

**Minutes of 1146th Meeting of the
Town Planning Board held on 21.7.2017**

Present

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

Chairperson

Mr H.W. Cheung

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Mr Patrick H.T. Lau

Ms Christina M. Lee

Mr Stephen H.B. Yau

Dr F.C. Chan

Mr David Y.T. Lui

Dr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Mr K.K. Cheung

Mr Wilson Y.W. Fung

Mr Thomas O.S. Ho

Mr Alex T.H. Lai

Dr Lawrence K.C. Li

Mr Stephen L.H. Liu

Professor T.S. Liu

Miss Winnie W.M. Ng

Mr Franklin Yu

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

Director of Lands (9:00 a.m. to 10:35 a.m.)

Mr Thomas C.C. Chan

Assistant Director of Lands (Regional 3) (11:00 a.m. onward)

Mr Edwin W.K. Chan

Chief Engineer (Works), Home Affairs Department

Mr Martin W.C. Kwan

Chief Traffic Engineer/New Territories East, Transport Department

Mr Ricky W.K. Ho

Director of Planning

Mr Raymond K.W. Lee

Deputy Director of Planning/District

Ms Jacinta K.C. Woo

Secretary

Absent with Apologies

Professor S.C. Wong

Mr Lincoln L.H. Huang

Professor K.C. Chau

Mr Dominic K.K. Lam

Dr Wilton W.T. Fok

Ms Janice W.M. Lai

Mr H.F. Leung

Ms Sandy H.Y. Wong

Dr C.H. Hau

In Attendance

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

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

Senior Town Planner/Town Planning Board
Mr Stephen K.S. Lee

Agenda Item 1

[Open meeting]

Confirmation of Minutes of the 1145th Meetings held on 7.7.2017

[The item was conducted in Cantonese.]

1. The minutes of the 1145th meeting held on 7.7.2017 were confirmed without amendments.

Agenda Item 2

[Open Meeting]

Matters Arising

New Town Planning Appeal Received

- (i) Town Planning Appeal No. 2 of 2017
Proposed House (New Territories Exempted House (NTEH) – Small House) in “Green Belt” (“GB”) Zone, Government Land in D.D. 28, Tai Mei Tuk Village, Tai Po, New Territories
(Application No. A/NE-TK/598)

[The item was conducted in Cantonese.]

2. As the item was about a planning application in Tai Mei Tuk Village, Dr Lawrence W.C. Poon reported that he co-owned a property with his spouse in Lung Mei, Ting Kok. Since the item was to report the receipt of an appeal case and no discussion was required, Members agreed that Dr Poon could stay in the meeting.

3. The Secretary reported that a Notice of Appeal was received by the Appeal Board Panel (Town Planning) on 27.6.2017 against the decision of the Town Planning Board (the Board) on 21.4.2017 to reject on review an application (No. A/NE-TK/598) for a proposed house (New Territories Exempted House (NTEH) – Small House) at government land in D.D. 28, Tai Mei Tuk Village. The site was zoned “Green Belt” (“GB”) on the approved Ting Kok Outline Zoning Plan No. S/NE-TK/19.

4. The application was rejected by the Board for the following reasons:
- (a) the proposed development was not in line with the planning intention of the “GB” zoning for the area which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone;
 - (b) the proposed development did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “Green Belt” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would involve clearance of vegetation affecting the existing natural landscape in the area;
 - (c) the proposed development did not comply with the Interim Criteria for Consideration of Application for NTEH / Small House in New Territories in that the proposed development would cause adverse landscape impacts on the surrounding areas; and
 - (d) land was still available within the “Village Type Development” (“V”) zone of Lung Mei, Tai Mei Tuk and Wong Chuk Tsuen which was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development within “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.
5. Members noted that the hearing date of the appeal was yet to be fixed and agreed that the Secretary would act on behalf of the Board in dealing with the appeal in the usual manner.

- (ii) Town Planning Appeal No. 3 of 2017
Proposed House (New Territories Exempted House – Small House) in “Green Belt” and “Village Type Development” Zones, Government Land in D.D. 3 TC, Sheung Ling Pei Village, Tung Chung, Lantau Island, New Territories
(Application No. A/I-TCTC/55)
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[The item was conducted in Cantonese]

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

Professor T.S. Liu - close relative co-owning with a friend a property in Tung Chung; and

Mr Martin W.C. Kwan - close relative owning properties in Tung Chung New Town.

7. As the item was to report the receipt of an appeal case and no discussion was required, Members agreed that Professor T.S. Liu and Mr Martin W.C. Kwan could stay in the meeting.

8. A Notice of Appeal was received by the Appeal Board Panel (Town Planning) on 1.7.2017 against the decision of the Town Planning Board (the Board) on 21.4.2017 to reject on review an application (No. A/I-TCTC/55) for a proposed house (New Territories Exempted House – Small House) at a site zoned “Green Belt” (“GB”) on the approved Tung Chung Town Centre Area Outline Zoning Plan No. S/I-TCTC/22.

9. The application was rejected by the Board for the following reasons:

- (a) the proposed development was not in line with the planning intention of the “GB” zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to preserve the existing topography and natural vegetation at the fringe of the new town as well as to provide passive recreational outlets. There was a general presumption against development within this zone. There was no strong planning justification in the submission for a departure from the planning intention;

- (b) land was still available within the “Village Type Development” (“V”) zone of Sheung Ling Pei, Ha Ling Pei, Wong Ka Wai and Lung Tseng Tau for Small House development. It was considered more appropriate to concentrate the proposed Small House within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such similar applications would result in the encroachment on the “GB” zone and a general degradation of the landscape character of the area.

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

(iii) Town Planning Appeal No. 4 of 2017
Proposed Comprehensive Development for Office, Shop and Services, Eating Place, Place of Recreation, Sports or Culture (Fitness Centre or Art Gallery) and Private Club Uses and Minor Relaxation of Building Height Restriction for Phase 2B of Redevelopment of Taikoo Place (Amendments to an Approved Master Layout Plan) in “Comprehensive Development Area” zone, Taikoo Place, 979 King’s Road, Quarry Bay, Hong Kong
(Application No. A/H21/143)

[The item was conducted in Cantonese.]

11. As the site was located in Quarry Bay area and the application was submitted by Taikoo Place Holdings Limited, which was a subsidiary of Swire Properties Limited (Swire), with Masterplan Limited (Masterplan), MVA Hong Kong Limited (MVA), Urbis Limited (Urbis), Ove Arup & Partners Hong Kong Limited (Arup) and JLL as five of the consultants of the applicant, the Secretary reported that the following Members had declared interests in the item:

- Mr Thomas O.S. Ho - having current business dealings with Swire and MVA, his firm having current business dealings with Urbis, and owning a flat in Quarry Bay area;

- Mr Stephen L.H. Liu - having past business dealings with Swire;

- Mr Ivan C.S. Fu - having current business dealings with Swire, Masterplan, MVA, Urbis and Arup;

- Mr K.K. Cheung] their firm having current business dealings with
Mr Alex T.H. Lai] Swire, Arup and JLL;

- Ms Janice W.M. Lai - her firm being a tenant of a property of Swire, having current business dealings with Urbis and Arup, and owning flats in Quarry Bay area;

- Mr Patrick H.T. Lau - having current business dealings with MVA and Arup and past business dealings with Swire;

- Mr Dominic K.K. Lam - having past business dealings with Arup;

- Mr Franklin Yu - having past business dealings with MVA, Urbis and Arup;

- Dr Wilton W.T. Fok]
Mr Wilson Y.W. Fung] owning flat in Quarry Bay area;
Mr Martin W.C. Kwan]

- Professor S.C. Wong - owning flat in Quarry Bay area and being an
(*the Vice-chairman*) engineering consultant of Arup;

- Mr H.F. Leung - being an Associate Professor of the Department of Real Estate and Construction of the University of Hong Kong (HKU) which had provided training courses to Swire; and
- Dr. C.H. Hau - being an Honorary Associate Professor and Principal Lecturer of the School of Biological Science of HKU and his department had received donations from Swire Trust.

