

**Minutes of the 1154<sup>th</sup> Meeting of the  
Town Planning Board held on 3.11.2017**

**Present**

Permanent Secretary for Development  
(Planning and Lands)

Ms Bernadette H.H. Linn

Chairperson

Professor S.C. Wong

Vice-chairperson

Mr Lincoln L.H. Huang

Mr H.W. Cheung

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Ms Janice W.M Lai

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Ms Christina M. Lee

Mr H.F. Leung

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

Dr C.H. Hau

Mr Alex T.H. Lai

Dr Lawrence K.C. Li

Mr Stephen L.H. Liu

Professor T.S. Liu

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr Franklin Yu

Chief Traffic Engineer (New Territories East)

Transport Department

Mr Ken K. K. Yip

Chief Engineer (Works), Home Affairs Department

Mr Martin W.C. Kwan

Deputy Director of Environmental Protection (1)

Mr Elvis W.K. Au

Director of Lands

Mr Thomas C.C. Chan

Director of Planning

Mr Raymond K.W. Lee

Deputy Director of Planning/District

Miss Fiona S.Y. Lung

Secretary

**Absent with Apologies**

Professor K.C. Chau

Mr Stephen H.B. Yau

Mr Thomas O.S. Ho

**In Attendance**

Chief Town Planners/Town Planning Board

Mr Kepler S.Y. Yuen (a.m.)

Ms W.H. Ho (p.m.)

Senior Town Planners/Town Planning Board

Miss Anissa W.Y. Lai (a.m.)

Ms Christine C.M. Cheung (p.m.)

## **Agenda Item 1**

[Open meeting]

### Confirmation of Minutes of the 1153<sup>rd</sup> Meeting held on 20.10.2017

[The item was conducted in Cantonese.]

1. The minutes of the 1153<sup>rd</sup> meeting held on 20.10.2017 were confirmed without amendments.

## **Agenda Item 2**

### Matters Arising

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

- (i) Judicial Review lodged by Designing Hong Kong Limited against the Decision of the Town Planning Board in respect of the Draft Central District (Extension) Outline Zoning Plan No. S/H24/8

2. The Secretary reported that the judicial review (JR) was lodged by Designing Hong Kong Limited (DHKL). Mr Thomas O.S. Ho had declared interest on the item as he personally knew Mr Paul Zimmerman, the co-founder and Chief Executive Officer of DHKL. Members noted that Mr Ho had tendered apology for being unable to attend the meeting.

3. The Secretary reported that the JR application lodged by DHKL was against the decision of the Town Planning Board (the Board) not to amend the draft Central District (Extension) Outline Zoning Plan (OZP) No. S/H24/8 in respect of the Central Military Dock site. On 16.2.2017, the Court of Appeal (CA) dismissed DHKL's appeal in respect of its application for Protective Cost Order (PCO), and on 7.6.2017, the CA also dismissed DHKL's application for leave to appeal to the Court of Final Appeal (CFA). The Board was briefed on CA's judgments on 24.2.2017 and 16.6.2017 respectively.

4. On 5.7.2017, DHKL sought leave from the CFA to appeal against CA's PCO

judgment. The leave application was heard by the Appeal Committee of the CFA on 30.10.2017, which granted leave for the appeal on two questions of great general or public importance:

- (a) when considering whether to grant a PCO, what was the relevance of the financial resources available to the applicant/legal aid/financial resources of the respondent, and whether the private financial resources of the corporate applicant's directors should be looked into; and
- (b) at what stage should a PCO application be considered in JR cases.

5. The appeal would be heard by the CFA on 19.4.2018. The proceedings of the substantive JR had been stayed until the final determination of the appeal before the CFA. The Secretary would represent the Board in all matters in relation to the JR and the follow-up actions in consultation with the Department of Justice.

(ii) Town Planning Appeal Decisions Received

- (a) Town Planning Appeal No. 4 of 2016  
Proposed House (New Territories Exempted House (NTEH) - Small House) in "Village Type Development" ("V") and "Green Belt" ("GB") zones, Lot 454 S.A in D.D. 28, Tai Mei Tuk Village, Ting Kok Road, Tai Po  
(Application No. A/NE-TK/570)
- (b) Town Planning Appeal No. 5 of 2016  
Proposed House (NTEH - Small House) in "GB" and "V" zones, Lot 454 S.B in D.D. 28, Tai Mei Tuk Village, Ting Kok Road, Tai Po  
(Application No. A/NE-TK/571)

6. The Secretary reported that the appeal sites were located at Tai Mei Tuk Village in Ting Kok. Dr Lawrence W.C. Poon had declared an interest on the item for co-owning with spouse a house at Lung Mei Tsuen in Ting Kok. As the item was to report the Town Planning Appeal Board (TPAB)'s decision on the appeals and the interest of Dr Poon was indirect, Members agreed that he should be allowed to stay at the meeting.

7. The Secretary reported that the subject appeals were against the Board's decisions to reject on review two applications (No. A/NE-TK/570 and 571) for a proposed house (NTEH – Small House) each at the sites zoned “Green Belt” (“GB”) and “Village Type Development” (“V”) on the Ting Kok Outline Zoning Plan (OZP). The appeals were heard together by the TPAB on 12.6.2017. On 17.10.2017, the appeals were dismissed by the TPAB for the following reasons:

*Planning intention*

- (a) the Appellants had failed to provide strong justifications for a departure from the planning intention of the “GB” zone with general presumption against development;

*Land available within “V” zone for Small House development*

- (b) land was still available within the “V” zone of the concerned villages for Small House development. The Appellants had not provided detailed information to demonstrate that the available land within the “V” zone was not suitable for Small House development; and

*Landscape impact*

- (c) the Appellants had not demonstrated that the construction of Small Houses at the appeal sites would not cause landscape impacts on the surrounding “GB” areas, nor provided any landscape proposal to address the landscape impacts of the proposed development on the “GB” zone.

8. A copy of the Summary of Appeals and the TPAB's decision were sent to Members for reference before the meeting.

(iii) Appeal Statistics

9. The Secretary reported that as at 3.11.2017, a total of 9 cases were yet to be heard by the Appeal Board Panel (Town Planning) and the decision of two cases was still outstanding. Details of the appeal statistics were as follows:

Allowed	:	35
Dismissed	:	152
Abandoned/Withdrawn/Invalid	:	199
Yet to be Heard	:	9
Decision Outstanding	:	2
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Total	:	397

### **Tsuen Wan & West Kowloon District**

#### **Agenda Item 3**

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/DPA/TW-CLHFS/3

Proposed Residential Development (House) and Excavation of Land in “Unspecified Use” Area, Tsuen Wan Town Lot 389 (Part) and Adjoining Government Land, Chuen Lung, Tsuen Wan

(TPB Paper No. 10353)

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[The item was conducted in Cantonese.]

10. The Secretary reported that Albert So Surveyors Limited (ASL), Urbis Limited (Urbis), and WSP Parsons Brinckerhoff (Asia) Limited (WSP) were representative/consultants of the applicants. The following Members had declared interests in the item:

Mr Thomas O.S. Ho - having current business dealings with Urbis and past business dealings with ASL

Mr Ivan C.S. Fu ] having current business dealings with Urbis

Ms Janice W.M. Lai ]

Mr Franklin Yu - having past business dealings with Urbis and WSP

11. Members noted that Mr Thomas O.S. Ho had tendered apologies for being unable to attend the meeting. Members agreed that Mr Ivan C.S. Fu, Mr Franklin Yu and Ms Janice W.M. Lai could stay in the meeting as they had no direct involvement in the project.

Presentation and Question Sessions

12. The following government representatives and the applicants' representatives were invited to the meeting at this point:

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

Ms Katy C.W. Fung - Senior Town Planner/ Tsuen Wan (STP/TW), PlanD

Mr Lai Wah Pun, Bunnie ] Applicants' Representatives

Mr Lai Chun Cheong, William ]

Mr Cheung Chun Lung, Johnson ]

Mr So Chun Hin, Albert ]

Mr Wong Cheuk Wai, Raymond ]

Mr Cheng Wai Lam, Rock ]

Mr Mok Ka Fai, Keith ]

Mr Ko Tean Yow ]

Ms Leung Wai Ling ]

Mr Yam Man Huen, Julian ]

13. The Chairperson extended a welcome and briefly explained the procedure of the hearing. She then invited PlanD's representative to brief Members on the review application.

14. With the aid of a PowerPoint presentation, Ms Katy C.W. Fung, STP/TW, PlanD, briefed Members on the background of the review application including the consideration of the application by the Metro Planning Committee (MPC) of the Town Planning Board (the Board), public comments and planning considerations and assessments as detailed in TPB



Paper No. 10353 (the Paper).

[Ms Janice W.M. Lai arrived to join the meeting during PlanD's presentation.]

15. The Chairperson then invited the applicants' representatives to elaborate on the review application.

16. With the aid of a PowerPoint presentation, Mr So Chun Hin, Albert, the applicants' representative, made the following main points:

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

- (a) the applicants would provide supplementary information to substantiate the application in two major parts, those related to the development scheme and those providing responses to the rejection reasons and comments from concerned departments;
- (b) the application site (the Site) was suitable for development and there was existing golf club structure erected on the Site. The proposed low-rise and low-density residential development would be more compatible to the environment than the existing structure on the Site;
- (c) there was a previous hotel development proposed by the applicants and approved by the Building Authority, however, the project could not be implemented due to publication of the Development Permission Area (DPA) Plan in 2013;
- (d) the proposed development could provide residential flats to meet the society's housing needs; and
- (e) the proposed residential development would be better than the existing clubhouse use because the latter would probably generate more traffic and noise nuisance to the area due to a larger number of club members and outdoor activities.

17. With the aid of a PowerPoint presentation, Mr Mok Ka Fai, Keith, the applicants' representative, made the following main points on the development proposal:

- (a) the proposed development, with a site area of 13,852 m<sup>2</sup>, would provide 27 three-storey detached houses with an average flat size of 220 m<sup>2</sup>, one three-storey clubhouse building, and one level of common basement for car parking. The proposed gross floor area (GFA) of about 5,950 m<sup>2</sup> would have a plot ratio of 0.455 and a design population of 81 persons; and
- (b) vehicular movements of residents and visitors would be mainly accommodated at the proposed basement car park and no vehicles, except for emergency vehicles, would be allowed on the ground circulation route so as to separate pedestrian and vehicular traffic.

