

**Minutes of the 1137th Meeting of the
Town Planning Board held on 10.3.2017**

Present

Permanent Secretary for Development
(Planning and Lands)

Mr Michael W.L. Wong

Chairman

Professor S.C. Wong

Mr Lincoln L.H. Huang

Vice-chairman

Professor K.C. Chau

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Ms Janice W.M Lai

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Mr H.F. Leung

Dr F.C. Chan

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

Miss Sandy H.Y. Wong

Mr Franklin Yu

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

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

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

Deputy Director of Lands (General)
Ms Karen P.Y. Chan

Director of Planning
Mr Raymond K.W. Lee

Deputy Director of Planning/District
Ms Jacinta K.C. Woo

Secretary

Absent with Apologies

Mr H.W. Cheung

Ms Christina M. Lee

Mr Stephen H.B. Yau

Mr David Y.T. Lui

Dr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Dr C.H. Hau

In Attendance

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

Chief Town Planner/Town Planning Board
Ms Sally S.Y. Fong

Senior Town Planner/Town Planning Board
Mr T.C. Cheng

Agenda Item 1

[Open meeting]

Confirmation of Minutes of the 1136th Meeting held on 24.2.2017

[The item was conducted in Cantonese.]

1. The minutes of the 1136th meeting held on 24.2.2017 were confirmed without amendments.

Agenda Item 2

Matters Arising

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

- (i) Further Submissions from Representer/Commenter in respect of the draft
Kennedy Town & Mount Davis Outline Zoning Plan (OZP) No. S/H1/20
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2. The Secretary reported that the following Members had previously declared interests on this item during the consideration of representations and comments in respect of the draft Kennedy Town & Mount Davis Outline Zoning Plan (OZP) No. S/H1/20 :

Mr Raymond K.W. Lee - being a member of the Strategic Planning
(*as Director of Planning*) Committee (SPC) and the Building
Committee (BC) of Hong Kong Housing
Authority (HKHA)

Mr Martin W.C. Kwan - being a representative of the Director of
(*as Chief Engineer (Works),* Home Affairs who was a member of SPC
Home Affairs Department) and Subsidised Housing Committee
(SHC) of HKHA

- Mr C.W. Tse
*(as Deputy Director (1),
Environmental Protection
Department*
- Mr H.F. Leung
- Dr C.H. Hau
- Mr Stephen L.H. Liu
Ms Janice W.M. Lai
- Mr Thomas O.S. Ho
- Mr Patrick H.T. Lau
- being an officer of the Environmental Protection Department, the operator of the existing Underground Island West Refuse Transfer Station
 - being a member of the Tender Committee of HKHA and a convenor of the Railway Objections Hearing Panel
 - having current business dealings with HKHA
 -] having current business dealings with HKHA and Mass Transit Railway Corporation Limited (MTRCL)
 - having current business dealings with HKHA, MTRCL and Mott MacDonald Hong Kong Limited (MMHK), the Consultant of the Government on ground decontamination works for the Kennedy Town Area and personally knowing Mr Paul Zimmerman (R3888)
 - having current business dealings with HKHA, MTRCL and Ove Arup & Partners Hong Kong Limited (Arup), the representative of China Merchants Godown, Wharf & Transportation Company Limited (R144)

- Mr Ivan C.S. Fu - having current business dealings with MTRCL and Arup and past business dealings with HKHA

- Mr K.K. Cheung] their firm having current business dealings
Mr Alex T.H. Lai] with HKHA, MTRCL, Arup and MMHK,
and hiring Mary Mulvihill (R4120/C305)
on a contract basis from time to time

- Mr Franklin Yu - having past business dealings with HKHA,
MTRCL, Arup and MMHK

- Mr Dominic K.K. Lam - having past business dealings with HKHA,
Arup and MMHK

- Professor S.C. Wong - being a member of the Advisory
(*The Vice-chairman*) Committee for Accredited Programme of
MTR Academy, an engineering consultant
of Arup, and the Chair Professor and Head
of Department of Civil Engineering of the
University of Hong Kong where MTRCL
and Arup had sponsored some activities of
the Department before

- Dr Lawrence W.C. Poon - his spouse being an employee of Housing
Department, which was the executive arm
of the Hong Kong Housing Authority
(HKHA), but not involved in planning
work

3. As the item was to report on the receipt of further submission from a representer (R150/C13), the meeting agreed that the above Members should be allowed to stay in the meeting.

4. The Secretary went on to say that subsequent to the meeting of the Town Planning Board (the Board) on 1.3.2017, two emails dated 4.3.2017 and 7.3.2017 were received from Mr Ben Mok Kun Ki (the representative of the Alliance for Protecting Cadogan Park (APCP) (R150/C13)) addressed to the Chairman of the Board and the Secretariat respectively, attaching links to various websites for downloading information on the Cadogan Street Temporary Garden (CSTG) and the 'Civic Exchange report' on open space mentioned by Ms Mary Mulvihill (R4120/C305) in her presentation made on 1.3.2017.

5. Members agreed that as the further submission was made after the expiration of the statutory publication period and the hearing sessions, and they should be treated as not having been made according to the Town Planning Ordinance.