12. Members noted that Professor S.C. Wong, Mr H.F. Leung, Mr Dominic K.K. Lam, Ms Janice W.M. Lai, Dr C.H. Hau and Dr Wilton W.T. Fok had tendered apologies for not being able to attend the meeting. As the item was to report the receipt of an appeal case and no discussion was required, Members agreed that the rest of the Members who had declared interests in the item could stay in the meeting.

13. A Notice of Appeal dated 21.6.2017 against the decision of the Town Planning Board (the Board) on 24.3.2017 to reject on review an application (No. A/H21/143) for a proposed comprehensive development for office, shop and services, eating place, place of recreation, sports or culture (fitness centre or art gallery) and private club uses and minor relaxation of building height restriction (BHR) for Phase 2B of redevelopment of Taikoo Place at a site zoned “Comprehensive Development Area” (“CDA”) on the approved Quarry Bay Outline Zoning Plan No. S/H21/28 was received by the Appeal Board Panel (Town Planning) .

14. The application was rejected by the Board for the following reasons:

- (a) the applicant failed to demonstrate that there were sufficient planning merits and public benefits to justify the proposed relaxation of BHR for Phase 2B;
- (b) the proposed BH of Phase 2B would further encroach onto the 20% building free zone from the public vantage point at the former Kai Tak Runway under the Urban Design Guidelines, which was not acceptable; and

- (c) approving the proposed relaxation of BHR would set an undesirable precedent for similar applications not fully justified by planning merits and public benefits, the cumulative effect of which would lead to incremental erosion of the natural backdrop and jeopardise the urban design efforts to preserve the valuable asset of the cityscape.

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

Town Planning Appeal Decision Received

- (iv) Town Planning Appeal No. 12 of 2015 (12/15)
Proposed “House (New Territories Exempted House)” in “Agriculture” Zone, Lot 926 S.A ss1, S.D ss.5 in D.D. 109, Tai Kong Po, Kam Tin, Yuen Long
(Application No. A/YL-KTN/461)

[The item was conducted in Cantonese.]

16. The Secretary reported that the appeal was lodged by the Appellant to the Appeal Board Panel (Town Planning) against the Town Planning Board (the Board)’s decision to reject on review application (No. A/YL-KTN/461) for a proposed ‘House (New Territories Exempted House)’. The appeal site (the Site) was zoned “Agriculture” (“AGR”) on the approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9. A copy of the Town Planning Appeal Board (TPAB) decision had been sent to Members for reference.

17. On 2.11.2016, the appeal was heard by the TPAB. On 6.7.2017, the appeal was dismissed mainly for the following reasons:

- (a) the grounds of appeal put forward by the Appellant (i.e. part of the Site was a ‘house land’; the Site had not been used for cultivation and there had been house built on the Site for more than 50 years; and the Board’s rejection of the planning application on ground of planning intention was unreasonable and unacceptable) were not true nor adequate;

- (b) there were substantial areas zoned “AGR” in the OZP for the purpose of retaining and safeguarding good quality agricultural land/farm/fish ponds for agricultural purposes, which showed the importance that the OZP attached to the retention of land for agricultural use and to maintain the suburban nature of the Kam Tin North area;
- (c) under the OZP, the preservation of agricultural land was achieved by two means. Firstly, existing agricultural land/farm/fish ponds were retained and safeguarded. Secondly, for land that was no longer put into agricultural purpose, fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes were also retained. The locality in which the Site was situated fell into the latter category. The function of the TPAB was to ensure that the planning intention under the OZP was properly and fairly carried into effect;
- (d) the application was not supported by the Director of Agriculture, Fisheries and Conservation from an agricultural development point of view as the Site was suitable for greenhouse cultivation or plant nursery. There was no reason why the planning intention under the OZP should be departed from in the subject case; and
- (e) should the application be allowed, it would set a bad precedent for other land owners. The agricultural nature of the area would be gone forever and the planning intention under the OZP would be totally defeated.

18. Members noted the decision of the TPAB on the application.

(v) Appeal Statistics

[The item was conducted in Cantonese.]

19. The Secretary reported that as at 21.7.2017, 14 cases were yet to be heard by the Town Planning Appeal Board. Details of the appeal statistics were as follows:

Allowed	:	35
Dismissed	:	149
Abandoned/Withdrawn/Invalid	:	198
Yet to be Heard	:	14
Decision Outstanding	:	1
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Total	:	397

Sai Kung & Islands District

Agenda Item 3

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/SK-HC/265

Filling of Land for House Development (Private Access Ancillary to Houses) in “Green Belt” Zone and an area shown as ‘Road’, Lots 36 (Part), 37 (Part), 38 (Part), 42 (Part), 45 (Part), 46 RP (Part) and 47 RP (Part) in D.D. 210, Pak Wai, Sai Kung, New Territories
(TPB Paper No. 10281)

[The item was conducted in Cantonese.]

20. The following government representative and the applicant’s representatives were invited to the meeting at this point:

Government Representative

Ms Donna Y.P. Tam - District Planning Officer / Sai Kung & Islands, Planning Department

(DPO/SKIs, PlanD)

Applicant's Representatives

Mr Tang Ying Mun] The applicant's representatives
Ms Wong Pui Sze]

21. The Chairperson extended a welcome and briefly explained the procedure of the review hearing. She then invited DPO/SKIs, PlanD to brief Members on the review application.

22. With the aid of a PowerPoint presentation, Ms Donna Y.P. Tam, DPO/SKIs, PlanD, briefed Members on the background of the review application including the consideration of the application by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board), departmental and public comments, and planning considerations and assessments as detailed in TPB Paper No. 10281 (the Paper).

[Mr Franklin Yu arrived to join the meeting during DPO/SKIs, PlanD's presentation.]

23. The Chairperson then invited the applicant's representatives to elaborate on the review application. Mr Tang Ying Mun, with the aid of an aerial photo taken on 4.11.1980 shown on the visualizer, made the following main points:

- (a) it was observed on the aerial photo that a road leading to a previous farm and Yu Chai Chung Village had been in existence for decades. The road under application had all along been used by the villagers of Yu Chai Chung Village;
- (b) the proposed road under application, measured at 4.5 m wide, 85 m long and 50 mm deep, was small in scale and would not cause adverse landscape impact or setting undesirable precedent for similar developments. Relevant departments including the Transport Department, Lands Department, Environmental Protection Department and Buildings Department had no adverse comments on the proposal. The Fire Services Department (FSD)

considered that whether the road could be used as Emergency Vehicular Access (EVA) would be subject to the prevailing circumstances; and

- (c) the road was at present unpaved and had been used all along for such purpose. The current blockage of the road had caused a lot of inconvenience to the villagers who were mainly elderly and created local conflicts. Members were requested to note the insignificant impact of the road on the environment and the importance of the road to the villagers, such as providing access for fire engines and ambulance, in making a decision on the review application.

24. As the presentations of PlanD's representative and the applicant's representative were completed, the Chairperson invited questions from Members.

25. The Chairperson and some Members raised the following questions:

- (a) the local public works mechanism on the provision of access road, if required, to serve the village;
- (b) whether the road shown on the aerial photo in 1980 was a proper road agreed by concerned government departments, the reason for the current road blockage and the parking arrangement associated with the access road;
- (c) noting that the road terminated before reaching the village houses, whether the road could serve the function of an EVA as intended by the applicant;
- (d) noting that there were lamp posts along the footpath, whether the road would affect the electricity lines for the lamp posts;

[Ms Christina M. Lee arrived to join the meeting at this point.]

- (e) the development history of Yu Chai Chung Village and, noting that houses of Yu Chai Chung Village were built along a stream, whether there were any safety concerns; and

- (f) whether the application was submitted by the landowner of the subject site and if not, whether the landowner had submitted any comments on the application.