18. With the aid of a PowerPoint presentation, Mr Yam Man Huen, Julian, Mr So Chun Hin, Albert and Ms Leung Wai Ling, the applicants' representatives, made the following main points in response to the rejection reasons and departmental concerns:

- (a) residential development should be allowed as it was stated in the General Planning Intention of the Explanatory Statement of the OZP that 'it is also the intention to make provision for future Small House development for the indigenous villagers of Chuen Lung' and 'Flat/House' were under Column 2 of the Notes of the current "Recreation" ("REC") zone;
- (b) the Water Supplies Department (WSD) had concerns previously on the impact of the proposed development on the water gathering ground in the area. After further discussion and clarifications, there was no objection to the drainage and sewerage proposals from all the concerned departments including the Environmental Protection Department, Drainage Services Department and WSD. The applicants would implement the proposed mitigation measures at the detailed design stage;
- (c) the Director of Agriculture Fisheries and Conservation (DAFC) had no comment on the application and the Ecological Impact Assessment (EcoIA)

submitted during the s.16 application stage. DAFC considered that the sewerage generated should not cause adverse impacts on the Tai Tso Stream at Chuen Lung area. The EcoIA stated that the proposed development would cause minor ecological impacts on natural habitats and species of conservation importance;

- (d) as shown in the site photos, the existing environmental condition was not desirable as there were dilapidated structures, open storages, illegal parking and vehicle repair activities in the surroundings. To improve the environment, the applicants had proposed various improvement measures;
- (e) to address the comments of the Chief Town Planner/Urban Design and Landscape on the landscape proposal, the applicants had revised the development scheme by providing additional space for tree planting. The landscape buffer at northern site boundary was widened with three landscape design options proposed and the footprint of the proposed clubhouse had been reduced;
- (f) three landscape design options were proposed along the northern site boundary near to the unacquired lot to act as a buffer to the Tai Lam Country Park;
- (g) three landscape thematic zonings including (i) Forest Arrival experiencing through the surrounding nature woodland; (ii) Park Village of a green community combined with the surrounding Country Park environment; and (iii) Green Corridor with Country Park transition with flora and fauna were proposed;
- (h) the applicants would adopt a tree species strategy mainly for planting native, ornamental and matching trees that would have a screening capacity, soften the appearance of the residential development, as well as match with the Country Park and surrounding tree species;
- (i) field study and visual appraisals were carried out for the tree proposal. Site

photos and the perspective views had shown that proposed development would improve the landscape quality of the surrounding area rather than resulting in general degradation of the rural landscape quality;

- (j) under the revised landscape proposal, the number of trees to be retained had increased, and the total greenery area and coverage had also increased from 2,617 m<sup>2</sup> and 20% to about 3,406/3,440 m<sup>2</sup> and 25% respectively;
- (k) the latest landscape proposal would serve not only to protect but also further enhance the natural habits and rural landscape by bridging the existing divide between adjacent Country Parks. It would act to improve the existing condition of the Site so as to protect the rural landscape quality; and
- (l) each application would be considered by individual merit and the proposed residential development would be low-rise and low-density development which would minimise environmental disturbance and was unlikely to set an undesirable precedent for similar applications. Instead, it would act as a good precedent as most departmental concerns had been fully addressed.

19. With the aid of a PowerPoint presentation, Mr So Chun Hin, Albert and Mr Lai Wah Pun, Bunnie, the applicants' representatives, made the following main points:

- (a) the subject application was desirable and well justified. There was no need for recreational facilities in the area and the proposed residential development would meet the society's need for housing and would be better than the existing clubhouse use on the Site in environmental terms. There was no major objection to the application from concerned government departments;
- (b) the acute housing shortage and problems had resulted in serious political conflicts and social rifts. The Site was approved in 2008 for a golf club development with a three-storey building erected on the Site. The club use subsequently ceased after complaints on noise nuisance were received. The Site was then being fenced off and the building was left vacant;

- (c) to maximise the potential of land resources, a well-designed development scheme with compatible layout and landscape design was formulated. To minimise the potential adverse environmental and ecological impacts on the surrounding area, the applicants had adopted a basement design for car parking even though the development cost would be much higher; and
- (d) the proposed residential development would not set an undesirable precedent for similar applications and the Board was requested to favourably consider the application.

20. As the presentations of PlanD's representative and the applicants' representatives were completed, the Chairperson invited questions from Members.

*Planning intention*

21. The Chairperson, Vice-Chairperson and some Members raised the following questions/views regarding planning intention :

- (a) the background of the "REC" zoning for the Site, noting that it was adjacent to the Country Parks;
- (b) information on the site history, in particular whether the golf club and hotel developments as mentioned by the applicants representatives were permitted uses, and whether there were control under the lease conditions on the operation of the clubhouse and hotel use;
- (c) noting that the applicants had said that the general planning intention of the OZP was also to make provision for future Small House development, whether Small House would be allowed at the Site; and
- (d) the major differences between the assessment criteria for a s.16 application and a s.12A application in respect of planning intention.

22. In response, Mr Lawrence Y.C. Chau, DPO/TWK, made the following main points

with the aid of some PowerPoint slides:

- (a) landfilling and dumping of construction wastes were detected in the area in October 2012. To protect the rural landscape character of the area, the draft Chuen Lung and Ha Fa Shan DPA Plan No. DPA/TW-CLHFS/1 was exhibited on 20.12.2013. The Site fell within the “Unspecified Use” (“UNSP”) area on the draft DPA Plan. On 9.12.2016, the draft Chuen Lung and Ha Fa Shan OZP No. S/TW-CLHFS/1, which was currently in force, was exhibited. Although the Site was adjacent to the Country Parks, it was zoned “REC” to reflect the permitted uses as a golf club and the development parameters permissible under the lease;
- (b) the planning intention of the “REC” zone was primarily for recreational developments for the use of the general public. It encouraged the development of active and/or passive recreation and tourism/eco-tourism;
- (c) the Site was granted by way of a land exchange for golf club use in 2003. In 2008, the general building plans for a golf club development was approved by the Building Authority and the golf club building was completed with occupation permit issued in 2009. The application for lease modification for hotel use was received in 2009 and the general building plans for the proposed hotel development were approved in 2011 and 2013 prior to the publication of the DPA Plan. However, the lease modification for hotel use was not executed and the construction had not commenced on the Site. ‘Hotel’ use was a Column 2 use under the current “REC” zone which required planning permission and no planning application for hotel use at the Site was received by the Board;
- (d) two areas on the OZP were zoned “Village Type Development” (“V”) to reflect the existing recognized village and to provide land suitable for village expansion. While development of Small House was always permitted within the “V” zone, ‘house (other than rebuilding of New Territories Exempted House (NTEH) or replacement of existing domestic building by NTEH

permitted under the covering Notes of the OZP)' was a Column 2 use in the "REC" zone which required planning permission; and

- (e) in consideration a s.16 application, the Board would usually take into account such factors as the planning intention of subject zoning and impacts of the proposed development, and compatibility of land uses. As regards s.12A application, it was an application to propose amendments to a statutory plan. In consideration of a zoning amendment, the Board would usually take into account the general planning intention of the OZP rather than the planning intention of that particular land use zone of the application site.

23. In response, Mr Lai Wah Pun, Bonnie made the following main points :

- (a) there was no restriction under the lease conditions on the clubhouse use. The operation of the golf club ceased after complaints from local residents were received. The applicants then considered to use the Site for hotel use but changed the proposal to residential development subsequently as the traffic impact of the latter would be less significant; and
- (b) the lease modification for the hotel development was not executed as hotel use was not an always permitted use under the "REC" zone.

*Land use compatibility*

24. Some Members raised the following questions regarding land use compatibility :

- (a) noting that there were temporary uses, open storages, containers and temporary structures in the vicinity of the Site, whether they were permitted uses or unauthorized developments subject to enforcement action;
- (b) conditions relating to the unacquired lot as shown in the submitted Master Layout Plan; and
- (c) whether similar application for residential use was considered by the Board in

the area.

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

- (a) the sporadic open storage and temporary structures for rural industrial uses in the surrounding areas were mostly uses which had been operated before the first publication of the DPA Plan in 2013 and were treated as 'existing uses' tolerated under the Ordinance;
- (b) the unacquired lot within the Site was used as a vehicle repair workshop which had been in operation before the publication of the DPA Plan;
- (c) while there was no similar application within the "REC" zone on the OZP, there was a similar application to the west of the Site for low-density residential development, land filling and excavation of land within an area zoned "Green Belt" ("GB") (Application No. A/DPA/TW-CLHFS/5). However, a decision on the subject application had not yet been made by the Board.

26. In response to question relating to the unacquired lot, Mr Lai Wah Pun, Bunnie, said that the vehicle repair workshop at the lot was located outside the site boundary of the proposed development, and the Site was currently being fenced off.

*Landscape quality*

27. The Chairperson and some Members raised the following questions/views regarding the landscape proposal:

- (a) whether similar landscaping arrangement could be adopted for if the Site was to be developed into club/recreational uses;
- (b) noting that the strip along the EVA was rather narrow, whether the planting proposal was sufficient to screen off the proposed residential development



when viewing at the adjoining Country Park;

- (c) whether the tree species adopted in the green corridor area would be compatible with those in the adjacent Country Park, and whether the planting proposal would include plants for different seasons to cater for various types of insect and wildlife;
- (d) whether the green corridor was effective in view of the presence of a pedestrian access within the Site as that would affect the ecological transition of the proposed green corridor and cause adverse ecological impact on the adjoining Country Park; and
- (e) whether the proposed tree planting on government land would be possible.

28. In response, Mr Lai Wah Pun, Bonnie, Ms Leung Wai Ling and Mr Ko Tean Yow, the applicants' representatives, made the following main points with the aid of some PowerPoint slides:

- (a) similar landscaping arrangement could be provided for a recreational facility on the Site but the number of people enjoying such landscape provision would be less as compared to the 100 residents in the proposed residential development;
- (b) the proposed double row of tree planting at the concerned section of the EVA would be able to screen the proposed development from being seen at the side of the Country Park;
- (c) according to the tree species strategy, matching trees with tree species similar to surrounding areas and Country park would be used to provide a consistent greenery corridor as a bridge connecting the adjacent isolated Knoll and the Country Park; and
- (d) the applicants would not plant on government land without the permission from the Government.

*Adverse impacts*

29. The Chairperson and some Members raised the following questions/views regarding adverse impacts :

- (a) compared with the previous golf club, whether the proposed residential development would have more or less environmental impact;
- (b) whether the proposed underground car park would create a large amount of construction waste and give rise to adverse environmental impact during the construction period;
- (c) noting that the proposed houses were three storeys with 10.5m high, whether the proposed 6m high noise barrier would be able to screen the noise impact of the vehicle repair activities from the adjoining unacquired lot; and
- (d) information on the number of membership of the previous golf club and number of residents of the proposed development, and the difference of the two uses in terms of traffic generation.

30. In response, Mr Lai Wah Pun, Bunnie and Mr Mok Ka Fai, Keith made the following main points:

- (a) the operation of the previous golf club on the Site ceased after complaints on nuisances were received from local residents by the District Council. Private club use had a lot of outdoor activities such as barbecue and tennis playing which all took place in open air and caused noise nuisance to the nearby residents and adjoining Country Park users. For the proposed residential development, the ancillary residents clubhouse would be a free standing building which would not cause noise nuisance, while the traffic movement and parking arrangement for the development would be controlled and accommodated underground to minimize the potential environmental impact;
- (b) the applicants would follow strictly all the regulations and requirements for

handling construction waste, and measures would be taken to strengthen control in the construction contracts including imposing penalty by termination of contract;

- (c) according to the environmental consultant's assessment, the proposed 6m high noise barrier would be sufficient for screening the noise from the vehicle repair workshop; and
- (d) while the number of membership of the previous golf club was about 200, the population of the proposed residential development would be less than 100 persons. The traffic generation pattern was different between a recreation club and a residential development. For a recreation club, usage of facilities was limited to the operation hours, as such, traffic congestions caused by the club house use in weekend, Sundays and public holidays were common.