Matters Arising (ii) to (iv)

[Confidential Item] [Closed Meeting]

6. These items were recorded under confidential cover.

[Mr Dominic K.K. Lam and Miss Winnie W.M. Ng arrived to join the meeting at this point.]

Tuen Mun & Yuen Long West District

Agenda Item 3

[Open Meeting]

Review of Application No. A/TM-LTYT/318

Proposed Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years in "Village Type Development" zone, Government Land adjoining Lot No. 1455 RP in D.D. 130, Lam Tei, Tuen Mun, New Territories
(TPB Paper No. 10251)

[The item was conducted in Cantonese.]

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

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

Kan Fa Investment Company]
Limited]
Mr Tong Kan] Applicant's representatives
Ms Amy Tong]
Mr Lee Kwok Ling]

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

9. With the aid of a PowerPoint presentation, Mr David C.M. Lam, DPO/TM&YLW, briefed Members on the background of the review application including the consideration of the application by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board), justifications provided by the applicant, and planning considerations and assessments as detailed in the Paper.

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

11. Mr Tong Kan made the following main points:

- (a) the applicant had been using Lot 1455 RP in DD 130 located to the north of the application site for sawmill and storage of construction material since 1980s. Part of its lot was resumed by the Government in 1995 for the construction of Ng Lau Road. To cater for the need of its business, the applicant then rented the subject government land under Short Term Tenancies (STTs) (i.e. STT 893, STT 945 and STT 1104). The residential development known as Fortress Garden to the west of the site had not been developed at that time;
- (b) the application site was separated at a distance of about 6-7m from Fortress Garden by a drainage channel. Loading/unloading (U/UL) activities would be carried out near the existing warehouse and ingress/egress would be via Ng Lau Road, which were about 50m-60m and 100m away from Fortress Garden respectively. The proposed use would not have any adverse environmental impact on the adjacent residential development;
- (c) the application site was not suitable for Small House (SH) development due to the close proximity to the existing warehouse, and its impact on the SH would be far greater than that on Fortress Garden;
- (d) the applicant would provide boundary fence and tree planting at the site and carry out mitigation measures to address the environmental and noise nuisance concerns; and
- (e) a planning application No. A/KTN/30 was approved by the RNTPC for a residential care home for persons with disabilities on government land within a “Village Type Development” (“V”) zone. His application should also be given favourable consideration accordingly.

12. With the aid of the visualizer, Mr Tong showed a photograph of the existing vehicular access and the L/UL area near the existing warehouse.

13. As the presentations of PlanD's representative and the applicant's representatives were completed, the Chairman invited questions from Members.

14. In response to a Member's question, Mr David C.M. Lam, DPO/TM&YWL said that the "V" zone covered several villages and he had no information in hand on the total number of outstanding SH applications within the "V" zone. However, the Lands Department (LandsD) had advised that 4 applications for SH land grant at the application site were being processed.

15. Another Member asked whether the existing warehouse on the land to the north of the application site were owned by the applicant and whether they fell within the "V" zone. In response, Mr David C.M. Lam said that the application site, the warehouse and the surrounding areas were all within the "V" zone. As the "V" zone was a broadbrush zoning, it might cover some existing rural industrial uses. The warehouse to the north was not a permitted use under the "V" zone, but was tolerated because it had been in existence prior to the gazetting of the first draft Lam Tei and Yick Yuen OZP. Mr Tong Kan, the applicant's representative, confirmed that the applicant owned the land to the north of the application site where the warehouse was situated and the land was much bigger in the past, but part of it had been resumed by the Government for the construction of Ng Lau Road.

16. Some Members had the following questions :

- (a) whether the applicant received any compensation from the Government for the land resumption; and
- (b) the reason for terminating the STT of the application site in 1999.

[Dr F.C. Chan left the meeting and Mr Franklin Yu arrived to join the meeting at this point.]

17. Mr Tong made the following responses :

- (a) while the applicant was compensated for the land resumption, he would rather keep the land for business expansion. However, the Government would only offer cash compensation and the applicant had to rent government land to the south under STT; and
- (b) due to poor business in 1999, there was no pressing need for the applicant to rent additional land at that time. Moreover, part of the STT site was required as a works site for construction of the West Rail and the Government was asking for a very high rent for the revised STT site. Hence, the applicant had discontinued the STT since 2000. The site had been left vacant after completion of the West Rail as there was no vehicular access to the site except through the applicant's lot. Now the applicant wanted to expand his business at the application site.

18. Noting that the application site was bounded by a drainage channel and nullah to the west and south respectively, a Member asked how the future SH residents could gain access to the application site. In response, Mr David C.M. Lam said that pedestrians could make use of a track along the nullah across the West Rail line to gain access to the site. LandsD would consider the provision of access in processing the SH land grant applications.

19. The Chairman asked whether the application site had all along been government land and whether it had ever been owned by the applicant. In response, Mr David C.M. Lam said that his records showed that the application site was a piece of government land. The applicant's land that was resumed was located to the north of the warehouse where Ng Lau Road was situated. Mr Tong Kan also confirmed that the application site had been rented to him under STT in the past, but the STT had been terminated with the subsequent deployment of the site as a works site for West Rail development.