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

- (a) the District Office/Sai Kung had in the past constructed a footpath next to the application site (the Site) under a local public works project to serve Yu Chai Chung Village. Similarly, a road leading to Yu Chai Chung Village could be provided under a local public works project if such need was identified by relevant government departments;
- (b) the lamp posts along the footpath were provided as part of the works associated with the footpath. They were on government land outside the Site;
- (c) as noted from the aerial photo taken in 1980, there were a few structures in Yu Chai Chung Village which was not an indigenous village. During recent site visits, only a few villagers were found living in the village. While temporary structures were found alongside the stream, there was no information on whether there were any safety concerns; and
- (d) the applicant was not the landowner of the Site. As indicated in the application form, the applicant had notified the landowner in accordance with the requirements of the Town Planning Ordinance (the Ordinance) and the landowner had not submitted any comment on the planning application.

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

27. Mr Tang Ying Mun also made the following responses:

- (a) the road was formed through frequent passing of vehicles over the years.

As indicated on the aerial photo, the road leading to the village had already been formed in 1980. However, the landowner blocked the road recently because the road fell within “GB” and the Government had undertaken enforcement action;

- (b) with reference to the photos in PlanD’s PowerPoint slides, cars could be parked near the Site in the past. The road served to transport materials to the previous farm and allow emergency vehicles to reach Yu Chai Chung Village. As the population in the village was aging, the need for the road had become more critical; and
- (c) there were currently about six to seven households living in Yu Chai Chung Village consisting of over 20 persons. The temporary structures in the village were either licensed houses or squatters made of simple materials which might have safety concerns. The villagers had lived in the village for decades and the application was made upon request by the villagers. Although the road was unpaved and small in scale, PlanD did not allow the road in the “GB” zone despite no objection from the company concerned and the landowner for the villagers to use the road. The applicant merely requested the Board to ‘return’ the road to the villagers.

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

28. Some Members raised the following follow-up questions:

- (a) how the road was going to be maintained and managed and who to take action if the area adjoining the road was turned into a dumping ground for abandoned cars;
- (b) the role of the company mentioned by the applicant’s representative and its relationship with the villagers or the landowner, and whether there was any plan for development in the adjoining area; and
- (c) whether the road was an “existing use” tolerated in the “GB” zone.

29. In response, Mr Tang Ying Mun made the following main points:

- (a) the company would fence off the area adjoining the road to avoid the problem of illegal dumping / storage;
- (b) to respond to the Government's enforcement action, the landowner and the company had no other alternatives but to close the road which had created conflicts with the villagers. There was no interest involved and no plan for change of land use in the adjoining area at this stage; and
- (c) the road had all along been used by the villagers in the past decades. The villagers should be allowed to continue to use the road.

30. Ms Donna Y.P. Tam also responded that, as observed from the aerial photo taken in 1980, there was just a track in the area with adjoining trees and woodland, without a proper road. There were farms in the adjacent area. The Site and the adjoining area were subject to enforcement action under the Ordinance against unauthorized storage use and parking of vehicles. Illegal landfilling / excavation was also involved. There was no evidence to indicate that the 'road' was an "existing use".

31. The Chairperson and Mr Raymond K.W. Lee, Director of Planning, raised the following questions:

- (a) whether the provision of an emergency vehicular access (EVA) was in line with the prevailing policy of FSD; and
- (b) what the applied use was under application.

32. In response, Ms Donna Y.P. Tam said that no government departments had requested the provision of a road / EVA on the Site or in the area. According to a guide published by the Lands Department, an EVA was only required for a cluster of 10 New Territories Exempted Houses or more. Under the current planning application, the applicant applied for a private access ancillary to houses and filling of land. The applicant indicated

that the proposed road could be used as an EVA.

33. Mr Tang Ying Mun reiterated that the Government should ‘return’ the road to the local community, there was no intention to pave the road and the road had been in use for over 50 years by the villagers.

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

Deliberation Session

35. Members in general had the following views:

- (a) there was no new evidence provided by the applicant to support the application. While a track was shown on the aerial photo, it was not a proper road as claimed by the applicant’s representative at the meeting;
- (b) as the road was not connected to the village houses in Yu Chai Chung Village, the function of the road serving as an EVA was in doubt. There was no strong justification for provision of road in the “GB” zone and to deviate from the previous decision of RNTPC; and
- (c) it was noted that FSD had not indicated a need for the provision of an EVA on the Site. If there was such a need, it could be undertaken through the local public works project coordinated and implemented by the District Office.

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

- “(a) the development is not in line with the planning intention of the “Green Belt” (“GB”) zone, which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlet. There is a general presumption against development within this zone. There is no strong justification for a departure from the planning intention; and
- (b) the approval of the application will set an undesirable precedent for other similar applications within the “GB” zone. The cumulative effect of approving such applications will result in a general degradation of the environment and bring about adverse landscape and traffic impacts on the area.”

Fanling, Sheung Shui & Yuen Long East District

Agenda Item 4

[Open Meeting (Presentation and Question Sessions only)]

Request for Deferment of Review of Application No. A/YL-KTS/732

Temporary Open Storage of Construction Tools, Machinery and Materials for a Period of 3 Years in “Agriculture” Zone, Lot 475 in D.D. 113, Kam Tin, Yuen Long, New Territories (TPB Paper No. 10303)

[The item was conducted in Cantonese.]

37. The Secretary reported that the application site was located in Kam Tin South and RHL Surveyors Limited (RHL) was the consultant of the applicant. The following Members had declared interests in the item:

- | | | |
|---------------|---|--|
| Mr H.F. Leung | - | RHL had made donation to the Department of Real Estate and Construction in the Faculty of Architecture of the University of Hong Kong, where he was working; |
|---------------|---|--|

Ms Sandy H.Y. Wong] personally knowing the Managing Director of
Dr Lawrence W.C. Poon] RHL; and

Ms Janice W.M. Lai - her family member owning a house at Cheung
Po Tsuen, Kam Tin South.

38. Noting that Dr Lawrence W.C. Poon had no discussion with the Managing Director of RHL on the subject matter, Members agreed that Dr Poon's interest was remote and he could stay in the meeting. Members also noted that Mr H. F. Leung, Ms Sandy H.Y. Wong and Ms Janice W.M. Lai had tendered apologies for not being able to attend the meeting.

39. The Secretary said that on 13.7.2017, the applicant's representative wrote to the Town Planning Board (the Board) and requested the Board to defer making a decision on the review application in order to allow two months' time for the applicant to obtain the written record of prosecution proceedings from the Shatin Magistrates' Court regarding the 'existing use' status of the development under the current application.

40. Members noted that the justifications for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications (TPB PG-No. 33) in that the applicant needed more time to submit supplementary information, which was essential for the consideration of the application, the deferment period was not indefinite; and that the deferment would not affect the interest of other relevant parties.

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

circumstances.

Kowloon District

Agenda Item 5

[Open meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comment in respect of Draft Kowloon Tong Outline Zoning Plan No. S/K18/20
(TPB Paper No. 10304)

[The item was conducted in Cantonese and English.]

42. The Secretary reported that the following Members had declared interests in the item for living or owning properties in Kowloon Tong, or having affiliation with Ms Mary Mulvihill (R5 / C1):

Dr Lawrence W.C. Poon - living in the City University of Hong Kong's quarters in Kowloon Tong;

Ms Christina M. Lee - being a director of a company owning two blocks and six carparking spaces and her close relative owning a property leased to a kindergarten in Kowloon Tong, and her close relative owning a flat at Beacon Hill;

Mr David Y.T. Lui]

Mr Peter K.T. Yuen] owning properties in Kowloon Tong;

Mr H.W. Cheung]

Miss Winnie W.M. Ng]

Ms Janice W.M. Lai - her spouse owning properties in Kowloon Tong; and

Mr K.K. Cheung] their firm hiring Ms Mary Mulvihill on a contract

Mr Alex T.H. Lai] basis from time to time.