*Other aspects*

31. In response to some Members' questions, Mr Lawrence Y.C. Chau said there was no outstanding technical issues relating to the proposed residential development, the concerned departments had no adverse comment on or no objection to the application subject to the imposition of appropriate approval conditions for implementation of mitigation measures.

32. In response to a Member's question, Mr Lawrence Y.C. Chau said that the species of conservation interests were mainly located along the water course and inside the woodland area which were outside the Site. The Site was mostly formed and no species of conservation interests had been identified.

33. Two Members asked about the right of way for pedestrian access, whether it could be connected to the adjacent Country Park and ancestral graves of the nearby villagers. In response, Mr Lawrence Y.C. Chau said that while the ancestral graves of Ma Tong were near the Site, the ancestral graves of Chuen Lung Village were located outside the OZP boundary. There was an existing rural track, a right of way under the lease conditions, linking Ma Tong with Route Twisk in the middle of the Site. Mr Mok Ka Fai, Keith said that the strip of land

to the west of the unacquired lot was the right of way for public use under the lease conditions of the Site. There would be management measures to ensure that the access would be open to the public at all times. Besides, an area to the east of the unacquired lot would be further set back to provide direct access to some of the ancestral graves in the area.

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

[Mr Lincoln L.H. Huang arrived to join the meeting at this point.]

#### Deliberation Session

35. The Vice-Chairperson and some Members had the following major views:

- (a) to reflect the permitted use as a golf club under the lease, the Site was zoned "REC" on the current OZP. The "REC" zoning might not be the preferred land use zone for the Site if there was no such case history. Whether the applicants would have any alternative permitted use was not the major consideration for the current application;
- (b) the proposed residential development was not in line with the planning intention of the "REC" zone and there were no planning merits and gains that would justify a departure from planning intention. Besides, under the "REC" zoning, the intention of the proposed facilities was for public use, however, the proposed development for private residential use would serve only about 81 residents;
- (c) with a number of hiking trails, the area was popular to hikers, and recreation use would be compatible with the hiking activities in the area;

- (d) a Member was of the view that the proposed development would bring about improvement to the existing site condition, while another Member considered that there should be alternative means and uses other than residential development to help enhance the site conditions. Improvement to the site condition should not be used as an excuse for not complying with the planning intention;
- (e) the enhancement on the environment and landscape quality brought by the development proposal should be in comparison with the permitted development under the “REC” zone rather than with the existing abandoned use on the Site;
- (f) the Site was close and connected to Country Parks. The scale of the proposed residential development was considered not small and adverse impacts including visual impact were envisaged. Approval of residential use would set an undesirable precedent for other similar developments;
- (g) the proposed green corridor was not a good landscape design in protecting the ecology of the area; and
- (h) construction of a basement car park would create adverse environmental impact and construction waste.

[Mr Stephen L.H. Liu left the meeting during the discussion.]

36. Members generally agreed that the proposed residential development was not in line with the planning intention of the “REC” zone and there was no planning merit to justify a departure from the planning intention.

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

- “(a) the proposed residential development is considered not in line with the general planning intention for the Chuen Lung and Ha Fa Shan area to

protect the natural habitats and the rural landscape which complement the overall natural environment and the landscape beauty of the surrounding Country Parks; and

- (b) the proposed residential development is considered not compatible with the surrounding natural environment and Country Parks. Approval of the application may set an undesirable precedent encouraging similar residential development nearby, the cumulative impact of which would result in general degradation of the rural landscape quality of the surrounding Country Parks.”

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

### **Tuen Mun and Yuen Long West District**

#### **Agenda Item 4**

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/YL-PS/519

Proposed Temporary Driving School for a Period of 3 Years and Associated Road and Drainage Works and Filling and Excavation of Land in “Green Belt” and “Comprehensive Development Area” Zones and an area shown as ‘Road’, Lots 708 RP, 709 (Part), 710 (Part), 711 (Part), 712 (Part), 713, 714, 715, 716 RP, 717 RP, 718 RP, 728, 729 RP, 730 RP, 814 RP, 815 RP, 816, 817, 819, 820 (Part), 821 (Part), 822 S.B (Part), 894 RP (Part) and 934 RP (Part) in D.D. 122 and Adjoining Government Land, Wing Ning Tsuen, Ping Shan, Yuen Long (TPB Paper No. 10350)

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[The item was conducted in Cantonese.]

38. The Secretary reported that Kenneth To & Associates Ltd. (KTA) was the applicant’s representative, and Mott MacDonald Hong Kong Limited (MMHK) and Ramboll Environ Hong Kong Ltd. (Environ) were its consultants. The following Members had declared interests in the item:

- Mr. Ivan C.S. Fu - having current business dealings with MMHK and Environ
- Ms Janice W.M. Lai - having current business dealings with Environ
- Mr. Thomas O.S. Ho - his firm having current business dealings with MMHK
- Mr Franklin Yu - having past business dealings with MMHK
- Mr Patrick H.T. Lau - having past business dealing with KTA

39. Members noted that Mr Thomas O.S. Ho had tendered apologies for being unable to attend the meeting. Members agreed that Messrs Ivan C.S. Fu, Franklin Yu and Patrick H.T. Lau and Ms Janice W.M. Lai could stay in the meeting as they had no direct involvement in the project.

#### Presentation and Question Sessions

40. The following government representatives and the applicant's representatives were invited to the meeting at this point:

- Mr David C.M. Lam - District Planning Officer/Tuen Mun & Yuen Long West (DPO/TM&YLW), PlanD
- Mr Keith P S Wong - Planning Assistant/TM&YLW (PA/ TM&YLW), PlanD
- Mr Francis Chu ] Applicant's Representatives
- Mr David Lo ]
- Mr David Fok ]

41. The Chairperson extended a welcome and briefly explained the procedure of the hearing. She then invited PlanD's representative to brief Members on the review application.

42. With the aid of a PowerPoint presentation, Mr David C.M. Lam, DPO/TMYLW, 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), public comments and planning considerations and assessments as detailed in TPB Paper No. 10350 (the Paper).

43. The Chairperson then invited the applicant's representative to elaborate on the review application.

44. With the aid of a PowerPoint presentation, Mr David Fok, the applicant's representative, made the following main points:

*Background*

- (a) the existing Yuen Long Driving School (YLDS) near Tung Tau Industrial Area was the only designated driving school with Government driving test centre in the North West New Territories (NWNT). There was a strong demand for a driving school in the area, the number of enrolment was high and the waiting time for the driving test was long;
- (b) the planning permission for the existing YLDS site was first granted in 1992. The site was subsequently rezoned to "Other Specified Use (Comprehensive Development to include Wetland Restoration Area)" ("OU(CDWRA)") on the Nam Sang Wai Outline Zoning Plan (OZP) for comprehensive development in 2004;
- (c) in March 2011, a strip of land at the Tung Tau Industrial Area near YLDS was rezoned from "Other Specified Uses" annotated "Business (1)" to "Residential (Group E)1" ("R(E)1") for residential development. When considering the renewal application of the Site in August 2011, the RNTPC considered that the operation of YLDS, which involved the operation of heavy vehicles, should gradually be phased out to allow implementation of "OU(CDWRA)" zone. Since then, the applicant was asked to relocate the YLDS to other suitable locations. The application site (the Site) was



identified as a replacement facility to the current YLDS in Nam Sang Wai;

*Selection criteria for relocation site*

- (d) the Site was considered a suitable site for relocation of YLDS taking into account factors such as adequate site area, accessibility by public transport, located away from busy area, well connected to public road with less traffic and a variety of road features for driving training purpose, and adjoining existing training zones and testing routes;

*Responses to the rejection grounds*

- (e) as there was currently no known program to implement the “OU(CDWRA)” site, the applicant would like to continue with its designated driving school operations;
- (f) the applicant considered that though disturbed, the Site was still nice and green. The Site was currently used as an orchard planted with fruit trees which were not natural vegetation;
- (g) the YLDS was the only designated driving school with testing centre in NWNT, and would not set an undesirable precedent for other similar applications in the area;

*Justifications*

- (h) there was strong demand for driving lessons and driving test in NWNT and thus designated driving school was needed; and
- (i) the applicant had spent much effort in searching sites for possible relocation. The proposed relocation site, though not the most ideal, was the only site available in the area at the moment.

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

46. In response to a Member's question, Mr David C.M. Lam, DPO/TMYLW, with the aid of some PowerPoint slides, said that aerial photo taken on 18.9.2012 showed that the Site was originally vegetated in 2012. In 2013, vegetation clearance had taken place. According the latest aerial photo taken on 1.12.2016, a large part of the Site was planted with fruit trees.

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

#### Deliberation Session

48. Members generally agreed that there should be sufficient time for the applicant to identify another relocation site for the driving school as the temporary planning permission of existing driving school was valid up to 2020. The Site was considered not a suitable relocation site for a driving school.

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” 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 outlets and there is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;

- (b) the proposed development does not comply with the Town Planning Board Guidelines No. 10 in that the proposed development is not compatible with the green belt character in surrounding areas and would affect the existing natural landscape; and
- (c) approval of the application, even on a temporary basis, would set an undesirable precedent for other similar applications in the area, the cumulative effect of which will result in a general degradation of the environment and landscape quality of the area.”

[Ms Janice W.M. Lai and Mr Franklin Yu left the meeting at this point.]

### **Sai Kung and Islands District**

#### **Agenda Item 5**

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments on the Draft Tai Ho Outline Zoning Plan No. S/I-TH/1

(TPB Paper No. 10349)

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[The item was conducted in Cantonese and English.]

