d) the points raised by the representers and their representatives in Group A on the agricultural activities in Kuk Po could not reflect the true picture as they had not interviewed the villagers nor conducted a comprehensive research on the previous agricultural practice in the Area; and
- (e) he urged the Board to listen to the views of the local villagers as every village should have inhabitants and human activities which helped to maintain a sustainable eco-system.

[Miss Winnie W.M. Ng left the meeting temporarily at this point.]

49. As the presentations from the representers or their representatives were completed, the Chairman invited questions from Members.

50. A Member asked DPO/STN how the population figure for the Area was derived. Mr C.K. Soh, DPO/STN, said that the population figure was derived based on the 2011 Census data taking into account the number and spatial distribution of the existing buildings in the Area. The figure was not derived from on-site population survey.

[Mr Andy S.H. Lam left the meeting at this point.]

51. Noting that some of the existing buildings in the villages were in poor conditions, a Member enquired about the planning control for rebuilding/redevelopment of the buildings. Mr Soh said that most of the existing buildings fell within areas zoned “V” on the draft OZP, within which the maintenance, repair or demolition of a building and the rebuilding of a NTEH were always permitted. In addition, new NTEHs (Small Houses) were also always permitted within the “V” zone and no planning permission was required. The proposed works would be subject to the requirement of the LandsD.

52. Noting that a representer had requested to rezone areas zoned “GB” to “AGR”, a Member asked Mr Tsang Yuk On (representative of R22, R39, R49 and R83) where the suitable areas for the rezoning should be. Mr Tsang said that many areas zoned “GB” on the draft OZP were previously agricultural fields. In Kuk Po, only one “AGR” zone was

designated near Kuk Po Lo Wai but none was planned for the villages of Yi To, Sam To, Sze To and Ng To, which were inhabited by different clans. That was unfair to the villagers. With the aid of the visualiser, Mr Tsang also said that for Yung Shue Au where no “AGR” zone had been planned, an area of fallow agricultural land situated to the east and south-east of the “V” zone was considered suitable for rezoning from “GB” to “AGR”.

53. The same Member asked Mr Tsang to share the experience of agricultural rehabilitation in Long Valley. Mr Tsang said that some green groups had previously recruited farmers to conduct agricultural courses in Long Valley mainly for city dwellers. However, such agricultural activities could not be sustained and did not last long. He said that a more sustainable approach for the country park enclaves would be making use of the existing village houses as holiday homes and resuming agricultural activities on their adjacent farmland, thus bring back life to the villages.

54. By referring to Plan H-2b of the Paper, a Member asked why the burial grounds were not included in the planning scheme area of the draft OZP. Mr C.K. Soh said that in order to respect the burial right of indigenous villager and locally based fisherman, burial grounds had been designated near the respective recognised villages in the New Territories but at relatively remote locations. While burial grounds mainly fell within country park areas, parts of them were situated in the peripheral areas of new towns or villages and covered by statutory town plans such as in the current case. The use of burial grounds was subject to the requirements of the District Offices and District Lands Offices. Mr Tsang supplemented that burial grounds could only be used by indigenous villagers whose eligibility would be subject to verification by VRs. Eligible persons had to apply to the District Offices for the use of burial grounds.

55. Noting that there were intentions from the villagers to rehabilitate the villages in the Area, a Member asked DPO/STN whether there would be any improvement in access to the villages under the Plan. Mr C.K. Soh said that the enclaves were usually surrounded by country parks and not served by vehicular access. In considering any proposal of access improvement for the enclaves, a series of factors including environmental constraints and cost-effectiveness should be taken into account by the Government. Taking the section of footpath connecting Luk Keng to Fung Hang as an example, there was once a proposal to divert the footpath network from the hillside to seaside. However, after considering its

impacts on the natural landscape and coastline, the current footpath alignment was maintained.

[Mr Alex T.H. Lai left the meeting temporarily at this point.]

56. The same Member asked DPO/STN how the balance between public benefits and private interests was achieved on the Plan. Mr C.K. Soh said that while preparation of statutory plans was to provide better planning control for benefits of the general public, the right of villagers and private landowners had been duly respected in the plan-making process. For the subject draft OZP, 'Agricultural Use' was always permitted in all the land use zonings including "CA", "GB", "AGR" and "V" zones, and a variety of other uses were permissible on application to the Board. Given that most of the private lands within the Area were demised for agricultural use under the lease, the draft OZP would unlikely result in any deprivation of property and the landowner's right, nor would it leave the land concerned without any meaningful use or economically viable use. As such, it was considered that a proper balance between public interest and private right had been achieved.

57. In response to the enquiry of a Member on the demarcation of 'VE', Mr C.K. Soh referred to Plan H-3 of the Paper and said that the 'VE' of the recognised villages were indicated in brown broken line on that plan. As the village of Kuk Po comprised several settlement clusters, 'VE' had been demarcated for each of the cluster as shown on that plan. The Member further asked DPO/STN to elaborate on the conservation value of the area along Yi To, Sam To, Sze To and Ng To. Mr Soh said that the subject area was zoned "GB" on the draft OZP and there was an EIS flowing through that area. In formulating the land use zonings for that area, a 20m wide buffer along the EIS had been reserved and zoned "GB" to guard against the potential impact of village developments within the "V" zone.

58. The same Member asked Mr Wan Wah Mou (representative of R67) to elaborate on the villagers' proposal to rehabilitate Yung Shue Au Village. Mr Wan said that in a villager meeting after clan worship, some villagers proposed to rehabilitate the village by renovating or rebuilding the old houses and fixing the access problem so that villagers, including those residing overseas, could return and live in the village. In fact, many villagers at his age were also environmentalists who loved nature and plants. They would be willing to renovate their houses and resume farming practice in the village.

59. A Member asked DPO/STN to explain the rationale for designating Kai Choi School as “G/IC” zone and its implication on the use of the land and building. By referring to a Powerpoint slide, Mr C.K. Soh said that the Kai Choi School and Hip Tin Temple building did not fall within any ‘VEs’ of Kuk Po Village. About 32% of the “G/IC” site was private land and the remaining was government land. The “G/IC” zoning was mainly intended to reflect the existing use of the building, which was a Grade 3 historic building worthy of preservation. In view of the above, the site was not zoned “V”. The Member further said that there was proposal from the villagers to change the use of the site to a community facility and asked DPO/STN if that was permitted under the “G/IC” zoning. Mr Soh said that the existing use of the building was compatible with the “G/IC” zoning. Also, if the proposed use was Column 1 of the “G/IC” zone, planning permission was not required.

60. Noting that the use of burials ground might affect the existing trees and vegetation, the same Member asked DPO/STN to elaborate on the procedure for using burial grounds. Mr Soh said that the application for use of burial ground was governed by a separate administrative process. Suitable areas for burial use would be identified by concerned parties when the application was received.

61. A Member asked DPO/STN to explain how the Plan could facilitate the villagers’ initiative for village and agricultural rehabilitations in the Area. Mr C.K. Soh said that while conservation zones were designated to protect the areas of high conservation and landscape values in the Area, the existing village houses and areas of land considered suitable for village expansion had been zoned “V” which was primarily intended for development of Small Houses by indigenous villagers. The land within the “V” zones was available for development of about 102 Small Houses. Mr Soh further said that not all land within the ‘VEs’ was suitable for village development. With the aid of a Powerpoint slide, he cited Kuk Po as an example and explained that the boundaries of the “V” zones were drawn up having regard to local topography and site constraints, and areas of conservation value and difficult terrain had been avoided.

62. Mr Soh continued to say that apart from village type development, ‘Agricultural use’ was also always permitted within the “V” zone. Furthermore, suitable area near the existing village clusters in Fung Hang and Kuk Po Lo Wai at more accessible locations had

been zoned “AGR”. With the aid of an aerial photo, he said that the “AGR” zone in Kuk Po was considered suitable as it comprised fallow agricultural land which was seasonally wet grassland and shrubland with a relatively flat topography, and was situated on a relatively high ground away from the lowland marshes. As for the area located to the east of the “AGR” zone which was currently zoned “GB”, although its geographical characters were similar to that of the “AGR” zone, there were some existing trees thereon. Given that the designation of “AGR” zone was to provide a clear planning intention for agricultural activities at suitable location, “AGR” zoning was considered not appropriate for that area since tree felling or vegetation clearance would be required for agricultural activities.

63. In response to the question of a Member regarding the fulfillment of villagers’ aspirations, Mr C.K. Soh said that with the designation of the “V” zones that would accommodate about 102 new Small House and the “AGR” zones of about 4 hectares for agricultural activities, and in the light that agricultural use was always permitted within the “CA” and “GB” zones, the aspirations of the villagers for village and agricultural rehabilitations would, to a certain degree, have been met. Regarding the same Member’s enquiry about the villagers’ complaint on not respecting their views, Mr Soh said that continuing dialogues had been kept between PlanD and the relevant stakeholders including the villagers during the plan-making process. However, given the differing views and objectives between the Government and the villagers on the planning of the Area, a consensus on the land use proposals could not be reached. The disagreement in views should not be regarded as disrespect to the villagers.

64. On request of the Chairman, Mr Tsang Yuk On said that as major stakeholders of the Plan, the villager should be duly respected and their views should be taken on board during the plan-making process. The country park enclaves were in fact villages and it was incorrect to plan those enclaves biased towards the conservation interest. The then Government’s intention to leave out the enclaves from country park designation was to allow flexibility for villagers to have their own development. The imposition of planning control in the enclaves was unnecessary as it would restrain village development and affect the livelihood of the villagers. Mr Tsang further said that the development of the villages should be comparable with that of Shenzhen rather than the surrounding country park.

65. A Member asked Mr Tsang Yuk On to elaborate why different “AGR” zones had to be planned for different clans in Kuk Po. Mr Tsang said that at present the “AGR” zone in Kuk Po was confined to the area near Kuk Po Lo Wai. Given that there were also agricultural lots near the villages of Sze To and Ng To which were resided by other clans, as a matter of fairness, those lots should also be designated as “AGR”. On the suitability of land for designation as “AGR” zone, Mr Tsang said that from the experience of Lai Chi Wo, different types of cultivation could be carried out on land with different conditions. For example, lotus roots, chestnuts and rice paddies could be grown on the relatively wet areas while fruits could be planted on dry areas. In that regard, the views of local people should be sought and 「外行領導內行」 would be avoided.

66. Noting that no “AGR” zone was designated in Yung Shue Au, a Member asked DPO/STN how the intention of the villagers for agricultural rehabilitation could be catered for. With the aid of an aerial photo, Mr C.K. Soh said that an area situated between the marshland and the village which was relatively dry was considered suitable for agricultural activities. In response to the enquiry of Mr K.K. Ling, Mr Soh confirmed that most of the building lots as well as suitable areas for village expansion had been included in the “V” zone while agricultural use was permitted in the “AGR”, “GB” and “CA” zones on the draft OZP.