43. As the flat owned by Ms Christina M. Lee's close relative at Beacon Hill had direct view of the representation site (the Site), Members agreed that Ms Lee should leave the meeting temporarily for the item.

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

44. Members noted that Ms Janice W.M. Lai had tendered apology for not being able to attend the meeting. Members also noted that the properties resided or owned by Dr Lawrence W.C. Poon, Messrs David Y.T. Lui, Peter K.T. Yuen and H.W. Cheung, and Miss Winnie W.M. Ng had no direct view of the Site and Messrs K.K. Cheung and Alex T.H. Lai had no involvement in their firm's project in which Ms Mary Mulvihill was hired. Members agreed that the interests of the above Members were remote and they could stay in the meeting.

45. The Chairperson said that reasonable notice had been given to invite all representers and commenter to attend the hearing, but other than that who was present, the rest had either indicated not to attend or made no reply. As reasonable notice had been given to the representers and commenter, the Town Planning Board (the Board) should proceed with the hearing of the representations in their absence.

Presentation and Question Sessions

46. The following government representative and representer / commenter were invited to the meeting:

Government representative

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

Representer / Commenter

R5 / C1 Mary Mulvihill

Ms Mary Mulvihill

- Representer / Commenter

47. The Chairperson briefly explained the arrangement and procedures of the hearing. She said that DPO/K, PlanD would brief Members on the background to the representations. The representer / commenter would then be invited to make oral submission. Question and answer (Q&A) session would be held after the representer / commenter had completed her oral submission. Members could direct their questions to government representative or the representer / commenter. After the Q&A session, government representative and the representer / commenter would be invited to leave the meeting; and the Board would deliberate on the representations in their absence and inform the representers / commenter of the Board's decision in due course

48. The Chairperson then invited Mr Tom C.K. Yip, DPO/K, PlanD to brief Members on the background to the representations.

49. With the aid of a PowerPoint presentation, Mr Tom C.K. Yip, DPO/K, PlanD, briefed Members on the representations, including the background and consultation of the amendments, the views and proposals of the representations and comment, planning assessments and PlanD's views on the representations and comment as detailed in the TPB Paper No. 10304 (the Paper).

50. The Chairperson then invited the representer / commenter to elaborate on the representation.

R5 / C1 Mary Mulvihill

51. Ms Mary Mulvihill made the following main points:

- (a) the Site was already put under the Land Sale List for private residential development which indicated that the Board could just rubber stamp the amendments to the Outline Zoning Plan;
- (b) in justifying the use of the Site for housing development, the Government

said that the Site was already formed for public works. There was no requirement to request the Government to reinstate the Site to its original condition after use. That was no different from the practice of ‘destroy first, build later’;

- (c) if it was the Government’s policy to increase housing land supply to meet the acute demand, the Site should be reserved for subsidized housing. She expected that the future development on the Site would be luxury residential flats which most of the population could not afford; and
- (d) the objective of the government policy for the last five years was to provide housing for the general public. The Site should therefore be used for affordable or cooperative housing. Development of luxury housing would bring no benefit to the public. It was also not justified to spend public money on building the footbridge serving solely a private housing development.

52. As the presentation of the representer / commenter had been completed, the Chairperson invited questions from Members.

53. Members raised the following questions:

- (a) the assessments for the proposed housing development on the Site;
- (b) the current use of the Site as well as the area to the east of the Site; and
- (c) if the Site were to be used for public housing development, whether the proposed rezoning would then be acceptable to the representer / commenter;

54. In response, Mr Tom C.K. Yip, DPO/K, PlanD made the following points:

- (a) with reference to an aerial photo taken in 1969, the Site was a piece of vegetated land. Due to the construction of the service reservoir to the north of the Site in the 1970s, about half of the Site was formed and used as a

works area by the Water Supplies Department (WSD). The conditions of the Site remained largely the same over the years. Owing to the strong demand for housing land, the Government had taken a multi-pronged approach to increase housing land supply. The Site was identified as suitable for housing development in the Stage 2 review of “Green Belt” (“GB”) sites in that the Site was located at the fringe of the urban area with a relatively lower buffer or conservation value. The Site was about 380 m away from the Lion Rock Country Park, with the service reservoir serving as a buffer and the trees within the Site were of common species. Besides, the Site was close to transport infrastructure with supporting facilities; and

[Mr Thomas C.C. Chan left the meeting at this point.]

- (b) the works area within the Site was for storage of equipment and machinery serving the WSD’s service reservoir to its north and also for storage of WSD facilities in other areas as well. The areas to the immediate east of the Site were zoned “Government, Institution or Community” and “Open Space” on the approved Wang Tau Hom and Tung Tau Outline Zoning Plan to reflect the as-built uses of another two service reservoirs and open space facilities respectively.

55. Ms Mary Mulvihill said that using the Site for cooperative or affordable housing would be more palatable and would better justify the rezoning of the Site to meet the acute housing need. The Site might not be suitable for public rental housing but some kind of subsidized housing such as Home Ownership Scheme development which would be more affordable by the general public. Luxury housing with a selling price over HK\$20,000 per square foot would not benefit the general public and would not help meet the intention for increasing housing supply.

56. Some Members raised the following questions:

- (a) whilst the representer considered that affordable housing was more acceptable, whether a higher density development in this locality was acceptable to render the proposed subsidized housing more economically

viable;

- (b) the rationale of using the Site for private residential development; and
- (c) the rationale for retaining a “GB” buffer to the south and east of the Site.

57. In response, Ms Mary Mulvihill said that the approach to require self-financing of individual housing projects, like that adopted by the Urban Renewal Authority, was considered inappropriate. The Government should subsidize the development of affordable housing and be prepared to lose money in certain projects to resolve the housing problems.

58. Mr Tom C.K. Yip also made the following responses:

- (a) the Site was zoned “Residential (Group C)11” on the draft Kowloon Tong Outline Zoning Plan No. S/K18/20 (the draft OZP) and the Notes and Explanatory Statement of the draft OZP did not specify the type of housing to be provided on the Site though as a matter of fact, the Site had been included by the Government as one of the Land Sale sites;
- (b) according to the Government’s long-term housing strategy, 460,000 housing units, of which 60% were for public housing and 40% private housing, would be provided to meet housing need. Of the some 25 additional sites for housing development announced in the 2017 Policy Address, about 80% of them would be for public housing. Whether a site would be suitable for public or private housing would be subject to a number of factors including the size and location of the site and the characteristics of the surrounding areas, amongst others. For sites considered suitable for public housing development, one of the main considerations was whether it was close to public transport, such as Mass Transit Railway Station. Generally speaking, public or subsidized housing was of a higher density for cost-effectiveness; and
- (c) to retain the “GB” strips to the east and south of the Site was to provide a 20m wide buffer distance between the roads and the residential development

as required by the Environmental Protection Department to mitigate the possible air quality impacts from the adjoining roads as well as to preserve the trees in the area as far as possible to serve as a visual buffer.

59. As Members had no further question to raise, the Chairperson said that the hearing procedures had been completed. The Chairperson thanked the government representative and the representer / commenter for attending the meeting and said that the Board would deliberate on the representations in their absence and would inform the representers and commenter of the Board's decision in due course. The government representative and the representer / commenter left the meeting at this point.

Deliberation

60. Members in general noted that the representation presented an objection which was largely premised on the appropriate type of housing to be provided rather than the suitability of the land use zoning per se. Members considered the assessments in the Paper appropriate.