50. The Secretary reported that the following Members had declared interests on the item, for being a member of the Hong Kong Bird Watching Society (HKBWS) (R3); being acquainted with Mr Paul Zimmerman, the co-founder and Chief Executive Officer of Designing Hong Kong Limited (R4); having business dealings/affiliation with Kadoorie Farm and Botanic Garden (Kadoorie Farm) (R6), Sun Hung Kai Properties Limited (SHK), Swire Properties (Swire) and Hongkong Land (HKL) (R1063/C2) or their representative/consultants, Masterplan Limited (Masterplan), Ronald Lu & partners (HK) Limited (RLP) and MVA Hong Kong Limited (MVA) :

- Mr. Ivan C.S. Fu - having current business dealings with SHK, Swire, HKL, MVA and Masterplan
- Ms Janice W.M. Lai - having current business dealings with SHK and her firm being a tenant of the properties of Swire
- Mr Patrick H.T. Lau - having current business dealings with SHK, RLP and MVA and past business dealings with Swire
- Mr. Thomas O.S. Ho - having current business dealings with SHK, Swire, HKL, RLP and MVA, and personally knowing Mr Paul Zimmerman
- Miss Winnie W.M. Ng - being a Director of the Kowloon Motor Bus Co. (1933) Ltd. (KMB) which SHK was one of the shareholders
- Mr Franklin Yu - having past business with MVA and SHK, and his spouse was currently an employee of SHK
- Mr K.K. Cheung ] their firm having current business dealings with  
Mr Alex T.H. Lai ] SHK, Swire, HKL and Kadoorie Farm
- Professor S.C. Wong - being the Chair Professor of Department of Civil  
(*the Vice-chairperson*) Engineering of the University of Hong Kong (HKU) which SHK had sponsored some activities before
- Ms. Christina M. Lee - being the Secretary-General of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from SHK before
- Mr. Wilson Y. W. Fung - being a Director of the Hong Kong Business Accountants Association which had obtained sponsorship from SHK before

- Dr. C.H. Hau - being a member of HKBWS and Honorary Associate Professor and Principal Lecturer of the School of Biological Sciences of HKU which had received donations from Swire Trust before
- Mr. Stephen L.H. Liu - having past business with SHK, Swire, HKL and RLP
- Mr. H.F. Leung - being an employee of HKU which had business dealings with Swire on training matters
- Ms Sandy H.Y. Wong being a Council Member of Hong Kong Baptist University which RLP was working for
- Dr. Lawrence K.C. Li - being the Treasurer of the Hong Kong Polytechnic University which had received donation from Swire before

51. Members noted that Mr Thomas O.S. Ho had tendered apologies for being unable to attend the meeting, Mr Stephen L.H. Liu, Mr Franklin Yu and Ms Janice W.M. Lai had already left the meeting, and Miss Winnie W.M. Ng, Mr Alex T.H. Lai and Dr. Lawrence K.C. Li had not yet arrived to join the meeting. As the interests of Messrs Ivan C.S. Fu and Patrick H.T. Lau were direct, they were invited to leave the meeting temporarily for this item. Members agreed that Mr K.K. Cheung and Dr C.H. Hau could stay in the meeting as they had no direct involvement in the project at the representation sites. The interests of Professor S.C. Wong, Ms Christina M. Lee, Mr Wilson Y. W. Fung and Mr. H.F. Leung were indirect, Members agreed that they could stay in the meeting.

[Messrs Ivan C.S. Fu and Patrick H.T. Lau left the meeting at this point.]

52. 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, Members agreed to proceed with the hearing of the representations and comments in their absence.

### Presentation and Question Sessions

53. The following government representatives, representers/commenters and their representatives were invited to the meeting :

#### *Planning Department (PlanD)*

Ms Donna Y. P. Tam - District Planning Officer/Sai Kung and Islands, (DPO/SKIs), PlanD

Mr Richard Y.L. Siu - Senior Town Planner/Islands (STP/Is), PlanD

#### *Agriculture, Fisheries and Conservation Department (AFCD)*

Ms C.Y. Ho - Senior Nature Conservation Officer/South (SNC/S), AFCD

Ms Connie K.Y. Ng - Nature Conservation Officer/Lantau, (NC/Lantau), AFCD

#### *Representers and Commenters*

R1 – Save Lantau Association

R6 – Kadoorie Farm and Botanic Garden

R7 – Nip Hin Ming, Tony

R8 – Chiu Sein Tuck

Mr Nip Hin Ming, Tony ] Representers and Representers'

Dr Chiu Sein Tuck ] representatives

R2 – World Wide Fund for Nature Hong Kong

Mr Chan Chung Ming, Andrew - Representer's representative

R3 – The Hong Kong Bird Watching Society

Ms Woo Ming Chuan - Representer's representative

R4 – Designing Hong Kong Limited

Mr Paul Zimmerman - Representer's representatives

Ms Tang Yuen Ting, Kitty

R5 – Green Power

Mr Cheng Luk Ki - Representer's representative

R11 – Yu Hon Kwan (Islands District Council Member )

Mr Yu Hon Kwan - Representer

R12/C1 – Mui Wo Rural Committee

R208 – Ella Lam

R538 – 林小螢

R855 – 黃文漢

黃文漢 (Mui Wo Rural Committee Chairman) - Representer and Representers' representatives

R16 – Ray Lam

R538 – 林小婷

Mr Ray Lam - Representer and Representer's representative

R57 – Ho Ki

R598 –Lam Hing Kau

R1063/C2 –Sun Hung Kai Properties, Swire Properties Limited and Hong Kong Land

Mr Ian Brownlee ] Representers' and Commenter's

Mr Benson Poon ] representatives

R69 – Chow Cheung Fuk

Mr Chow Cheung Fuk - Representor

R253 – Lam Chu

Mr Lam Chu - Representor

R1059 – K. K. Cheung

Mr K. K. Cheung ] Representor and Representor's representative

Mr Ho Siu Sun ]

R1060 – Cheung Chee Hung

Mr Cheung Chee Hung - Representor

54. 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 representors, commentors or their representatives would then be invited to make oral submissions in turn according to their representation/comment number. To ensure the efficient operation of the meeting, each representor, commentor or his representative would be allotted 10 minutes for making oral submission. There was a timer device to alert the representors, commentors 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 representors, commentors or their representatives had completed their oral submissions. Members could direct their questions to government's representatives, representors, commentors or their representatives. After the Q&A session, the Town Planning Board (the Board) would deliberate on the representations/comments in the absence of the representors, commentors, their representatives and the government's representatives, and would inform the representors and commentors of the Board's decision in due course.

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



56. With the aid of a PowerPoint presentation, Mr Richard Y.L. Siu, STP/Is, PlanD, briefed Members on the representations and comments, including the background of the amendments, the grounds/views/proposals of the representers and commenters, planning assessments and PlanD's responses on the representations and comments as detailed in TPB Paper No. 10349 (the Paper).

[Mr Philip S.L. Kan arrived to join the meeting during the presentation.]

[Dr Wilton W.T. Fok, Mr Wilson Y.W. Fung, Ms Christina M. Lee, Mr David Y.T. Lui, Dr Lawrence W.C. Poon and Mr Ken K. K. Yip left the meeting at this point.]

[The meeting was adjourned for lunch break at 12:15 p.m.]

57. The meeting was resumed at 1:15 p.m. on 3.11.2017.

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

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

Chairperson

Professor S.C. Wong

Vice-Chairperson

Mr Lincoln L.H. Huang

Mr H.W. Cheung

Mr Sunny L.K. Ho

Mr Dominic K.K. Lam

Mr H.F. Leung

Dr F.C. Chan

Mr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Mr K.K. Cheung

Dr C.H. Hau

Mr Alex T.H. Lai

Dr Lawrence K.C. Li

Professor T.S. Liu

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

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

Deputy Director (1)  
Environmental Protection Department  
Mr Elvis W.K. Au

Director of Lands  
Mr Thomas C.C. Chan

Director of Planning  
Mr Raymond K.W. Lee

## **Agenda Item 5**

### Presentation and Question Sessions (Continued)

[Open Meeting]

59. The following government representatives, representers, commenters and their representatives were invited to the meeting at this point:

#### **Government representatives**

##### *Planning Department (PlanD)*

Ms Donna Y.P. Tam - District Planning Officer/Sai Kung & Islands (DPO/SKIs)

Mr Richard Y.L. Siu - Senior Town Planner/Islands 1 (STP/Is(1))

##### *Agriculture, Fisheries and Conservation Department (AFCD)*

Ms C.Y. Ho - Senior Nature Conservation Officer/South (SNC/S)

Ms Connie K.Y. Ng - Nature Conservation Officer/Lantau (NC/Lantau)

#### **Representers, Commenters and their representatives**

R1 – Save Lantau Association

R6 – Kadoorie Farm and Botanic Garden

R7 – Nip Hin Ming, Tony

R8 – Chiu Sein Tuck

Mr Nip Hin Ming, Tony ] Representers and representers'  
Mr Chiu Sein Tuck ] representatives

R2 – World Wide Fund For Nature Hong Kong

Mr Chan Chung Ming, Andrew - Representer's representative

R3 – The Hong Kong Bird Watching Society

Ms Woo Ming Chuan - Representer's representative

R4 – Designing Hong Kong Limited

Mr Paul Zimmerman ] Representer's representatives

Ms Tang Yuen Ting, Kitty ]

R5 – Green Power

Mr Cheng Luk Ki - Representer's representative

R11 – Yu Hon Kwan (Islands District Council Member)

Mr Yu Hon Kwan - Representer

R12/C1 – Mui Wo Rural Committee

R208 – Ella Lam

R538 – 林小螢

R855 – Wong Man Hon

Mr Wong Man Hon - Representer and representers'  
representative

R16 – Ray Lam

R539 – 林小婷

Mr Ray Lam - Representer and representer'  
representative

R57 – Ho Ki

R598 – Lam Hing Kau

R1063/C2 – Sun Hung Kai Properties, Swire Properties Limited and Hong Kong Land

Mr Ian Brownlee	]	Representers' and
Mr Benson Poon	]	Commenters' representatives
Mr Vincent Lai	]	
Mr Edmund Kwok	]	
Mr Calvin Chiu	]	
Mr Chan Ka Chun	]	

R69 – Chow Cheung Fuk

Mr Chow Cheung Fuk	-	Representer
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R253 – Lam Chu

Mr Lam Chu	-	Representer
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R693 – Kwok Wai Man, Raymond

Mr Kwok Wai Man, Raymond	-	Representer
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R1059 – K.K. Cheung

Mr K.K. Cheung	-	Representer and representers'
Mr Ho Siu Sun		representative

R1060 – Cheung Chee Hung

Mr Cheung Chee Hung	-	Representer
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60. The Chairperson extended a welcome to the government representatives, representers, commenters and their representatives. She then invited the representers, commenters and their representatives to give their oral submissions.

R2 – World Wide Fund for Nature Hong Kong (WWFHK)

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

- (a) the conservation of Tai Ho Valley would help preserve the ecological and landscape intactness of the area which was connected to the Lantau North (Extension) Country Park (LNECP);
- (b) Tai Ho was ranked third among the 12 Priority Sites for Enhanced Conservation listed under the New Nature Conservation Policy (NNCP) in 2004 due to its high ecological value. Part of Tai Ho Stream was listed as Ecological Important Stream (EIS) and had been designated as a Site of Special Scientific Interest (SSSI). 67 species of freshwater and brackish-water fish including some species of conservation value like Ayu *Plecoglossus altivelis* were recorded in Tai Ho Stream, which was the only known location in Hong Kong. The mangroves and mudflats in Tai Ho Wan were the habitats for Seagrass and Horseshoe crabs which were also of conservation importance;
- (c) WWF-HK supported the general planning intention of the draft Tai Ho Outline Zoning Plan No. S/I-TH/1 (the draft OZP) to conserve the Tai Ho area's (the Area) outstanding natural landscape with unique scientific and ecological values in safeguarding the natural habitat and natural system of the wider area; the "SSSI" zone to conserve and protect the features of specific scientific interest such as rare or particular species of fauna and flora and their habitats and to deter human activities or developments within the SSSI; as well as the conservation zonings including the "Conservation Area" ("CA") and "Green Belt" ("GB") zones; and

- (d) given that certain parts of the proposed “Village Type Development” (“V”) zones were located immediately adjacent to tributaries and streams that were ecologically and hydrologically linked to Tai Ho Stream and Tai Ho Wan, they were of the concern that any untreated runoff from the construction and operation of Small Houses such as illegal discharge of domestic sewage, and sewage from malfunction of septic tank and soakaway system from future developments would flow into the sensitive Tai Ho Stream and Tai Ho Wan and result in serious ecological and water quality impact. They recommended the Board to review the “V” zone boundaries and protect the riparian areas by “GB(1)” and/or “CA” zones. In particular, the northern boundary of the “V” zone of Ngau Kwu Long village and the western boundary of the “V” zone of Pak Mong.

