

**Minutes of 1145<sup>th</sup> Meeting of the  
Town Planning Board held on 7.7.2017**

**Present**

Permanent Secretary for Development  
(Planning and Lands)  
Ms Bernadette H.H. Linn

Chairperson

Professor S.C. Wong

Vice-Chairman

Mr Lincoln L.H. Huang

Mr H.W. Cheung

Mr Sunny L.K. Ho

Ms Janice W.M. Lai

Mr Patrick H.T. Lau

Ms Christina M. Lee

Mr H.F. Leung

Mr Stephen H.B. Yau

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Dr C.H. Hau

Mr Alex T.H. Lai

Dr Lawrence K.C. Li

Mr Stephen L.H. Liu

Ms Sandy H.Y. Wong

Mr Franklin Yu

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

Assistant Director (Environmental Assessment)  
Environmental Protection Department  
Mr C.F. Wong

Director of Lands  
Mr Thomas C.C. Chan

Director of Planning  
Mr Raymond K.W. Lee

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

Secretary

**Absent with Apologies**

Professor K.C. Chau

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Mr Dominic K.K. Lam

Dr F.C. Chan

Mr Frankie W.C. Yeung

Mr K.K. Cheung

Mr Wilson Y.W. Fung

Mr Thomas O.S. Ho

Professor T.S. Liu

Miss Winnie W.M. Ng

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

**In Attendance**

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

Chief Town Planners/Town Planning Board  
Mr Kepler S.Y. Yuen (a.m.)  
Ms Sally S.Y. Fong (p.m.)

Senior Town Planners/Town Planning Board  
Ms Christine C.M. Cheung (a.m.)  
Ms W.H. Ho (p.m.)

### **Opening Remarks**

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

1. The Chairperson welcomed a new Member of the Board, Mr Thomas C.C. Chan, the Director of Lands. She also announced and congratulated Dr F.C. Chan, Mr David Y.T. Lui and Mr C.W. Tse for having been awarded Bronze Bauhinia Star, and Mr Patrick H.T. Lau and Miss Winnie W.M. Ng for having been appointed as Justice of the Peace on 1.7.2017.

### **Agenda Item 1**

[Open Meeting]

#### Confirmation of Minutes of the 1144<sup>th</sup> Meeting held on 16.6.2017

[The item was conducted in Cantonese.]

2. The minutes of the 1144<sup>th</sup> meeting held on 16.6.2017 were confirmed without amendments.

### **Agenda Item 2**

[Open Meeting]

#### Matters Arising

[The item was conducted in Cantonese.]

3. There were no matters arising to be reported.

**Sha Tin, Tai Po & North District**

**Agenda Item 3**

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-LT/600

Proposed House (New Territories Exempted House - Small House) in "Agriculture" and "Village Type Development" Zones, Lots No. 225 RP, 225 S.C ss.2 S.A and 225 S.D in D.D.8, Tai Yeung Che Village, Lam Tsuen, Tai Po  
(TPB Paper No. 10296)

Review of Application No. A/NE-LT/601

Proposed House (New Territories Exempted House - Small House) in "Agriculture" and "Village Type Development" Zones, Lots No. 225 S.B ss.1 S.A, 225 S.B ss.4, 225 S.C ss.1, 225 S.C RP and 225 S.C ss.2 RP in D.D. 8, Tai Yeung Che Village, Lam Tsuen, Tai Po  
(TPB Paper No. 10297)

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[The item was conducted in Cantonese.]

4. The meeting noted that the two applications for proposed house (New Territories Exempted House (NTEH) – Small House) were similar in nature and the application sites (the Sites) were located in close proximity to one another and within the same “Agriculture” (“AGR”) and “Village Type Development” (“V”) zones. The meeting agreed that they could be considered together.

**Presentation and Question Sessions**

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

Ms Jessica H.F. Chu - District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), PlanD

*Application No. A/NE-LT/600*

- Mr Wong Chun Wai - Applicant  
Mr Wong Chi Hing - Applicant's representative

*Application No. A/NE-LT/601*

- Mr Wong Chang Wai, Geoffrey - Applicant  
Mr Wong Shu Leung - Applicant's representative

*For Both Applications*

- Ms Cheng Sui Chu - Applicants' representatives

6. The Chairperson extended a welcome and explained the procedure of the review hearing. She then invited DPO/STN to brief Members on the review applications.

7. With the aid of a PowerPoint presentation, Ms Jessica H.F. Chu, DPO/STN, briefed Members on the background of the review applications including the consideration of the applications by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board), departmental and public comments, and planning considerations and assessments as detailed in TPB Paper Nos. 10296 and 10297 (the Papers).

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

8. The Chairperson then invited the applicants to elaborate on the review applications. With the aid of a PowerPoint presentation and the information tabled at the meeting, Mr Geoffrey C.W. Wong made the following main points:

- (a) the Chief Town Planner/Urban Design and Landscape (CTP/UD&L) had no objection to the applications from landscape planning point of view. The Sites were vacant and hard paved and there were no trees and significant landscape resources within the Sites. The proposed Small House developments were not incompatible with the existing

rural landscape character;

- (b) the Sites were not agricultural land and not suitable for cultivation of crops. The Director of Agriculture, Fisheries and Conservation (DAFC) had no further comment on the applications from agricultural development point of view as the Sites had low potential for rehabilitation of agricultural activities;
- (c) the Sites were bounded by a natural vegetated slope in the east and a local track in the north which was leading to Tai Yeung Che Road. Existing village settlement was to the immediate south, west and north of the Sites. Therefore, the Sites should be considered as infill sites among existing Small Houses, which met the condition as stipulated in point (d) of Interim Criteria for Consideration of Application for New Territories Exempted House/ Small House in New Territories (Interim Criteria);
- (d) the Sites were adjoining the current “V” zones and should be considered as an extension of the existing village development, which was compatible with the surrounding environment. Approval of the applications would not lead to an undesirable precedent as there would be no room for more village houses to be built;
- (e) basic infrastructures of water supply, sewerage and electricity were found in the vicinity of the Sites. The proposed Small House developments would make good use of the land and infrastructural facilities. There was no objection from government departments;
- (f) the Sites were entirely within the village ‘environ’ (‘VE’). There was a general shortage of land within the “V” zone for Small House developments as shown in the data provided by the Lands Department (LandsD) and PlanD. The actual demand of land for Small House developments within “V” zone would be even higher. Also, PlanD’s estimation of land available for Small House developments within the

“V” zones of Tai Mong Che, Shui Wo and Ma Po Mei had included land being used for such other uses as village office and refuse collection point, which could not be used for Small House developments;

- (g) they had no alternative site and were not able to acquire land within the “V” zones for Small House developments; and
- (h) their applications were supported by Lam Tsuen Village Committee and other village representatives.

9. As the presentations of PlanD’s representative and the applicants were completed, the Chairperson invited questions from Members.

10. The Chairperson and some Members asked DPO/STN the following questions:

- (a) when the concerned “V” zones were designated on the Outline Zoning Plan (OZP) and the boundaries of the current “V” zones were delineated;
- (b) when the Sites were paved and whether it was considered unauthorized development;
- (c) noting that the Sites were hard paved and the potential for rehabilitation of agricultural activities was low, whether the “AGR” zone for the Sites were still appropriate and where land for Small House developments could be found within the concerned “V” zones;
- (d) what the considerations were for approving the 17 similar applications and whether the approved Small House developments to the west of the Sites had commenced/completed;



- (e) whether there was separate estimation for land available for Small House developments in Tai Mong Che Village; and
- (f) noting that some public comments objected to the applications, whether there was any information on private developer's involvement in the proposed development.

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

- (a) the Sites were zoned "AGR" when the Lam Tsuen Interim Development Permission Area (IDPA) Plan No. IDPA/NE-LT/1 was gazetted in 1990. When the draft Lam Tsuen OZP No. S/NE-LT/1 was gazetted in 1994, the Sites were covered by natural vegetation (as shown in the aerial photo) and the "V" zones of Tai Mong Che, Shui Wo and Ma Po Mei were expanded to meet the demand for Small House developments;
- (b) as shown in the aerial photo, the Sites were hard paved in 2002, before the requirement for planning permission for landfilling in "AGR" zone was promulgated in 2005. As such, it was not considered as an unauthorized development;
- (c) PlanD had no objection to the application at the S.16 application stage. However, the RNTPC considered that it was more appropriate to adopt a cautious approach and concentrate the proposed Small House developments within the "V" zone first;
- (d) the 17 similar applications on eleven sites were approved mainly on the consideration that the proposed Small House developments were in line with the Interim Criteria in that there was a general shortage of land in the "V" zone in meeting the demand for Small Houses and some of the sites had previous approvals. Some of those approved applications had commenced/completed and some were still subject to Small House grant applications being processed by LandsD;

- (e) PlanD's estimation of land available for Small House developments in Tai Mong Che was about 1.69 hectares (equivalent to about 67 Small House sites), which was sufficient to meet the 25 outstanding Small House applications for the village; and
- (f) as shown in the land record, the applicants bought the Sites in 2014 and 2015. There was no information showing that the Sites were owned by any developer.

12. Some Members asked the applicants the following questions:

- (a) whether the proposed Small House developments would obstruct the local track leading to the village of Tai Mong Che; and
- (b) whether the applicants could apply for Small House developments at alternative sites in Shui Wo and Ma Po Mei.

13. The applicants and their representatives made the following responses:

- (a) in order to maintain sufficient width for the local track through their lots, the applicants had been in liaison with the local villagers and had revised the layouts of the proposed Small Houses several times since their Small House applications were submitted to LandsD in 2011 and 2013. The current layout design of the proposed Small Houses, which allowed a vehicular access with a width of 11 feet, was agreed by the local villagers in November 2015. After that, the applicants made the planning applications in December 2016; and
- (b) they were unable to acquire land in other villages. Village representatives of Shui Wo and Ma Po Mei refused to allow them to build Small Houses in their villages. Also the proposed Small House developments at the Sites could facilitate the applicants to take care of their family in the same village.

14. As Members had no further question, the Chairperson informed the applicants that the hearing procedure for the review applications had been completed. The Board would further deliberate on the review applications in their absence and inform the applicants of the Board's decision in due course. The Chairperson thanked the applicants, their representatives and the government representatives for attending the meeting. They left the meeting at this point.

#### Deliberation Session

15. The Chairperson said that the discussion should focus on the following aspects:

- (a) whether the potential for rehabilitation of agricultural activities of the Sites was low; and
- (b) while there was sufficient land available for Small House developments in the concerned "V" zones to meet the outstanding Small House applications, whether other relevant factors, e.g. the location, setting and characteristics of the Sites, should be given due weight in the consideration of the applications.