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

68. The meeting was adjourned for a lunch break at 1:45 p.m.

69. The meeting was resumed at 2:50 p.m.

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

Mr Michael W.L. Wong

Chairman

Mr H.W. Cheung

Professor K.C. Chau

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

Mr H.F. Leung

Dr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Mr K.K. Cheung

Mr Wilson Y.W. Fung

Mr Alex T.H. Lai

Dr Lawrence K.C. Li

Mr Stephen L.H. Liu

Professor T.S. Liu

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr Franklin Yu

Deputy Director of Environmental Protection (1)
Mr C.W. Tse

Assistant Director of Lands/Region (3)
Mr Edwin W.K. Chan

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

Director of Planning
Mr K.K. Ling

Sha Tin, Tai Po and North District

Agenda Item 3 (cont'd)

[Closed Meeting (Deliberation)]

Consideration of Representations and Comments in respect of Draft Kuk Po, Fung Hang and Yung Shue Au Outline Zoning Plan No. S/NE-KP/1
(TPB Paper No. 10180)

[The item was conducted in Cantonese.]

Deliberation Session

71. Since Mr H.F. Leung, Ms Janice W.M. Lai, Dr Lawrence K.C. Li and Mr Edwin W.K. Chan did not attend the morning session, and Mr Ivan C.S. Fu and Mr David Y.T. Lui did not hear all the presentations of the representers/commenters or their representatives in the morning session, Members agreed that they should be allowed to stay in the meeting but should refrain from participating in the discussion.

72. The Chairman suggested Members to give views on the overall planning on the draft OZP first before considering individual representations in Group A and Group B. Members agreed.

73. A Member said that consideration could be given to designating more “AGR” zones in the Area given that there was no “AGR” zone in Yung Shue Au and the “AGR” zone in Kuk Po was located at some distance away from the inland villages of Yi To, Sam To, Si To and Ng To which were owned/inhabited by different clans.

74. A Member said that there should be agricultural fields within villages and an “AGR” zone should be provided in Yung Shue Au. As for Kuk Po, the Member said that the scope of providing additional “AGR” zones near Yi To, Sam To, Si To and Ng To might be limited by the presence of an EIS and its riparian zones.

75. Mr K.K. Ling, Director of Planning, said that although there was no “AGR” zone in Yung Shue Au, ‘Agricultural Use’ was always permitted within the “GB” and “CA” zones.

76. The Chairman enquired about the differences among “CA”, “GB” and “AGR” zones. With the aid of the visualiser, the Secretary referred to the Notes of the Plan and said that in general “CA” zone was designated for areas of conservation significance and hence the planning control was more restrictive. Compared with “GB” and “AGR” zones, there were fewer uses under both Column 1 and Column 2 of the “CA” zone. While ‘Agricultural Use’ was a Column 1 use in “CA”, “GB” and “AGR” zones, ‘Plant Nursery’ was only always permitted within “AGR” and “GB” zones but required planning

permission in “CA” zone. In addition, the laying of soil not exceeding 1.2m in thickness for cultivation purpose was also always permitted in the “AGR” zone while any filling of land/pond within the “CA” and “GB” zones required planning permission from the Board.

77. A Member said that in planning for country park enclaves, consideration should be given to the existing conditions and planning intention for the area. Given that the current population in the subject areas was low and there was no existing and planned vehicular access to serve the areas, the land use zonings on the draft OZP were considered appropriate. The Member also said that land ownership and clan relations would not be relevant factors in considering the appropriate land uses for the Area.

78. A Member said that given the ecological importance of the Area and the limited infrastructural provision, the planning intention to conserve the Area was supported. The Plan had already taken care the daily living of the villagers and their aspirations for village expansion and agricultural rehabilitation. Notwithstanding that some representers considered the “AGR” zones had the potential to become village expansion areas, the “AGR” zones in Fung Hang and Kuk Po were still supported as it clearly reflected the planning intention for promotion of agricultural activities in such areas. Designating an “AGR” zone for Yung Shue Au might also be considered for the sake of consistency.

[Mr Alex T.H. Lai returned to join the meeting at this point.]

79. Another Member considered that a proper balance between nature conservation and development needs had already been struck on the Plan. As ‘Agricultural Use’ was always permitted in “CA” and “GB” zones, the villagers’ aspiration for agricultural rehabilitation would not be adversely affected by the conservation zonings. Since land use zonings on the OZP were broad-brush in nature, it might not be feasible to provide an “AGR” zone for each and every clan in the Area.

[Mr Martin W.C. Kwan returned to join the meeting at this point.]

80. A Member expressed sympathy to the villagers but considered that an appropriate balance between conservation and development had already been achieved in

the Plan. The designation of “CA” and “GB” zones were supported to provide protection for the natural environment and habitats. As there were only three outstanding Small House grant applications for the villages, the provision of 102 new Small House sites based on an incremental approach should be sufficient to meet the need for Small Houses by the villagers. The “V” zone designation on the draft OZP was appropriate.

81. A Member said that the Area was set within a beautiful countryside with significant ecological interest which was worthy of conservation. Meanwhile, the villagers’ affection with their homeland was understandable. While tree felling and vegetation clearance activities should not be supported, it would be unwise to totally ignore the aspirations of the villagers. The Member said that in addition to the “AGR” zones in Fung Hang and Kuk Po, consideration could be given to rezoning some areas near the village in Yung Shue Au and at the hillside in Kuk Po from “CA” or “GB” to “AGR”. That would give out a message to villagers that their intention for agricultural rehabilitation had not been neglected.

82. Mr K.K. Ling said that given the lack of vehicular access and limited infrastructural provision, and in view of the ecological significance of the Area, the current proposals on the draft OZP were to encourage agricultural activities to the “AGR” zones in Fung Hang and Kuk Po. If the need for agricultural rehabilitation was later established, additional “AGR” zones might be designated in other suitable areas on the draft OZP. Mr Ling also said that although ‘Agricultural Use’ was always permitted under “AGR”, “GB” and “CA” zones, the laying of soil not exceeding 1.2m in thickness for cultivation purpose was always permitted within “AGR” zone while any unauthorised filling of land/pond within “CA” or “GB” zones would be subject to enforcement action.

83. A Member said that the planning intention to conserve the Area was supported. However, if the villagers did not accept the draft OZP, the conservation objective for the Area might not be achieved. While tree felling and vegetation clearance in the Area should not be encouraged, designating more “AGR” zones on the Plan might help address the dissatisfaction of the villagers. Since agricultural rehabilitation as purported by the villagers might not eventually take place, rezoning some “CA” or “GB” areas to “AGR” would not have any adverse impacts on the natural environment. The suitable areas for rezoning to “AGR” could however be subject to further discussion. In

the event that no suitable areas could be identified at the current stage, the Board could inform the villagers that the situation would be kept under monitoring and review.

84. The Chairman remarked that the focus should be on whether to amend the draft OZP to meet the representations in accordance with the provisions of the TPO, taking into account relevant planning considerations.

85. Another Member considered that the planning intention of the Plan was appropriate. To avoid any misunderstanding, the planning principles in designating “CA”, “GB” and “AGR” zones and the corresponding planning controls could be explained in more details to the general public including the villagers. Noting that there were jetties/piers in each of the three sub-areas, the Member said that sea transportation serving the areas could be improved to support more human activities in the villages. The Chairman said that whilst the existing jetties/piers would not be affected by the Plan, the provision of transportation service was outside the ambit of the Board.

86. A Member said that the size of the “AGR” zones of about 4 hectares was considered appropriate and a proper balance between conservation and development had already been achieved by the Plan.

87. Another Member said that the rezoning of “CA” to “AGR” would allow some land filling activities in the wetland areas. That would affect the hydrology of the areas thus compromising the conservation objective. The Member considered that the Plan should not be amended.

88. After the general discussion, the Chairman then took Members through the grounds and proposals of the representations in Group A and Group B as detailed in paragraphs 2.3 to 2.29 of the Paper.

Group A

Supportive Views (R1 to R7)

89. Members noted the supportive views of R1 to R7 on the draft OZP and its individual zonings.

Ecological Importance of the Area (R1-R4 & R8)

90. Regarding the planning control within “GB” and “GB(1)” or “CA” zone, the Secretary advised Members that new Small House development was permissible within “GB” zone on application to the Board while it was neither under Column 1 nor Column 2 of the “GB(1)” and “CA” zones.

91. On the representers’ proposal to designate areas covered by woodlands, seasonal wetlands, natural streams and 30m riparian zones to “GB(1)” or “CA”, a Member said that the “CA” and “GB” zones on the draft OZP were appropriate in providing adequate planning protection to the natural environment of the Area. Other Members agreed.

Adverse Environmental Impacts of the Small House Development (R1-R4 and R7)

92. Regarding the planning control on house developments within the “GB” and “AGR” zones, the Secretary advised Members that according to the Notes of the draft OZP, ‘House (NTEH only)’ and ‘House’ were Column 2 uses under the “AGR” and “GB” zones respectively. While NTEHs were considered more compatible with the rural environment, any proposed house development within the “GB” zone would be considered with reference to the relevant TPB Guidelines.

93. A Member said that any potential adverse impact from Small House development within both “AGR” and “GB” zones would be assessed through the planning application system. Each application would be considered by the Board based on its individual merits. Thus, there was no need to remove ‘House’ use from the Notes for “AGR” and/or “GB” zones. Other Members agreed.

94. The same Member said that in the long term, the Government might consider imposing different control within individual land uses with a view to providing more detailed guidance on future developments.

Designation of “AGR” Zones (R1-R5 and R7)

95. Members noted that there were different views on the designation of “AGR” zone from the representations of Group A and Group B and agreed that the issue would be considered and discussed under Group B below.

Inadequate Planning Control for Conservation (R1, R2 and R4-R7)

96. A Member said that while there was a general presumption against development within the “GB” and “CA” zones, the TPO might not be the appropriate vehicle to serve the purpose of controlling tree felling. As there were other ordinances and measures in force to provide protection of plants and animals, it was not necessary to impose restriction on tree felling and vegetation clearance in the Notes of the “GB” and “CA” zones. Other Members agreed. Members also noted that the proposal of introducing tree legislation was outside the purview of the Board and would be relayed to relevant government bureaux/departments for consideration as appropriate.

Other Views (R8)

97. Members noted that the representer’s suggestion on preserving the marine ecosystem in Starling Inlet was not directly related to the draft OZP and would be relayed to relevant government departments for consideration as appropriate.

Group B

Insufficient “V” Zones to Meet Small House Demand (R9-R10, R11-R16, R19-R23, R25, R27, R29-R38, R40-R41, R44, R46-R47, R49, R51, R52, R54-R55, R62, R66-R67, R72, R79, R80, R83-R86, R90-R92 & R95)

98. A Member said that with a view to minimizing adverse impacts on the natural environment of the Area, an incremental approach in designating the “V” zones should be

adopted with the aim to confining such developments at suitable locations adjacent to the existing village clusters. Based on that approach, the location and size of the “V” zones were considered appropriate and no amendment to the Plan was required to meet the representations. Other Members agreed.

[Mr David Y.T. Lui left the meeting temporarily at this point.]