20. As there was no further question from Members, the Chairman said that the hearing procedures for the review application were completed. The Board would deliberate on the review application in absence of the applicant's representatives and inform the applicant of the Board's decision in due course. The Chairman thanked the representatives of PlanD and the applicant for attending the meeting. They left the meeting at this point.

Deliberation

21. Members generally considered that there was no justification to support the application as the application site was zoned "V" intended for SH development and there were currently SH land grant applications at the site under processing by LandsD. Some Members were of the view that although the applicant had previously used the application site, the relevant STTs had been terminated.

22. After deliberation, the Board decided to reject the application on review based on the following reasons :

- “(a) the planning intention of the “Village Type Development” (“V”) zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and re-provisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. The development is not in line with the planning intention of the “V” zone. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the proposed development is not compatible with the residential development to the immediate west of the site;
- (c) the applicant fails to demonstrate that the proposed use would not have adverse environmental impact on the nearby residential uses; and

- (d) the approval of the application would set an undesirable precedent for similar applications within the “V” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.”

Sha Tin, Tai Po & North District

Agenda Item 4

[Open meeting]

Review of Application No. A/NE-FTA/162

Proposed Temporary Open Storage of Construction Materials and Storage for Construction Materials and Tools with Ancillary Office for a Period of 3 Years in "Agriculture" zone, Lots No. 517 RP (Part), 518 RP (Part), 521 RP (Part) and 523 RP in D.D. 51, Tin Ping Shan, Sheung Shui
(TPB Paper No. 10255)

[The item was conducted in Cantonese.]

23. The Secretary reported that two letters from the Chairman of North District Council (NDC) and the village representative (VR) of Sheung Shui Heung (SSH) were received by the Secretariat on 1.3.2017, and another letter from the Fanling District Rural Committee supporting the review application was received on 6.3.2017. Members noted that these letters were received after the 3-week public inspection period and agreed that, according to the Town Planning Ordinance, they should be treated as not having been made.

24. The following representative from the Planning Department (PlanD) was invited to the meeting at this point :

Ms Jessica H.F. Chu

- District Planning Officer/Sha Tin, Tai Po
and North (DPO/STN), PlanD

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

26. With the aid of a PowerPoint presentation, Ms Jessica H.F. Chu, DPO/STN, briefed Members on the background of the review application including the consideration of the application by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board), justifications provided by the applicant, and planning considerations and assessments as detailed in the Paper.

27. As adequate notice had been given and the applicants and their representative did not show up at the meeting to present their case, the Chairman invited questions from Members.

28. Some Members raised the following questions :

- (a) whether the land within the application site was polluted as alleged by the applicant;
- (b) noting that there were local objections on traffic and environmental grounds but there were also supporting views from District Council (DC) members, whether any reasons were provided for supporting the application;
- (c) the difference between the current application and the precedent cases quoted by the applicant; and
- (d) whether enforcement action had been taken on the application site.

29. Ms Jessica H.F. Chu, DPO/STN, made the following responses :

- (a) the site had been subject to enforcement action by the Planning Authority (PA) in the past. In September 2015, the unauthorised

development (UD) at the application site had ceased and the site was reinstated with groundcover. However, clearance of the application site was observed again in December 2015, and further enforcement was being undertaken by PA. Although the soil condition of the application site might not be suitable for planting, the Director of Agriculture, Fisheries and Conservation (DAFC) advised that agricultural use such as greenhouse cultivation and plant nursery could be carried out at the application site;

- (b) the DC members who supported the application considered that the application site had been vacant for a long time and become a breeding ground for pest and mosquitoes. It would be more desirable if the application site could be put to some practical uses to improve the general hygiene of the environment;

- (c) there were no previous or similar applications within the same “Agriculture” (“AGR”) zone. The uses within this “AGR” zone were either existing uses tolerated under the Town Planning Ordinance or UD subject to enforcement action. There were, however, seven similar applications in the “AGR” zone to the north of the site. The approved application No. A/NE-FTA/76 for temporary open storage of construction materials was allowed in 2008 by the Town Planning Appeal Board (TPAB) for a temporary period of two years, with subsequent renewal of the approval involving the same site approved under applications No. A/NE-FTA/103, 106, 139 and 160. The other two applications No. A/NE-FTA/71 and 142 for proposed temporary open storage of container trailers with ancillary vehicular repair workshop, and temporary storage of construction materials were rejected by the RNTPC or by the Board mainly for not in compliance with the Town Planning Board Guidelines No. 13E and not in line with the planning intention of the “AGR” zone; and

- (d) as land filling was observed in December 2015, the site and the adjoining land was subject to planning enforcement action for filling of land.

30. As there was no further question from Members, the Chairman said that the hearing procedures for the review application had been completed. The Board would deliberate on the review application and inform the applicant of the Board's decision in due course. The Chairman thanked the representative of PlanD for attending the meeting. Ms Jessica H.F. Chu, DPO/STN, left the meeting at this point.

Deliberation

31. Some Members had the following major views :

- (a) DAFC considered that the application site had potential for agricultural rehabilitation. There was no strong planning justification to merit a departure from the planning intention of "AGR" zone;
- (b) the approval of the subject application would set a very bad precedent for other temporary uses to clear the site prior to applying for planning permission. The 'destroy first, build later' approach should not be encouraged; and
- (c) the situation regarding the application (i.e. No. A/NE-FTA/76) allowed by the TPAB was different from the current review application and should not be taken as a precedent.