16. For Members' background information, Mr. Raymond K.W. Lee, Director of Planning, said that there was no departmental objection to the applications at the s.16 stage. However, the RNTPC had decided to adopt a cautious approach towards the applications. Since there was sufficient land available within the "V" zone to meet the outstanding Small House applications, RNTPC considered that it would be more appropriate to concentrate the proposed Small House developments within the "V" zone for a more orderly development pattern in order to avoid proliferation of Small House developments in 'VE' outside "V" zone. The Board might consider whether the applicants' justifications submitted at the s.17 stage and presented at the review hearing warranted a sympathetic consideration of the applications. If the applications were approved, the Board should consider how to ring-fence similar applications in future so as to avoid the proliferation of Small House development to areas zoned "AGR" and within 'VE'.

17. Some members were sympathetic to the applications and raised the following points:

- (a) the concerned “V” zones had been designated on the OZP for more than 20 years. Since then, there were changes in the planning circumstances. Part of the Sites was now used as a road serving the nearby village houses and the potential for rehabilitation of agricultural activities was low. It was considered that the current planning circumstances should be taken into account;
- (b) it was considered that approval of the applications would not set an undesirable precedent as the Sites had been hard paved for a long time and the Sites were infill sites within an existing village settlement with a natural vegetated slope to the east. Sympathetic consideration could be given to the applicants in view of the infill nature of the proposed Small House developments;
- (c) noting that the potential for rehabilitation of agricultural activities was low, the land resources could be better utilised with the proposed Small House developments; and
- (d) even if the review applications were approved, the possibility of proliferation of Small House development to the east of the Sites was low as the area was still vegetated and a similar application (No. A/NE-LT/423) had been rejected mainly on ground that the proposed development would affect the existing trees on the application site.

18. Some members were of the views that robust justifications for approving the applications were required. The fact that the Sites were hard paved should not be regarded as a reason for approving the applications; otherwise, it might convey a wrong message to the public to hard pave the sites zoned “AGR” before applying for Small House developments and set an undesirable precedent leading to the proliferation of Small House developments in the “AGR” zone. Also, the RNTPC had been adopting a

more cautious approach towards similar applications in recent years. As there was sufficient land available within the “V” zone to meet the outstanding Small House applications, it would be more appropriate to concentrate the proposed Small House developments within the “V” zone.

19. In response to a Member’s concern on whether the approval of the review applications would deviate from the Interim Criteria, Mr Raymond K.W. Lee, Director of Planning, explained that each application would be considered based on its unique circumstances, including the site history. He shared the view that if the applications were to be approved, a clear message should be conveyed that approval was not premised on the fact that the Sites had been hard paved.

20. In response to a Member’s enquiry on whether the Government would resume private land within “AGR” zone for agricultural activities, the Chairperson said that the Government would mainly rely on private initiatives to rehabilitate arable land for agricultural activities. The policy initiative led by the Food and Health Bureau in establishing an Agricultural Park was meant to be a special initiative promoting modernized and high value-added farming.

21. Members agreed that the applications could be favourably considered taking into account a basket of considerations, as follows:

- (a) the Sites were infill sites within an the existing village settlement. The area to the east of the Sites was natural slopes and further expansion of village development would be limited. Approving the subject applications would unlikely set an undesirable precedent for similar applications for Small House developments further east where existing vegetation and trees would be affected;
- (b) DAFC had no strong view against the applications from the agricultural development point of view as the Sites were surrounded by the existing Small Houses and had low potential for rehabilitation of agricultural activities; and

- (c) the cautious approach for considering planning applications for Small House development had been adopted by the Board since 2013/2014. The applications could have been submitted earlier if not for the time spent in revising the layouts of the proposed Small Houses to address the local concern on the need to retain the local track through their lots.

22. After deliberation, based on the above considerations (paragraph 21), the Board decided to approve the applications on review, on the terms of the applications as submitted to the Town Planning Board (TPB). The permission should be valid until 7.7.2021, and after the said date, the permission should cease to have effect unless before the said date, the developments permitted were commenced or the permission was renewed. The permission of each application was subject to the following conditions:

- (a) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (c) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

23. The Board also agreed to advise the applicants to note the advisory clauses as set out at Annex H of the Papers.

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

24. The meeting agreed to proceed with procedural matters under Agenda Items 6 to 9 before considering Agenda Item 5.

**Procedural Matters**

**Agenda Item 6**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Further Representations Arising from the Consideration of Representations and Comments on the Draft Kennedy Town & Mount Davis Outline Zoning Plan No. S/H1/20 (TPB Paper No. 10298)

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[The item was conducted in Cantonese.]

25. The Secretary reported that the proposed amendments to the draft Kennedy Town & Mount Davis Outline Zoning Plan (OZP) No. S/H1/20 involved the rezoning of the Cadogan Street Temporary Garden (CSTG) from “Residential (Group A)6” (“R(A)6”) to “Open Space” (“O”) and the area to the west of CSTG from “R(A)6” to “Government, Institution or Community” (“G/IC”) to meet/partially meet some of the representations to the OZP. The following Members had declared interests on the item, for having business dealings/affiliation with Mott MacDonald Hong Kong Limited (MMHK), the consultant of the Civil Engineering and Development Department on ground decontamination works for the Kennedy Town area, Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) (R4113), or being acquainted with representers/commenter (i.e. Mr Paul Zimmerman (R3888), the co-founder and Chief Executive Officer of Designing Hong Kong Limited (R4112/C12) and Ms Mary Mulvihill (R4120/C305)):

- |                     |   |   |
|---------------------|---|---|
| Mr Thomas O.S. Ho   | - | having current business dealings with MMHK and personally knowing Mr Paul Zimmerman |
| Mr K.K. Cheung      | ] | their firm having current business dealings with                                    |
| Mr Alex T.H. Lai    | ] | MMHK and hiring Mary Mulvihill on a contract  |
|                     | ] | basis from time to time   |
| Mr Dominic K.K. Lam | ] | having past business dealings with MMHK   |
| Mr Franklin Yu      | ] |   |
| Dr Lawrence K.C. Li | - | his relative being a member of DAB  |

26. As the item was procedural in nature, Members agreed that the above Members could stay in the meeting. Members also noted that Messrs Thomas O.S. Ho, K.K. Cheung and Dominic K.K. Lam had tendered apologies for being unable to attend the meeting.

27. The Secretary briefly introduced the Paper, with the following main points:

*Background*

- (a) after consideration of the 7,593 representations and 306 comments on 7.2.2017, 15.2.2017, 16.2.2017, 21.2.2017, 1.3.2017 and 11.5.2017, the Town Planning Board (the Board) decided to uphold/partially uphold representations R111 (part) to R142 (part), R143, R146 to R4095, R4096 (part), R4097 to R4837, R7613 and R7614 by rezoning CSTG from “R(A)6” to “O” (Amendment Item A) and the area to the west of CSTG from “R(A)6” to “G/IC” with the imposition of building height restriction of 40mPD for the “G/IC” portion (Amendment Item B);
- (b) on 26.5.2017, the proposed amendments were exhibited for public inspection and 958 further representations (FRs) were received;
- (c) among the FRs, F338 to F427 and F436 to F441 were submitted by the original representers/commenters, while F442 to F958 were opposing/providing comments not related to the proposed amendment items. Therefore, F338 to F427 and F436 to F958 were considered as invalid and should be treated as not having been made;
- (d) while F430 to F435 supported Amendment Item A, they had also provided comments not related to the proposed amendments. Thus, part of F430 to F435 were considered as invalid;



*Proposed Hearing Arrangement*

- (e) in view of the similar nature of the FRs, it was considered more appropriate to hear the FRs collectively by the Board; and
- (f) to ensure efficiency of the hearing, it was recommended that each representer/commenter/further representer be allotted a maximum of 10 minutes for presentation in the hearing session.

28. After deliberation, the Board agreed that:

- (a) F338 to F427, F436 to F958, and the part of F430 to F435 providing comments not related to the proposed amendments were considered invalid and should be treated as not having been made under section 6D(1) of the Town Planning Ordinance;
- (b) the FRs should be considered by the Board itself; and
- (c) a 10-minute presentation time would be allotted to each further representer, representer and commenter, subject to confirmation of the number of further representers, representers and commenters attending the hearing and the aggregate presentation time required.

**Agenda Item 7**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Further Representations Arising from the Consideration of Representations on the Draft Sai Ying Pun & Sheung Wan Outline Zoning Plan No. S/H3/30  
(TPB Paper No. 10300)

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[The item was conducted in Cantonese.]

29. The Secretary reported that the following Members had declared interests on the item for having affiliation/business dealings with Tung Wah Group of Hospitals

(TWGHs) (R1) and its representative (i.e. Mr Yiu Tze Leung) and consultants (i.e. Kenneth To & Associates Limited (KTAL) and CYS Associates (Hong Kong) Limited (CYS)); for having business dealings/being acquainted with representers (i.e. Ms Mary Mulvihill (R4) and Designing Hong Kong Limited (R2)); and for owning a property in the Sheung Wan area:

- |                     |   |  |
|---------------------|---|--|
| Ms Christina M. Lee | - | having current business dealings with TWGHs and being the Secretary-General of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from TWGHs before |
| Mr Franklin Yu      | - | having past business dealings with TWGHs   |
| Mr Patrick H.T. Lau | - | having current business dealings with KTAL and past business dealings with CYS   |
| Mr K.K. Cheung      | ] | their company having business dealings with  |
| Mr Alex T.H. Lai    | ] | TWGHs and hiring Mary Mulvihill on a   |
|                     | ] | contract basis from time to time   |
| Ms Sandy H.Y. Wong  | - | having served as a Member at the Action Committee Against Narcotics of the Security Bureau in the past for which Mr Yiu Tze Leung was also a Member                                  |
| Mr Stephen L.H. Liu | - | having past business dealings with TWGHs and CYS; and his company owning an office unit in Unionway Commercial Centre, 283 Queen's Road Central                                      |
| Mr Thomas O.S. Ho   | - | personally knowing the co-founder and Chief Executive Officer of Designing Hong Kong Limited   |

30. As the item was procedural in nature, Members agreed that the above Members could stay in the meeting. Members also noted that Messrs Thomas O.S. Ho and K.K. Cheung had tendered apologies for being unable to attend the meeting.

31. The Secretary briefly introduced the Paper, with the following main points:

*Background*

- (a) on 21.4.2017, after consideration of 635 representations, the Town Planning Board (the Board) decided to partially uphold Representations R2 to R635 by deleting ‘Residential Institution (Hostel only) (on land designated “Government, Institution or Community (2)” (“G/IC(2)”) only)’ from Column 1 of the “G/IC” zone as well as replacing ‘Residential Institution (not elsewhere specified)’ under Column 2 by ‘Residential Institution’. To correspond with such amendments, the representation site would be rezoned from “G/IC(2)” to “G/IC”;
- (b) on 12.5.2017, the proposed amendments were exhibited for public inspection under section 6C(2) of the Town Planning Ordinance (the Ordinance) and a total of 42 further representations (FRs) were received;
- (c) among the FRs, F42 was submitted by the original Representer (R564). It was considered as invalid and should be treated as not having been made.