61. After deliberation, the Board decided not to uphold Representations No. R1 to R7 and agreed that the draft OZP should not be amended to meet the representations for the following reasons:

- “(a) land suitable for development in Hong Kong is scarce and there is a need for optimizing land available to meet the pressing demand for housing. Rezoning of “Green Belt” sites is one of the measures of the multi-pronged approach to meet housing and other development needs. As the Site under Item A is considered suitable for housing development, it is appropriate to rezone the Site for residential use. The rezoning under Items B1 and B2 is for road works to facilitate the proposed housing development;
- (b) the Site is located at the fringe of developed areas with good accessibility, partly paved and is not close to the Lion Rock Country Park. It is suitable for low to medium-rise, low-density residential development that

is compatible in the local context and would not generate insurmountable impacts from traffic, visual, air ventilation, landscape, environmental and infrastructural aspects;

- (c) the plot ratio of the “Residential (Group C)11” zone is suitable and compatible with the surrounding context (R6); and
- (d) the statutory and administrative procedures in consulting the public on the zoning amendments have been duly followed. The exhibition of the Outline Zoning Plan for public inspection and the provisions for submission of representations and comments form part of the statutory consultation process under the Town Planning Ordinance (R5).”

[The meeting was adjourned for a short break of 10 minutes at this point.]

[Ms Christina M. Lee returned and Mr Edwin W.K. Chan arrived to join the meeting during the break.]

Sha Tin, Tai Po & North District

Agenda Item 6

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations in respect of Draft Cheung Sheung Outline Zoning Plan No. S/NE-CS/1

(TPB Paper No. 10306)

[The item was conducted in Cantonese and English]

62. The Secretary reported that the following Members had declared interests in the item for having affiliation with The Hong Kong Bird Watching Society (HKBWS) (R1), World Wide Fund for Nature Hong Kong (WWF-HK) (R2), Designing Hong Kong Limited (DHKL) (R3) and Ms Mary Mulvihill (R5):

- 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 hiring Ms Mary Mulvihill on a contract
Mr Alex T.H. Lai] basis from time to time; and
- Mr Thomas O.S. Ho - personally knowing the co-founder and Chief Executive Officer of DHKL.

63. Members noted that Dr C.H. Hau had tendered apology for not being able to attend the meeting. As the other Members who had declared interests had no discussion on or involvement in the subject matter, Members agreed that their interests were remote and they could stay in the meeting.

64. The Chairperson said that reasonable notice had been given to invite all representers to attend the hearing, but other than those who were present, the rest had either indicated not to attend or made no reply. As reasonable notice had been given to the representers, the Town Planning Board (the Board) should proceed with the hearing of the representations in their absence.

Presentation and Question Sessions

65. The following government representatives and representers or their representatives were invited to the meeting:

Government representatives

- Ms Jessica H.F. Chu - District Planning Officer/Shu Tin, Tai Po & North, Planning Department (DPO/STN, PlanD)
- Ms Channy C. Yang - Senior Town Planner / Country Park Enclave (STP/CPE), PlanD

Ms Ho Ching Yee - Senior Nature Conservation Officer
(South), Agriculture, Fisheries and
Conservation Department (SNC/S,
AFCD)

Dr Ng Sai Chit - Nature Conservation Officer (Sai Kung)
(NC/SK), AFCD

Representers or their representatives

R1 - HKBWS

Ms Woo Ming Chuan] Representer's representatives
Mr Chan Hoi Ying]
Ms Mang Hiu Ying]

R2 - WWF-HK

Mr Lau Shiu Keung Tobi - Representer's representative

R3 - DHKL

Ms Tang Yuen Ting Kitty] Representer's representatives
Mr Paul Zimmerman]

R4 - Kadoorie Farm and Botanic Garden (KFBG)

Mr Nip Hin Ming Tony]
Mr Chiu Sein Tuck] Representer's representatives
Ms Nicola Wong]

R6 - 嶂上村代表黃錦雄

Mr Wong Kam Hung - Representer

66. The Chairperson briefly explained the arrangement and procedures of the hearing. She said that DPO/STN, PlanD would brief Members on the background to the representations. The representers or their representatives would then be invited to make oral submissions. To ensure efficient operation of the hearing, each representers or their

representatives was allotted 10 minutes for making presentations. There was a timer device to alert the representers or their representatives two minutes before the allotted 10-minute time was to expire and when the allotted 10-minute time limit was up. Question and answer (Q&A) session would be held after the representers or their representatives had completed their oral submissions. Members could direct their questions to government representatives, the representers or their representatives. After the Q&A session, government representatives, representers and their representatives would be invited to leave the meeting; and the Board would deliberate on the representations in their absence and inform the representers of the Board's decision in due course.

67. The Chairman then invited Ms Jessica H.F. Chu, DPO/STN, PlanD, to brief Members on the background to the representations.

68. With the aid of a PowerPoint presentation, Ms Jessica H.F. Chu, DPO/STN, PlanD, briefed Members on the representations, including background to prepare the Draft Cheung Sheung Outline Zoning Plan No. S/NE-CS/1 (the draft OZP), public consultation, grounds and proposals of the representations, planning assessment and PlanD's views on the representations, as detailed in the TPB Paper No. 10306 (the Paper).

69. The Chairperson then invited the representers or their representatives to elaborate on the representations.

R1 - HKBWS

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

Ecological importance of the area

- (a) the planning area shared the same characteristics as its adjoining Sai Kung West Country Park (SKWCP) and was of high conservation value. Cheung Sheung was one of the twelve Priority Sites for Enhanced Conservation under the New Nature Conservation Policy;

- (b) an Ecologically Important Stream (EIS), its associated streams and wetland in the area supported a population of the Hong Kong Paradise Fish, which was of global concern. A globally critically endangered Chinese Pangolin was also found in the area. Due to the high ecological value, the EIS, all natural streams and their 30 m riparian zones should be adequately protected and zoned “Conservation Area” (“CA”);
- (c) different levels of woodland in the area supported different species of birds. Some of the species were of local concern. Woodland raptor species, which were listed under Class II protection in China, were also found in the area;
- (d) the presence of buffalos feeding on grass vegetation in the abandoned paddy fields had allowed the freshwater marshes to be maintained as a wetland habitat supporting birds such as Von Schrenck’s Bittern which was of regional concern. Freshwater wetland covered less than 0.44% of the area of Hong Kong and should be given adequate protection;

Planning intention of the draft OZP

- (e) HKBWS supported the planning intention of the draft OZP. In line with what was stated in paragraph 8.1 of the Explanatory Statement of the draft OZP, the area formed an integral part of the natural system of the adjoining SKWCP and the high conservation and landscape value of the whole area should be preserved and protected under conservation zonings;

Inadequate protection of natural habitats

- (f) the designation of the ‘Village Type Development’ (“V”) zone in the area was a matter of concern as the future construction activities including the transportation of construction materials to Cheung Sheung for Small House development would adversely affect the environment of the adjoining SKWCP;
- (g) the “GB” zone was also vulnerable to Small House development. In the

past 10 years, the approval rate of Small House applications in ‘GB’ zone was over 55%. Such high approval rate aroused concerns that the protection against development through “GB” zoning was inadequate; and

- (h) due to the reasons provided above, the entire area of the draft OZP should be zoned “Conservation Area” (“CA”).

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

R2 – WWF-HK

71. With the aid of a PowerPoint presentation, Mr Lau Shiu Keung Tobi made the following main points:

- (a) WWF-HK generally supported the draft OZP which could to a certain extent help protect the ecological value of Cheung Sheung. Notwithstanding, there were still rooms for improvement;
- (b) Small House development was not suitable in the area and not compatible with the surrounding areas due to its remote location, rugged terrain, poor accessibility, and being situated within Water Gathering Ground (WGG). Besides, there was no water supply and no existing or planned sewerage and drainage systems in the area;
- (c) to cater for the Small House demand and protect the natural environment, the Government should consider, subject to the agreement of the concerned indigenous villagers, allowing the eligible villagers to apply for Small House development in other villages within the same Heung where the location was less environmentally sensitive.