Insufficient “AGR” Zones (R9-R11, R19-R20, R23, R34-R38, R40, R42, R47, R59, R66-R67, R69, R72, R75, R80, R84, R91-R92 & R94)

99. The Chairman said that there were different views on the designation of “AGR” zone. Some representations in Group A supported the current designation whilst others opposed it on environmental grounds. The representations in Group B considered that the “AGR” zone was insufficient and that private agricultural land should be zoned “AGR” instead of conservation zones.

100. Mr K.K. Ling said that the villagers appeared to have a false impression that agricultural use was not permitted on land zoned “CA” or “GB”. Rezoning the “GB” or “CA” areas to “AGR” would further enhance that false impression and should be carefully handled. His views were shared by three other Members. Mr Ling also said that both the Government and the green groups should continue to explain to the villagers that agricultural activities were always permitted within “CA” and “GB” zones.

101. A Member said that the “AGR” zones on the Plan were appropriate and more information on the planning control for agricultural use should be provided to the general public including the villagers.

102. A Member considered that the “AGR” zones in Fung Hang and Kuk Po were appropriate and no further expansion was required. However, since the geographical setting and characteristics of the three sub-areas were quite similar, suitable areas in Yung Shue Au might be considered for designation as “AGR” zone.

103. Having regard to the limited access and infrastructural provision serving the Area, a Member said that the real prospect for any sustainable agricultural activities in the Area was

remote. The proposed addition or expansion of “AGR” zones could not help advancing that prospect. Rather, as ‘House (NTEH)’ was permissible within the “AGR” zone on application, the possibility of any large-scale private housing development proposal in the “AGR” zones, which was incompatible with the natural environment of the enclaves, should be guarded against. Moreover, since laying of soil not exceeding 1.2m for cultivation was always permitted within the “AGR” zones, they were often prone to unauthorised land filling activities and ‘Destroy First, Build Later’ cases. That Member considered that no amendment should be made in respect to the “AGR” zones.

104. A Member considered that the Plan had achieved an appropriate balance between conservation and development, and it would not be easy to identify any suitable areas for rezoning to “AGR”.

105. A Member said that while the village settlements were scattering around Kuk Po, only one “AGR” zone was designated near Kuk Po Lo Wai. Thus, there would be reasonable expectation from the villagers of Yi To, Sam To, Sze To and Ng To that “AGR” zones were to be designated for their villages. Although fewer human activities on the upland area were preferred from the nature conservation point of view, not all kinds of agricultural activities would require the filling of soil which would be dependent on the type of cultivation and drainage condition. After balancing different interests and objectives, consideration should be given to rezoning some areas near the villages of Yi To, Sam To, Sze To and Ng To as well as in Yung Shue Au from “CA” or “GB” to “AGR”.

106. A Member said that since agricultural activities were always permitted within the “CA” and “GB” zones, the villagers’ rights in the agricultural lots would not be adversely affected. However, if “GB” and “CA” areas were to be rezoned to “AGR”, the ecological environment might be threatened by the permitted soil laying activities and the permissible NTEH developments upon application. The Member said that the current designation of “AGR” zones on the Plan was considered appropriate and should not be amended.

107. A Member enquired about the considerations involved in the Board’s previous decision to amend the draft Yi O OZP by rezoning some areas zoned “AGR” to “GB” during the consideration of representations and comments in respect of that draft OZP. The Secretary said that the above amendment was made mainly on the consideration that part of

the “AGR” zone had not been used for agricultural purpose, and after taking into account the topography, site conditions, existing farmland and other relevant considerations, it was proposed to be rezoned to “GB”.

108. Another Member considered that with a view to acknowledging the villagers’ aspiration for agricultural rehabilitation, suitable areas could be identified in Yung Shue Au for designation as “AGR” zone.

109. With the aid of Plans H-4a and H-4b shown on the visualiser, Mr K.K. Ling supplemented the following points:

Fung Hang

- (a) fallow agricultural land in front of the existing village cluster which was at a higher level was zoned “AGR”, while the freshwater/brackish marshes along the low-lying coastal area were zoned “CA”. The “CA” and “AGR” zones were mainly demarcated by a footpath in between;

Kuk Po

- (b) the villages of Yi To, Sam To, Sze To and Ng To which were zoned “V”, were located close to the EIS and its riparian zone which were zoned “GB” and “CA”. Thus, land which might be considered for “AGR” zone was fragmented and limited;
- (c) the freshwater/brackish marshes along the low-lying coastal areas as well as the adjoining lower sections of the EIS were zoned “CA”, whilst a relatively flat area of fallow agricultural land amidst the existing village clusters in Kuk Po Lo Wai was zoned “AGR”. The “CA” and “AGR” zones were also demarcated by a footpath in between. The area to the east of the “AGR” zone was designated as “GB”, which comprised mainly gently sloping areas covered by trees and vegetation and had provided a buffer between the village type developments and the PCCP. That area might not be suitable for expansion of the “AGR” zone; and

Yung Shue Au

- (d) the “V” zone of Yung Shue Au comprised a long strip of village cluster situated between the freshwater/brackish marsh on the low-lying coastal area to the east and the mature woodland on the vegetated hillslopes on the west which were zoned “CA”. The area to the east and south-east of the “V” zone comprised mainly fallow agricultural land where dense vegetation could be found, and was zoned “GB”. Rezoning the whole of that “GB” area to “AGR” might not be desirable given its relatively large size (about 1.3 hectares), its dense vegetation cover, inclusion of a stream and its riparian zone, and proximity to a “CA” zone. As there was no legible physical reference such as topographic features and footpaths within that “GB” area, demarcating part of it for rezoning to “AGR” would be difficult to justify.

110. Mr Ling also said that as agricultural use was always permitted in “GB” and “CA” zones, no “AGR” zone had been planned for some villages, especially those in the remote and upland areas.

111. Members generally agreed that the designation of “AGR” zones in Fung Hang and Kuk Po were appropriate and should not be amended.

112. With the aid of Plan H-4b shown on the visualiser, a Member suggested that a small part of that “GB” area situated to the immediate east of the “V” zone of Yung Shue Au, could be considered for rezoning to “AGR”. The designation of “AGR” zone in all three sub-areas could provide a clear indication of the planning intention for agricultural activities. The Chairman invited Members’ views on that Member’s suggestion.

113. A Member said that since agricultural activities were always permitted in the “GB” zone, it was not necessary to rezone that “GB” area in Yung Shue Au to “AGR”.

114. Another Member agreed to rezone a small part of that “GB” area to “AGR” in Yung Shue Au. Noting that the “V” zone of Yung Shue Au was larger than Fung Hang, the

designation of an “AGR” zone in the former should be justifiable.

115. The Chairman said that Members’ views on whether to have an “AGR” zone in Yung Shue Au were diverse, with some Members considering the current zonings on the Plan appropriate and others supporting the designation of an additional “AGR” zone at Yung Shue Au. The Chairman invited Members to have a show of hands to indicate their views on the above, and reminded those Members who did not attend or did not hear all the presentations in the morning session to refrain from participating in the voting. The majority of Members participated in the voting considered that no amendment to the zonings in Yung Shue Au was required.

Objection to Designation of Private Land as Conservation Zones (R9-R41, R43-R97)

116. The Chairman said that some representers were of the view that the designation of private land as “CA” and “GB” zones without compensation to or consent from landowners had infringed their private land rights/interests. He invited Members to refer to the Government’s responses in paragraphs 6.34 of the Paper and the proposed reason of not upholding the representations in paragraph 8.2(l) of the Paper.

117. Members noted that the zonings on the draft OZP would unlikely constitute “deprivation” of property and the issue of compensation did not arise since the draft OZP would not affect any landowner’s right to transfer or assign his/her interest of land. The draft OZP was pursuing the legitimate aim of providing better planning control and the land concerned could be put to “always permitted uses” and other uses as long as planning approval was obtained. The draft OZP did not appear inconsistent with protection of property rights under BL 6 and BL 105.

118. Regarding some representers’ view that the draft OZP had disregarded the rights and interests of indigenous villagers, which should be protected by BL 40 and BL 122, RPOC 9 and Articles 17 and 25 of the ICCPR, Members noted the Government’s responses in paragraphs 6.35 and 6.36 of the Paper and agreed that the representations should not be upheld for the reason set out in paragraph 8.2(m) of the Paper.

119. In respect of R80's views that the designation of agricultural land and permitted burial grounds as conservation zones was unnecessary, Members considered that the "CA" zones were necessary to give protection to the ecologically sensitive areas including the mature woodlands behind villages and the freshwater/brackish marshes in the three sub-areas. Members also considered that the permitted burial grounds were governed by a separate administrative system and would not be affected by the zonings on the Plan.

120. As regards the proposals of R58 and R62 as set out in paragraphs 2.14 and 2.15 of the Paper, Members considered that whether the habitat was on government land or not should not be the only factor for formulating the land use zones; and that the current extent of the subject "CA" zoning in Kuk Po was appropriate to reflect the ecological importance of the habitat. Members also noted that statutory plans would be reviewed from time to time and amended to meet changing community needs and aspirations in individual areas as appropriate.

Unreasonable Designation of "G/IC" Zone in Kuk Po (R50, R62, R67 & R96)

121. Regarding the designation of Kai Choi School and Hip Tin Temple for "G/IC" zone, Members noted that they fell outside any 'VEs' of Kuk Po Village and was isolated from the existing village clusters and "V" zones in Kuk Po.

122. A Member asked whether the "G/IC" designation would affect any private property right. Mr K.K. Ling said that the "G/IC" zone was mainly intended to reflect the existing use of the building, which was a Grade 3 historic building worthy of preservation. Apart from government uses, the "G/IC" zoning was also intended to provide land for institutional or community uses. The "G/IC" zoning would not affect the existing use and ownership of the concerned land and building. Another Member supplemented that the subject building was proposed to be used as a community hall by the villagers.

To Provide Access Road for Villages (R9, R12, R29-R33, R40, R44, R46-R47, R49, R55, R70, R72, R88, R91-R92 & R97)

123. In respect of the representers' view that the Government should provide access road for the villages, Members noted that according to the covering Notes of the draft OZP,

road works coordinated or implemented by government were in general always permitted on land falling within the boundaries of the Plan. The relevant works departments would keep in view the need for infrastructure in future subject to resources availability.

Not Respecting Stakeholders' Views (R9-R10, R12, R29-R39, R42, R44, R49, R53, R55-R57, R60, R66, R68, R69, R74-R77, R80-R81, R84, R86, R89, R93-R94 & R96)

124. Regarding the representers' opinion that their views were not respected in the preparation of the draft OZP, Members noted that public views, including those from the NDC, STKDRC, IIRs of the concerned villages, villagers and other relevant stakeholders such as green/concern groups, had been sought during the formulation of the draft OZP and that the statutory plan-making process was itself a public consultation process under the TPO.

Other Views (R67)

125. Members noted that the complaint of R67 about the incorporation of the Sha Tau Kok area into the PCCP was outside the purview of the Board or not directly related to the draft OZP. It would be relayed to relevant government departments for consideration as appropriate.