*Proposed Hearing Arrangement*

- (d) in view of the similar nature of the FRs, it was considered more appropriate to hear the FRs collectively by the Board; and
- (e) to ensure efficiency of the hearing, it was recommended that each representer/commenter/further representer be allotted a maximum of 10 minutes for presentation in the hearing session.

32. After deliberation, the Board agreed that:
- (a) F42 was considered invalid and should be treated as not having been made under section 6D(1) of the Town Planning Ordinance;
  - (b) the FRs should be considered by the Board itself; and
  - (c) a 10-minute presentation time would be allotted to each further representer, representer and commenter, subject to confirmation of the number of further representers, representers and commenters attending the hearing and the aggregate presentation time required.

### **Agenda Item 8**

[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 Sai Ying Pun & Sheung Wan Outline Zoning Plan No. S/H3/30 to the Chief Executive in Council for Approval  
(TPB Paper No. 10301)

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[The item was conducted in Cantonese.]

33. The Secretary reported that Members' declaration of interests were the same as recorded under Agenda Item 7.

34. The Secretary briefly introduced the Paper. The consideration of the further representations to the draft Sai Ying Pun and Sheung Wan Outline Zoning Plan (OZP) No. S/H3/30 (the draft OZP) by the Town Planning Board (the Board) was tentatively scheduled for August 2017. According to the statutory time limit, the draft OZP had to be submitted to the Chief Executive in Council (CE in C) for approval on or before 21.9.2017. It was unlikely that the whole plan-making process could be completed within the 9-month statutory time limit (i.e. before 21.9.2017). It was necessary to seek CE's agreement for an extension of the statutory time limit for six months to 21.3.2018 to allow sufficient time to complete the plan-making process of the draft OZP prior to its

submission to the CE in C for approval.

35. After deliberation, the Board agreed that the CE's agreement should be sought under section 8(2) of the Town Planning Ordinance to extend the time limit for submission of the draft OZP to the CE in C for a period of six months from 21.9.2017 to 21.3.2018.

### **Agenda Item 9**

[Open Meeting]

Submission of the Draft Chai Wan Outline Zoning Plan No. S/H20/22A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval  
(TPB Paper No. 10302)

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[The item was conducted in Cantonese.]

36. The Secretary reported that Amendment Item A to the draft Chai Wan Outline Zoning Plan (OZP) No. S/H20/22A was related to a proposed public housing development to be undertaken by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA). The following Members had declared interests on the item for having affiliations/ business dealings with HKHA/HD or a representer (Ms Mary Mulvihill) (R4):

Mr Thomas C.C. Chan            - being a member of HKHA  
(as Director of Lands)

Mr Raymond K.W. Lee        - being a member of the Strategic Planning  
(as Director of Planning)      Committee (SPC) and Building Committee of  
HKHA, and co-owning a flat with spouse and  
spouse owning a property in Chai Wan area

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

- Mr H.F. Leung - being a member of the Tender Committee of HKHA
- Dr C.H. Hau ]  
Mr Patrick H.T. Lau ] having current business dealings with HKHA  
Ms Janice W.M. Lai ]  
Mr Thomas O.S. Ho ]
- Mr K.K. Cheung ] their firm having current business dealings with  
Mr Alex T.H. Lai ] HKHA, and hiring Mary Mulvihill on a contract  
] basis from time to time
- Mr Ivan C.S. Fu ]  
Mr Stephen L.H. Liu ] having past business dealings with HKHA  
Mr Franklin Yu ]
- Mr Dominic K.K. Lam - being a Director of a company owning a property in Chai Wan area, and having past business dealings with HKHA
- Mr Sunny L.K. Ho - owning a flat and a car parking space, and co-owning another flat with spouse in Chai Wan area
- Dr Lawrence W.C. Poon - his spouse being an employee of HD but not involved in planning work

37. As the item was procedural in nature, Members agreed that the above Members could stay in the meeting. Members also noted that Messrs Thomas O.S. Ho, K.K. Cheung, Ivan C.S. Fu and Dominic K.K. Lam had tendered apologies for being unable to attend the meeting.

38. The Secretary briefly introduced the Paper. After giving consideration to the four representations on 19.5.2017, the Town Planning Board (the Board) decided not to uphold the representations and that no amendment should be made to the draft OZP to meet the representations. Since the representation consideration process had been completed, the draft OZP was now ready for submission to the Chief Executive in Council (CE in C) for approval.

39. After deliberation, the Board:

- (a) agreed that the draft Chai Wan OZP No. S/H20/22A and its Notes at Annexes I and II of the Paper respectively were suitable for submission under section 8 of the Town Planning Ordinance to the CE in C for approval;
- (b) endorsed the updated Explanatory Statement (ES) for the draft Chai Wan OZP No. S/H20/22A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land use zonings on the draft OZP and to be 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.

**Tsuen Wan & West Kowloon District**

**Agenda Item 5**

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in respect of Draft Chuen Lung & Ha Fa Shan Outline Zoning Plan No. S/TW-CLHFS/1

(TPB Paper No. 10294)

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[The item was conducted in Cantonese and English.]

40. The Secretary reported that the following Members had declared interests on the item for having affiliation/business dealings with Hong Kong Bird Watching Society (HKBWS) (R247), World Wide Fund for Nature Hong Kong (WWF-HK) (R249), Ramboll Environ Hong Kong Limited (Environ) and AIM Group (Hong Kong) Limited (consultants of R253) and Ms Mary Mulvihill (C5):

Dr C.H. Hau	-	being a member of HKBWS and a past member of the Conservation Advisory Committee of WWF-HK
Mr K.K. Cheung	]	their firm having current business dealings
Mr Alex T.H. Lai	]	with AIM Group (Hong Kong) Limited and
	]	hiring Ms Mary Mulvihill on a temporary contract basis from time to time
Mr Ivan C.S. Fu	]	having current business dealings with Environ
Ms Janice W.M. Lai	]	

41. Members noted that Messrs Ivan C.S. Fu and K.K. Cheung had tendered apologies for being unable to attend the meeting. As Dr C.H. Hau was an ordinary member of HKBWS and had no direct involvement in the representation, the meeting agreed that he should be allowed to stay in the meeting. As Mr Alex T.H. Lai and Ms Janice W.M. Lai had no direct involvement in the representation/discussion with C5, the meeting agreed that they could stay in the meeting. The Vice-Chairman, who was the



Chair Professor and Head of Department of Civil Engineering of the University of Hong Kong (HKU), reported that one of the representers was the Centre of Buddhist Studies of HKU (R5). The meeting agreed that he should be allowed to stay in the meeting as he had no direct involvement in the representation.

42. The Chairperson 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, the Town Planning Board (the Board) should proceed with the hearing of the representations in their absence.

#### Presentation and Question Sessions

43. The following representatives of the Planning Department (PlanD), representers, commenters and their representatives were invited to the meeting at this point:

##### *Government Representatives*

Mr Lawrence Y.C. Chau - District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), PlanD

Mr Walter W.N. Kwong - Senior Town Planner/Tsuen Wan (STP/TW), PlanD

##### *Representers, Commenters and their Representatives*

R1/C1 – Po Lam Tong

R2 – Ven. Zik Yan Zhi

R5 – Centre of Buddhist Studies, The University of Hong Kong

R16 – Woo Oi Lai

R26 – Winnie Chang

R52 – Josephine Lam

R66 – Chu Ka Wah

R74 – Wu Wai Yan Bonnie

R79 – Eliza Wong

R83 – 夏麗姬

R101 – 黃瑞華

R104 – Yim Wing Fong

R107 – 曾守誠

R116 – 曾超祺

R140 – Leong Ka Chai

R142 – 孔佩貞

R143 – Keung Mo Kwong

R144 – 吳麗芬

R146 – Chan Pui Yee

R152 – Masy Lo

R153 – Sze Man Hon

R160 – Kuo Siu Chen

R163 – Wong Wai Man

R169 – Lo Wai Ching

R195 – Chan Pun Lin

R204 – Chan Ying Kwok

R216 – Lee Shuk Yi Michelle

R217 – 李潔蘭

R218 – Jo Leung

Ven. Zik Yan Zhi	-	Representer and Representers' and Commenter's representative
Mr Benson Poon	]	Representers' and Commenter's
Mr Ernest Koo	]	representatives
Mr Chan Shek Wah	]	

R20 – Amy Ng

Ms Amy Ng - Representer

R28 – 陳麗儀

R193 – Chan Kin Kwan

Ms Chan Kin Kwan - Representer and Representer's  
representative

R32 – Helena Lo

Ms Helena Lo - Representer

R34 – Lam Yuet Kui

Ms Lam Yuet Kui - Representer

R67 –Wong Shuk Wah

Ms Wong Shuk Wah - Representer

R114 – Peter Chan

Mr Peter Chan - Representer

R119 – Pang Kang Sang

Mr Pang Kang Sang - Representer

R141 – Law Kit Yuk

R212 –Lam Sai Kwong

Mr Lam Sai Kwong - Representer and Representer's  
representative

R210 –佛弟子 (林曼祺)

Ms Lam Man Kee - Representer

R211 –周潤美

R219 –趙錦鳳

Ms Chiu Kam Fung - Representer and Representer's  
representative

R226 – Li Kam Wah

Mr Li Kam Wah - Representer

R247 – World Wide Fund For Nature Hong Kong

Mr Chan Chung Ming - Representers' representative

R248 – Kadoorie Farm & Botanic Garden Corporation

Mr Chiu Sein Tuck ]

Mr Nip Hin Ming, Tony ] Representers' representatives

Ms Wong Wai Yee ]

R249 – The Hong Kong Bird Watching Society

Ms Woo Ming Chuan - Representers' representative

R250/C3 – Chuen Lung Village Office

Mr Tsang Wai Keung - Representers' and Commenters' representative

R251 – Li Yuk Wah

Mr Li Yuk Wah - Representer

R253 – Fortune Houses Development Limited

Mr Chan Tat Choi, Ted ]

Mr Daniel Wei ] Representers' representatives

Mr Ricky Li ]

Ms Wendy Yung ]

44. The Chairperson extended a welcome and briefly explained the procedures of the hearing. She said that PlanD's representative would be invited to brief Members on the representations and comments. The representers, commenters or their representatives would then be invited to make oral submissions in turn. To ensure the efficient operation of the meeting, each representer, commenter or his representative would be allotted 10 minutes for making oral submission. There was a timer device to alert the representers, commenters or their representatives two minutes before the allotted time was to expire, and when the allotted time limit was up. A question and answer (Q&A) session would be held after all attending representers, commenters or their representatives had completed their oral submissions. Members could direct their

questions to PlanD's representatives, representers, commenters and their representatives. After the Q&A session, PlanD's representatives, the representers, commenters or their representatives would be invited to leave the meeting; and the Board would deliberate on the representations and comments in their absence and inform the representers and commenters of the Board's decision in due course.