32. After deliberation, the Board decided to reject the application on review based on the following reasons :

- "(a) the application is not in line with the planning intention of the "Agriculture" ("AGR") zone for the area which is primarily intended

to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justifications in the submission for a departure from such planning intentions, even on a temporary basis;

- (b) the application does not comply with the Town Planning Board Guidelines No. 13E on Application for Open Storage and Port Back-up Uses in that there is no previous planning approval granted at the Site; there are adverse departmental comments on the application; and the applicants fail to demonstrate that the development would have no adverse environmental and landscape impacts on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.”

Agenda Item 5

[Open meeting]

Draft Ping Chau Outline Zoning Plan No. S/NE-PC/C – Further Consideration of a New Plan

(TPB Paper No. 10256)

[The item was conducted in Cantonese.]

33. The Secretary reported that the Secretariat had received a letter dated 2.3.2017 from the Environment, Housing and Works Committee (EHWC) of the Tai Po District Council (TPDC), enclosing a copy of the minutes of meeting of the EHWC held on 11.1.2017 to reiterate its objection to the draft Ping Chau Outline Zoning Plan (OZP).

Another letter of largely the same content had also been sent to the Secretary for Development. Besides, a letter dated 8.3.2017 from Heung Yee Kuk (HYK), New Territories, with the following attachments expressing their objection to the OZP had been received :

- (a) Proposal and Introduction to the Rural Geological Landscape and Livelihood of Tung Ping Chau;
- (b) Submission of Sai Kung North Tung Ping Chau Affairs Committee (SKNTPCAC) on Ping Chau OZP; and
- (c) “International Covenant on Economic, Social and Cultural Rights” of the United Nation.

The objection was mainly related to the designation of conservation zones, and that the villagers’ views were not respected. HYK requested that the various issues should be resolved prior to the gazetting of the OZP. All information received had been issued to Members before the meeting. A copy each of the letters were also tabled at the meeting (with attachments deposited at the Secretariat) for Members’ easy reference.

34. The Secretary went on to report that subsequent to the above, another email from SKNTPCAC and the village representatives (VRs), with similar attachments to that submitted by them previously and that by HYK, had been received and was tabled at the meeting for Members’ information.

35. The Chairman clarified that as the new OZP had yet to be gazetted and there was no statutory deadline for submitting comments, Members might take into account the views of TPDC, HYK, SKNTPCAC and VR in considering the new OZP.

[Professor T.S. Liu arrived to join the meeting at this point.]

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

- Ms Jessica H.F. Chu - District Planning Officer/Shau Tin, Tai Po & North, Planning Department (DPO/STN, PlanD)
- Ms Channy C. Yang - Senior Town Planner/Country Park Enclaves (STP/CPE), PlanD
- Mr Dennis K.K. Mok - Senior Nature Conservation Officer (Central), Agriculture, Fisheries and Conservation Department (SNCO(C), AFCD)
- Ms Ngar Yuen Ngor - Senior Country Parks Officer/Northwest (SCPO(NW)), AFCD

37. The Chairman extended a welcome and said that the Board had been briefed on the draft Ping Chau OZP on 16.12.2016 and had agreed that the draft Ping Chau OZP, together with its Notes and Explanatory Statement (ES), was suitable for consultation with TPDC and Sai Kung North Rural Committee (SKNRC). He then invited PlanD's representatives to brief Members on the consultation as well as the views received.

38. With the aid of a PowerPoint presentation and video clippings, Ms Jessica H.F. Chu, DPO/STN, PlanD, briefed Members on the land use proposals of the draft Ping Chau OZP, views from relevant parties consulted and PlanD's responses as detailed in the Paper.

39. Ms Jessica H.F. Chu highlighted that the SKNRC and TPDC had been consulted on 3.1.2017 and 11.1.2017 respectively. Separate meetings were also held with the Indigenous Inhabitants Representatives (IIRs)/villagers of the five recognised villages in Ping Chau and the green/concern groups. On 6.3.2017, a consultation meeting was also held with HYK which had subsequently submitted a letter (with attachments) to the Board to express their objection to the OZP.

40. She further supplemented that as advised by the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD), there were 47 outstanding Small House (SH) applications as at November 2016 and the 10-year forecasts provided by the respective IIRs were revised to 8,300, making a total SH demand of 8,347 (or an equivalent of about 208.68ha of land). The Chairman of SKNTPCAC and IIRs stated in their submissions that the villagers had submitted 361 SH grant applications to LandsD. However, LandsD advised that only 26 of those applications were confirmed valid and being processed while the remaining applications were rejected or not identified in their records, or the applicants were not eligible. To cater for the SH demand, the “Village Type Development” (“V”) zone had been increased from 2.15ha in the DPA Plan to 2.62ha in the draft OZP, within which, a total of about 1.95ha of land was available (equivalent to about 77 SH sites), more than sufficient to meet the 47 outstanding SH applications and equivalent to about 0.93% of the total SH demand.

41. As the presentation of PlanD’s representative was completed, the Chairman invited questions and comments from Members.