126. After further deliberation, the Board decided to note the supportive views of Representations No. R1 to R7 (part) on the draft OZP and its individual zonings and not to uphold Representations No. R8 to R97 and the remaining parts of Representations No. R1 to R7, and considered that the Plan should not be amended to meet those representations. The reasons were:

“Ecological Importance of the Area (R1-R4 & R8) and Designation of Conservation Zones (R9-R41, R43-R97)

- (a) conservation zones, including “Conservation Area” (“CA”) and “Green Belt” (“GB”) under which there is a general presumption against development, have been designated to cover areas having high conservation and landscape value to protect the natural environment of the

Area and the ecologically linked Plover Cove Country Park under the statutory planning framework;

- (b) the concerned government land forms part of a freshwater/brackish marsh which is zoned “CA” to reflect the ecological importance of this habitat. Whether the habitat is on government land or not should not be the only factor for formulating the land use zones. Statutory plans will be reviewed and amended to meet changing community needs and aspirations in individual areas as appropriate;

Designation of “Village Type Development” (“V”) Zones (R9-R10, R11-R16, R19-R23, R25, R27, R29-R38, R40-R41, R44, R46-R47, R49, R51, R52, R54-R55, R62, R66-R67, R72, R79, R80, R83-R86, R90-R92 & R95)

- (c) “V” zones have been designated at suitable locations to meet Small House demand of indigenous villagers in the Area. The boundaries of the “V” zones have been drawn up having regard to the village ‘environs’, Small House demand, settlement pattern, local topography, areas of ecological importance as well as other site-specific characteristics;
- (d) for future Small House developments outside the “V” zone, there are provisions to allow for application for their development/redevelopment to the Board;
- (e) an estimated population taking account of the 2011 Census information has been adopted as background information in the preparation of the draft OZP, which is consistent with the established practice;

Adverse Environmental Impacts of the Small House Development (R1- R4 & R7)

- (f) there is sufficient control in the current administrative system to ensure that individual Small House development would not entail unacceptable impacts on the surrounding environment;

Designation of “Agriculture” (“AGR”) Zones (R1-R5 & R7; R9-R11, R19-R20, R23, R34-R38, R40, R42, R47, R59, R66-R67, R69, R72, R75, R80, R84, R91-R92 & R94)

- (g) the “AGR” zones have been designated to facilitate revitalization of the inhabited villages with agricultural activities. Though ‘Agricultural Use’ is in general always permitted in “CA”, “GB” and “V” zones, the designation of “AGR” zone at suitable location could provide a clearer planning intention for agricultural activities;

Planning Control for Conservation (R1, R2 & R4-R7)

To Remove ‘House’ Use from the Notes of the “AGR” and/or “GB” Zones (R4 & R7)

- (h) ‘House (New Territories Exempted House only)’ and ‘House’ in the “AGR” and “GB” zones respectively require planning permission from the Board and each application will be considered by the Board based on its individual merits. There is no strong justification to impose further restrictions on the two zones;

To Restrict Tree Felling and Vegetation Clearance in the Notes of the “GB” and “CA” Zones (R1, R2 & R4-R7)

- (i) areas having high conservation and landscape values have been designated as “GB” and “CA” zones where there is a general presumption against development, and there are other measures in force including the Forests and Countryside Ordinance (Cap. 96) and the Wild Animals Protection Ordinance (Cap. 170) to provide protection of plants and animals. The Town Planning Ordinance (Cap. 131) is not considered the appropriate vehicle to control tree felling and vegetation clearance which in itself does not constitute development;

- (j) development within “GB” and “CA” zones will be strictly controlled and requires planning permission from the Board. Any deliberate action to destroy the rural and natural environment would not gain sympathy from the Board. The Board has well established practice in dealing with “Destroy First, Build Later” cases;

Designation of “Government, Institution or Community” (“G/IC”) Zone in Kuk Po (R50, R62, R67 & R96)

- (k) the “G/IC” zone is mainly to reflect the existing use of the building of Kai Choi School and Hip Tin Temple;

Rights of Landowners (R9-R41, R43-R97)

- (l) 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. Besides, insofar as it pursues the legitimate aim of providing better planning control and the land concerned could be put to “always permitted uses” and other uses as long as planning approval is obtained, it does not appear inconsistent with the protection of property rights under Articles 6 and 105 of the Basic Law (BL 6 and BL 105);
- (m) as long as any asserted traditional rights and interests have already been subject to the system of OZP under the Town Planning Ordinance (Cap.131) by the time the Basic Law came into effect, subjecting them to the planning control of designation as “CA” and “GB” zones that may be lawfully imposed pursuant to the Ordinance by way of the draft OZP would not be inconsistent with BL 40. As there would not be any change in rent resulting from the draft OZP, BL 122 would not be engaged. 1991年中國華僑保護法例 does not exist under the Mainland laws and is not applied in the HKSAR according to BL 18 and the zoning arrangement in the draft OZP cannot be said to be inconsistent with

Article 17 or 25 of the International Covenant on Civil and Political Rights;

To Provide Access Road for Villages (R9, R12, R29-R33, R40, R44, R46-R47, R49, R55, R70, R72, R88, R91-R92 & R97)

- (n) according to the covering Notes of the draft OZP, road works coordinated or implemented by Government are in general always permitted on land falling within the boundaries of the Plan;

Not Respecting Stakeholders' Views (R9-R10, R12, R29-R39, R42, R44, R49, R53, R55-R57, R60, R66, R68, R69, R74-R77, R80-R81, R84, R86, R89, R93-R94 & R96)

- (o) the Board has considered the views of villagers and other stakeholders in formulating the draft OZP and would take into account the relevant planning considerations and the representations and comments received in respect of the draft OZP before making a decision; and

Other Views (R6, R8 & R67)

- (p) there are views/suggestions outside the purview of the Board or not directly related to the draft OZP, and they should be relayed to relevant Government departments for consideration as appropriate.”

[Mr H.W. Cheung, Mr Ivan C.S. Fu, Mr H.F. Leung, Mr Patrick H.T. Lau, Dr Lawrence W.C. Poon and Mr Alex T.H. Lai left the meeting and Mr K.K. Ling left the meeting temporarily, and Mr David Y.T. Lui returned to join the meeting at this point at this point.]

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

127. As the attendees of agenda items 5, 6 and 7 had arrived, the Chairman suggested and Members agreed to proceed with agenda items 5, 6 and 7 first.

Kowloon District

Agenda Item 5

[Open Meeting (Presentation and Question Sessions only)]

Submission of the draft Urban Renewal Authority Chun Tin Street/Sung Chi Street Development Scheme Plan No. S/K9/URA1/A Prepared Under Section 25 of the Urban Renewal Authority Ordinance

(TPB Paper No. 10183)

[The item was conducted in Cantonese.]

Agenda Item 6

[Open Meeting (Presentation and Question Sessions only)]

Submission of the draft Urban Renewal Authority Hung Fook Street/Ngan Hon Street Development Scheme Plan No. S/K9/URA2/A Prepared Under Section 25 of the Urban Renewal Authority Ordinance

(TPB Paper No. 10184)

[The items were conducted in Cantonese.]

128. Members noted that both Development Scheme Plans (DSPs) were similar in nature, submitted by the Urban Renewal Authority (URA), and within the same planning area and agreed that they could be considered together.

Declaration of Interest

129. The Secretary reported that the two DSPs were located in Hung Hom and submitted by URA. AECOM Asia Company Limited (AECOM) was the consultant of URA for Item 5. MVA Hong Kong Limited (MVA) and Ramboll Environ Hong Kong Limited (Environ) were the consultants of URA for Item 6. The following Members had declared interests in the two items:

Items 5 and 6

- | | | |
|--|-------|--|
| Mr K.K. Ling
(as Director of Planning) | - | being the non-executive director of the Board of URA |
| Mr Lincoln L.H. Huang | - | being the Deputy Chairman of Appeal Board Panel of URA |
| Dr Lawrence W.C. Poon | - | being the non-executive director of the Board and a member of the Lands, Rehousing and Compensation Committee of URA |
| Mr Philip S.L. Kan
Mr Wilson Y.W. Fung |]] | being a director of the Board of the Urban Renewal Fund of URA |
| Mr Stephen H.B. Yau | - | being a past member of the Wan Chai District Advisory Committee of URA |
| Mr Patrick H.T. Lau
Mr K.K. Cheung
Mr Stephen L.H. Liu |]]] | having current business dealing with URA |
| Ms Christina M Lee | - | co-owning a flat with spouse at Oi King Street in Hung Hom |
| Dr F. C. Chan | - | owning a flat at Laguna Verde in Hung Hom |

Item 5 only

- | | | |
|--|---|--|
| Mr Ivan C.S. Fu |] | |
| Mr Patrick H.T. Lau |] | having current business dealing with AECOM |
| Dr C.H. Hau |] | |
| | | |
| Mr Dominic K.K. Lam |] | |
| Mr Thomas O.S. Ho |] | having past business dealings with AECOM |
| Mr Franklin Yu |] | |
| | | |
| Professor S.C. Wong
(Vice-chairman) | - | being the Chair Professor and Head of Department of Civil Engineering of the University of Hong Kong where AECOM had business dealings with some colleagues and had sponsored some activities of the Department before |

Item 6 only

- | | | |
|---------------------|---|--|
| Mr Ivan C.S. Fu | - | having current business dealing with MVA and Environ |
| | | |
| Mr Patrick H.T. Lau |] | having current business dealing with MVA |
| Mr Thomas O.S. Ho |] | |
| | | |
| Ms Janice W.M. Lai | - | having current business dealing with Environ |
| | | |
| Mr Dominic K.K. Lam | - | having past business dealings with MVA and Environ |
| | | |
| Mr Franklin Yu | - | having past business dealings with MVA |

130. Members noted that Professor S.C. Wong, Mr Dominic K.K. Lam, Mr Ivan C.S. Fu, Mr Patrick H.T. Lau, Ms Christina M Lee, Dr Lawrence W.C. Poon and Mr Thomas O.S. Ho had already left the meeting, Mr. K.K. Ling had left the meeting temporarily, and Mr Lincoln L.H. Huang, Mr Stephen H.B. Yau, and Dr C.H. Hau had

tendered apologies for being unable to attend the meeting. As the interests of Mr Stephen L.H. Liu and Mr K.K. Cheung were direct, they should be invited to leave the meeting. As the interests of Dr F. C. Chan, Ms Janice W.M. Lai, Mr Philip S.L. Kan, Mr Wilson Y.W. Fung, and Mr Franklin Yu were indirect, Members agreed that they should be allowed to stay in the meeting.

[Mr Stephen L.H. Liu and Mr K.K. Cheung left the meeting at this point.]

131. The Secretary reported that a petition letter submitted by the Owners Corporation of Fook Wan Mansion and Fook Wan Mansion Concern Group objecting to the closure of Chun Tin Street was received by the Secretariat before the meeting. The petition letter was circulated for Members' reference at the meeting.