45. The Chairperson then invited PlanD's representative to brief Members on the representations and comments.

46. With the aid of a PowerPoint presentation, Mr Walter W.N. Kwong, STP/TW, briefed Members on the representations and comments, including the background of the proposed amendments, the grounds/views/proposals of the representers and commenters, planning assessments and PlanD's views on the representations and comments as detailed in the TPB Paper No. 10294 (the Paper).

47. The Chairperson then invited the representers, commenters and their representatives to elaborate on their representations and comments.

R1/C1 – Po Lam Tong

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R195 –Chan Pun Lin

R204 –Chan Ying Kwok

R216 –Lee Shuk Yi Michelle

R217 –李潔蘭

R218 –Jo Leung

48. With the aid of a PowerPoint presentation, Mr Benson Poon made the following main points:

- (a) Po Lam Tong was the land owner and management body of Sai Chuk Lam Zen Monastery (SCL) and Kai Yuen. Po Lam Tong had managed SCL and Kai Yuen since 1930s;

***Sai Chuk Lam Zen Monastery***

***Historical and Cultural Significance***

- (b) SCL, with more than 80 years of history, was regarded as one of the major historical Zen (禪宗) monasteries in Hong Kong. It was historically important and unique for its religious practice of Zen Farming (農禪). It was the origin of Zen traditional religious practice in the local community and had cultural roots in Hong Kong Buddhism. That was where Master Sheng Yi (聖一法師) took his first vow to become a monk, who had made significant contribution to the community and Buddhism in Hong Kong;

- (c) the secluded and natural setting of SCL made it a suitable location for its religious practice. The Zen Farming practice was held at an area to the immediate east of the current “Government, Institution or Community (1)” (“G/IC(1)”) zone (i.e. Area B), which was under private ownership. Area B was an important part of SCL;
- (d) by zoning Area A (i.e. an area to the immediate west of the current “G/IC(1)”) and Area B to “Green Belt” (“GB”), PlanD had negated the religious freedom and cultural value of SCL and its religious contribution to the community and simply for nature conservation purpose;

*Existing Monastery Operation and the Long Term Plan*

- (e) the operation and management of SCL covered the private land in Area B. The operation area was delineated by both the fence wall and natural boundary;
- (f) SCL was operated on a non-commercial and not-for-profit basis and did not contain any columbarium for commercial interest. It was not intended to hold large-scale religious activities for the general public and would therefore not cause any adverse environmental impacts;
- (g) SCL was made up of three components:
  - i. the main temple area, which was zoned “G/IC(1)”, including the main temple hall, ancestral hall and dining hall;
  - ii. Area A including a Big Bell Tower, a crematorium only for monks and nuns, a land diety shrine and a kitchen for monks and nuns; and
  - iii. Area B was used for Zen Farming and a meditation platform;

- (h) the operation of SCL had a continuous life cycle. It should not be looked at as static without change. There was a plan to revitalize the continuous use of religious and meditation facilities at the meditation platform, with a shelter providing a weather-proof, semi-enclosed space for Zen meditation practice (禪修);

*Inadequate Public Consultation*

- (i) no attempt was made by the government departments to communicate with any representatives of SCL to understand the history, religious operation and needs of SCL, except one meeting held by PlanD with many groups (including SCL);

*Inadequate Understanding of SCL*

- (j) PlanD argued that to reflect the institutional use, a “G/IC(1)” zone had been designated on the OZP for SCL to cover most of its operation area including the main temple hall and ancillary buildings enclosed by the fence wall. It had incorrectly assumed that the operation was enclosed by “fence wall” and lacked an understanding of the full operation of SCL;
- (k) PlanD also argued that Areas A and B, which were mainly of natural vegetated areas/ green knoll, had not been included in the “G/IC(1)” zone, but zoned as “GB” in order to conserve their natural and rural character. It had incorrectly assumed that the vegetated areas were not part of SCL and were within the natural environment. Such areas were in fact managed by SCL on a long term basis;
- (l) regarding the representer’s proposal to rezone Areas A and B to “G/IC(1)” to allow for religious institutional use and facilitate SCL’s future expansion plan, PlanD considered that the current “G/IC(1)” zone had already covered most of SCL’s existing operation. However, SCL was undergoing revitalization, and continuous use of its meditation and



religious facilities at Areas A and B would be vital to its operations;

- (m) in the Planning Report on Chuen Lung and Ha Fa Shan (July 2016) attached to TPB Paper No. 10205 (18 Nov 2016), there had been no mention of SCL. No research was done on the historical and religious development of SCL. There was a lack of understanding of SCL as an important community facility;
- (n) in Plan 5 of the TPB Paper No. 10205, PlanD considered that the existing land use of Area A was a GIC use. However, in Plan 8 of the same paper, Area A was not included in the proposed “G/IC” zone. It reflected an inconsistency in determining land use zoning;

Land Use Incompatibility

- (o) the main temple area (i.e. the current “G/IC(1)” zone), Areas A and B formed a holistic planning unit for religious use. The current zoning would split up the planning unit. According to the TPB’s definition of terms, ‘Religious Institution’ included the types of ancillary structures and buildings found in Areas A and B. As such, the two areas should form part of SCL operation. Also, the religious uses and structures at Areas A and B were not temporary in nature, but were ancillary and essential to the operation of the existing religious institution. It was considered that the adjustment of “G/IC(1)” boundary to include Areas A and B would not undermine the planning intention of “GB” zone of the OZP;

Legal Aspect

- (p) SCL was under private land ownership. The “GB” zoning deprived the property rights and interest of SCL. The designation of “GB” zone would prohibit religious activities which would be against Basic Law Article 141; and

***Kai Yuen***

- (q) the land had long been used for religious activities and under the private ownership. Kai Yuen had been recognised as a temple by the Government since 1979 and the 1956 survey map of the Lands Department showed that the site was designated as “Temple”. As such, the land should be zoned “G/IC(1)” in order to reflect the religious use.

49. Mr Chan Shek Wah made the following main points:

***Sai Chuk Lam Zen Monastery***

- (a) the main temple area, Areas A and B should be considered as one entity of SCL’s operation;
- (b) Area A was an integral part of SCL. The Big Bell Tower and the kitchen for monks and nuns were located in Area A, which served the operational need of SCL. Area B was used for meditation practice in SCL and a shelter would be required as meditation practice usually took a long time. The “GB” zone would restrict those uses;
- (c) to ensure religious freedom, the future development of a particular religious use should not be affected. The current OZP would restrict the development of SCL within the “G/IC(1)” zone, which was not sufficient to cater for the current operation (such as Zen Farming and meditation practice) and long-term plan of SCL;
- (d) the management of SCL helped maintain the natural vegetation of the area throughout the years; and

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

***Kai Yuen***

- (e) Kai Yuen was currently not a registered temple under the Chinese Temples Ordinance (Cap. 153) according to the record of the Chinese Temples Committee, but it had been registered as a temple with the Home Affairs Department.

[The Chairperson left the meeting temporarily at this point.]

50. Ven. Zik Yan Zhi made the following main points:

- (a) SCL had made significant contribution to the community by counseling people with emotion problems and providing various religious practices such as Zen farming, meditation practice, and morning and evening chanting;
- (b) SCL was promoting meditation practice in the community, and Area B was regarded as the only suitable location for SCL to conduct those activities, in particular during the 7-day Zen meditation retreat (禪七). The “GB” zone would prohibit the activities of meditation practice in Area B; and
- (c) since the land was acquired in 1934, SCL had organized and practiced Zen farming and meditation practice in Area B. As such, the Board was requested to rezone Area B to “G/IC(1)” so that the meditation practice could continue.

[Mr Sunny L.K. Ho, Ms Janice W.M. Lai, Ms Christina M. Lee, Mr Stephen H.B. Yau, Dr Lawrence K.C. Li and Mr Stephen L.H. Liu left the meeting at this point.]

[The meeting was adjourned for lunch break at 12:45 p.m.]

51. The meeting was resumed at 2:15 p.m.

52. The following Members and the Secretary were present in the afternoon session:

Permanent Secretary for Development (Planning and Lands)	Chairperson
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Ms Bernadette H.H. Linn

Professor S.C. Wong	Vice-chairman
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Mr Lincoln L.H. Huang

Mr H.W. Cheung

Mr Patrick H.T. Lau

Mr H.F. Leung

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Dr C.H. Hau

Mr Alex T.H. Lai

Ms Sandy H.Y. Wong

Mr Franklin Yu

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

Assistant Director (Environmental Assessment)  
Environmental Protection Department  
Mr C.F. Wong

Director of Lands  
Mr Thomas C.C. Chan

Director of Planning  
Mr Raymond K.W. Lee

Presentation and Question Sessions (Cont'd)

[Open Meeting]

53. In addition to those Members who had declared interests in the morning session, Mr David Y.T. Lui declared an interest on the item for having affiliations with the Hong Kong Buddhist Association and the Hong Kong Taoist Association, being an advisor for Po Lin Zen Monastery and Western Monastery, possibly having visited Sai Chuk Lam Zen Monastery (SCL) and Kai Yuen and being acquainted with some of the representers/commenters. As Mr David Y.T. Lui had no direct involvement in the representations or discussion with the representers/commenters, the meeting agreed that he could stay in the meeting.

54. The following government representatives, representers, commenters and their representatives were invited to the meeting in the afternoon session:

**Government Representatives**

*Planning Department (PlanD)*

Mr Lawrence Y.C. Chau - District Planning Officer/Tsuen Wan & West Kowloon (DPO/TWK)

Mr Walter W.N. Kwong - Senior Town Planner/Tsuen Wan (STP/KW)

*Agriculture, Fisheries and Conservation Department (AFCD)*

Dr Fiona K.Y. Wong - Nature Conservation Officer (Tsuen Wan) (NCO(TW))

**Representers, Commenters and their Representatives**

R1/C1 – Po Lam Tong

R2 – Ven. Sik Yan Zhi

R5 – The University of Hong Kong, Centre of Buddhist Studies

R16 – Woo Oi Lai

R26 – Winnie Chang

R52 – Josephine Lam

R66 – Chu Ka Wah

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R216 – Lee Shuk Yi Michelle

R217 – 李潔蘭

R218 – Jo Leung

Ven. Sik Yan Zhi - Representer and Representers' and  
Commenter's representative

Mr Benson Poon ] Representers' and Commenter's

Mr Ernest Koo ] representatives

R20 – Amy Ng

Ms Amy Ng - Representer

R28 – 陳麗儀

R193 – Chan Kin Kwan

Ms Chan Kin Kwan - Representer and Representer's representative

R34 – Lam Yuet Kui

Ms Lam Yuet Kui - Representer

R67 –Wong Shuk Wah

Ms Wong Shuk Wah - Representer

R119 – Pang Kang Sang

Mr Pang Kang Sang - Representer

R141 – Law Kit Yuk

R212 –Lam Sai Kwong

Mr Lam Sai Kwong - Representer and Representer's representative

R210 –佛弟子 (林曼祺)

Ms Lam Man Kee - Representer

R211 –周潤美

R219 –Chiu Kam Fung

Ms Chiu Kam Fung - Representer and Representer's representative

R226 – Li Kam Wah

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R247 –World Wide Fund For Nature Hong Kong

R249 – The Hong Kong Bird Watching Society

Mr Chan Chung Ming - Representers' representative

R248 – Kadoorie Farm & Botanic Garden Corporation

Mr Chiu Sein Tuck ]

Mr Nip Hin Ming, Tony ] Representer's representatives

Ms Wong Wai Yee ]

R250/C3 – Chuen Lung Village Office

Mr Tsang Wai Keung - Representer's and commenter's representative

R251 – Li Yuk Wah

Mr Li Yuk Wah - Representer

R253 – Fortune Houses Development Limited

Mr Chan Tat Choi, Ted ]

Mr Daniel Wei ] Representer's representatives

Mr Ricky Li ]

Ms Wendy Yung ]

55. The Vice-chairman extended a welcome to the government representatives, representers, commenters and their representatives. He then invited the representers, commenters and their representatives to give their oral submissions.