### R3 – The Hong Kong Bird Watching Society (HKBWS)

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

- (a) Tai Ho was surrounded by and ecologically connected to the LNECP. The conservation importance of Tai Ho had long been recognized and it was ranked the third among the 12 Priority Sites under the NNCP. It was also stated in the Explanatory Statement (ES) of the draft OZP that Tai Ho Stream SSSI was one of the few remaining medium-sized natural streams of its kind in Hong Kong, which supported a high diversity of freshwater and brackish-water fish in Hong Kong, and the Area had rich landscape resources including mature woodland, shrubland, grassland, valley, knolls and streams. A number of bird species with conservation importance were recorded by HKBWS in Tai Ho including Brown Fish Owl, Eurasian Eagle Owl and Swinhoe’s Egret. The woodland, shrubland, grassland, natural streams, mudflats, estuary



and intertidal wetlands, which were important habitats in Tai Ho, should be adequately protected from any development threats and potential pollution;

- (b) HKBWS supported the general planning intention of the draft OZP, the provision of a “SSSI” zone which followed the boundary in the Register of SSSIs, a 30-metre “CA” zone for the riparian areas of the Tai Ho Stream SSSI and a “Coastal Protection Area” (“CPA”) zone to protect the coastal areas of Tai Ho Wan;
- (c) construction and operation of Small Houses in the proposed “V” zones next to streams would cause water pollution (e.g. from contaminated surface runoff, illegal discharge of household greywater, sewerage seepage from septic tanks and saturated soakaway systems) in the nearby streams which eventually flowed into the SSSI and Tai Ho Wan, thus defeating the intention of providing conservation zonings for the protection of the SSSI and Tai Ho Wan at the downstream area. It would also pose risk to residents in rainstorm events;
- (d) it was noted that the Board had been taking an incremental approach in the provision of “V” zones for Small House developments in various villages within Country Park enclaves. As the proposed “V” zones in Tai Ho had met 50% to 70% of the total Small House demand, there should be rooms for adjustments in the location and size of the proposed “V” zones; and
- (e) while the general planning intention of the draft OZP and the designation of “SSSI”, “CA” and “CPA” zones were supported, all natural streams and watercourses (including all tributaries flowing into the Tai Ho Stream SSSI) should be protected by designating a 30-metre wide “CA” zone along both sides of the banks, the “V” zone boundary should be adjusted to avoid

encroachment onto any natural streams or watercourses, and the “GB” zone should be rezoned to “GB(1)” or “CA” zones to enhance the protection of the natural habitats while respecting the redevelopment rights of the villagers.

R4 – Designing Hong Kong Limited (DHKL)

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

- (a) Tai Ho was listed as one of the 12 Priority Sites under the NNCP. There was no proper vehicular access except one pedestrian access via a slip road from Cheung Tung Road and Islands Nature Heritage Trail (Mui Wo Section);
- (b) given that the Government planned to develop Tai Ho as a new town in the 1980s, the private land in the villages was sold to developers prior to the preparation of the draft OZP for the Area. As most of the land in the “V” zone was owned by developers, the extension of the “V” zone would not cater for the need of indigenous villagers. Since 2004, the Government had repeatedly dedicated the Area for conservation in various policy initiatives including NNCP, Hong Kong 2030+ and Lantau Concept Plan. He questioned why there was a sudden rush in Small House applications after 2014, and even though there was a decrease in the total Small House demand, the proposed “V” zone on the draft OZP was increased by 5.27 hectare as compared with that on the Development Permission Area (DPA) plan, which was in conflict with the conservation policy;
- (c) eco-vandalism was noticed in the Area including clearance of natural vegetation, construction of unauthorised structures and occupation of government land as well as illegal land fillings and

road works. However, the enforcement action undertaken by PlanD was unable to tackle such environmental vandalism behaviour. The new road and access proposed by the representers would cause further vegetation clearance and land destruction, as well as create access for future brownfield uses; and

- (d) there was currently no existing or planned public sewer in the Area. The water pollution from sewage and greywater generated from “V” zones might be discharged into the Tai Ho Stream (SSSI) directly.

#### R5 – Green Power

64. Mr Cheng Luk Ki made the following points:

- (a) village houses in close proximity to natural streams would be subject to flooding problem and the Government would need to carry out engineering works to minimise flood risk which might lead to environmental disaster and financial loss. The flood risk could be reduced by locating the village settlements away from the natural streams at the plan preparation stage;
- (b) as the water quality was important for the conservation of estuarine ecology and the biodiversity of Tai Ho Stream, it should be protected by proper land use planning. If the upper reach of the EIS was not protected by any conservation zonings, it would be vulnerable to incompatible uses and human disturbance, which would eventually affect the water quality of the EIS;
- (c) Tai Ho Wan was blocked by the North Lantau Highway and became a “lagoon” with only a 20m-wide opening beneath the highway for tides coming in and out, which would be difficult for the stream to dilute and purify the accumulated pollutants. It was

therefore important to protect the water quality of Tai Ho Wan; and

- (d) it was not uncommon in villages that pipes were linked directly to natural rivers and streams for discharging domestic waste water. As villagers would no longer rely on natural rivers and streams as sources of drinking water, they might not have high incentive to protect the water quality of the rivers and streams.

R1 – Save Lantau Association

R6 – Kadoorie Farm and Botanic Garden

R7 – Nip Hin Ming, Tony

R8 – Chiu Sein Tuck

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

- (a) Tai Ho Stream had high freshwater fish diversity including the locally rare migratory fish. The mangroves and mudflats in Tai Ho Wan were habitats for Seagrass and Horseshoe crabs which were also of conservation importance. The conservation value of Tai Ho was unquestionable as it was ranked the third among the 12 Priority Sites under the NNCP following the Ramsar Site and Sha Lo Tung;
- (b) Tai Ho Stream was designated as a SSSI in view of its conservation importance on 5.5.1999. A number of protection measures were recommended for the SSSI, including the riparian corridor with its vegetation should be preserved as buffer for the stream as far as possible through appropriate land use zoning, and activities that would affect the water quality and flow of the stream should be avoided;
- (c) the northern boundary of the “V” zone of Ngau Kwu Long was

next to a tributary that flowed into Tai Ho Stream SSSI and Tai Ho Wan, which was of very good water quality. According to the Habitat Map in the Environmental Impact Assessment (EIA) report for the Expansion of Hong Kong International Airport into a Three-Runway System, the northern part of Ngau Kwu Long village was a seasonal wet grassland, which could be regarded as a type of wetland. However, the water quality of the tributary might be affected by the proposed “V” zone in the close proximity. In particular, the septic tanks in village houses might not function properly in view of the high water table, and had all along been a source of pollution in the natural streams and rivers;

- (d) the western boundary of the Pak Mong “V” zone was located next to a stream leading to Tai Ho Wan, which was of even better water quality than Tai Ho Stream. In order to protect the water quality of the stream and tributary that would flow into Tai Ho Stream and Tai Ho Wan, the “V” zone boundary for Ngau Kwu Long and Pak Mong should be adjusted so as to provide a buffer between the stream and the “V” zone;
- (e) by quoting the viewpoint of an expert and his observations in other villages in the New Territories, he doubted whether the existing administrative system for Small House development was sufficient to protect the natural rivers and streams from pollution;
- (f) it was not uncommon in other OZPs that the riparian areas of natural streams were designated as “CA” or “GB(1)”/“GB” zones, such as Hoi Ha, To Kwa Peng and Pak Tam Au, Chek Keng, Tung A and Pak A. There was also precedent in Lin Ma Hang to designate a “V” zone outside ‘Village Environ’ (‘VE’) boundary or designate a “GB” zone in between a “V” zone with a view to creating a buffer between the village and the river. Given the streams next to the proposed “V” zone were connected to Tai Ho

Stream, it was suggested to adjust the “V” zone boundary to provide buffer areas between the stream and the future developments within the “V” zone;

- (g) Members’ attention was drawn to the long history regarding the conservation and development in the Area. For example, most of the private land had been sold to various developers after the Government’s announcement of a development plan in Lantau in the 1990s. A Public-Private Partnership Scheme was proposed under the NNCP to establish an Ecology Park in Tai Ho in 2008 by a land exchange proposal with new sites for Small House developments in the less ecologically sensitive area. Besides, some ecologically important areas in Tai Ho including the mangroves were threatened by ecological vandalism after the gazette of DPA Plan in 2014; and
- (h) all water bodies in the Area must be well protected as they were intricately interconnected. The riparian buffer zones should be established and covered with vigorous conservation zonings. The “V” zone boundaries such as those at Ngau Kwu Long and Pak Mong should not encroach upon the riparian buffer zones.

[Mr Frankie W.C. Yeung and Dr Lawrence K.C. Li arrived to join the meeting during the representer's presentation.]

R11 – Yu Hon Kwan (Islands District Council Member)

66. Mr Yu Hon Kwan made the following points :

- (a) the village settlement in Tai Ho had been in existence for hundreds of years and Tai Ho was once a bustling commercial area in the Pearl River estuary;

- (b) some of the villagers sold their land because they could not make a living by agricultural activities. However, most of the land falling within the “V” zones were still owned by villagers, who had a very strong sense of belonging to Tai Ho and would go back to Tai Ho during holidays;
- (c) there were a large number of inhabitants in the Area in the past and the streams had not been polluted. It was unfair for some representatives to make accusation that the future Small House developments would affect the water quality of the streams by quoting examples from other villages. Notwithstanding that, the Government should provide sewerage treatment facilities to support village development in the Area;
- (d) most of the land falling within “SSSI” zone were privately owned, among which, about 200,000 square feet were owned by Tso Tong. The “SSSI” zone had greatly reduced the value of the land but no compensation was given to the affected villagers, which was unfair to the land owners; and
- (e) the Board should consider to freeze the zoning proposal before a Conservation Fund was set up by the Government to compensate for the loss of private land owners.