Presentation and Question Sessions

132. The following representatives from the Government and URA were invited to the meeting :

Government Representatives

Mr Tom C. K. Yip - District Planning Officer/ Kowloon, Planning Department (DPO/K, PlanD)

Ms Johanna W.Y. Cheng - Senior Town Planning/Kowloon (STP/K), PlanD

Mr Gary C.H. Wong - Senior Engineer/Kowloon District Central, Transport Department (SE/KC, TD)

URA's Representatives

Mr Michael Ma - Executive Director, Commercial, URA

Mr Christopher Wong - General Manager (Planning and Design), URA

Mr Mike Kwan - Assistant General Manager (Planning and Design), URA

133. The Chairman extended a welcome and explained the procedure of the meeting. He then invited PlanD and URA's representatives to brief Members on the DSPs.

134. With the aid of a PowerPoint presentation, Mr Tom C. K. Yip, DPO/K, made the following main points:

URA projects and the statutory planning procedures

- (a) according to the District Urban Renewal Forum (DURF) study for Kowloon City, an area where Hung Fook Street/Ngan Hon Street Development Scheme (DS) was located, was identified as a proposed redevelopment priority area and the Chun Tin Street/Sung Chi Street DS area was identified as a proposed mixed redevelopment/rehabilitation area where redevelopment and/or rehabilitation works were to be carried out having regard to building conditions;
- (b) seven URA's project sites covered 2.3 ha yielding a total gross floor area (GFA) of about 183,800 m² and 3,380 flats were proposed in the redevelopment priority area. There would be about 28,900 m² for commercial uses, 1,450 m² for Government, Institution and Community (GIC) facilities and 500 m² for public open space;
- (c) DSs were projects implemented under section 25 of the URA Ordinance and required submission to the Board and to be gazetted as a DSP under the Town Planning Ordinance (the Ordinance). The Board might deem the draft DSP, with or without any amendment, as being suitable for publication. The agreed draft DSP would be gazetted and deemed to be draft plans prepared by the Board. Alternatively, the Board might refuse to deem the DSP as being suitable for publication;
- (d) development projects (DPs) were projects implemented under section 26 of the URA Ordinance and conformed to the existing zoning and planning controls. A DP would be submitted to the Secretary for Development for authorization;

The Chun Tin Street /Sung Chi Street DS

- (e) URA proposed to rezone an area partly zoned “Residential (Group A)” (“R(A)”) and partly shown as ‘Road’ to “R(A)7” and to relax the building height (BH) restriction to 130mPD. The proposed domestic and non-domestic GFA were 12,270m² and 2,454m² respectively;
- (f) on 13.5.2016, URA submitted the draft Chun Tin Street/Sung Chi Street DSP No. S/K9/URA1/A with supporting documents to the Board. On 22.6.2016, URA further submitted the social impact assessment (SIA) (Stage 2);
- (g) the submissions were made available for public comment, and a total of 1,182 comments were received. Among them, 1,166 objected/had adverse comments, 4 supported/had positive comments, and 12 expressed views; and
- (h) the DS area was characterised by 4 to 6-storey old tenement buildings and Chun Tin Street was a dead-end road. The 16-storey Fook Wan Mansion to the north of the DS was built in 1975.

135. With the aid of a PowerPoint/video presentation, Mr Michael Ma and Mr Christopher Wong, URA’s representatives made the following main points on the Chun Tin Street/Sung Chi Street DSP:

Background

- (a) the DSP was part of a former project of URA (i.e. Ma Tau Wai Road/Hok Yuen Street DP). Due to a building collapse incident in 2010, URA revised the project boundary to expedite redevelopment of the Ma Tau Wai Road/Chun Tin Street project as a DP and excluding the DSP site;
- (b) Chun Tin Street was a dead-end street which posed as a constraint on building layout, removing the street would improve the traffic network/pedestrian circulation, allow better integration with adjoining

development, enhance street environment and building design, and increase flat supply. The proposed relaxation of BH to 130mPD would allow a slimmer building to enhance urban design and visual corridor. About 60% of the DSP area would be dedicated for a vehicular turning area and other road improvements, pavement and loading/unloading bays which would be managed and maintained by URA;

Development parameters

- (c) the proposed major development parameters of the subject DS were as follows:

Maximum domestic GFA	:	12,270m ²	(plot ratio (PR) 7.5)
Maximum non- domestic GFA	:	2,454m ²	(PR 1.5)
Maximum BH	:	130mPD	
No. of residential towers	:	1	
No. of floors	:	34 storey over a 3-storey commercial podium	
No. of flats	:	310	

Public Comments

- (d) there were 458 and 723 public comments received during the 2-stage exhibition, about 70% of the 458 commenters and 30% of the 723 commenters were from Fook Wan Mansion and about 1% were existing occupants in the DS. Comments from local business operators were mostly related to compensation and relocation difficulties. The major concerns from Fook Wan Mansion were related to environmental and visual impacts, technical issues and emergency vehicular access (EVA). They urged for the inclusion of Fook Wan Mansion into DSP;
- (e) the Housing and Infrastructure Committee (HIC) of Kowloon City District Council (KCDC) was consulted on 23.6.2016, they commented that URA should withdraw the DSP and re-activate the former DP to avoid closure of Chun Tin Street and delay of compensation/

redevelopment. There were also concerns on local traffic improvement, the EVA for Fook Wan Mansion, and removal of the metered parking spaces;

- (f) in response, URA considered that inclusion of Chun Tin Street would bring more planning and community benefits. URA had already announced early acquisition and compensation would not be delayed. With the proposed road improvements, the DSP would improve the overall traffic and pedestrian network in the area and allow emergency vehicles to reach Fook Wan Mansion. The affected metered parking spaces would be reprovisioned partially;
- (g) there were special measures on advanced acquisition and about 73% of property interests were already acquired by URA. The special rehabilitation measures for the existing residents had also been launched;
- (h) the Traffic Impact Assessment and Environmental Study concluded that there would be no insurmountable impact on traffic, noise, air quality, sewerage/drainage, and land contamination aspects; and

Implementation Programme

- (i) target completion of the DSP was by 2025, together with the adjoining Ma Tau Wai Road/Chun Tin Street DP, the redevelopment would provide an integrated planning and design for the whole area.

136. With the aid of a PowerPoint presentation, Mr Tom C. K. Yip made the following main points on planning considerations and assessments on the Chun Tin Street/Sung Chi Street DSP :

Development Intensity

- (a) excluding a portion of Chun Tin Street that will be used for vehicular turning area from the site area for PR calculation was considered acceptable and the proposed GFA restrictions were in line with the PR

restrictions of the original “R(A)” zone;

Inclusion of Chun Tin Street

- (b) the expanded site would improve the traffic/pedestrian environment, and allow better integration of the adjoining URA project and produce more flats;
- (c) extinguishment/inclusion of Chun Tin Street into the DS for PR calculation might contravene the Buildings Ordinance but application for exemptions could be further dealt with in the building plan submission stage;

New Transport Arrangements

- (d) Sung Chi Street would be widened and a vehicular turning area would be provided for emergency/heavy vehicles and public uses. The existing metered car park spaces would be partially re-provided in the vicinity;
- (e) the concerns on enforceability of the management/maintenance of the proposed transport facilities and at-grade open space/passageway to the adjoining DP could be dealt with at the land grant stage;
- (f) Transport Department (TD) had no adverse comment on the proposed road improvement proposals and traffic impacts of the development. URA had agreed that the proposed traffic impact mitigation measures would be implemented before population intake;

Other Technical Matters

- (g) concerned departments had no adverse comment from environmental, traffic, drainage and sewerage impacts perspectives. Provision of social welfare facilities would be subject to further discussion between URA and Social Welfare Department (SWD) and if required, could be stipulated under the lease conditions;

- (h) responses to public comments relating to air ventilation, visual and construction impacts, compensation, rehousing, retaining Chun Tin Street, and inclusion of Fook Wan Mansion into DSP were provided by URA;

BH Restriction

- (i) regarding URA's proposal to relax the BH restriction to 130mPD, PlanD considered that it would be more appropriate to retain the restriction at 120mPD for the following reasons:
 - (i) BH restriction of the "R(A)" zones in the same street block was 120mPD. Except for Chatham Gate, the Hung Hom OZP was subject to maximum BHs of 80mPD to 120mPD. The proposed relaxation of BH to 130mPD would have an undesirable precedent effect;
 - (ii) retaining the existing BH restriction would not affect the development potential of the DS; and
 - (iii) there should be options to extend the building southwards without narrowing the building gap between the DS and the adjoining DP, there appeared to be no significant improvement to the pedestrian wind environment with the increase in BH. URA had not convincingly demonstrated the design merits of the proposed BH relaxation. Application for minor relaxation of BH was allowed under the proposed Notes of the DSP; and
- (j) PlanD's view - PlanD had no objection to the draft DSP but considered that it would be more appropriate to retain the BH restriction of 120mPD for the reasons as set out in paragraph 12 of the Paper and summarised in paragraph 136 (i) above. If the Board agreed that the subject DSP was suitable for publication, the area covered by DSP would be excised areas

from OZP.

137. As the presentation for the Chun Tin Street/Sung Chi Street DSP was completed, the Chairman invited questions from Members on the subject DSP.

Traffic and Parking Facilities

138. In response to two Members' questions relating to the management of Sung Chi Street and parking provision of the DSP site and the adjoining Fook Wan Mansion, Mr Michael Ma said that URA intended to take up the management and maintenance of the vehicular turning area, its adjoining pavement and the loading/unloading bays along the widened Sung Chi Street and the vehicular turning area would be opened 24 hours to the public. Mr Christopher Wong said that ancillary parking spaces would be provided at the basement of the proposed development at the DSP site and car lift would be provided due to the small footprint of the proposed development. Mr Tom C.K. Yip said that there was no car parking spaces provided in the adjoining Fook Wan Mansion.

139. A Member suggested that allowing left turn only to Sung Chi Street might be able to reduce the adverse traffic impact on Sung Chi Street and improve pedestrian safety. In response, Mr Michael Ma said that the suggestion could be considered during detailed design stage in consultation with TD.

Development scheme

140. A Member noted that a large number of the public comments were submitted by the residents of the adjoining Fook Wan Mansion and they had requested for inclusion of that building into the DS boundary. Noting the petition letter received by the Board on that day was also submitted by residents of Fook Wan Mansion, the Member asked whether URA had arranged sufficient local consultation meeting with the residents to collect their views and to provide them the latest information of the DS. In response, Mr Michael Ma said that as a continuing exercise, they had solicited views from the residents of Fook Wan Mansion and explained to them how the DS would benefit the community of the area including the residents of Fook Wan Mansion. He further said that the inclusion of Chun Tin Street into the DS would improve not only the traffic/pedestrian network and design flexibility, but also allowing a wider building gap between Fook Wan Mansion and the

proposed development. He said that URA would minimise the potential impacts on the residents in Fook Wan Mansion during the construction period.

141. Noting the assessment of PlanD that a BH of 120mPD would be able to accommodate the proposed GFA and number of flats, a Member queried whether the proposed relaxation of BH restriction from 120mPD to 130mPD would be necessary, and if required, whether it could be dealt with through a minor relaxation planning application. In response, Mr Tom C. K. Yip said that any application for minor relaxation of BH restriction would be considered on its own merits. The extent of proposed BH relaxation would only be one of the many considerations. Design merits, site constraints, pedestrian environment, air ventilation and visual aspects etc. were all relevant factors for consideration.