R1/C1 – Po Lam Tong

R2 – Ven. Sik Yan Zhi

R5 – The University of Hong Kong, Centre of Buddhist Studies

R16 – Woo Oi Lai

R26 – Winnie Chang

R52 – Josephine Lam

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R216 –Lee Shuk Yi Michelle

R217 –李潔蘭

R218 –Jo Leung

56. With the aid of a PowerPoint presentation, Mr Ernest Koo made the following main points:

- (a) he was a Buddhist and made oral submission on behalf of Po Lam Tong, the land owner and management body of SCL. He hoped the representations regarding SCL could be handled with good karma (因緣);
- (b) in the plan-making process, PlanD had not consulted SCL. The exclusion of Areas A and B of SCL from the “Government, Institution or Community (1)” (“G/IC(1)”) zone was due to a lack of full understanding of the site context, historic and religious significance of SCL, as well as the practice and development needs of SCL, which were summarised as follows:
  - (i) SCL was not an ordinary Buddhist temple but a Zen monastery. Master Sheng Yi, who was the disciple of Master Xu Yun (虛雲老和尚), was a key and respectable person of Zen. He had made significant contribution to the Buddhist community in Hong Kong and had many followers. He was ordained (剃道出家) in SCL and was in charge of SCL and Po Lam Zen Monastery, the two major Zen monasteries in Hong Kong. The mission of these two monasteries was to preserve the long tradition of Zen and promote the mental wellness of the practitioners;

- (ii) as part of the Zen practice, the followers needed to practice meditation, Zen farming and undertake other works which could benefit the community. Zen farming was an important practice which not only would enable the followers to be self-sufficient, but also provided food to the nearby residents in case of need. Another important practice was 7-day Zen meditation retreat, which was a meditation training lasting for a total of 91 days (with 13 repeated 7-day cycles);

[The Chairperson returned to join the meeting at this point. Professor S.C. Wong left the meeting at this point.]

- (iii) as the major practice of a Zen monastery was meditation rather than worshipping, the activities were not confined to the main temple buildings. A natural and tranquil environment with farmland in a rural setting was essential for their daily practice and food production;
  - (iv) due to the lack of facilities such as shelter in Area B, the current condition for the followers in practicing meditation was not satisfactory;
- (c) the mission of SCL to promote Zen and the objective of the Board/PlanD to formulate a land use plan for the long-term development of the Chuen Lung and Ha Fa Shan area (the Area) were not in conflict, with both striving for the benefit of the community. The issue was how to strike a balance between conservation and religious culture/freedom as well as private development right. While the “Green Belt” (“GB”) zone was important for the protection of the natural environment and the water gathering ground (WGG) in the locality, it was also necessary to set aside some areas for SCL because it required such a natural and tranquil location for its operation;
- (d) since its establishment in the 1930s, SCL had been undertaking religious practice in Ha Fa Shan area, including Areas A and B, for more than 80

years and most of the land in Area B was private land. Although part of the area occupied by the monastery fell within government land, the Government had not interfered with the operation of SCL in the past. He did not understand why the Government now imposed control on the use of land by SCL through the “GB” zone;

- (e) Area B had all along been used by SCL for meditation, Zen farming and other outdoor activities. Hence, the area should be regarded as part of SCL for religious purpose;
- (f) zoning Areas A and B as “GB” was not acceptable although PlanD claimed that existing use would continue to be allowed and ‘Religious Institution’ use under the “GB” zone might be permitted upon application to the Board. The “GB” designation would affect the long-term development of SCL and deprive its freedom to use the land to preserve the Zen tradition such as through organizing meditation activities or upgrading its facilities to provide a more proper and comfortable environment for meditation. For example, the provision of a shelter with permanent pillar or a Guanyin statue, which were considered as structures relating to ‘Religious Institution’ use, would not be allowed in the “GB” zone. It was not justified to zone Areas A and B as “GB”, which occupied a very small amount of the whole “GB” area, at the expense of the long-term development of SCL and its mission to promote Zen which had over a thousand years’ culture;
- (g) although an expansion plan for SCL was mentioned in the representation submission, there was no concrete proposal at the moment. What SCL requested was the Board’s recognition of its existing use and acknowledged its future expansion needs by designating an appropriate zoning to allow it to organize meditation activities or improve its facilities in future without the need to go through the planning application mechanism. Noting that area had been reserved on the draft Chuen Lung and Ha Fa Shan Outline Zoning Plan No. S/TW-CLHFS/1 (the draft OZP) for the expansion of villages, it was doubtful why PlanD had not reserved

any expansion area for SCL for its long-term development, which was against the Basic Law on religion freedom; and

- (h) religious use in Area B would not cause adverse impact on the surrounding environment. Even if Areas A and B were zoned for religious purpose, there were still controls by other relevant government departments on land and building matters.

R28 – 陳麗儀

R193 – Chan Kin Kwan

57. Ms Chan Kin Kwan made the following main points:

- (a) she and her family members were Buddhists and had taken refuge in Buddha at Po Lam Zen Monastery under Master Sheng Yi. When her family members were getting old, they began to go to SCL for religious practice since 2008/09 as SCL was more accessible to the elderly and persons with physical disabilities;
- (b) the practice in SCL was not limited to worshipping in the main temple buildings. The adjoining agricultural land for the practice of meditation and Zen farming were also areas for religious activities. As the monastery was operating on a non-profit making basis to promote meditation rather than a commercial entity, no large-scale development would be anticipated;
- (c) the lack of accommodation places was a common problem in the monasteries in Hong Kong. For example, the followers attending the 7-day Zen meditation retreat in Tsz Shan Monastery had to stay elsewhere outside the monastery. As such, more area should be reserved for SCL to facilitate its organization of meditation activities; and
- (d) the Board should respect the operation and need of SCL and a people-oriented approach should be adopted in the plan-making process. In addition to the main building area, an appropriate zoning should be

designated for its adjoining areas so as to preserve the ambience and environment of SCL.

R34 – Lam Yuet Kui

58. Ms Lam Yuet Kui made the following main points:

- (a) she received the award of a model citizen in Mainland China and had actively involved in social services. Her oral submission also reflected the views of the wife of a Ph.D. and an angry young man;
- (b) Zen was an important religion and should be well preserved. Master Sheng Yi was a very respectable person and had many followers. If the “GB” zoning for SCL was widely reported by the media and made known to the wider public, the issue might arouse strong reaction from the Buddhist community and the concerned Legislative Council members, which would adversely affect the harmony of the society; and
- (c) she doubted the rationale for designating part of areas occupied by SCL as “GB” and why areas were reserved for Small House development but not for the development of SCL. The Board was urged to address SCL’s concern by designating an appropriate zoning for the remaining area of SCL.

R67 –Wong Shuk Wah

59. Ms Wong Shuk Wah made the following main points:

- (a) she questioned why some of the areas occupied and used by SCL were designated as “GB” zone, within which religious activities would be prohibited;
- (b) SCL was important to the Buddhist community as it was located in a natural and easily accessible area;

- (c) meditation was not only a practice for the Buddhist, but also essential for the mental wellness of Hong Kong people. According to a survey conducted by the media based on a happy index, Hong Kong was ranked 123 worldwide. The statistics of the Hospital Authority also revealed that about 1 to 1.3 million people in Hong Kong were suffering from different kinds of mental illness. Based on overseas experience in hospital practice, meditation was effective in alleviating mental illness. Hence, meditation was not confined to religious practice. Its contribution to the well-being of the society should be recognised;
- (d) due to a lack of proper facilities in the monasteries, many people could not practice meditation in Hong Kong but needed to travel to foreign countries for meditation;
- (e) as meditation promoted the integration of human beings and the natural environment, SCL would not propose any development which would adversely affect the WGG or the natural environment; and
- (f) the Board was urged to include the areas belonging to SCL into the “G/IC(1)” zone such that more people could be benefited from the meditation activities to be organized by SCL.

R119 – Pang Kang Sang

60. Mr Pang Kang Sang made the following main points:

- (a) he had taken refuge in the Buddha and had been working as a volunteer in SCL;
- (b) the practice in SCL, with the emphasis on meditation and Zen farming, was a sustainable life-style. Organic farming without the use of chemical fertilizers and pesticide was practiced with a view to protecting the natural environment; and

- (c) noting that over 90% of SCL's area were only shrub land rather than woodland, the Board should reconsider if it was appropriate to include this area in the "GB" zone.

R141 – Law Kit Yuk

R212 –Lam Sai Kwong

61. Mr Lam Sai Kwong made the following main points:

- (a) he was a lay practitioner of meditation for several decades. The Board should have a full understanding of the tradition and practice of SCL to avoid designating the land use zoning for SCL by a desk-top approach;
- (b) despite its proximity to the urban area and good accessibility, SCL was located at a natural and rural setting with woodland and streams. The natural stream to the west of Area A would not be affected by the operation of SCL as it was separated from SCL by a footpath. Area B was located on a green knoll and the water discharged from the site would not be directed to the nearby stream, hence not affecting the WGG;
- (c) the fence wall of the main building area was necessary for better management and security purposes;
- (d) due to the limited space in the main building area, Area B was often used for Zen practice. It was also traditionally a main area for Zen farming with the bell tower located at a knoll. Although the bell tower was relocated to Area A, Area B still formed part of SCL;
- (e) the practice in SCL was not confined to the main building area and Areas A and B, but also Kai Yuen which was previously under the management of SCL. Although Kai Yuen had been changed to other uses and was involved in a legal proceeding, its setting for religious uses could still be observed;

- (f) compared with Po Lam Zen Monastery and the urban area with Zen practice in industrial buildings, SCL which was easily accessible and had a natural setting, was a more suitable location to organize intensive religious training such as 7-day Zen meditation retreat. However, the “G/IC(1)” zone for SCL, which only covered the main building area, was unable to cater for religious practice such as walking meditation;

[Mr Patrick H.T. Lau left the meeting at this point.]