R12/C1 – Mui Wo Rural Committee

R 208 – Ella Lam

R538 – 林小螢

R855 – Wong Man Hon

67. Mr Wong Man Hon made the following points :

- (a) the planning intention was biased towards environmental conservation. The land use distribution in the Area was

considered unfair as compared with Mui Wo and Tung Chung where land was planned for residential and recreational uses as well as village type development;

- (b) while the Government was facing challenges in land supply, about 167 hectares of land which could be used for housing development was zoned “GB”. The land resources should be better utilised;
- (c) designating private land as conservation zonings without compensation would infringe the private land rights/interest which contravened the Basic Law in protecting private property right;
- (d) the Government should provide more resources for conservation in the Area. In particular, basic infrastructure facilities such as sewerage treatment and drainage facilities, as well as access road should be provided;
- (e) as active farming activities were found in Pak Mong, Ngau Kwu Long and Tai Ho, agricultural land should not be zoned as “SSSI” or other conservation zonings. It was unfair that the villagers were required to seek planning permission from the Board for carrying out farming activities on their own land which was zoned “SSSI” on the draft OZP;
- (f) while Lantau was being promoted as a liveable place in Hong Kong, the Government had not provided any supporting infrastructure for the villages in Tai Ho;
- (g) the area designated as “V” zone was insufficient. In 1992, PlanD replied to Mui Wo Rural Committee that about 27 hectares of land would be designated as “V” zone in Tai Ho. However, the available land area of “V” zone for Small House development was reduced to about 3 hectares on the draft OZP, which could only



meet about 60% of total new Small House demand. In the long term, additional “V” zones should be designated and the “V” zone boundaries should be expanded to cover an area of 300 feet from the boundaries of the ‘VE’;

- (h) there was no Small House demand in Tin Liu as the figure had been included in Tai Ho San Tsuen. Given its unique historic background, a piece of flat land near Tin Liu and away from Tai Ho Stream should be designated as “V” zone to meet the Small House demand;
- (i) the “V” zone of Tai Ho San Tsuen had not covered all of the 23 Small House applications within the ‘VE’. The “V” zone in Tai Ho San Tsuen should be expanded and cover the private lots with building entitlement. Also, areas in the southwestern, southeastern and northern parts of the ‘VE’ at Ngau Kwu Long and areas in the western part of the ‘VE’ of Pak Mong should be designated as “V” zone; and
- (j) he opposed the designation of “CA” and “CPA” zones as the permitted uses under those zones were not clear. The villagers had doubts on whether the existing activities such as using backhoe or other machines for fishing activities were allowed. Local villagers mooring their boats along the shoreline of Tai Ho Wan also questioned how they could prove the use of land had continued since it came into existence before the first publication of the DPA Plan. Besides, the 30m wide “CA” zone for riparian areas of Tai Ho Stream SSSI was too excessive, and contravened the commitment for compensation made by the Government in the designation of SSSI in 1999.

[Mr Alex T.H. Lai and Miss Winnie W.M. Ng arrived to join the meeting during the presenter's presentation.]

R16 – Ray Lam

R539 – 林小婷

68. Mr Ray Lam made the following points :
- (a) the planning intention was biased towards environmental conservation and the interests of the villagers had not been taken into consideration;
  - (b) he questioned why the villagers were being accused of selling their own land. Currently, about 30% of the private land were still owned by villagers who would not give up their villages;
  - (c) more resources should be provided by the Government and green groups to meet the conservation objectives. It was unfair to accuse the villagers of polluting the Area while no sewage treatment facilities were provided by the Government;
  - (d) the area of “V” zone was substantially reduced, which could only meet 50%-70% of the new Small House demand. He questioned if the Government would promise to provide more land to meet the Small House demand in future;
  - (e) when the Tai Ho Stream SSSI was designated in 1990s, the Government promised that the daily activities of villagers would not be affected. However, after the gazette of the draft OZP, the land owners’ rights had been deprived of as planning permission was required for agricultural activities on land zoned “SSSI” on the draft OZP. Besides, the 30m wide “CA” zone for riparian areas of Tai Ho Stream SSSI was too excessive; and
  - (f) since the announcement of the NNCP in 2004, no conservation

initiative had been proposed. The Government and green groups should formulate conservation policies in cooperation with the villagers to strike a balance between conservation and development.

R69 – Chow Cheung Fuk

69. Mr Chow Cheung Fuk made the following points :
- (a) the planning intention was biased towards environmental conservation. It was unfair that more than 96% of land was designated as conservation zonings without any compensation, which contravened with the Basic Law;
  - (b) in view of the Government's intention to promote "Bridgehead Economy" development in North Lantau, he considered that development and conservation of Tai Ho should co-exist in harmony;
  - (c) while the Government was facing challenges in land supply, about 167 hectares of land which could be used for housing development was zoned "GB". The land resources should be better utilized for public housing development;
  - (d) the land uses distribution in the Area was considered unfair as compared with Mui Wo and Tung Chung where land was planned for residential and recreational uses, government facilities as well as village type development. As the Government was promoting Lantau as a liveable place, more GIC and supporting infrastructure facilities should be provided in Tai Ho;
  - (e) apart from restricting the activities of the villagers, the Government had not proposed any active measures in conserving Tai Ho. The

Government should proactively provide more supporting facilities such as drainage and sewerage treatment facilities. Villagers had no intention to pollute the Area and the accusations of green groups were not reasonable;

- (f) active farming was found in Pak Mong, Ngau Kwu Long and Tai Ho. The agricultural land should be designated as “Agriculture” (“AGR”) zone rather than any conservation zonings;
- (g) the area designated as “V” zone was insufficient. In 1992, PlanD replied to Mui Wo Rural Committee that about 27 hectares of land would be designated as “V” zone in Tai Ho. However, the available land area of “V” zone for Small House development was reduced to about 3 hectares on the draft OZP, which could only meet about 60% of total new Small House demand. In the long term, additional “V” zone should be designated and the “V” zone boundaries should be expanded to cover an area of 300 feet from the boundaries of the ‘VE’;
- (h) there was no Small House demand in Tin Liu as the figure had been included in Tai Ho San Tsuen. Given its unique historic background, a piece of flat land near Tin Liu and away from Tai Ho Stream should be designated as “V” zone to meet the Small House demand;
- (i) the 30m wide “CA” zone for riparian areas of Tai Ho Stream SSSI was too excessive, and contravened the commitment for compensation made by the Government in the designation of Tai Ho SSSI in 1999. He opposed the incorporation of private agricultural land into “SSSI” zone without compensation and considered it unacceptable to ask villagers to seek planning permission from the Board for carrying out agricultural activities and maintenance works in their own agricultural lot;

- (j) he opposed the designation of “CA” and “CPA” zones as the permitted uses under those zones were not clear. The villagers had doubts on whether the existing activities such as using backhoe or other machines for fishing activities were allowed; and
- (k) the “V” zone should be expanded to cover the private lots with building entitlement and compensate should be paid for areas designated for conservation zonings in Tai Ho.

R253 – Lam Chu

70. Mr Lam Chu made the following points:

- (a) there should be a licensing mechanism for the green groups in order to ensure that they had the professional qualification in providing comments for zoning proposals and would be responsible for the comments made;
- (b) they had all along requested the Government to provide two 800m-long public sewers connecting Tai Ho with Tung Chung in Mui Wo Rural Committee meetings. However, EPD replied that there was no plan to provide sewerage facility in the Area;
- (c) villagers had been living in Tai Ho for a long time and the Area had not been polluted. The clearance of mangroves was just to demonstrate villagers’ grievances on the DPA plan which had not taken into account their views;
- (d) the landscape of Tai Ho Wan had been adversely affected by the North Lantau Highway since 1997. It was noted that two of the three outfalls were blocked by sludge; and

- (e) he quoted examples in other cities where housing developments were provided along the mangroves. He urged the Government and green groups to work out a conservation cum development scheme for Tai Ho in collaboration with the villagers.

R693 – Kwok Wai Man, Raymond

71. Mr Kwok Wai Man, Raymond made the following points:

- (a) the livelihood of the villagers had not been taken into account in the preparation of the draft OZP. Although about 30% of the private land were still owned by the villagers, they had not been consulted on the zoning proposals;
- (b) some of the flat land area in Tai Ho could be used for public housing development so as to address the acute housing supply problem;
- (c) while sewerage treatment facilities were important for natural conservation, the Government failed to provide any sewerage treatment facilities in the Area. The streams were protected by the villagers mainly for farming activities; and
- (d) as the ecology at the estuary of Tai Ho Wan had been destroyed by the North Lantau Highway, the designation of “CPA” zone would not help conserve the coastal environment. Rather, it would impose restrictions on the villagers who were making a living by fishing or shell fishing.

R1059 – K.K. Cheung

72. Mr K.K. Cheung made the following points:

- (a) the need of the villagers had been ignored as only 2.8% of land was designated as “V” zone, including the existing village houses;
- (b) although 78% of land was designated as “GB” on the draft OZP, no proactive measure had been proposed for conservation. The existing practice to meet conservation objectives by merely freezing land uses was unsatisfactory;
- (c) the ecology and landscape of Tai Ho were destroyed by various government projects in North Lantau but was suffered by the local villagers. For example, the eco-system in the estuary of Tai Ho Wan was adversely affected by the siltation problem arising from Government’s infrastructure projects;
- (d) no land was zoned as “AGR” although farming activities were being carried out in the Area;
- (e) it was unreasonable for not designating a “V” zone for Tin Liu where people were living there; and
- (f) the draft OZP should be freezed before a workable conservation plan had been worked out. The Board should reconsider the planning of Tai Ho which was in a prominent location of North Lantau and might affect the image of Hong Kong.

R1060 – Cheung Chee Hung

73. Mr Cheung Chee Hung made the following pints:

- (a) there were only a few Small Houses built in the past decades in the Area. Most of the newly built village houses were rebuilding of the existing ones;

- (b) as the villagers had never intended to pollute the streams, it was unfair for the green groups to make the assumption that the future Small House developments would adversely affect the streams by making reference to the situations in other villages;
- (c) the villagers had requested DSD to provide a public sewer for the villages in the Area but in vain. There was a lack of coordination among various government departments;
- (d) the draft OZP was biased towards natural conservation. Although indigenous villagers had the right to build Small Houses, the boundary of the “V” zone in Pak Mong had not followed the ‘VE’; and the area was insufficient for Small House development. He had submitted application for Small House development for a long time but approval had not been granted yet. Besides, planning permission was required for new village house development in “GB” zone, and agricultural land had been included into “GB”/“CA” zones without compensation; and
- (e) the Board should reconsider the planning of the Area with consultation of the villagers.

[Mr. K.K. Cheung left the meeting at this point.]