142. Noting that the residential tower might be extended southward towards Hok Yuen Street without narrowing the building gap as suggested by PlanD, a Member asked whether URA would agree with such option. Mr Christopher Wong said that URA would further examine any possible options, while observing the prescribed window requirements under the Buildings Ordinance.

143. A Member noted that about 73% of property interests had already been acquired by URA and asked whether it involved the property interests in Fook Wan Mansion. In response, Mr Michael Ma confirmed that the property interests acquired by URA were all within the DSP area.

Social Welfare Facilities

144. A Member suggested that provision of social welfare facilities within the DS should be considered in view of the social character of the area. In response, Mr Michael Ma said that the adjoining URA's DP under construction would accommodate a sizable floor space of about 1,000 m² for community facilities. Besides, there was a planned neighbourhood elderly centre of around 450m² in a nearby DP at Kai Ming Street. Mr Ma further said that due to site constraint, no social welfare facilities would be provided in the subject DSP.

Gentrification Problem

145. A Member had concern on the potential problem of gentrification upon redevelopment, a process where urban neighbourhoods were occupied by influx of more affluent residents after renewal resulting in increased property prices and displacement of lower-income families. In response, Mr Michael Ma said that URA would be the developer for the subject DS and their Flat-for-Flat Scheme had provided domestic owner-occupiers affected by the URA's redevelopment projects with an alternative option to buy their flats. Domestic owner-occupiers, who wished to opt for 'Flat-for-Flat Scheme', could have a choice of buying flats in the future redevelopment or flats in the project to be developed by the URA at Kai Tak.

146. In response to a Member's question on keeping the name of Chun Tin Street, Mr Michael Ma said that it was the usual practice for URA to keep the existing name of streets, especially those with collective memories of Hong Kong that were worth retaining.

147. As Members had no further question on the Chun Tin Street/Sung Chi Street DS, the Chairman invited PlanD and URA's representative to brief Members on the Hung Fook Street/Ngan Hon Street DS.

148. With the aid of a PowerPoint presentation, Mr Tom C. K. Yip made the following main points on the draft Hung Fook Street/Ngan Hon Street DS:

The draft Hung Fook Street / Ngan Hon Street DS

- (a) the draft DSP was to rezone Hung Fook Street/Ngan Hon Street DS area from "R(A)" to "R(A)8", and to include provisions to exempt the floor space of an underground car park and coach parking spaces from PR calculations;
- (b) on 10.6.2016, URA submitted the draft Hung Fook Street/Ngan Hon Street DSP No. S/K9/URA2/A, Notes and the ES with supporting documents to the Board. On 20.7.2016, URA further submitted the SIA (Stage 2);

- (c) the submissions were made available for public comment, a total of 12 comments including 3 supported, 4 opposed and 5 expressed view, were received; and
- (d) the DS area, about 4,951m², was characterised by 6 to 8-storey old tenement buildings, and the surrounding areas were predominantly residential buildings with commercial premises on the ground floor.

149. With the aid of a PowerPoint presentation, Mr Michael Ma, made the following main points on the draft Hung Fook Street/Ngan Hon Street DS:

- (a) URA had six other DS/DPs in the vicinity of the Hung Fook Street/Ngan Hon Street DS;
- (b) the proposed major development parameters of the subject DS were as follows:

Maximum domestic GFA	:	34,215m ²	(PR 7.5)
Maximum non- domestic GFA	:	6,843m ²	(PR 1.5)
Maximum BH	:	100mPD	
No. of residential towers	:	3	
No. of floors	:	23 storey over a 3-storey commercial podium	
No. of flats	:	750	

- (c) an underground car park was proposed to accommodate parking and loading and unloading (L/UL) facilities ancillary to URA commenced developments/redevelopments within the Wider Area (as shown on Drawing 2 of the Paper), including the subject DSP, the DPs of Hung Fook Street/Kai Ming Street, Wing Kwong Street, Kai Ming Street, and other development sites in the area being considered by URA. Four coach parking spaces would be provided as required by the Government;
- (d) provision of ancillary car parks for various developments at one site could reduce ingress/egress points, avoid disruption to traffic/pedestrian

circulation, and improve accessibility. It would also maintain continuous and active street frontages to enhance safe walking and street vibrancy. The subject DS site was relatively larger and would allow a more efficient car park layout;

- (e) a through road connecting Hung Fook Street and Ngan Hon Street on ground level was proposed and would improve traffic and pedestrian accessibility and reduce circulating traffic. The road would form part of a new road network running north-south and extending southwards towards Wan On Street through other URA DP sites;
- (f) a neighbourhood elderly centre would be provided in the nearby Kai Ming Street DP; and
- (g) the HIC of KCDC was consulted on 23.6.2016 and suggested URA to consider incorporating some other building lots in the vicinity into the DSP and to provide coach parking spaces to meet the demand.

150. With the aid of a PowerPoint presentation, Mr Tom C. K. Yip made the following main points on the planning considerations and assessments on the draft Hung Fook Street/Ngan Hon Street DS:

Development Intensity

- (a) the proposed PR restrictions were in line with that of the original “R(A)” zone on the OZP;

Underground Car Park

- (b) the proposed provision of an underground car park to accommodate the ancillary parking and L/UL facilities for URA commenced projects within the Wider Area was supported. A maximum of 274 car parking spaces and 20 L/UL bays were specified in the Explanatory Statement (ES) and the actual provision would be based on known projects at land grant stage;

Management and PR calculations

- (c) exemption of ancillary car park and L/UL bays for developments within the Wider Area from PR calculations was generally in line with the intention of “R(A)” zones. No objection to exempt the coach parking spaces required by the Government from PR calculation to cater for district demand;
- (d) according to LandsD, proposals on enforceable mechanisms for management of the underground car park would be required to ensure that the ancillary car park and L/UL facilities will serve various developments within the Wider Area . The management and GFA calculation of the underground car park and scavenging lane issues raised by LandsD and the Buildings Department respectively would be sorted out at the development stage;

Road Improvement Schemes

- (e) TD had no adverse comment on the proposed road system and its traffic impacts. URA had agreed to implement the junction improvement works at To Kwa Wan Road/Ngan Hon Street for access of long vehicles;

Other Technical Matters

- (f) concerned departments had no adverse comment from environmental, traffic, drainage and sewerage impact perspectives. Provision of social welfare facilities would be subject to further discussion and stipulated under the lease conditions, if required;
- (g) public comments regarding inclusion of surrounding lots; traffic, environmental, and safety impacts of the road proposals; compensation and rehousing; coach parking had been considered by URA; and
- (h) PlanD’s view - PlanD had no objection to the draft DSP and to exempt the underground car park and coach parking spaces from PR calculation for

the reasons as set out in paragraph 12 of the Paper and being summarised in paragraph 150 (c) above. If the Board agreed that the subject DSP was suitable for publication, the area covered by DSP would be excised areas from OZP.

151. As the presentations on the draft Hung Fook Street/Ngan Hon Street DSP were completed, the Chairman invited questions from Members on the DSP.

Through road and parking proposals

152. In response to a Member's question relating to the proposed through road at the site, Mr Michael Ma confirmed that the proposed road would not affect the development intensity of the DSP site and the PR would be kept at 7.5 and 1.5 for the domestic and non-domestic portions respectively.

153. A Member and the Chairman asked how URA could ensure that the residents within the Wider Area would be given priority to use or buy the proposed car park in the DS. In response, Mr Michael Ma said URA would explore the means on implementation and management of the proposed underground car park for the Wider Area and the proposed mechanism would be subject to agreement with relevant government departments during the land grant stage. Mr Ma said that URA would not sell individual parking spaces to non-residents of the Wider Area. Another Member asked whether there would be any difference in the total number of car parking provision for the Wider Area, with or without the underground car park. In response, Mr Ma said that the total number of car parking spaces provision within the Wider Area would be the same if they were to be provided separately in individual projects. The proposed underground car park at one site could have the benefits of reducing the number of ingress/egress points within the area and allowing continuous and active street frontages.

Development and Design Issues

154. In response to a Member's concern on whether the flat size of the proposed development would be substantially reduced to akin with that of sub-divided flats in order to increase the flat production figure, Mr Michael Ma said that about 50% of the flats would have a size of 50m² and the smallest unit would not be less than 25m² in size.

155. In response to a Member's question on the total number of URA projects within the Wider Area, total GFA and number of flats, Mr Michael Ma said that there would be another car park outside the Wider Area to the south of Wing Kwong Street, to serve the URA DP there. Within the Wider Area, URA had already commenced a few projects including the subject DS site, the Hung Fook Street/Kai Ming Street site, the Kai Ming Street site, and the Wing Kwong Street site. Mr Ma said that there were other sites within the Wider Area under planning/consideration by URA and the location of which had to be kept confidential at this stage.

156. Two Members remarked that during the recent overseas' visit of the Board to Berlin, Members had visited the recycling collection facilities for a small community (Potsdamer Platz). Those Members suggested that URA should make reference to the underground central waste disposal system, in which all waste was carefully sorted to facilitate recycling. In response, Mr Michael Ma said that URA had already adopted green/smart initiatives in one of the recent DPs nearby. Two Members also suggested that URA should plan for such facilities comprehensively in the Wider Area instead of having the green/smart initiatives on a project-by-project basis. The Chairman requested the Secretariat to provide the relevant information to URA for their reference. In response to the Chairman's question on the details of URA's green initiatives, Mr Michael Ma said that URA had adopted an energy consumption indicator in one of their projects and was exploring more smart initiatives to promote energy conservation and aiming at a reduction in energy consumption in their future projects. The URA was looking into other practical technologies that could be adopted in future projects.

157. In response to a Member's question on the types of shops to be provided especially those shops having street frontage, Mr Michael Ma said that URA had given due consideration to the retail proposal in each of its developments having regard to the affected operators. For example, in the 'Sport Shoe' Street project in Mong Kok, URA had made arrangement for those operators of sports shops who wished to continue their business in the future development. In the Graham Street DS, consideration was given to reserving floor spaces for some former shops. In the subject DS, however, the existing units having street frontage were mostly workshops which would not be compatible with the proposed residential development. URA would continue to plan the retail uses in the DS with regard to the local character and reserve space for small shops as necessary.

Social welfare facilities

158. Noting from the findings of the SIA reports that there were a number of persons with disability and single-parent families, a Member suggested that URA should consider providing some relevant social welfare facilities such as an integrated family service centre even though there was already a planned elderly centre in a nearby URA project. In response, Mr Michael Ma said that according to the 'wish list' of social welfare facilities suggested by the SWD, they had not requested an integrated family service centre, and there were a few sensitive community facilities on the list which would require agreement from the District Council before they could be included in the URA projects. He further said that URA was always willing to provide GIC facilities in their projects if there was a genuine need. For instance, URA had provided a number of clinics including a Methadone Clinic in the Kwun Tong Town Centre development. Mr Tom C.K. Yip supplemented that an integrated family service centre was in the 'wish list' of SWD.