- (g) conservation and meditation were not in conflict. The practice of Zen, which promoted the integration between human beings and natural environment, would not cause pollution to the environment;
- (h) designating “G/IC(1)” zone to include all of the facilities of SCL including those in Areas A and B was necessary as it had a symbolic meaning for the recognition of SCL with a history of over 80 years; and
- (i) SCL had not involved in any commercial development, such as columbarium. Given the lack of resources, it would be a financial burden to SCL if it was required to submit planning application for religious uses in the “GB” zone. The Board was urged to designate an appropriate zoning to cater for the needs of SCL to promote a harmonious society.

[Mr H.F. Leung left the meeting at this point.]

R210 –佛弟子 (林曼祺)

62. Ms Lam Man Kee made the following main points:

- (a) though an individual representer, she agreed with other representers’ oral submissions on SCL which were factually correct;
- (b) PlanD’s responses in the Paper revealed that it did not fully understand the



operational needs of SCL. The activities of Zen practice would not be confined to the main building area but also the surrounding areas e.g. Zen farming and walking meditation were practiced in adjoining agricultural land and open areas. It was not practical to request SCL to submit planning application for every activity organized by SCL;

- (c) Zen practitioners needed to follow strict rules such as precept of not killing and be respectful to the natural environment, which were more than environmental protection. SCL had also demonstrated that the monastery was in harmony with the surrounding environment and would not cause adverse traffic and environmental impacts. As such, designating part of SCL as “GB” zone for environmental protection was not necessary; and
- (d) according to the statistics released by the Hong Kong Jockey Club Centre for Suicide Research and Prevention, the suicide rate in 2015 was 8.6 per 100,000 persons and the problem had become more serious in recent years. As meditation could improve mental health and had positive contribution to the society, the Board was urged to amend the draft OZP to facilitate the operation of SCL.

[Mr Franklin Yu left the meeting at this point.]

R211 – 周潤美

R219 – Chiu Kam Fung

63. Ms Chiu Kam Fung made the following main points:

- (a) she had finished a Buddhist study at the University of Hong Kong and was undertaking a Master course in Buddhism at a university in Sri Lanka;
- (b) the issue related to SCL was more than environmental protection, but on the preservation of Zen, which had great historic and religious value but had not been given sufficient attention in Hong Kong;

- (c) Zen practice such as meditation and five precepts (五戒), which helped maintain a calm and healthy mind, had great contribution to the mental health of people and benefit the society. In order to promote meditation, it was necessary to set aside more areas with a natural and tranquil environment for SCL; and
- (d) the Board was urged not to make a wrong decision that would affect the operation of SLC. Given the importance of SCL, the Board should review the land use zoning and reserve more land to facilitate its development.

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

R247 –World Wide Fund For Nature Hong Kong

64. With the aid of a PowerPoint presentation, Mr Chan Chung Ming made the following main points:

- (a) the general planning intention of the draft OZP to protect the natural environment and rural landscape of the Area was supported;
- (b) some species of conservation value were recorded in the natural streams in Chuen Lung, including Hong Kong Newt (香港瘰螈) and Hong Kong Cascade Frog (香港湍蛙). Besides, Chuen Lung and Ha Fa Shan fell within the upper and lower indirect WGG, from which surface water would be directed to Tai Lam Reservoir and Shing Mun Reservoir as freshwater supply. As the proposed developments along the streams would cause adverse impact on the natural habitats and water quality during the construction and operation phases, the natural streams and their riparian zones (30m) should be better protected through the “Conservation Area” (“CA”) zoning; and
- (c) Chuen Lung was a butterfly hotspot recognized by the Agriculture, Fisheries and Conservation Department (AFCD) and one of the few locations where Yellow Coster (苧麻珍蝶) was recorded. The host plant of Yellow Coster,

*Boehmeria nivea* (*B. nivea*) (苧麻), could be commonly found in the farmlands in the Area. The active farmland should be zoned as “GB(1)” to preserve the active agricultural activities and the habitats of the rare Yellow Coster.

R249 – The Hong Kong Bird Watching Society

65. With the aid of a PowerPoint presentation, Mr Chan Chung Ming made the following main points on behalf of Ms Woo Ming Chuen, who could not join the afternoon session of the meeting:

- (a) Chuen Lung and Ha Fa Shan, with its active farmland and secondary woodland, offered a typical woodland habitat which supported a wide range of bird population. Some bird species of local concern included Ashy Drongo, Rufous-capped Babbler and Orange-headed Thrush. Raptor species of China Class II protection were also recorded, including Crested Serpent Eagle (nationally vulnerable), Black Kite, Eastern Buzzard and Amur Falcon. Other woodland bird species included Pygmy Wren Babbler, Streak-breasted Scimitar Babbler, Chinese Hwamei, Greater Necklaced Laughingthrush and Mountain Tailorbird;
- (b) although the Area was not a country park enclave, it was surrounded by country parks. As the habitat conditions of the Area were intact and similar to the woodlands in the surrounding Tai Mo Shan and Tai Lam Country Parks, the Area should be adequately protected by the designation of conservation zones to preserve the natural habitats and to prevent any incompatible development;
- (c) Small House developments which were allowed in the “Village Type Development” (“V”) zone would cause adverse impacts such as tree felling, vegetation clearance and water pollution. Hence, “V” zones should not encroach onto woodland, marshes, riparian zones and natural streams; and

- (d) the “Agriculture” (“AGR”) and “GB” zones were vulnerable to Small House development. For example, the approval rates of Small House applications in the “AGR” and “GB” zones were over 60% and 55% respectively in the past 10 years. For better protection of the natural environment, the current “AGR” and “GB” zones should be rezoned to “GB(1)” or “CA”.

[Mr H.W. Cheung left the meeting at this point.]

R248 – Kadoorie Farm & Botanic Garden Corporation

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

- (a) there were a number of existing land uses in the Area including at least two Chinese restaurants, some workshops/rural factories, human settlements and many other unknown uses. Signs of pollution were observed due to the human activities. Should new developments be proposed in the Area, the additional sewage discharge and traffic might exceed the carrying capacity of the environment;
- (b) the existing rural character and natural landscape of Chuen Lung and Ha Fa Shan area comprising terraced farmland, natural streams and woodlands, had a high conservation value. The Area also fell within the lower and upper indirect WGG. Any pollution in the Area would affect the water quality of the reservoirs and endanger the health of the population;
- (c) Route Twisk, the major road in the Area, was steep, narrow and winding. It was doubtful if the road could support additional traffic induced by new developments; and
- (d) given the environmental, water quality and traffic concerns, no more additional development or recreational use should be planned for the Area. Besides, the streams, their riparian zones and the dense woodland areas

should be designated as “GB(1)” or “CA” zones.

R251 – Li Yuk Wah

67. Mr Li Yuk Wah made the following main points:

- (a) the existing settlements and rural workshops in the Area were relocated from the Tsuen Wan and Kwai Chung areas in 1950-60s to facilitate the development of those areas;
- (b) the village of Ha Fa Shan had been established for nearly 300 years and had been included in the List of Established Villages. However, it was omitted from the List of Recognized Villages adopted by the Lands Department (LandsD). Although the village representative had filed an application for inclusion of the village in the List of Recognized Villages, and provided proof such as aerial photographs, press cuttings and testimonies from members of the community, LandsD rejected the application on the ground that the village had been deserted;
- (c) it should be noted that the village had not been deserted. The villagers had all along lived in Ha Fa Shan and had participated in the farming and religious activities in SCL and Kai Yuen. The Government had also provided resources for the provision of infrastructural facilities to meet the needs of the local residents. Besides, the village representative elected in 1996 was recognized by the Home Affairs Department. However, the “GB” zoning for Ha Fa Shan would deprive the villager’s right of building Small Houses and adversely affect the development of the village; and
- (d) village representative of Chuen Lung Village, Mr Tsang Wai Keung, had asked him to pass the message that the existing settlements and facilities in Chuen Lung were previously relocated from the Tsuen Wan area to facilitate the new town development. As those uses were previously approved by the Government, they should not be adversely affected by the draft OZP.

R253 – Fortune Houses Development Limited

68. With the aid of the visualiser, Mr Ricky Li made the following main points:
- (a) the site was originally intended for recreational use to replace Sung Dynasty Village, but the scheme was abandoned due to inadequate transport facilities in the Area;
  - (b) given the site was located next to a road, it had become an illegal dumping ground for construction wastes and rubbish by others. The problem persisted despite various actions had been taken by the landowner. A long-term development plan with better management might improve the environment of the site;
  - (c) as the site was accessible, it had the potential for low-rise residential development which was in line with the Government's policy to increase flat supply through land exchange; and
  - (d) however, with the publication of the Chuen Lung and Ha Fa Shan Development Permission Area (DPA) Plan on 20.12.2013, the site had been designated as "Unspecified Use" zone and planning permission from the Board was required for the proposed residential development. As the "GB" zoning on the OZP would further undermine the development potential of the site and deprive the land owner's right of development, they opposed the "GB" zoning of the site.
69. With the aid of the visualiser, Mr Chan Tat Choi, Ted made the following main points:
- (a) the general planning intention to protect the natural environment and the rural landscape in the Area had ignored the development need in Hong Kong. PlanD, in proposing "GB" zoning for the site, had not taken into account the fact that the landowner could not stop illegal dumping and the site was suitable for development;

- (b) the proposed low-rise residential development was compatible with the surrounding natural environment. Technical assessments had been conducted which demonstrated that the proposed development would not cause adverse traffic, environmental, ecological and drainage impacts on the surrounding areas. The proposed development would be connected to the existing public sewer to ensure that the water quality in the WGG would not be adversely affected;
- (c) given that nearly 90% of the OZP area had been designated as “GB” zone, the impact of excluding the site from “GB” zone would be minimal. The proposed development would not have precedent effect for similar applications and would not jeopardize the planning intention of the OZP;
- (d) the draft OZP had not struck a balance between conservation and development. Nature conservation should not be pursued at the expense of undermining the development potential of the site; and
- (e) planning application for low-rise residential development at the site had been submitted under the DPA Plan and yet to be considered by the Board. Noting that there was a general presumption against development within the “GB” zone, the Board was urged to rezone the site from “GB” to “Undetermined” (“U”) in order not to affect the processing of the application.

70. As the presentation from government representative, the representers/commenters and their representatives had been completed, the meeting proceeded to the Q&A session. The Chairperson explained that Members would raise questions and the Chairperson would invite the representers/commenters, their representatives and/or the government representatives to answer. The Q&A session should not be taken as an occasion for the attendees to direct questions to the Board or for cross-examination between parties. The Chairperson then invited questions from Members.