42. The Chairman and Members raised the following questions/comments :

- (a) whether electricity could be provided in Ping Chau to improve the livelihood of the local villager, whether suitable sites had been reserved for the provision of power supply or laying of cable, whether planning permission was required for such utility installations, and whether solar power and wind power had been considered for Ping Chau;
- (b) whether there was any background information on the history of Ping Chau;
- (c) the difference between “Site of Special Scientific Interest” (“SSSI”) and “Coastal Protection Area” (“CPA”) zones in terms of planning control;
- (d) whether there was any application to rezone land to “Agriculture” (“AGR”) on the DPA Plan;

- (e) the authority for processing SH applications on land within the 'village environ' ('VE') of some villages that was included in Country Parks, and whether a SH applicant was required to identify which village he belonged to when applying for SH within the overlapped area of the 'VE' of Chau Tau and Sha Tau;
- (f) the location of the core area of the Marine Park;
- (g) given the SSSI status of Ping Chau and its high ecological value, whether the Government would consider provision of study camp and youth hostel in the area; and
- (h) whether there was any water supply to support the population.

43. In response, Ms Jessica H.F. Chu, DPO/STN and Ms Ngar Yuen Ngor, SCPO(NW), AFCD made the following points :

- (a) local villagers' request for electricity supply had been conveyed to the relevant government departments for consideration. The relevant departments had been exploring the feasibility of such provision taking into account technical feasibility and availability of financial resources. As there was no concrete proposal on the provision of such utility facilities at present, no land had been zoned for that purpose for the time being. According to the covering Notes of the OZP, public utility pipeline for laying of cable was always permitted in all zones except "SSSI" or "CPA". Both 'Public Utility Installation' including electricity sub-station provided for public use and 'Utility Installation for Private Project' (i.e. those exclusively for private use) were permissible within "Green Belt" ("GB"), "SSSI" and "CPA" zones on application to the Board. For development of power plant on the island, amendment to the draft OZP would be required. Currently, solar panels had been

provided by the Home Affairs Department (HAD) in some areas of Ping Chau;

- (b) local villagers in Ping Chau used to make a living by fishing and farming. There were once about 2,000 residents in the past but most villagers had gradually moved out of the island. Ferry services were available from Ma Liu Shui to Ping Chau during weekends and holidays only;
- (c) “SSSI” zone was to conserve and protect the features of special scientific interest and was more stringent in terms of planning control than “CPA” zone. For example, ‘Agricultural Use’ was in general permitted as of right in “CPA” zone but would require planning permission from the Board in “SSSI”. While ‘House (Redevelopment Only)’ was permissible within “CPA” on application to the Board, house development was not allowed within “SSSI”;
- (d) there was no planning application to rezone land to “AGR” on the DPA plan. However, local villagers had requested to rezone “GB” sites to “V”, “AGR” or “Other Specified Uses” (“OU”) during the consultation on the draft OZP preparation;
- (e) for SH applications falling within the overlapped area of the ‘VE’ of Chau Tau and Sha Tau, the applicant had to prove his indigenous villager’s status to LandsD. All SH applications were processed by LandsD, and AFCD would be consulted if such SH applications involved land within Country Parks;
- (f) there were two core areas in the Marine Park along the east coast of Ping Chau, one each to the north and southeast of the public pier, to protect the coral communities;
- (g) the Government had no proposal for study camp or youth hostel in Ping Chau at this stage. However, there was provision for youth hostel

development within “V” zone through the planning application system;
and

- (h) local villagers used to rely on wells for raw water supply. Concerned department had no plan to provide potable water supply to Ping Chau at present. However, HAD would provide emergency water supply if the wells were dried up.

44. The Chairman said that if Members agreed that the OZP should be exhibited for public inspection, further public views on the OZP would be received by the Board during the statutory plan making process. The Chairman also suggested that PlanD might consider conveying Members’ views, in particular those on the provision of electricity and water supply, to the relevant departments for consideration.

45. After deliberation, the Board :

- (a) noted the comments from and responses to TPDC, HYK, SKNTPCAC, SKNRC, IIRs, villagers and green/concern groups;
- (b) agreed that the draft Ping Chau OZP No. S/NE-PC/C (to be renumbered as S/NE-PC/1 upon gazetting) and its Notes at Annexes I and II of the Paper were suitable for exhibition for public inspection under section 5 of the Ordinance;
- (c) adopted the Explanatory Statement (ES) at Annex III of the Paper as an expression of the planning intentions and objectives of the Board for various land use zonings of the draft Ping Chau OZP No. S/NE-PC/C;
and
- (d) agreed that the ES was suitable for exhibition for public inspection together with the draft OZP and issued under the name of the Board.

46. The Chairman thanked the representatives of PlanD and AFCD for attending the meeting. They all left the meeting at this point.

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

Sai Kung and Islands District

Agenda Item 6

[Open meeting]

Draft Tai Ho Outline Zoning Plan No. S/I-TH/C – Further Consideration of a New Plan
(TPB Paper No. 10253)

[The item was conducted in Cantonese.]