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

R3 - DHKL

72. With the aid of a PowerPoint presentation, Mr Paul Zimmerman made the following main points:

- (a) Cheung Sheung was a Country Park (CP) enclave, with a high elevation, deep within SKWCP and in a remote area. It was almost impossible to distinguish Cheung Sheung from its surrounding SKWCP. There was no strong justification to allow development in the area where there was no way to resolve the sewerage problem;
- (b) according to the user schedule of the “GB” zone, ‘Barbecue Spot’, ‘Picnic Area’ and ‘Tent Camping Ground’ were uses always permitted. Those activities would create waste and pose fire danger with no readily identifiable authority to take care of those matters. It would be more appropriate to include the area within CP so that it could be properly maintained by AFCD under relevant Ordinance;
- (c) Cheung Sheung was only accessible by footpaths of the MacLehose Trail or the Cheung Sheung Country Trail. Due to its remoteness, there was no reason to allow house developments in the area. Owners of Small House might construct unauthorized roads, which would have devastating impacts on the surrounding CP, and the Lands Department might not have the capacity to combat such unauthorized construction works. Besides, provision of supporting services was limited. There was only a dry toilet and a provision store in Cheung Sheung which only opened on weekends and public holidays. With the designation of the “V” zone and development of Small House, there would be discharge of sewage and foul waters. However, the use of septic tank and soakaway systems (STS system) was not considered an acceptable means for sewage disposal as the sewage would be discharged into the ground and WGG, causing detrimental impacts on the environment; and
- (d) the area should be incorporated into the CP under the Country Parks Ordinance (CPO) such that the Government would manage the area and compensate for loss of private property rights. In the interim, to protect

Cheung Sheung, the whole area should be zoned “CA”.

R4 – KFBG

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

- (a) Cheung Sheung was surrounded by CP, accessible only via Jacob’s ladder from the west and Cheung Sheung Country Trail or MacLehose Trail from the east. Due to its remoteness, the designation of “V” zone in the area was not appropriate;
- (b) Cheung Sheung was entirely within WGG. There were EIS and natural streams in the area. Due to high clay content, the abandoned paddy field had become freshwater marshes. STS systems would not be suitable in the area as soakaway pits would not function properly in soil having high groundwater levels or a high clay content. There was no reason to designate a “V” zone in the area; and
- (c) Cheung Sheung was an ecologically sensitive area and a habitat for various rare fish and bird species. The whole area should be zoned “CA” to avoid the possible adverse impacts caused by the construction of Small House and recreational uses in the “V” and “GB” zones. The “CA” zoning of the area could also provide stronger support for incorporating Cheung Sheung into the CP in future.

R6 - 嶂上村代表黃錦雄

74. Mr Wong Kam Hung made the following main points:

- (a) he represented the villagers to object to the draft OZP. Despite repeated effort to make representations, the need of the villagers had not been adequately satisfied;

- (b) the indigenous villagers of Cheung Sheung were used to be farmers and understood very well the importance of environmental protection. While they had a strong respect for environmental protection, the private property right of the villagers should also be respected; and
- (c) while Cheung Sheung was a recognized village, the need of the villagers was often neglected due to its remoteness and small population. The facilities were not well managed. Most of the villagers had no choice but to leave their homes to study and work elsewhere. Should the living conditions in Cheung Sheung be improved, the villagers would want to return to the area. Environmental protection was just an excuse to further deprive the villagers' rights and destroy traditional village culture. The Government should take a balanced view and adopt a people-oriented approach to formulate plan for Cheung Sheung. It was unreasonable to require the villagers to shoulder all the responsibility of protecting the environment. Should the Government wish to conserve the natural environment, the loss of development rights of the villagers should be adequately compensated, such as by land resumption, land exchange or renting land from the villagers.

75. As the presentations of the representers or their representatives had been completed, the Chairperson invited questions from Members.

76. The Chairperson and some Members raised the following questions:

- (a) the current population and Small House demand of Cheung Sheung Village and how to cater for the long-term need for Small House development;
- (b) noting the representers' views on the high conservation value of the area, whether the current zonings on the draft OZP were adequate to protect the environment;
- (c) since wetland was observed in the area, whether there were special requirements with respect to sewage treatment in the area;

- (d) whether the green groups considered it appropriate to displace the villagers for the sake of environmental protection notwithstanding the fact that the villagers had not been living there for a long time;
- (e) what the ratio of government land to private land was in the area;
- (f) whether there were facilities provided in the area to meet the need of the visitors to Cheung Sheung and its adjoining CP; and
- (g) how the Government would manage the use of 'Barbeque Spot', 'Picnic Area' and 'Tent Camping Ground' which were always permitted in "GB" zone.

77. In response to Members' questions, Ms Jessica H.F. Chu, DPO/STN, PlanD and Ms Ho Ching Yee, SNC/S, AFCD made the following points:

- (a) Cheung Sheung was remote and accessible only by footpaths. A provision store and some temporary structures were found in the area;
- (b) the number of outstanding Small House application and 10-year Small House demand forecast was one and two respectively. The "V" zone reserved on the draft OZP was available for the development of two Small Houses, i.e. sufficient to meet 66.7% of the demand, which was in line with the incremental approach to Small House development in other CP enclaves. The area within the "V" zone was mainly grassland in proximity to the provision store. It was far away from the EIS with the "GB" zone serving as a buffer. As the "V" zone was within WGG, provision of septic tank was not acceptable. Applicants had to submit their application together with sewage treatment proposal for the consideration of the relevant departments;
- (c) if area within "V" zone was not adequate to meet Small House demand, there was provision for application for Small House development in the

“GB” zone. The Board would assess the application against the Interim Criteria for Consideration of Application for NTEH / Small House in New Territories. The Board might give sympathetic consideration to the application subject to the provision of sewage treatment facilities, amongst others, to the satisfaction of WSD;

- (d) of the 18 ha of land, 4.23 ha (23.5%) was private land and 13.77 ha (76.5%) was government land. Regarding the visitor facilities, there was a public toilet and a camping ground to the immediate south of the Cheung Sheung OZP boundary and within SKWCP;
- (e) according to the Definition of Terms used in Statutory Plans, ‘Tent Camping Ground’ meant any place open to the public where tents were put for temporary lodging for recreational or training purpose while ‘Barbeque Spot’ and ‘Picnic Area’ referred to those public facilities provided and managed by the Government. The Government would make sure that such uses would not cause adverse impacts on the environment; and
- (f) the protection of important habitat types was crucial to the conservation of species of conservation importance and in this regard, AFCD considered the extent of conservation zonings on the draft OZP appropriate and adequate. Visitor facilities within CP, such as camp site and toilet, were available near the planning area.

78. The Green Groups also took turn to respond to Members’ questions.

79. Mr Paul Zimmerman of DHKL (R3) said that Cheung Sheung, which was in the middle of CP, would have been an ideal place where people could rest and do sports. However, without proper provision of amenities and facilities, the area could not accommodate such human activities as tent camping ground. If Cheung Sheung was included in CP under the control of the Country Parks and Special Areas Regulations (Cap 208A), appropriate facilities could be provided to enable better use of the area.

80. Mr Nip Hin Ming Tony of KFBG (R4) stated that the standard of living and life

style had changed with time. In the past, human activities had close integration with the environment. Human waste / manure was used as fertilizer and food scrap was used to feed pigs. With an increase in income and education level of the public, people had higher aspirations and considered the need to preserve the natural environment for public enjoyment. The Government thus had a responsibility to conserve the natural environment to meet the general expectations of the public while compensate those whose rights were affected due to the need for nature conservation. Regarding the designation of “GB” zone, as provision for planning application for ‘House’ development was allowed, there was threat of impacts on the natural environment by human activities. Discharge of foul water from Small House into nearby streams was not uncommon.

81. Mr Chiu Sein Tuck of KFBG (R4) also supplemented that development could only be tolerated where conditions permitted, such as in areas where proper sewerage facilities were available. However, due to the constraints in sewage disposal in Cheung Sheung, allowing development, such as house development, would lead to environmental pollution. Other means should be considered to compensate the villagers who lost their development rights due to conservation.