*The “GB” Zones Surrounding SCL and Kai Yuen*

71. The Chairperson and some Members raised the following questions regarding the designation of “GB” zone for SCL and Kai Yuen:

- (a) whether the religious practice mentioned by the representers/commenters such as meditation and Zen farming and the related structures including the Guanyin statue in Area B were permitted under the “GB” zone;
- (b) whether planning permission would be required each time when SCL organized the holding of religious activities on land falling within the “GB” zone;
- (c) the use and land status of Area B, and whether the bell tower in Area A was located on private or government land;
- (d) the rationale for designating Areas A and B as “GB” zone;
- (e) what kind of structures/facilities SCL was planning to construct in Area B, and whether SCL was planning to provide accommodation for intensive meditation training;
- (f) the concern of SCL on the designation of “GB” zone in Area B; and
- (g) noting that SCL had expressed readiness to seek approval from relevant government departments regarding land and building matters, why SCL had difficulties in submitting a planning application to the Board.

72. In response, Mr Lawrence Y.C. Chau, DPO/TWK, made the following main points with the aid of some PowerPoint slides:

- (a) according to the covering Notes of the OZP, any use of land or building which was in existence immediately before the first publication of the



draft DPA Plan would continue to be allowed under the OZP. Certain temporary use or development of any land or building as specified in the covering Notes, including the erection of structures for religious functions, not exceeding a period of two months was always permitted provided that no site formation (filling or excavation) was carried out. For other 'Religious Institution' uses in the "GB" zone, planning permission from the Board was required;

- (b) as 'Agricultural Use' was a column 1 use under the "GB" zone, Zen farming which could be considered as 'Agricultural Use' was always permitted within the "GB" zone;
- (c) depending on the scale, nature and duration, mass meditation activities might require planning permission from the Board, such as those involving the erection of structures and exceeding two months. As for the Guanyin statue in Area B, it was currently subject to the investigation by the Central Enforcement and Prosecution Section of PlanD ;
- (d) for any column 2 use, the permission sought from the Board could be on a permanent or temporary basis;
- (e) most of the land in Area B was private land owned by SCL. Agricultural activities were observed in the past but there were less farming activities since 2008/09. On the date of the first publication of the draft DPA Plan in 2013, Area B was a piece of vacant vegetated land with two scattered roofed structures, a green knoll with a pagoda in the eastern part and a piece of agricultural land in the southern tip. As for the bell tower in Area A, it was located on government land; and
- (f) Areas A and B were surrounded by woodland and natural vegetated slopes. Taking into account the planning intention to protect the natural environment and the rural landscape, avoid adverse impact on the WGG and other relevant planning considerations such as the

existing site circumstances, Areas A and B were zoned “GB” in order to conserve their natural and rural character. Nonetheless, flexibility had been provided to allow planning application for ‘Religious Institution’ use within the “GB” zone, which might be permitted subject to demonstration of no adverse impacts on the surrounding environment.

73. In response, Mr Ernest Koo and Mr Benson Poon (representatives of Po Lam Tong and a number of representers) made the following main points:

- (a) due to limited spaces in the main building area, SCL had conducted meditation practice on open ground without shelter. Whilst there was currently no plan to construct a grand hall, SCL considered the need to provide a permanent and all-weather shelter made of environmental-friendly materials at Area B to facilitate it to organize meditation practice for the benefit of more followers. SCL had no current plan to provide accommodation for meditation. Nonetheless, the long-term development needs of SCL should be catered for in the OZP;
- (b) although the existing meditation activities were permitted under the draft OZP, the provision of a permanent shelter and Guanyin statue to facilitate meditation might require planning permission from the Board. Besides, the 7-day Zen meditation retreat (lasted for 91 days) would exceed two months. If planning permission were to be required for the activities, it would induce financial burden to SCL. As the donation received by SCL was mainly used to support its daily operation, the cost for submitting planning application would affect SCL’s operation and contribution to the society; and
- (c) the concern of SCL was not merely related to whether planning application was required. As the whole area had all along been used for religious purpose, it should be designated as “G/IC(1)” zone such that religious uses would be permitted without the need for planning permission. As religious uses were in harmony with the natural environment, more land should be reserved to cater for the development

need of SCL.

74. In response to a Member's question on whether Kai Yuen was a registered temple, Mr Lawrence Y.C. Chau said that the Home Affairs Bureau currently had no record showing that Kai Yuen was a registered temple under the Chinese Temples Ordinance. Ven. Sik Yan Zhi, with reference to a letter issued by the Secretary of the Chinese Temples Committee to Kai Yuen in 1979 shown on a PowerPoint slide, said that the letter was a certified true copy and related to Kai Yuen's registration as a Chinese Temple. Mr Ernest Koo supplemented that Kai Yuen was previously a registered Chinese Temple. However, it had subsequently been trespassed and occupied for domestic use. SCL had taken legal action to take back the land but the case had yet to be heard by the court. As SCL had not renewed Kai Yuen's registration, there was currently no record of Kai Yuen as a registered temple.

#### *Environmental Conservation*

75. Some Members raised the following questions on the conservation aspect:

- (a) noting the high ecological value of the streams in the Area and that Small House development might be approved in the "GB" zone, whether the provision of the "GB" zoning needed to be strengthened so as to better protect the ecological value and the natural environment in the Area;
- (b) whether there was any control on sewage discharge from the existing developments in the Area; and
- (c) whether there was any conservation plan such as plantation of *B. nivea* to improve the habitat for the Yellow Coster.

76. In response, Mr Lawrence Y.C. Chau, DPO/TWK, made the following main points with the aid of some PowerPoint slides:

- (a) the "GB" zone for Chuen Lung area was designated taking into account

the existing site condition and land uses, the natural environment and its ecological value. Considering that the secondary woodlands were largely dominated with trees of common species, and the natural streams were relatively natural and undisturbed but not identified as an Ecologically Important Stream, “GB” zoning, which was a conservation zoning intended to primarily conserve the existing natural environment amid the built-up areas/at the urban fringe, was considered appropriate to protect their natural characteristics. The planning intention of the “GB” zone had clearly stated that there was a general presumption against development within the zone. Besides, new Small House developments within the “GB” zone would require planning permission from the Board so as to ensure that no adverse impacts would be resulted from the proposed development; and

- (b) the Government planned to carry out sewerage improvement works in the Area including laying of new sewage pipes to connect the existing settlement in Chuen Lung. Regarding the existing uses in the Area, it was noted that the existing wine factory in Chuen Lung had complied with relevant requirements on sewage discharge. Any expansion of the wine factory would require planning permission from the Board.

77. In response, Dr Fiona K.Y. Wong, NCO(TW) of AFCD, made the following main points:

- (a) she agreed that the natural streams in the Area had high ecological value and conservation zonings should be designated for the streams and riparian areas, as well as the woodland areas where species of conservation interest/importance were recorded. Taking into account the existing site context and surrounding environment, AFCD agreed that the “GB” zone with presumption against development was appropriate to protect the natural environment of the Area; and
- (b) while *B. nivea* itself was a tough plant that could grow and spread readily in the wild, AFCD noted from some informal trials that it did not grow as well by artificial seeding. Besides, *B. nivea* could be found

widely in rural areas but not all areas with *B. nivea* could Yellow Coster be found. Hence, the existence of *B. nivea* solely might not be sufficient for the creation of habitat for the Yellow Coster.

*“V” Zone*

78. Some Members raised the following questions on the designation of “V” zone in the Area:

- (a) the reason for not including the village of Ha Fa Shan in the List of Recognised Village;
- (b) the background of identifying Wang Lung as Chuen Lung Village Expansion Area (VEA); and whether land could be swapped between the “Recreation” zone and the “V” zone for Chuen Lung VEA so as to preserve the natural environment of Wang Lung; and
- (c) whether Small House could be developed in Chuen Lung VEA given that the VEA was zoned “V”.

79. In response, Mr Lawrence Y.C. Chau, DPO/TWK, made the following main points with the aid of some PowerPoint slides:

- (a) the List of Recognised Villages (the List), which was drawn up to facilitate the implementation of the Small House Policy, was under the purview of LandsD. In general, a village in existence prior to 1898 was one of the criteria for consideration as a recognised village by LandsD. Currently, the village of Ha Fa Shan had not been included in the List and the villagers were liaising with LandsD for the inclusion of the village into the List;
- (b) the location for Chuen Lung VEA was identified in 1980-90s. While a layout plan for Chuen Lung VEA had been prepared, its implementation was subject to the Small House Policy Review. Chuen Lung VEA had

been designated as “V” in both the DPA Plan and the draft OZP to reflect the planning intention for Small House development. Regarding the area zoned “Recreation”, it was predominately under private ownership and there were provisions under the lease for clubhouse and golf driving range uses; and

- (c) for the future implementation of Chuen Lung VEA, the general practice was for the Government to resume the land, undertake site formation and provide the necessary infrastructure facilities including sewerage facilities before Small House applications could be processed in the VEA.

*The “GB” Site for the Site at Route Twisk near Ma Tong*

80. Two Members raised the following questions regarding the representation site of R253:

- (a) the zoning of the representation site on the DPA Plan; and
- (b) whether there were illegal dumping activities at the site and enforcement action had been taken.

81. In response, Mr Lawrence Y.C. Chau, DPO/TWK, made the following main points with the aid of some PowerPoint slides:

- (a) the site was designated as “Unspecified Use” on the DPA Plan; and
- (b) illegal storage activities were observed at the site after the gazettal of the DPA Plan and enforcement actions had been taken.

82. As Members did not have any further questions, the Chairperson said that the Q&A session was completed. She thanked the government representatives as well as the representers/commenters and their representatives for attending the meeting. The Board would deliberate the representations/comments in closed meeting and would inform the representers/commenters of the Board’s decision in due course. The government

representatives as well as the representers/commenters and their representatives left the meeting at this point.

### Deliberation Session

83. The Chairperson recapitulated the main concerns of the representers/commenters and then invited Members to express their views on the representations/comments.

#### *The “GB” Zones Surrounding SCL and Kai Yuen*

84. Members in general considered that some of the concerns expressed by the representers/commenters about the “GB” zone restricting the existing Zen practice and the holding of religious activities were due to misunderstanding about what would/would not be permitted under the “GB” zone. They were of the views that:

- (a) Zen farming, which could be considered as ‘Agricultural Use’, was always permitted within the “GB” zone;
- (b) as temporary use or development of land for erection of structures for religious functions not exceeding two months was permitted within “GB” zone provided that no site formation was carried out, the existing meditation practice in SCL even involving the erection of structures, if meeting such criteria, would not be affected; and
- (c) land use zoning would not restrict religious freedom. The role of the Board was to consider the most appropriate land use zoning on the OZP which could strike a balance between conservation and development.