47. The Secretary reported that the Secretariat had received an email dated 8.3.2017 from Masterplan Limited, the representative of landowners in Tai Ho, expressing their views that the proponent and major private landowners in Tai Ho had not been consulted on the draft Tai Ho Outline Zoning Plan (OZP), and providing an alternative proposal. A copy of the email and its attachment was tabled at the meeting for Members' information.

48. The Secretary reported that a land use proposal was received during the preparation of the OZP, which was submitted by the major private landowners in Tai Ho, including Sun Hung Kai Properties Limited (SHK) and Swire Properties (Swire). The following Members had declared interests on the item :

| | | |
|---------------------|---|---------------------------------------|
| Mr Thomas O.S. Ho |] | having current business dealings with |
| Mr Stephen L.H. Liu |] | SHK and Swire |

- Ms Janice W.M. Lai - having current business dealings with SHK and her firm being tenant of the properties of Swire

- Mr Ivan C.S. Fu - having current business dealings with SHK

- Mr Patrick H.T. Lau - having current business dealings with SHK and past business dealings with Swire

- Mr Franklin Yu - having past business dealings with SHK and his spouse was an employee of SHK

- Miss Winnie W.M. Ng - being a Director of Kowloon Motor Bus Co. Ltd (KMB) and SHK was one of the shareholders of KMB

- Professor S.C. Wong - being the Chair Professor and Head of Department of Civil Engineering of the University of Hong Kong (HKU) where SHK had sponsored some activities of the Department before

- Ms Christina M. Lee - being the Secretary-General of the Hong Kong Metropolitan Sports Event Association which had obtained sponsorship from SHK before

- Mr Wilson Y.W. Fung - being a Director of the Hong Kong Business Accountants Association which had obtained sponsorship from SHK

49. Members noted that Ms Christina M. Lee had tendered apologies for being unable to attend the meeting. Members considered that the interests of Mr Ivan C.S. Fu, Ms Janice W.M. Lai, Mr Patrick H.T. Lau, Mr Thomas O.S. Ho, Mr Stephen L.H. Liu, Miss Winnie W.M. Ng and Mr Franklin Yu were direct and agreed that they should be invited to leave the meeting temporarily for the item. As the interests of Professor S.C. Wong and Mr Wilson Y.W. Fung were considered indirect, they could stay at the meeting.

[Mr Ivan C.S. Fu, Mr Thomas O.S. Ho, Mr Stephen L.H. Liu, Miss Winnie W.M. Ng and Mr Franklin Yu left the meeting temporarily, while Ms Janice W.M. Lai and Mr Patrick H.T. Lau left the meeting at this point.]

50. Mr H.F. Leung declared that he was an employee of HKU and HKU had business dealings with Swire on training matters. Dr Lawrence K.C. Li declared that he was the Treasurer of the Hong Kong Polytechnic University (PolyU) and PolyU had previously received donation from Swire. As the interests of Mr Leung and Dr Li were remote, the meeting agreed that they could stay in the meeting.

51. The following government representatives were invited to the meeting at this point :

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| Ms Donna Y.P. Tam | - District Planning Officer/Sai Kung & Islands, Planning Department (DPO/SKIs, PlanD) |
| Ms Ho Ching Yee | - Senior Nature Conservation Officer (South), Agriculture, Fisheries and Conservation Department (SNCO(South), AFCD) |
| Ms Ng Ka Yan, Connie | - Nature Conservation Officer (Lantau) (NCO(Lantau)), AFCD |

52. With the aid of a PowerPoint presentation and video clippings, Ms Donna Y.P. Tam, DPO/SKIs briefed Members on the land use proposals of the Draft Tai Ho Outline

Zoning Plan (OZP) No. S/I-TH/B, views from relevant parties consulted and PlanD's responses as detailed in the Paper.

53. Ms Donna Y.P. Tam highlighted that the Island District Council (IsDC) and the Mui Wo Rural Committee (MWRC) had been consulted on the draft OZP on 19.12.2016 and 15.11.2016 respectively. Another meeting was held with the Indigenous Inhabitant Representatives (IIRs) of Pak Mong, Ngau Kwu Long and Tai Ho and members of MWRC on 7.12.2016. Taking into account the concerns raised by the locals that Small House (SH) development in the north-western part of the "Village Type Development" ("V") zone at Tai Ho San Tsuen might involve substantial site formation works, it was proposed to rationalise the boundary of the "V" zone by excluding the concerned sloping area (about 0.11ha) while extending the "V" zone of Tai Ho San Tsuen southwards to cover an area of comparable size (about 0.20ha). Also, opportunity had been taken for minor boundary adjustment of the southern corner of the proposed "V" zone at Ngau Kwu Long so as to cover the existing building lots. The total area of the proposed "V" zone would be increased from 5.27ha on the DPA Plan to 6.54ha in land area on the draft OZP.

54. Ms Tam continued to say that the ex-Pak Mong School site (about 0.16ha) was proposed to be rezoned from "Green Belt" ("GB") to "Government, Institution or Community" ("G/IC") to facilitate the use of the site for a proposed village office of Ngau Kwu Long and Tai Ho currently being processed under a short-term tenancy application, for which policy support had been given by Home Affairs Department.