159. As Members had no further questions to raise, the Chairman thanked the representatives of PlanD and URA for attending the meeting. They left the meeting at this point.

160. The deliberation session was reported under confidential cover.

[Professor K.C. Chau, Dr Lawrence K.C. Li, Mr Philip S.L. Kan, Mr C.W. Tse, Ms Janice W.M. Lai, and Mr F.C. Chan left the meeting during deliberation of the items.]

General

Agenda Item 7

[Open Meeting]

Study on Long-term Strategy for Cavern Development Cavern Master Plan

(TPB Paper No. 10185)

[The meeting was conducted in Cantonese.]

[Mr K.K. Ling returned to join the meeting at this point.]

Declaration of Interests

161. The Secretary reported that Ove Arup Partners HK Limited (Arup) was the consultant of the study on Long-term Strategy for Cavern Development (the Study). The following Members had declared interests in the item:

- | | | |
|---------------------|---|--|
| Mr Ivan C.S. Fu | - | having current business dealing with Arup |
| Professor S.C. Wong | - | being an engineering consultant of Arup and the Chair Professor and Head of Department of Civil Engineering of University of Hong Kong where Arup had sponsored some activities of the Department before |
| Mr Alex T.H. Lai |] | their firm having current business dealings |
| Mr K.K. Cheung |] | with Arup |

162. Members noted that Professor S.C. Wong, Mr Ivan C.S. Fu, Mr K.K. Cheung and Mr Alex T.H. Lai had already left the meeting.

Presentation Session

163. The following government representatives and the study consultant were

invited to the meeting:

Planning Department (PlanD)

Mr Edward W.M. Lo - Chief Town Planner/Technical Services, Planning Department (CTP/TS, PlanD)

Civil Engineering and Development Department (CEDD) and its consultant

Mr Pun Wai Keung - Deputy Head, Geotechnical Engineering Office (Planning & Standards) (DH, GEO (P&S), CEDD

Mr Tony Y. K. Ho - Chief Geotechnical Engineer/Planning, (CGE/P), CEDD

Mr Lawrence K.W. Shum - Senior Geotechnical Engineer/Marine and Land Geotechnology (SGE/MG), CEDD

Mr Mark Wallace - Project Manager, Arup

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

165. Mr Pun Wai Keung, DH, GEO (P&S) said that cavern development was one of the viable sources of long-term land supply. In 2011, the Board was briefed on the previous study on the use of underground space. To follow up the findings of the study, CEDD had commenced the Study in 2012 and one of the major tasks was to prepare a Cavern Master Plan (CMP) to facilitate cavern development. Subject to the comments from the relevant consulted parties, the draft CMP would be finalised.

166. With the aid of a PowerPoint presentation, Mr Lawrence K.W. Shum, SGE/MG, made the following main points:

Background

(a) the terrain in Hong Kong was suitable for cavern development, particularly in the urban fringe. About 64% of the area in Hong Kong

was considered geotechnically suitable for cavern development. There were proven local experiences in cavern construction. The Western Salt Water Service Reservoir was a good example to demonstrate how cavern development could release land for development;

- (b) the Hong Kong Planning Standards and Guidelines (HKPSG) had already set out the broad land uses with the potential for development in caverns, additional potential uses would be recommended for inclusion in the HKPSG;
- (c) there were also many successful overseas experiences, uses such as stadium, swimming hall, data centre, water treatment plant, national archives, and parks were located in cavern in many European countries. There were also integrated facilities in Switzerland and United States which included multiple uses such as testing centres, fire services training, quarrying, logistic as well as recreation facilities;
- (d) as recommended in the 2009/10 Policy Address, enhanced use of underground space was examined. The first pilot scheme was the relocation of the Sha Tin Sewage Treatment Work, and the feasibility study for three additional pilot schemes for service reservoirs and sewage treatment works were then carried out in 2014;

CMP

- (e) CMP was a non-statutory plan and user guidelines which served as a planning tool providing a broad strategy planning framework to guide and facilitate territory-wide cavern development. A Strategic Cavern Area (SGCA) was an area that was easy to access and could accommodate multiple facilities in caverns. It should be of (i) suitable setting with favourable topographic and geological settings; (ii) easy access locating at urban fringe and near the surrounding infrastructure network; (iii) accommodating multiple facilities and suitably large with sufficient number of portal locations; and (iv) in areas with demand for caverns to meet the need of development;

- (f) the objectives of CMP were to facilitate territory-wide cavern development, to promulgate information, and to optimise utilisation of SCVAs. CMP showed the location and boundary of each SCVAs, accompanied by an Explanatory Statement (ES) and a set of Information Note;
- (g) forty-eight SCVAs, covering about 45 km², had been identified. The size of individual SCVAs ranged from 20 to 200 hectares. The SCVAs identified were based on geological and planning considerations, and were not meant to be exhaustive;
- (h) the Information Note described the location, details, district context (including access and land use zoning), characteristics (including boundary, geology, planning, environment, traffic, key issues), potential land uses and the extent of potential portal location of each SCVAs;
- (i) all potential portal locations identified were located outside Country Parks. CMP did not exempt any cavern development projects from the statutory requirements. All relevant statutory procedures such as those under the Town Planning Ordinance, Environmental Impact Assessment Ordinance (EIAO) would be complied with, and consent from the Country and Marine Parks Authority would be obtained for cavern development within Country Parks, etc. It should be noted that cavern development was a Designated Project under the EIAO;
- (j) the benefits of cavern development were manifold but the development of caverns involved considerable capital investment and long time-frame, hence a detailed cost-benefit analysis would be necessary in order to assess the cost-effectiveness of the proposed development;
- (k) CMP and the additional list of potential land uses would be incorporated into the HKPSG to enable the Government and private sector to identify suitable cavern sites; and
- (l) exhibitions, talks and visits were organised to let the general public

understand more about cavern development in Hong Kong.

Discussion Session

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

168. Five Members had the following questions, observations and views on cavern development:

- (a) there were concerns on interface of the SCVAs within the Country Parks including the possible impact on underground water;
- (b) whether the former air-raid precaution tunnels and ex-quarry sites in Hong Kong were included in the Study;
- (c) the responsibility for the provision of supporting infrastructure for cavern development should be clearly defined;
- (d) it was noted that overseas cavern developments mainly involved the after uses of caverns from mining works and military purpose. Whether there were any local stakeholders in the private sector had indicated interests on cavern development;
- (e) whether cavern development would freeze up suitable sites for other developments or whether the underground uses of the cavern could complement the proposed uses on the ground; and
- (f) it was noted that some new development area on the Lantau Island were identified as SCVAs. Whether there was any mechanism to ensure that coordination among government departments would be achieved.

169. In response, Mr Pun Wai Keung and Mr Tony Y. K. Ho, CGE/P made the following main points:

- (a) although 40% of the SCVA area were located within Country Parks, all potential portal locations identified was located outside and would not affect the use of the sites on ground. A waterproofing system would be installed to avoid potential adverse impact on the underground water and the groundwater table. Comparing with the linear tunnel development, the environmental impacts of the point specific cavern development would be less significant. The depth of the portal for the cavern development would vary with the type of the proposed facilities. Under the EIAO requirements, impacts on and underground water should be included;
- (b) CEDD had maintained a data base on the existing air-raid precaution tunnels and the feasibility of using those tunnels and ex-quarries had been reviewed. As the tunnels were mostly pre-war structures, most of them were in poor conditions, or already backfilled and there were also building safety issues to be addressed. A number of tunnels that were in relatively good conditions had already been occupied for different purposes;
- (c) as one of the selection criteria for SCVA was on accessibility (i.e. at easy access, located at urban fringe and near the surrounding infrastructure network), the need for additional provision of infrastructure would not be great. As a next step of work, the Government might consider carrying out planning and engineering feasibility study for some specific sites if they were identified to be very suitable for cavern development. The detailed infrastructural requirements would be examined in detail at that stage;
- (d) the objective of CMP was to provide a tool to facilitate the search of suitable sites. A pragmatic mechanism would be adopted for cavern development without compromising land use and developments on ground; and
- (e) so far, the logistic industry and data centre operators had indicated their interests in cavern development, however, implementation programme

and cost were some of their major considerations.

170. As Members had no further question, the Chairman thanked the government representatives and the study consultant for attending the meeting. They left the meeting at this point.

Sai Kung and Islands District

Agenda Item 8

[Open Meeting]

Draft Tai Ho Outline Zoning Plan No. S/I-TH/B Preliminary Consideration of a New Plan
(TPB Paper No. 10186)

[The item will be conducted in Cantonese.]

171. In view of the overrun in the meeting schedule, the Chairman suggested and Members agreed that consideration of Agenda Item 8 should be deferred to the next meeting.

Kowloon District

Agenda Item 4

[Open Meeting]

Consideration of Representation on the Draft Tsz Wan Shan, Diamond Hill and San Po Kong Outline Zoning Plan No. S/K11/28
(TPB Paper No. 10181)

[This item was conducted in Cantonese.]

Declaration of Interests

172. The Secretary reported that Ms Christina M. Lee had declared an interest in the

item for being the director of a company which owned a flat at Fung Cheung House, Wong Tai Sin. Members noted that Ms Lee had already left the meeting.

Presentation and Question Sessions

173. Mr Tom C. K. Yip, District Planning Officer/ Kowloon, Planning Department (DPO/K, PlanD) was invited to the meeting at this point. The Chairman extended a welcome and said that reasonable notice had been given to the representer inviting him to the hearing, but he made no reply. As reasonable notice had been given to the representer, the Board should proceed with the hearing of the representation in his absence.

174. The Chairman briefly explained the procedure of the hearing:

- (a) DPO/K would brief Members on the background;
- (b) question and answer (Q&A) sessions would be held after the presentation, Members could direct their questions to DPO/K;
- (c) after the Q&A sessions, DPO/K would be invited to leave the meeting;
and
- (d) the Board would deliberate on the representation and inform the representer of the Board's decision in due course.

175. The Chairman then invited DPO/K to brief Members on the representation. With the aid of a PowerPoint presentation, Mr Tom C. K. Yip, DPO/K, made the following main points as detailed in the Paper:

Background

- (a) on 24.3.2016, the draft Tsz Wan Shan, Diamond Hill and San Po Kong Outline Zoning Plan No. S/K11/28 (the draft OZP) was exhibited for public inspection. One supportive representation was received;
- (b) the major amendments of the draft OZP included:

- (i) rezoning of a site at Sheung Fung Street from “Government, Institution or Community” (“G/IC”) to “Residential (Group A)” (“R(A)”) (Item A); and
 - (ii) incorporation of ‘Art Studio (excluding those involving direct provision of services or goods)’ as Column 1 use for industrial or industrial-office buildings in “Other Specified Uses” annotated “Business” (“OU(B)”) zone;
- (c) on 19.1.2016, the Wong Tai Sin District Council (WTSDC) was consulted on the OZP amendments and raised no objection. After exhibition of the draft OZP on 24.3.2016, an information note regarding the amendments was sent to WTSDC. No comment was received;

Major Ground of Representation, Representer’s Proposal and Responses

- (d) R1 supported the amendments to the Notes for the “OU(B)” zone as it allowed performing artists to make use of industrial land to set up venues for rehearsal and related facilities which were in need and in line with the Government’s policy in supporting cultural and creative industries;
- (e) R1 proposed to relax the definition of ‘Art Studio’ so as to allow the art class which was not operated as ‘school’ under the Education Ordinance to be held in those premises;
- (f) the responses to the above ground/proposal were :
 - (i) due to fire safety concern, uses or activities involving direct provision of services or goods should remain under Column 2 which required planning permission;
 - (ii) the Director of Fire Services (D of FS) did not support the proposal as ‘Art Studio’ use should be purely used as a working place by operators and their employees and should not attract visitors; and

- (iii) other activities such as promoting the public's knowledge/interest of art, experience sharing, etc. should be avoided in existing industrial buildings;

PlanD's Views

- (g) the supportive view of R1 was noted. PlanD did not support the proposal of R1 and recommended not to amend the OZP to meet the representation.