85. Some Members asked whether tents for meditation were always allowed as a Column 1 use, given that ‘Tent Camping Ground’ use was so listed. In response, Mr Raymond K.W. Lee, Director of Planning, said that whether such tents being structures to be permitted within the “GB” zone would depend on a number of factors, including their scale and duration, which was a matter of fact and degree to be considered. In general,

temporary structures for mass meditation activities exceeding two months and permanent structures would require planning permission from the Board.

86. A Member said that the representers had indicated that permanent structures were required to facilitate the organization of meditation activities in the monasteries, as such the differences in control between “G/IC(1)” and “GB” zones in relation to the provision of such facilities should be examined. The Chairperson said that the major difference was that permanent structures for religious purpose in the “GB” zone would require planning permission from the Board. Mr Raymond K.W. Lee opined that the general planning intention for the Area was to protect the natural environment and rural landscape with a view to complementing the overall natural environment and the landscape character of the surrounding Tai Lam Country Park and Tai Mo Shan Country Park. As no concrete proposal had been submitted by SCL, it was uncertain what kind of structure SCL intended to provide and its implication on the surrounding environment. If Area B was zoned as “G/IC(1)”, there was no mechanism to scrutinize the development proposal as ‘Religious Institution’ use would be always permitted under the zone.

87. Mr Thomas C.C. Chan, Director of Lands, asked whether the general presumption against development in the “GB” zone would have any implication for SCL’s application to modify the lease for religious uses in Area B in future if SCL so intended. Mr Raymond K.W. Lee said that, according to the representers/commenters, Area B was mainly used for Zen farming in the past. While some changes in the form of meditation were observed recently, as noted from Plan H-7b of the Paper, no concrete proposal for the future development in Area B had been submitted by SCL. Should a concrete development proposal be submitted in future, it could be processed through the planning application mechanism. If planning permission was granted by the Board, SCL could submit application for lease modification accordingly.

88. Regarding Area A, a Member was of the view that the existing structures including a water tank, a bell tower, a crematorium facility, a shrine, a toilet and a shed therein were in existence immediately before the first publication of the draft DPA Plan and would continue to be allowed under the OZP despite the “GB” zoning on the OZP. As such, no amendment to the draft OZP was considered necessary.



89. As for Kai Yuen, Members noted the background presented by the representers and generally agreed that given the uncertainties on the status of Kai Yuen, it was not appropriate to amend the zoning for the site as proposed by some of the representers.

90. After deliberation, the meeting agreed that no amendment to the draft OZP in respect of the representations on SCL and Kai Yuen was necessary.

#### *Environmental Conservation*

91. Noting that some species of conservation interest/importance were recorded in/near the natural streams and the high conservation value of the Area as recognized by AFCD, a Member raised concern on the possible adverse impact on the water quality and hence the conservation value of the streams that might be brought about by any future development including Small House in the vicinity of the streams. This Member considered it necessary to reflect such concern on the OZP and that developments which might adversely affect the streams should be avoided as far as possible.

92. Mr Raymond K.W. Lee said that the planning intention of the “GB” zone, as set out in the Notes of the draft OZP, had already stated that there was a general presumption against development. The Secretary supplemented that as the concerned area fell within WGG, the applicant for Small House development should be able to demonstrate that there were effective means to ensure that the water quality would not be adversely affected, and septic tank would not normally be accepted for sewage treatment. There were also relevant ordinances to control wastewater discharge and protect natural streams in WGG.

93. Whilst some Members considered that the provision on the OZP was sufficient to reflect the planning intention of the “GB” zone, some Members considered it appropriate to strengthen the relevant part of the Explanatory Statement (ES) so as to emphasize the importance of the natural streams and the need for protection of its high conservation value. In this regard, Members agreed that paragraph 9.7 of the ES of the OZP be revised as appropriate to reflect the concern of Members.

*“V” Zone*

94. The meeting noted that while the implementation of the Chuen Lung VEA was subject to the Small House Policy Review, the land within the proposed VEA had been zoned “V” on both the DPA Plan and the OZP. Members in general agreed that the current extent of the “V” zone had struck a balance between making provision for future Small House development and the protection of natural environment and rural landscape. Hence, no amendment to the OZP in respect of the “V” zone was required.

*Designation of the “GB” Zones for the Two Sites at Route Twisk*

95. Regarding the site at Route Twisk near Ma Tong, the meeting noted that while R253 had proposed to rezone the site from “GB” to “Residential (Group C)” in the written submission, the representer’s representative proposed to rezone the site to “Undetermined” (“U”) in the oral submission at the hearing so as not to affect the processing of its current planning application for low-rise residential development.

96. Noting that the technical feasibility for the proposed developments at the two sites along Route Twisk had yet to be accepted by the relevant government departments, Members considered that there was no strong justification to support the proposed rezoning of the sites and the “GB” zoning was considered appropriate for the sites.

97. After further deliberation, the Board decided not to uphold Representations No. R1 to R253, and considered that the OZP should not be amended to meet the representations for the following reasons:

*“Designation of “GB” Zones surrounding Sai Chuk Lam Zen Monastery and Kai Yuen*

- (a) the boundary of the “Government, Institution or Community (1)” (“G/IC(1)”) zone is drawn up having regard to the existing site condition and its natural surroundings, together with relevant planning considerations. The designation of “G/IC(1)” zone for Sai Chuk Lam Zen Monastery has already struck a balance between the operational need of the religious institution and the protection of natural environment and

rural landscape. There is no strong justification to rezone the concerned areas to “G/IC(1)” (R1 (Part), R2 (Part), R3 (Part), R4 to R242 and R244 to R246);

- (b) there is no strong justification to rezone the representation site surrounding Kai Yuen to “G/IC(1)” for the provision of religious institutional uses (R1 (Part) and R2 (Part));
- (c) the submission has not demonstrated that the proposed “G/IC(1)” zone for areas surrounding Sai Chuk Lam Zen Monastery and Kai Yuen would not have adverse impacts on environmental, traffic and infrastructural aspects (R1, R2, R3 (Part), R4 to R242 and R244 to R246);
- (d) the “Green Belt” (“GB”) zoning for areas surrounding Sai Chuk Lam Zen Monastery is considered not inconsistent with freedom of religion and would not result in any undue restriction of religious activities in the area (R172, R174, R201, R202, R205, R207, R209 and R210);
- (e) the zoning restrictions have taken into consideration all relevant facts and circumstances. It has struck a reasonable balance between the societal benefits of the encroachment and the inroads made into the constitutionally protected rights of the individual and that the pursuit of the aforesaid societal interest and the zoning restrictions do not result in an unacceptably harsh burden on the individual (R2, R33, R36, R43, R44, R56, R86, R128, R136, R145, R169, R176, R186 and R222);
- (f) the Government will take appropriate land administration actions against any unlawful occupation of Government land (R243);

Designation of “GB” and “AGR” Zones

- (g) the natural streams and riparian areas, woodlands areas and natural vegetated areas within the Chuen Lung and Ha Fa Shan (the Area) have been zoned “GB”, which is a conservation zoning with a general

presumption against development. The “GB” zoning is considered appropriate in providing planning protection to the natural environment in the Area (R247 to R249);

- (h) the “Agriculture” (“AGR”) zone is considered appropriate for the active farmland and adjoining fallow agricultural land with good potential for rehabilitation, which is primarily to retain and safeguard good quality agricultural land/farm for agricultural purposes and retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes (R247);
- (i) new Small House developments within the “AGR” and “GB” zones requires planning permission from the Town Planning Board (the Board) and each application will be considered by the Board based on its individual merits ensuring no environmental impact. There is no strong justification to rezone the “AGR” and “GB” zones to “Conservation Area” or “GB(1)” zone (R247 and R248);
- (j) the zoning restrictions have taken into consideration all relevant facts and circumstances. It has struck a reasonable balance between the societal benefits of the encroachment and the inroads made into the constitutionally protected rights of the individual and that the pursuit of the aforesaid societal interest and the zoning restrictions do not result in an unacceptably harsh burden on the individual (R250);

Designation of “V” Zone

- (k) taking account of the natural environment, the conservation and landscape value, infrastructure and site constraints as well as the potential natural terrain landslide hazard and need for protection of water gathering ground, an incremental, practical and balanced approach for designation of the “Village Type Development” (“V”) zone has been adopted in the OZP. The boundary of the “V” zone has been drawn up having regard to the relevant planning considerations including the Small House

demand forecast. The “V” zone has struck a balance between making provision for future Small House development and the protection of natural environment and rural landscape (R3 (Part) and R250);

- (l) applying the statutory planning controls to the Area by way of the OZP is not inconsistent with the protection of lawful traditional rights and interest of indigenous inhabitants of New Territories under the Basic Law (R250);
- (m) the land within the proposed Chuen Lung Village Expansion Area (VEA) has been zoned “V” (R3 (Part) and R250);
- (n) there is sufficient statutory and administrative control to ensure that individual Small House development in the “V” zone would not cause unacceptable impacts on the surrounding environment (R247 and R248);
- (o) Ha Fa Shan is currently not included in the List of New Territories Small House Policy Recognised Village adopted by the Lands Department and the “GB” zoning is appropriate taking into account the site condition and natural surroundings (R3 (Part) and R251);

*Designation of the “GB” Zones for the Two Sites at Route Twisk (R252 and R253)*

- (p) the “GB” zonings for conservation of the natural and rural character are appropriate taking into account the locality and natural surroundings of the two representation sites;
- (q) the proposed residential developments are considered not compatible with the surrounding areas and not in line with the general planning intention of the OZP. The submissions have not demonstrated that the proposed residential development would not have adverse impacts on environmental, traffic, geotechnical and infrastructural aspects. There is no strong justification to support the proposed rezoning of the sites;

- (r) the zoning restrictions have taken into consideration all relevant facts and circumstances. It has struck a reasonable balance between the societal benefits of the encroachment and the inroads made into the constitutionally protected rights of the individual and that the pursuit of the aforesaid societal interest and the zoning restrictions do not result in an unacceptably harsh burden on the individual;

Public Consultation in Plan-making Process (R1 and R250)

- (s) the statutory and administrative procedures of public consultation in the plan-making process have been duly followed. Views and suggestions received were considered by the Board before making a decision; and

Extension of OZP Boundary (R1 (Part), R2 (Part) and R252)

- (t) the concerned areas outside the boundary of the OZP fall within the Tai Lam Country Park and there is no strong justification to include them into the OZP boundary.”

98. The Board also agreed that the Explanatory Statement of the OZP with respect to the “GB” zone should be revised to emphasize that in view of the high ecological value, developments that might adversely affect the water quality of the natural streams should be avoided as far as possible.

**Agenda Item 10**

[Open Meeting]

Any Other Business

[The item was conducted in Cantonese.]

99. There being no other business, the meeting was closed at 7:00 p.m.