R57 – Ho Ki

R598 – Lam Hing Kau

R1063/C2 – Sun Hung Kai Properties, Swire Properties Limited and Hong Kong Land

74. With the aid of a PowerPoint presentation, Messrs Ian Brownlee and Benson Poon made the following main points :



*The Planning Context*

- (a) they had been working on the conservation cum development proposal for Tai Ho since 1999. In the consideration of the representations and comments in relation to the draft Tai Ho DPA Plan No. DPA/I-TH/1 by the Board in 2014, Members agreed that the zoning and development proposals submitted by R197 (the same representers as R1063 on the draft OZP) could be further studied at the preparation of the OZP stage. R197 was not upheld as there were no detailed assessments to substantiate that the proposed development and “Comprehensive Development Area” zoning were in the least ecologically sensitive portion of the priority site under NNCP. In response to the comments of the Board, more detailed information was submitted in the current representation which confirmed that the western side of Tai Ho Valley (the western valley) was less ecologically sensitive and could be considered for development, which was in line with the NNCP and the Government’s latest intention to increase housing supply by Public-Private Partnership (PPP);
  
- (b) the proportionality test to determine the reasonableness and legitimacy of the planning restrictions as required under the Hysan Development Co. Ltd. and Others vs Town Planning Board (FACV 21/2015) court ruling had not been demonstrated in the draft OZP and no ecological assessment had been conducted by the Government to justify conservation of the western valley. The OZP’s designation of private land for conservation purpose at the least eco-sensitive location was fundamentally flawed;
  
- (c) Tai Ho should not be regarded as an enclave completely surrounded by country park, but should form part of the proposed North Lantau Corridor for economic and housing development under the 2017 Sustainable Lantau Blueprint. The draft OZP

should be forward-looking and explore the opportunity for housing development in Tai Ho;

*Reasons to Object to the OZP*

- (d) the designation of conservation zonings only prohibited incompatible development, but could not achieve conservation management nor safeguard against natural degradation and vandalism in particular on private land. As demonstrated in the Government's studies and the representers' ecological study, the western valley of Tai Ho was the least eco-sensitive area while most of the eco-sensitive features were concentrated in the eastern valley. Under the representers' proposal, the proposed developments were located in the western valley which was closer to villages and highway and had avoided the fung shui woodland. The most eco-sensitive locations in the eastern valley including Tai Ho Stream, its riparian zone and catchment areas were proposed as conservation area which, together with the "CPA" and "GB" zones and Tai Ho Wan, had included over 80% of concerned species records;
- (e) there had not been any successfully implementation of the PPP proposal but a number of Management Agreements (MAs) had been implemented in priority sites as they were faster to implement and more flexible for both Non-Government Organizations (NGOs) and private landowners. As the representers owned about 75% of the land in the eastern valley and were keen to cooperate with NGOs for conservation, the MA approach was an option for consideration;
- (f) the draft OZP had not fully utilized the planned infrastructure in the vicinity to address the acute housing supply problem nor support eco-tourism. The "V" zones with private land were

located close to eco-sensitive areas of Tai Ho Stream and were inadequate to meet the Small House demand of the indigenous villagers. In view of the above, the representatives' proposed zoning amendments could provide incentives for private land owners to consolidate land for housing development, village expansion as well as conservation at suitable locations through land exchange;

- (g) due to the lack of technical study or survey to demonstrate that the whole area was eco-sensitive and should be conserved, the OZP had not achieved a balanced conservation and development approach, which was an important objective under the NNCP. It also precluded any opportunities of planning gain;

*The Proposed Zoning Plan and Preliminary Scheme*

- (h) two conservation areas were proposed. 'Conservation Area A' in the western valley and zoned as "Open Space" for conservation of archaeological site with park and garden opened for public enjoyment. "Conservation Area B" was an expanded "CA" zone in the eastern valley to cover a wider area of the Tai Ho Stream catchment in addition to the 30-m wide riparian areas for managed conservation with eco-tourism elements;
- (i) three Village Expansion Areas (VEAs) were proposed for village development of Pak Mong, Ngau Kwu Long and Tai Ho San Tsuen, with a further expansion of the Ngau Kwu Long "V" zone;
- (j) four development sites in the less eco-sensitive area of the western valley were proposed for residential development. Among which, one site was proposed for "Residential (Group A)" zone for public housing development with a 5m-wide riparian buffer from Pak Mong Stream. Three sites were proposed for "Residential (Group B)" zone for private housing development. It was estimated that

about 10,462 flats (including 6,864 public flats and 3,598 private flats) as well as 212 village houses would be provided;

- (k) a new public road was proposed in the western valley for traffic access, emergency vehicular access (EVA) and underground public utility including sewerage and drainage facilities to support the proposed developments;

*Preliminary Technical Justifications*

- (l) the proposed development would not cause insurmountable visual and traffic impacts as it was compatible with the existing natural topography and the surrounding developments, and close to the existing and planned major highway and railway infrastructures. There would be no noise, air quality and sewerage impacts with mitigation measures adopted;
- (m) the proposal had adopted a conservation and development model similar to that in the Tung Chung Valley OZP, within which suitable scale of residential developments were allowed in selected locations along an EIS;
- (n) the Government had also rezoned a number of “GB” sites for residential developments in Ma Liu Shui, Tai Po and Po Lam/ Hang Hau areas. The proposed development in Tai Ho shared similar site characteristics to those areas including proximity to available infrastructure and MTR station, compatible development intensity and technically feasible;

*Planning Gains*

- (o) the proposal supported the Government’s housing supply policy by providing public and private housing flats, as well as addressing

the demand for village houses more reasonably with the provision of infrastructural facilities. The Board had the discretion to accept a smaller amount of housing development as it considered appropriate;

- (p) the proposal facilitated the implementation of the NNCP at Tai Ho under the MA approach to put in place conservation management and facilitate the development of an eco-heritage tourism hub; and
- (q) incentives could be provided for private land owners to consolidate land for development and conservation at suitable locations through land exchange, thus achieving a win-win-win situation for all stakeholders including the Government, villagers, green groups, private land owners, and the general public.

75. 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 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.

*Buffer Area between the “V” Zones and the Streams near Ngau Kwu Long and Pak Mong*

76. The Chairperson and some Members raised the following questions on designating “V” zones next to streams/watercourses at Ngau Kwu Long and Pak Mong that would eventually flow into Tai Ho Stream and Tai Ho Wan:

- (a) why the streams and their riparian areas near Ngau Kwu Long and Pak Mong were not zoned as “CA”;

- (b) whether the water quality of the streams would be affected by the construction and operation of future Small Houses in the vicinity; and
- (c) why the proposed “V” zones were located next to the streams without a buffer area in between to prevent domestic discharge and runoff from future village development.

77. In response, Ms Donna Y.P. Tam, DPO/SKIs, made the following points with the aid of some PowerPoint slides:

- (a) according to the information provided by AFCD, Tai Ho Stream was listed as an EIS and had supported a high diversity of freshwater and brackish-water fishes in Hong Kong. It had been designated as SSSI since 1999. As such, it was zoned as “SSSI” and its 30-m wide riparian areas were zoned as “CA”. As other streams/watercourses running through Tai Ho Valley were not EIS nor had high ecological value, they were not designated as “CA” zone. Notwithstanding that, those streams/watercourses had been included into “GB” zones with a general presumption against developments within the zone; and
- (b) there was sufficient control in the current administrative system to ensure that the construction and operation of Small House would not entail unacceptable impacts on the surrounding environment. In processing Small House applications, the Lands Department (LandsD) would consult relevant departments to ensure that all relevant standards and regulations were complied with.

78. In response, Ms C.Y. Ho, SNC/S, AFCD, made the following points:

- (a) in considering the extent of “CA” zones, the focus was to protect the Tai Ho Stream SSSI and its riparian areas. As the SSSI was within a river valley, there were a number of small tributaries, some seasonal in nature, that ran from the hillside into the main streams. As for the two streams which were of concern by some representers, the one at Pak Mong had undertaken some channelization before and the stream near Ngau Kwu Long was a watercourse adjoining some seasonal wet agricultural land. As these streams were not of high ecological value, they would not be proposed for inclusion in the “CA” zone; and
- (b) notwithstanding that, the two streams had been included in the “GB” zone. As AFCD would provide comment on each small house application in the adjoining ‘V’ zone, there was no strong basis for providing additional buffer zone along those streams.

79. In response to a Member’s question regarding the ecological importance of the streams near Pak Mong and Ngau Kwu Long, Mr Nip Hin Ming, Tony, R7, said that the water quality of the stream near Pak Mong was even better than Tai Ho Stream and rare fish species and migratory fish such as Ayu could be found in the stream. He had reservation on AFCD’s comment on the channelization of the stream near Pak Mong as only minor works had been carried out on the river banks. The stream near Ngau Kwu Long had a large volume of water with good quality. As those streams were ecologically and hydrologically connected with Tai Ho Stream SSSI and Tai Ho Wan, any pollution in the watercourse would adversely affect Tai Ho Stream and Tai Ho Wan and the ecological system. He suggested that the boundaries of the “V” zones near those two streams should be adjusted with a view to providing a buffer area between the “V” zones and the streams, while the total area of the “V” zones could remain unchanged.

80. A Member asked the views of the villagers regarding the proposed adjustment of the “V” zone boundaries to provide a buffer between the “V” zones and the streams near Ngau Kwu Long and Pak Mong. In response, Mr Ray Lam,

R16, said that the villagers would not oppose the proposal provided that the total area of the “V” zone was not reduced.

*Restrictions on Private Land within Conservation Zonings*

81. The Chairperson, the Vice-chairperson and some Members raised the following questions:

- (a) how many private land had been included in conservation zonings including “GB”, “CA”, “CPA” and “SSSI”, and how many of them were building lots;
- (b) whether house redevelopment was permitted in conservation zonings; and
- (c) whether the daily activities of the villagers such as farming, fishing and mooring of boats would be affected by the conservation zonings as claimed by some representers.

82. In response, Ms Donna Y.P. Tam, DPO/SKIs, made the following points with the aid of some PowerPoint slides:

- (a) most of the private land in Tai Ho were demised for agricultural purpose under Block Government lease, with only about 160 building lots which were largely covered by “V” zones. Some of the building lots were located in the southwestern part of Tai Ho San Tsuen and near the mature woodland at Pak Mong. Apart from the above, most of the vegetated slopes in Tai Ho were government land;
- (b) rebuilding of NTEH or replacement of existing domestic building by NTEH were always permitted within the “GB” zone. New house development in “GB” zone or house redevelopment in “CA” and



“CPA” zones required planning permission from the Board; and

- (c) existing agricultural activities, fishing and mooring of boats were always permitted within conservation zonings. Besides, ‘Agricultural Use’ was always permitted in “GB”, “CA” and “CPA” zones. There was also provision in the Notes of the draft OZP to allow application for ‘Agricultural Use’ in “SSSI” zone.

83. In response to a Member’s question regarding the concerns of the villagers on conservation zonings, Mr Ray Lam, R16, said that the designation of conservation zonings had infringed private land rights and adversely affect development potential. For example, planning permission was required for Small House developments in “GB” zone. A lot of agricultural lots were within the “SSSI” zone, where human activities were prohibited and planning permission was required for agricultural use in the zone. The land value would therefore be substantially affected.

#### *Small House Demand*

84. Two Members raised the following questions:

- (a) how the “V” zone was drawn up in relation to Small House demand and whether an incremental approach had been adopted in the designation of “V” zone; and
- (b) the number of Small Houses approved in the Area in the past years.

85. Ms Donna Y.P. Tam, DPO/SKIs, responded that the boundaries of the “V” zones had been drawn up around the existing village clusters taking into account a number of factors including the existing settlement pattern, ‘VE’, building lots, the number of outstanding Small House applications, Small House demand forecast, local topography and site characteristics, etc. An incremental approach had been adopted in the designation of “V” zones for Small House development with a view to

confining Small House development at suitable locations around the existing village clusters. Although the area of the “V” zone might not fully meet the total Small House demand, there were provisions for Small House applications outside the “V” zone and the Government might review the area of the “V” zone taking into account the future Small House applications. She did not have information on the number of Small House applications approved by LandsD in the past years at hand but could provide such information in consultation with LandsD after the meeting if required.