55. Regarding the email dated 8.3.2017 from Masterplan Limited, Ms Donna Y.P. Tam said that similar proposals had been received during the preparation of the draft OZP. The submission proposed to develop residential developments in the less ecologically sensitive areas of Tai Ho and to conserve areas near Tai Ho Stream where the ecological value was high. As the proposal was at a very preliminary and conceptual stage and there were no technical assessments to support the proposals, concerned government departments were unable to consider the proposals at this stage.

56. As the presentation of PlanD's representative was completed, the Chairman invited comments/questions from Members.

57. The Chairman and Members raised the following questions :

- (a) whether the Leung Ma Temple at the coastal area of Tai Ho Wan was a Tin Hau Temple;
- (b) whether there was any village office in Pak Mong;
- (c) the zoning of a heritage building in Pak Mong; and
- (d) whether any land use would be permissible in Tai Ho Wan, which was a water body with no land use zoning on the OZP, and whether the land outside the Country Park on the southern side of North Lantau Highway and on the eastern and western sides of Tai Ho Wan was covered by any OZP.

58. In response, Ms Donna Y.P. Tam, DPO/SKIs made the following points :

- (a) the temple was known as Leung Ma Temple by the locals. However, there was no information on whether it was a Tin Hau Temple;
- (b) while there was no official village office for Pak Mong, some village houses were being used for such purpose and the local villagers requested that the ex-Pak Mong School site could be used for that purpose;
- (c) there were two graded historical buildings in Pak Mong, namely the Watchtower, Pak Mong Tsuen (Grade 2) and the Entrance Gate, Pak Mong (Grade 3). These historical buildings were zoned "V" as they were located within the village clusters in Pak Mong. It had been stated in the Explanatory Statement of the draft Tai Ho OZP stating that prior consultation with the Antiquities and Monuments Office (AMO) of the Leisure and Cultural Services Department (LCSD) should be made if any

works, developments, redevelopment or rezoning proposals might affect those graded historic buildings/structures; and

- (d) the southern part of Tai Ho Wan and a section of Tai Ho Stream was zoned “Site of Special Scientific Interest” (“SSSI”) and the coastal strip of Tai Ho Wan was zoned “Coastal Protection Area” (“CPA”) to protect the ecology of the area. The zoning boundary would generally follow the high water mark (HWM) except for the “SSSI” zone, which covered some area within the HWM. The water body of Tai Ho Wan was included in the planning scheme area as the northern side of the area was bounded by North Lantau Highway, but there was no land use designation for the water body. The land between North Lantau Highway and the Country Park to the west of Tai Ho Wan was already covered by the Tung Chung Extension Area OZP No. S/I-TCE/2 while the corresponding area to the east of Tai Ho Wan, extending to Siu Ho Wan would be covered by a new OZP in the future.

59. After deliberation, the Board :

- (a) noted the comments from and responses to IsDC, MWRC, IIRs and others on the draft Tai Ho OZP No. S/I-TH/B;
- (b) agreed that the draft Tai Ho OZP No. S/I-TH/C (to be renumbered as S/I-TH/1 upon gazetting) and its Notes at Annexes I and II of the Paper were suitable for exhibition for public inspection under section 5 of the Ordinance;
- (c) adopted the Explanatory Statement (ES) at Annex III of the Paper as an expression of the planning intention and objectives of the Board for various land use zonings of the draft Tai Ho OZP No. S/I-TH/C; and
- (d) agreed that the ES was suitable for exhibition for public inspection together with the draft OZP and issued under the name of the Board.

60. The Chairman thanked the representatives of PlanD and AFCD for attending the meeting. They all left the meeting at this point.

[Mr Ivan C.S. Fu, Mr Thomas O.S. Ho, Mr Stephen L.H. Liu, Miss Winnie W.M. Ng and Mr Franklin Yu returned to join the meeting. Professor K.C. Chau left the meeting and Dr Wilton W.T. Fok arrived to join the meeting at this point.]

Procedural Matters

Agenda Item 7

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations on the Draft Sai Ying Pun & Sheung Wan Outline Zoning Plan No. S/H3/30
(TPB Paper No. 10257)

[The item was conducted in Cantonese.]

61. The Secretary reported that the Draft Sai Ying Pun & Sheung Wan Outline Zoning Plan (OZP) No. S/H3/30 mainly involved the rezoning of a site to take forward an approved s.12A application related to the Tung Wah Group of Hospitals (TWGHs). The following Members had declared interests on the item for having business dealings with TWGHs or being affiliated/acquainted with the representers or their representatives or owning properties in the area :

Ms Christina M. Lee - having current business dealings with TWGHs

Mr Franklin Yu - having past business dealings with TWGHs

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| Mr K.K. Cheung |] | their company hiring Mary Mulvihill (R4) |
| Mr Alex T.H. Lai |] | on a contract basis from time to time |
| Mr Thomas O.S. Ho | - | personally knowing the co-founder and Chief Executive Officer of Designing Hong Kong Limited (R2) |

62. As the item was procedural in nature, Members agreed that the above Members who had declared interests could stay in the meeting.

63. The Secretary briefly introduced the Paper. On 21.10.2016, the draft Sai Ying Pun & Sheung Wan OZP No. S/H3/30 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 635 representations and no comment were received. It was recommended that the representations and comments should be considered collectively in one group by the full Board as they were of similar nature. The hearing could be accommodated in the Board's regular meeting and a separate hearing session would not be necessary.