82. Mr Lau Shiu Keung Tobi of WWF-HK (R2) said that the representers had no intention to deprive the right of villagers to return to their own land to live but considered that development should be undertaken in an orderly and sustainable manner. Taking projects of WWF-HK as an example, while land was bought for conservation, WWF-HK would also open it for public visit for educational purposes. Proper management of the site was of utmost importance.

83. Ms Woo Ming Chuan of HKBWS (R1) said that the ecology of Cheung Sheung had changed over time, i.e. from paddy fields in the past to freshwater wetland of high ecological value at present. Any human activities had to be carefully controlled and managed to prevent any possible adverse impacts on the environment. R6’s request for adequate compensation for loss of development right was agreeable. Compensation would create a ‘win-win’ solution to all parties concerned including the public, the villagers and environmental protection.

84. As Members had no further question to raise, the Chairperson said that the

hearing procedures had been completed. The Chairperson thanked the government representatives and the representers and their representatives for attending the meeting and said that the Board would deliberate on the representations in their absence and would inform the representers of the Board's decision in due course. The government representatives, the representers and their representatives left the meeting at this point.

[Mr Stephen H.B. Yau, Mr K.K. Cheung, Mr Thomas O.S. Ho, Dr Frankie W.C. Yeung and Dr Lawrence K.C. Li left the meeting during the Q&A session.]

Deliberation

85. The Chairperson briefly summarized the main issues of the representations. She then invited Members' views on the representations.

Appropriateness of the "V" zone

86. Some Members did not support the designation of "V" zone on the OZP and made the following views:

- (a) noting the high ecological value of the area and that the whole area was within WGG with stringent requirement for Small House development, the designation of "V" zone within the area might not be suitable;
- (b) rather than designating a small "V" zone on the OZP, the Government should ascertain the long-term Small House demand of the villagers and consider ways to cater for their need through other options;
- (c) given the location within WGG and the stringent requirement for Small House development, the designation of "V" zone might give the villagers a false expectation. Other options, such as designation of "V" in other ecologically less sensitive areas to cater for the Small House need of Cheung Sheung villagers should be considered; and
- (d) taking into account Cheung Sheung's high ecological value and its physical

integration with SKWCP, the incorporation of Cheung Sheung into the CP was supported.

87. The Chairperson remarked that preparation of statutory plans and designation of CP were under two different regimes. Decision of the Board in the plan-making process under the Town Planning Ordinance should be separated from, and would not pre-empt, the future decision of the Country and Marine Parks Authority on whether to designate Cheung Sheung as a CP. As there was statutory time limit for completing the plan-making process, it was necessary for the Board to consider the appropriate land use zones on the draft OZP after hearing the representations.

88. Some Members in support of the designation of “V” zone made the following main points:

- (a) the main concern of the Green / Concern Groups was on the impacts brought about by human activities including during the construction stage. However, the area was remote and extension of major road to serve the area was unlikely. Besides, any development within WGG would be subject to careful scrutiny. The Green Group’s concern might be overstated;
- (b) as Cheung Sheung was an indigenous village, the provision of “V” zone to meet Small House demand was supported. Besides, the designation of “V” zone could serve to indicate that the right of the indigenous villagers to apply for Small Houses was recognized to the extent possible;
- (c) “V” zone had all along been designated on statutory plans to meet demand. Although Small House development in the area might be subject to some technical constraints, non-provision of “V” zone altogether on the OZP might be going too far;
- (d) unless there were other options to meet the need of the villagers, the designation of the “V” zone on the OZP was supported;
- (e) the concerns of the Green / Concern Groups were more on proper

management. Since Small House development would be subject to stringent requirements, the designation of “V” was considered appropriate in balancing the interests of the Green / Concern Groups and the villagers; and

- (f) the incorporation of Cheung Sheung into CP could be a long-term option and it might be worthwhile to convey the Board’s view to the relevant authority for consideration.

89. With respect to whether villagers could apply for Small Houses in another village, Mr Edwin W.K. Chan, Assistant Director of Lands (Regional 3), Lands Department (AD(R3), LandsD) said that an application for Small House in another village could only be made if the receiving village was in the same ‘Heung’, the application site was on private land owned by the villager, and the village representative of the receiving village had no objection to the application.

90. Regarding the designation of “V” zone on OZP, Mr Raymond K.W. Lee, Director of Planning (D of Plan) remarked that “V” zones were designated on other OZPs covering CP enclaves. Given the environmental and heritage concerns, for example, a smaller “V” zone was designated on the OZP for Pak Sha O and a larger “V” zone was allowed in Pak Tam Au to cater for the need. In determining suitable sites for “V” on the draft OZP covering CP enclaves, priority had been given to preservation of the ecologically sensitive areas. Members might wish to note that the current site zoned “V” on the Cheung Sheung OZP was grassland of lesser ecological value and close to a provision store. The justifications for the designation of “V” zone were elaborated in paragraphs 4.17 to 4.19 of the Paper. Even if the OZP area was subsequently included in CP, indigenous villagers could also apply to the Country and Marine Parks Authority for Small House development.

91. Since there were diverse views on the designation of “V” zone on the OZP, the Chairperson invited Members to take a vote. A vote was then taken and a majority of Members supported the “V” zone on the draft OZP.

Appropriateness of the “GB” zone

92. Some Members made the following main points:

- (a) the designation of the “CA” and “GB” zonings had been carefully considered in the drawing up of the OZP. No amendment to the OZP was considered necessary; and
- (b) representers had not provided strong justifications or new evidence to justify the need for rezoning the whole draft OZP as “CA”.

[Dr F.C. Chan left the meeting during the deliberation session.]

93. After deliberation, the Board noted the supportive views of R1 (part) to R3 (part) on the general planning intention of the draft OZP and R5 (part) on designation of “CA” zone and decided not to uphold R4 and R6 and the remaining part of R1 to R3 and R5. The Board also agreed that no amendment should be made to the draft OZP to meet the representations for the following reasons:

“Ecological Importance of the Area

- (a) conservation zones, including “Conservation Area” (“CA”) and “Green Belt” (“GB”) under which there is a general presumption against development, have been designated to cover areas having high conservation and landscape value to protect the natural environment of the Area and the ecologically linked Sai Kung West Country Park under the statutory planning framework (R1 to R5);

Designation of “GB” Zone

- (b) environmentally sensitive areas in the Area, which covers about 99.83% of its total land area, are zoned as “CA” and “GB”. All these are conservation zonings with a general presumption against development and are considered appropriate in protecting the natural environment of the Area (R1 to R4);

Designation of “Village Type Development” (“V”) Zone

- (c) “V” zone has been designated at suitable location to meet Small House demand of indigenous villagers in the Area. The boundary of the “V” zone has been drawn up having regard to the village ‘environs’, Small House demand, settlement pattern, local topography, areas of ecological importance as well as other site-specific characteristics. The “V” zone is to strike a balance between enhancing nature conservation of the Area and respecting the rights of indigenous villagers for village development (R1 to R4 and R6);
- (d) there is sufficient control in the current administrative system to ensure that individual Small House development within the “V” zone would not entail unacceptable impacts on the surrounding environment (R1 to R4);

Incorporation of the Area into Country Park

- (e) incorporation of the Area into Country Park is under the jurisdiction of the Country and Marine Parks Authority governed by the Country Parks Ordinance (Cap. 208) which is outside the purview of the Board. Preparation of the statutory plan would not preclude any future designation of Country Park (R1, R3 to R5); and

Provision of Infrastructural Facilities

- (f) according to the covering Notes of the draft OZP, public works coordinated or implemented by Government are in general always permitted on land falling within the boundaries of the Plan (R6).”