176. Members had no question on the representation. The Chairman said that the hearing procedures had been completed. The Board would deliberate on the representation and would inform representer of the decision in due course. The Chairman thanked Mr Tom C. K. Yip for attending the hearing and he left the meeting at this point.

Deliberation Session

177. A Member said that though incorporation of 'Art Studio (excluding those involving direct provision of services or goods)' under the Notes for "OU(B)" zone had not been very effective in the rehabilitation of the industrial or industrial-office buildings so far, there was no strong planning justification to support the proposal of relaxing its definition. The Chairman said that fire safety concern was an essential consideration and uses or activities involving direct provision of services or goods in industrial or industrial-office buildings should generally not be allowed.

178. After further deliberation, the Board noted the supportive view of Representation No. R1. The Board also did not support the proposal of R1 and considered that the OZP should not be amended to meet the representation for the following reason :

“the proposed amendment to the Definitions of Terms used in statutory plans to allow holding of art class in Art Studio is considered not acceptable from fire safety perspective.”

Hong Kong District

Agenda Item 9

[Open Meeting]

Request for Deferment of Review of Application No. A/H5/217-3

Proposed Class B Amendments to the Approved Master Layout Plan for a Proposed Hotel and Commercial Development, Inland Lot No. 8715 on Kennedy Road and Ship Street, Wanchai, Hong Kong

(TPB Paper No. 10182)

[This item was conducted in Cantonese.]

Declaration of Interest

179. The Secretary reported that the following Members had declared interests in the item for owning property in the area or for having affiliations with the applicant, Hopewell Holdings Limited, and Townland Consultant Ltd. (Townland), consultant of the applicant:

- | | |
|---------------------|--|
| Mr K.K. Cheung | - his firm having current business dealings with Hopewell Holdings Limited |
| Mr Patrick H.T. Lau | - having current business dealing with Townland |
| Mr Thomas O.S. Ho | - having past business dealing with Townland |
| Mr K.K. Ling | - owning a flat on Queen's Road East |
| Mr Stephen H.B. Yau | - having his office at Southorn Centre |
| Mr David Y.T. Lui | - co-owning with spouse a flat on Star Street |

180. As the item was a request for deferment, Members agreed that the above Members who had declared interest could stay in the meeting. Members also noted that Mr Stephen H.B. Yau had tendered apologies for being unable to attend the meeting, Mr K.K. Cheung, Mr Patrick H.T. Lau, Mr Thomas O.S. Ho and Mr David Y.T. Lui had already left the meeting.

181. The Secretary reported that on 13.9.2016, the applicant wrote to request the Board to defer making a decision on the review application for two months to allow more time to address the departmental comments. It was the first request from the applicant for deferment of the review application.

182. Members noted that the justifications for deferment meet the criteria set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33) in that the applicant needed more time to address departmental comments, the deferment period was not indefinite and the deferment would not affect the interests of other relevant parties.

183. 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 two months for preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

Procedural Matter

Agenda Item 10

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments on the Draft Kennedy Town & Mount Davis OZP No. S/H1/20 (TPB Paper No. 10187)

[This item was conducted in Cantonese.]

184. The Secretary reported that one of the representation sites (Item C1) was for a proposed public housing development by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA). Ove Arup Partners HK Limited (Arup) was the consultant of a representer (R144), and Mayer Brown JSM (JSM) was the representative of representers R7615 and R7616. The following Members had declared interests in the item:

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|--|---|--|
| Mr K.K. Ling
(as Director of Planning) | - | being a member of the Strategic Planning Committee (SPC) and Building Committee of HKHA |
| Mr Martin W.C. Kwan
(as Chief Engineer (Works)) | - | being an alternate representative of the Director of Home Affairs who was a member of the SPC and the Subsidised Housing Committee of HKHA |
| Mr H.F. Leung | - | being a member of the Tender Committee of HKHA |
| Ms Janice W.M. Lai |] | |
| Mr Patrick H.T. Lau |] | |
| Mr Stephen L.H. Liu |] | having current business dealing with |
| Dr C. H. Hau |] | HKHA |
| Mr Thomas O.S. Ho |] | |

- | | | |
|-----------------------|---|--|
| Mr Ivan C.S. Fu | - | having current business dealing with Arup and past business dealing with HKHA |
| Mr Dominic K.K. Lam |] | having past business dealing with HKHA |
| Mr Franklin Yu |] | |
| Dr Lawrence W.C. Poon | - | his spouse being an employee of HD but not involved in planning work |
| Professor S.C. Wong | - | being an engineering consultant of Arup and the Chair Professor and Head of Department of Civil Engineering of University of Hong Kong where Arup had sponsored some activities of the Department before |
| Mr Alex T.H. Lai |] | their firm having current business dealings |
| Mr K.K. Cheung |] | with Arup |
| Mr. Andy S. H. Lam | - | spouse was an associate solicitor of JSM |

185. 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 Dr C. H. Hau had tendered apologies for being unable to attend the meeting, and Professor S.C. Wong, Mr H.F. Leung, Mr Stephen L.H. Liu, Mr Dominic K.K. Lam, Mr Patrick H.T. Lau, Ms Janice W.M. Lai, Mr Ivan C.S. Fu, Dr Lawrence W.C. Poon, Mr Thomas O.S. Ho, Mr K.K. Cheung, Mr Alex T.H. Lai and Mr Andy S. H. Lam had already left the meeting.

186. The Secretary briefly introduced the Paper. On 11.3.2016, the draft Kennedy Town & Mount Davis OZP No. S/H1/20 (the Plan) was exhibited for public inspection, a total of 7,616 representations and 306 comments on representations (comments) were received.

187. Diverse views and concerns were received. After discounting the 20 invalid/disregarded representations, the remaining 7,596 representations consisted of 110 supporting,

4,703 objecting to, and 2,783 provide views on the amendments.

188. Out of the 306 comments, the majority supported preservation of the Cadogan Street Temporary Garden (CSTG), and opposing development of the CSTG and redevelopment of the China Merchants' Group's industrial site for hotel development (Item B).

189. During the public inspection period of the representations, the Secretariat had received 18 confirmations from members of the public that they had not submitted any representation (R5009, R5010, R5082, R7202, R7228, R7304, R7330, R7341, R7389, R7391, R7405, R7436, R7440, R7499, R7531, R7541, R7555 and R7573), and they would be disregarded. R7615 and R7616 were related to two sites in Mount Davis Road which were the subject of judicial review proceedings against the Board's decision made in 2011. As the representations were not related to any of the amendments on the current OZP, it was considered that they were invalid and should be treated as not having been made in accordance with section 6(3)(b) of the Ordinance.

190. Since the amendments had attracted much public interest, it was recommended that the representations/comments should be considered by the full Board. Due to the large number of representations and comments, the hearing could not be accommodated in the Board's regular meeting and separate hearing session(s) would be arranged.

191. As the majority of representations/comments were concerning Item C2 and other amendment items were interrelated, the hearing of the representations and comments was suggested to be considered in one group. In view of the large number of representations and comments received, it was recommended to allot a maximum of 10 minutes presentation time to each representer/commenter/their representative in the hearing session. Consideration of the representations and comments was tentatively scheduled for December 2016.

192. After deliberation, the Board agreed that:

- (a) R5009, R5010, R5082, R7202, R7228, R7304, R7330, R7341, R7389, R7391, R7405, R7436, R7440, R7499, R7531, R7541, R7555 and R7573 could be disregarded and R7615 and R7616 were considered as invalid;

- (b) the valid representations and comments should be considered by the Board itself; and
- (c) 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 11

[Open Meeting]

Submission of the Draft Cheung Sha Wan Outline Zoning Plan No. S/K5/36A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval
(TPB Paper No. 10191)

[The meeting was conducted in Cantonese.]

193. The Secretary reported that the amendments to the draft Cheung Sha Wan Outline Zoning Plan (OZP) involved the rezoning of two sites for private development. Ove Arup & Partners Hong Kong Limited (Arup) was the Air Ventilation Assessment (AVA) consultant for one of the site commissioned by the Planning Department (PlanD). The following Members had declared interests in the item:

Mr Ivan C.S. Fu]	having current business dealing with Arup
Mr Patrick H.T. Lau]	
Mr Alex T.H. Lai]	their firm having current business dealings with Arup
Mr K.K. Cheung]	
Professor S.C. Wong (Vice-chairman)	-	being an engineering consultant of Arup and the Chair Professor and Head of Department of Civil Engineering of the University of Hong Kong where Arup had sponsored some activities of the Department before

Mr Dominic K.K. Lam] having past business dealings with Arup
Mr Franklin Yu]

194. 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 S.C. Wong, Mr Dominic K.K. Lam, Mr Patrick H.T. Lau, Mr K.K. Cheung, Mr Ivan C.S. Fu and Mr Alex T.H. Lai had already left the meeting.

195. The Secretary briefly introduced the Paper. On 11.3.2016, the draft Cheung Sha Wan OZP No. S/K5/36 (the Plan) was exhibited for public inspection. The amendments mainly involved rezoning of two government sites (at the junction of Yu Chau West Street and Wing Hong Street (Item A) and Cheung Shun Street (Item B)) for private development. After giving consideration to the 26 representations and 2 comments on representations on 23.9.2016, the Board decided not to propose any amendment to the Plan to meet the representations.

196. As the representation consideration process had been completed, the Plan was ready for submission to the Chief Executive in Council (CE in C) for approval. For submission to the CE in C, the Plan had been renumbered as draft Cheung Sha Wan OZP No. S/K5/36A.

197. After deliberation, the Board agreed :

- (a) that the draft Cheung Sha Wan OZP No. S/K5/36A and its Notes were suitable for submission under section 8 of the Town Planning Ordinance to the CE in C for approval;
- (b) to endorse the updated Explanatory Statement (ES) for the draft Cheung Sha Wan OZP No. S/K5/36A as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and
- (c) that the updated ES was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 12

[Confidential Item] [Closed Meeting]

198. The item was recorded under confidential cover.

Agenda Item 13

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

199. There being no other business, the meeting was closed at 7:40 p.m.