64. To ensure efficiency of the hearing, it was recommended that each representer be allotted a maximum 10 minutes for presentation in the hearing session. Consideration of the representations by the full Board was tentatively scheduled for April 2017.

65. After deliberation, the Board agreed that :

- (a) the representations should be considered collectively in one group by the Board itself; and
- (b) a 10-minute presentation time would be allotted to each representer, subject to confirmation of the number of representers attending the hearing and the aggregate presentation time required.

Agenda Item 8

[Open Meeting]

Submission of the Draft Pak Sha O Outline Zoning Plan No. S/NE-PSO/1A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval (TPB Paper No. 10258)

[The item was conducted in Cantonese.]

66. The Secretary reported that the following Members had declared interests on the item for having affiliation/being acquainted with the representers/commenters or their representatives including The Conservancy Association (R519/C1), The Hong Kong Bird Watching Society (HKBWS) (R520), Designing Hong Kong Limited (DHK) (R521/C2) and Kaitak Centre for Research and Development, Academy of Visual Arts, Hong Kong Baptist University (HKBU) (R526) :

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| Dr C.H. Hau | - | being the Vice-Chairman of The Conservancy Association and a member of HKBWS |
| Mr Stephen H.B. Yau | - | being the Chairman of the Social Work Advisory Committee of the Department of Social Work in HKBU |
| Mr Philip S.L. Kan | - | being a former member of the Court of HKBU |
| Ms Christina M. Lee | - | being a part-time student of HKBU |
| Mr K.K. Cheung |] | their firm having current business dealings |
| Mr Alex T.H. Lai |] | with HKBU |
| Mr Thomas O.S. Ho | - | personally knowing the co-founder and Chief Executive Officer of DHK |

67. As the item was procedural in nature, Members agreed that the above Members who had declared interests could stay in the meeting.

68. The Secretary briefly introduced the Paper. On 4.12.2015, the draft Pak Sha O Outline Zoning Plan (OZP) No. S/NE-PSO/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). As the representation consideration process had been completed, the draft OZP was ready for submission to the Chief Executive in Council (CE in C) for approval.

69. After deliberation, the Board :

- (a) agreed that the draft Pak Sha O OZP No. S/NE-PSO/1A and its Notes at Annexes I and II of the Paper respectively were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated ES for the draft Pak Sha O OZP No. S/NE-PSO/1A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 9

[Open Meeting]

Application to the Chief Executive under Section 8(2) of the Town Planning Ordinance for Extension of Time Limit for Submission of the Draft The Peak Area Outline Zoning Plan No. S/H14/12 to the Chief Executive in Council for Approval
(TPB Paper No. 10259)

[The item was conducted in Cantonese.]

70. The Secretary reported that the following Members had declared interests on the item for having affiliation/being acquainted with the representers/commenters or their representatives including Cheung Kong Hutchison Holdings Limited (CKHH), being the mother company of Juli May Limited (R1/C1), LWK & Partners (HK) Limited (LWK) (R1/C1's representative), World Wide Fund for Nature of Hong Kong (WWF) (R5/C32), Hong Kong Bird Watching Society (HKBWS) (R6), Designing Hong Kong Limited (DHK) (R8) and Mary Mulvihill (R12/C40) :

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| Mr Ivan C.S. Fu | - | having current business dealings with CKHH and being a Director of LWK |
| Mr Patrick H.T. Lau | - | having current business dealings with CKHH |
| Mr Stephen L.H. Liu | - | having current business dealings with CKHH and LWK |
| Dr C.H. Hau | - | being a member of the HKBWS and a past member of the Conservation Advisory Committee of WWF |
| Mr K.K. Cheung |] | their company hiring Mary Mulvihill on a contract basis from time to time |
| Mr Alex T.H. Lai |] | |
| Mr Thomas O.S. Ho | - | personally knowing the co-founder and Chief Executive Officer of Designing Hong Kong Limited |
| Mr Dominic K.K. Lam |] | personally knowing some representers/ commenters |
| Dr Lawrence K.C. Li |] | |
| Professor T.S. Liu |] | |

71. As the item was procedural in nature, Members agreed that the above Member who had declared interests could stay in the meeting.

72. The Secretary reported that on 29.4.2016, the draft The Peak Area Outline Zoning Plan (OZP) No. S/H14/12 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). According to the statutory time limit, the draft OZP should be submitted to the Chief Executive in Council (CE in C) for approval on or before 29.3.2017. As it was unlikely that the whole plan-making process could be completed within the 9-month statutory time limit, there was a need to apply to the Chief Executive (CE) for an extension of the statutory time limit for six months to allow sufficient time to complete the plan-making process of the draft OZP.

73. After deliberation, the Board agreed that the CE's agreement should be sought under section 8(2) of the Ordinance to extend the time limit for submission of the draft The Peak Area OZP No. S/H14/12 to the CE in C for a period of six months from 29.3.2017 to 29.9.2017.

Agenda Item 10

[Open Meeting]

Any Other Business

[The item was conducted in Cantonese.]

74. There being no other business, the meeting was closed at 11:50am.