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

Procedural Matters

Agenda Item 7

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments on the Draft Tai Po Kau Outline Zoning Plan No. S/NE-TPK/1 (TPB Paper No. 10307)

[The item was conducted in Cantonese]

94. The Secretary reported that the following Members had declared interest in the item for owning properties in Tai Po or having affiliation with World Wide Fund for Nature Hong Kong (WWF-HK) (R1), Designing Hong Kong Limited (DHKL) (R2), The Hong Kong Bird Watching Society (HKBWS) (R3) and Ms Mary Mulvihill (R10 / C2):

- | | | |
|-----------------------|---|---|
| Mr H.W. Cheung |] | owning properties in Tai Po; |
| Dr Lawrence W.C. Poon |] | |
| Dr Frankie W.C. Yeung | - | his company owning a flat in Tai Po; |
| Dr C.H. Hau | - | being a member of HKBWS and a past member of the Conservation Advisory Committee of WWF-HK; |
| Mr Thomas O.S. Ho | - | personally knowing the co-founder and Chief Executive Officer of DHK; and |
| Mr K.K. Cheung |] | their firm hiring Ms Mary Mulvihill on a |
| Mr Alex T.H. Lai |] | contract basis from time to time. |

95. Members noted that Dr C.H. Hau had tendered apology for not being able to attend the meeting and Mr H.W. Cheung, Dr Frankie W.C. Yeung, Mr Thomas O.S. Ho and Mr K.K. Cheung had already left the meeting. As the item was procedural in nature, Members agreed that Dr Lawrence W.C. Poon and Mr Alex T.H. Lai could stay in the meeting. .

96. The Secretary briefly introduced the TPB Paper No. 10307. On 10.2.2017, the draft Tai Po Kau Outline Zoning Plan No. S/NE-TPK/1 (the draft OZP) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 43 representations and two comments were received.

97. As there were only 43 representations and two comments, and they were interrelated and related to the “CA” zoning, the hearing of the representations and comments could be considered collectively in one group by the full Town Planning Board (the Board). The hearing could be accommodated in the Board’s regular meeting and a separate hearing session would not be necessary.

98. To ensure efficiency of the hearing, it was recommended to allot a maximum of 10 minutes presentation time to each representer / commenter in the hearing session. Consideration of the representations and comments by the full Board was tentatively scheduled for September 2017.

99. After deliberation, the Board agreed that:

- (a) the representations and comments should be considered collectively in one group by the Board itself; and
- (b) a 10-minute presentation time would be allotted to each representer / commenter.

Agenda Item 8

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments on the Draft Sha Tin Outline Zoning Plan No. S/ST/33
(TPB Paper No. 10305)

[The item was conducted in Cantonese]

100. As the amendment items on the draft Sha Tin Outline Zoning Plan No. S/ST/33 (the draft OZP) included the rezoning of sites for the proposed Sha Tin Cavern Sewage Treatment Works and its supporting facilities by the Drainage Services department (DSD), a site to facilitate a public housing development by the Housing Department (HD) which was the executive arm of the Hong Kong Housing Authority (HKHA), the Olympic Stables currently managed and operated by the Hong Kong Jockey Club (HKJC), and a site for a proposed Columbarium and Garden of Remembrance, which was partly occupied by the Construction Industry Council (CIC) Training Academy Shatin Training Ground, as well as some Members owning property or family member living in Sha Tin, or having affiliation with HKJC (C1) or Ms Mary Mulvihill (C541), the Secretary reported that the following Members had declared interest in the item:

- | | |
|--|--|
| Mr Raymond K.W. Lee
<i>(as Director of Planning)</i> | - being a member of the Strategic Planning Committee (SPC) and Building Committee of HKHA; |
| Mr Thomas C.C. Chan
<i>(as Director of Lands)</i> | - being a member of HKHA; |
| Mr Martin W.C. Kwan
<i>(as Chief Engineer (Works),
Home Affairs Department)</i> | - being an alternate member for Director of Home Affairs who was a member of SPC and Subsidized Housing Committee of HKHA; |
| Dr Lawrence W.C. Poon | - family member living in Sha Tin and spouse being an employee of HD but not involved in planning work; |
| Mr Thomas O.S. Ho | - having current business dealings with HKHA and his firm having past business dealings with DSD; |
| Mr Patrick H.T. Lau | - having current business dealings with HKHA; |
| Mr Ivan C.S. Fu | - having current business dealings with HKHA |

and being an ordinary member of HKJC;

- Mr Franklin Yu - having past business dealings with HKHA;
- Mr H.F. Leung - being a member of the Tender Committee of HKHA and an ordinary member of HKJC;
- Ms Janice W.M. Lai] having current business dealings with HKHA
Dr C.H. Hau] and DSD;
- Mr Stephen L.H. Liu - having past business dealings with HKHA and being an ordinary member of HKJC;
- Mr H.W. Cheung - being an executive director of CIC;
- Professor T.S. Liu - being Principal Investigator (PI) of a book project funded by DSD, which was completed in 2015 and PI of a community project funded by HKJC Charities Trust;
- Mr David Y.T. Lui]
Mr Peter K.T. Yuen]
Dr Lawrence K.C. Li] being an ordinary member of HKJC;
Miss Winnie W.M. Ng]
Mr Wilson Y.W. Fung]
Mr Philip S.L. Kan]
- Mr Alex T.H. Lai - his firm having business dealings with HKHA and hiring Ms Mary Mulvihill on a contract basis from time to time, as well as being an ordinary member of HKJC;
- Mr K.K. Cheung - his firm having current business dealings with HKHA and hiring Ms Mary Mulvihill on a

contract basis from time to time;

Mr Stephen H.B. Yau - his organization having been supported by HKJC on some projects;

Dr Frankie W.C. Yeung] owning properties in Sha Tin; and
Professor K.C. Chau]

Ms Christina M. Lee - her spouse owning a flat in Tai Wai, Sha Tin and being an ordinary member of HKJC.

101. Members noted that Ms Janice W.M. Lai, Mr H.F. Leung, Dr C.H. Hau and Professor K.C. Chau had tendered apologies for not being able to attend the meeting and Mr Thomas C.C. Chan, Mr Thomas O.S. Ho, Mr H.W. Cheung, Mr K.K. Cheung, Mr Stephen H.B. Yau, Dr Frankie W.C. Yeung, Dr Lawrence K.C. Li, Ms Christina M. Lee and Miss Winnie W.M. Ng had already left the meeting. As the item was procedural in nature, Members agreed that the rest of the Members who had declared interests in the item could stay in the meeting.

102. The Secretary reported that a replacement page for p.8 of Annex II of the TPB Paper No. 10305 (the Paper) had been sent to Members and briefly introduced the Paper. On 13.1.2017, the draft OZP was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 1,668 representations and 542 valid comments were received.

103. A confirmation was subsequently received from a member of the general public indicating that she had not submitted any representation. In this regard, the representation, i.e. R526, would be disregarded. R1668 was related to a “Residential (Group C) 3” site and not related to any of the amendments on the Plan. In accordance with section 6(2) of the Ordinance, R1668 was considered invalid and should be treated as not having been made in accordance with section 6(3)(b) of the Ordinance. As a result, the total number of valid representations should be 1,666.

104. Since the amendments to the Plan had attracted much public interest, it was

recommended that the representations and comments should be considered by the full Town Planning Board (the Board). A separate hearing session might be arranged, if necessary. As the concerns of some representers and commenters were on more than one amendment items, the hearing of all representations and comments was suggested to be considered in one group.

105. In view of the large number of representations (i.e. 1,666) and comments (i.e. 542) and to ensure efficiency of the hearing, it was recommended to allot a maximum of 10 minutes presentation time to each representer / commenter in the hearing session. Consideration of the representations and comments by the full Board was tentatively scheduled for September 2017.

106. After deliberation, the Board agreed that:

- (a) representation No. R526 could be disregarded and representation No. R1668 was considered as invalid;
- (b) the representations and comments should be considered collectively in one group by the Board itself and separate hearing session might be arranged, if necessary; and
- (c) a 10-minute presentation time would be allotted to each representer / commenter.

Agenda Item 9

[Closed Meeting]

107. The item was recorded under confidential cover.

Agenda Item 10

Any Other Business

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

108. There being no other business, the meeting was closed at 1:40 p.m.