*Development Proposal by R1063*

86. Some Members raised the following questions:

- (a) the Government’s view on the development proposal;
- (b) whether the western valley was the least ecologically sensitive area as claimed by the representer and whether there was any guideline for determining zoning proposal according to the ecological value of an area;
- (c) whether the development proposal could still be proceeded if the proposed amendments to the draft OZP were not acceded to; and
- (d) the representers’ view on the possibility of reducing the development intensities, and whether the development proposal would be pursued if the draft OZP was not amended to meet their representations.

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

- (a) the proposal submitted by R1063 had yet to be accepted by relevant government departments. The Director of Environmental Protection considered that it was neither a PPP nor a MA scheme under the NNCP and the proposal did not conform with the agreed framework of the NNCP. In particular,

under the MA scheme there should only be agreements between NGOs and landowners/tenants over the management of the site without any element of development. Besides, the medium-density residential development would likely involve large scale vegetation clearance and would cause disturbance to the surrounding sensitive conservation area, which was not in line with the planning intention of the draft OZP. The Director of Agriculture, Fisheries and Conservation advised that there was insufficient information in the supplementary Ecological Review to allow an assessment of the ecological impact of the development proposal. The proposed development scale was excessive and undesirable from the nature conservation perspective. The Chief Town Planner/Urban Design and Landscape of PlanD considered the proposal incompatible with the existing rural character and significant visual and landscape impacts would be anticipated. The Commissioner for Transport also considered that there was insufficient information in the traffic and transport analysis to substantiate the development proposal;

- (b) while the conservation zonings were designated taking into account the ecological value of particular areas as advised by relevant government departments, there was no standard set of guidelines for such purpose. Recent advice received from AFCD did not state that the western valley was the least ecologically sensitive area in Tai Ho; and
- (c) in case the draft OZP was approved without amendment, the MA scheme proposed by R1063 could still be proceeded as it would not be affected by the statutory zonings. If the proposed development was not permitted under the OZP, the project proponent could submit an application for amendment to the approved OZP under s.12A of the Town Planning Ordinance for

consideration by the Board. Under the established practice, each development proposal would be considered based on the technical assessments received and the advice provided by relevant government departments.

88. Mr Elvis W.K. Au, Deputy Director (1), Environmental Protection Department (DD(1), EPD) supplemented that the NNCP introduced in 2004 included two schemes that were applicable to the Priority Sites for Enhanced Conservation, namely the PPP and the MA schemes. Under the PPP scheme, developments at an agreed scale would be allowed at the ecologically less sensitive portion of the priority sites provided that the developer undertook to conserve and manage the rest of the site that was ecologically more sensitive on a long-term basis. Under the MA scheme, funding support would be granted through the Environment and Conservation Fund to enable competent NGOs to enter into agreements with landowners for enhancing the conservation of the sites concerned. However, no element of development was allowed in the MA scheme. For the current development proposal submitted by R1063, it was neither a PPP nor MA scheme under the NNCP and did not conform with the agreed framework of the NNCP. AFCD also considered the development excessive and undesirable from a nature conservation perspective.

89. In response, Mr Ian Brownlee, representative of R1063, made the following points:

- (a) as the PPP approach could hardly be implemented, the MA scheme was proposed as an option for consideration and the developer might seek alternative funding for conservation management;
- (b) the plot ratio of the proposed developments could be reduced depending on what was considered appropriate by the Board; and
- (c) the proposed zoning amendments were submitted in response to

the Board's decision in 2014 regarding a representation from the same representers on the draft DPA plan in that the proposed development was not located in the least ecologically sensitive area. With the confirmation that the western valley was the least ecologically sensitive area, the Board should be able to make a decision to facilitate the proposed development at the current hearing. Subject to the Board's agreement on the zoning amendments, detailed technical assessments would be submitted to demonstrate technical feasibility of the proposed development.

#### *Conservation Value of Tai Ho*

90. A Member asked whether the Government had conducted ecological surveys regularly in Tai Ho and whether there was any change in the ecological condition as compared with the time when Tai Ho was identified as a Priority Site for Enhanced Conservation. In response, Ms C.Y. Ho, SNC/S, AFCD, said that AFCD would monitor the Tai Ho Stream SSSI two to three times every year to see if there was any change in the habitat conditions and whether there was illegal activities that might affect the SSSI. It was noted that there was no significant change in the SSSI over the years in terms of water quality and number of species recorded. Mr Elvis W.K. Au, DD(1), EPD, supplemented after Tai Ho was identified by ecological experts as a Priority Site under NNCP in 2004, its ecological value had been reaffirmed in various studies such as the EIA for the Expansion of Hong Kong International Airport into a Three-Runway System and the Strategic Environmental Assessment for Hong Kong 2030+.

#### *Infrastructure Provision in Tai Ho*

91. Some Members raised the following questions:
- (a) whether the Government had any programme to provide supporting infrastructure such as drainage and sewerage facilities in Tai Ho;

- (b) whether there was any follow-up action to clear the blockage of openings in the estuary of Tai Ho Wan as pointed out by some representers; and
- (c) the nature of the access proposed by the representers.

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

- (a) the representations received had been sent to relevant government departments for comment and consideration. For sewerage facilities, EPD advised that there was no programme for the provision of sewerage treatment facilities in the Area. In general, relevant works departments would keep in view the need for infrastructure provision taking into account the existing and planned population of the concerned area as well as the priority for resources allocation. Notwithstanding that, flexibility had been provided in the covering Notes of the draft OZP for carrying out public works coordinated or implemented by Government which were in general always permitted on land falling within the boundaries of the draft OZP;
- (b) complaint about the blockage of openings in Tai Ho Wan after the construction of the North Lantau Highways had not been received by PlanD before. The matter would be referred to relevant government departments for appropriate follow-up action; and
- (c) two access roads had been proposed by the representers, one was a vehicular access which also served as an EVA proposed by R1063 for the proposed residential development at the western valley, another was proposed by the villagers without detailed information.

*Collaboration among Stakeholders*

93. A Member asked whether there was any platform to facilitate discussion among the Government, green groups and private land owners with a view to working out a conservation proposal for the Area. In response, Mr Paul Zimmerman, representative of R4, said that the Government had done nothing in managing the Area even after it was identified as the third Priority Site for Enhanced Conservation under the NNCP in 2004. Given “V” zones had been designated for Small House development, the villagers would not have the incentive for discussion. He doubted whether a consensus could be reached easily. Mr Chiu Sein Tuck, R8, said that what they requested was not conservation management but the protection of the two streams near Ngau Kwu Long and Pak Mong by adjusting the boundaries of the “V” zones in order to provide a buffer area for the concerned streams while the total area of the “V” zones could be kept unchanged. Mr Nip Hin Ming, Tony, R7, by quoting a win-win-win case in Sha Lo Tung, said that the documents provided by R1063 were inadequate to justify the development proposal at this stage, and the conservation zonings on the draft OZP would not pose any restriction to the possible PPP or MA scheme through the collaboration of the Government, green groups and private land owners.

94. 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.

[Dr C.H. Hau, Friankie W.C. Yeung and Ms Winnie W.M. Ng left the meeting during the question and answer session.]

### Deliberation Session

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

#### *Development Proposal by R1063*

96. A Member said that in view of the high ecological value of the Area, any proposed development should be compatible with the surrounding environment without adverse impacts. Regarding the development proposal submitted by R1063, Members in general considered that the scale of the proposed development was excessive, and the proposal was not in line with the planning intention of the OZP, the Government's latest conservation policy as well as the Sustainable Lantau Blueprint. There was a lack of information to substantiate the development proposal and the technical assessments had yet to be accepted by relevant government departments. Should the development proposal be refined in future, there was provision for the project proponent to submit application for amendment to the OZP under section 12A of the Ordinance. Members in general agreed that the proposed development was undesirable from nature conservation perspective and the R1063's submission had not demonstrated that the proposal would not have adverse impacts on the surrounding environment.

#### *Buffer Area between the "V" Zones and the Streams near Ngau Kwu Long and Pak Mong*

97. Some Members considered that given the streams near Ngau Kwu Long and Pak Mong were connected with Tai Ho Stream SSSI, the boundaries of the "V" zones next to the streams should be adjusted with a view to providing a buffer area for the streams to prevent domestic discharge and runoff from affecting the ecology of the SSSI. The width of the buffer area could be less than that for Tai Ho Stream.

98. Some Members opined that it might be arbitrary to determine the width



of the buffer area without a detailed study. Meanwhile, under the established mechanisms for control on Small House development as well as construction and operation of septic tanks, the concerned government departments should ensure the compliance with relevant regulations and guidelines in order to protect the water quality of the concerned streams.

99. Mr Raymond K.W. Lee, the Director of Planning, said that in the plan-making process, conservation zonings for the streams and their riparian areas were designated taking into account the ecological value of the concerned areas as advised by AFCD. It was an established practice to cover the 30m-wide riparian areas of an EIS or SSSI by the “CA” zone. However, such designation had not been extended to other streams with less ecological value. In considering whether a buffer area should be provided for the two streams near Ngau Kwu Long and Pak Mong which were not EIS, the Board should consider whether there was sufficient justification, and if affirmative, the appropriate width of the buffer area.

100. The Vice-chairperson raised the concern that setting a buffer zone for streams which were not EIS would be inconsistent with the established practice and deviate from the approach adopted for other OZPs.

101. On balance, Members in general agreed that no buffer area should be provided for the two streams. However, the Meeting agreed to remind relevant departments to be cautious in processing Small House applications that might affect the water quality of the concerned streams.

102. Mr Thomas C.C. Chan, the Director of Lands, said that departmental circulation would be conducted when processing Small House applications. Should there be particular concern from the Board on the water quality of the streams near Ngau Kwu Long and Pak Mong, LandsD would take a cautious approach and relevant departments’ attention would be drawn to the sewerage and drainage issues in processing future Small House applications. In the construction stage, LandsD would closely monitor the construction works to ensure that the relevant requirements stipulated in the building license were complied with.

103. Regarding the blockage in the estuary of Tai Ho Wan caused by government projects, the Chairperson suggested and Members agreed to relay the issue to the relevant departments for follow-up action.

104. Members in general agreed with the general planning intention of the draft OZP to conserve the Area's outstanding natural landscape with unique scientific and ecological values, and considered the proposed control in relevant zones on the OZP appropriate.

105. After deliberation, the Board noted the supportive views of Representations No. **R1 (part) to R5 (part)** on the draft OZP. The Board also decided not to uphold the remaining views of Representations No. **R1 to R5** and the views of Representations No. **R6 to R1063** and considered that the draft OZP should not be amended to meet the representations for the following reasons.

*Planning Intention*

- (a) the general planning intention and designation of “Site of Special Scientific Interest” (“SSSI”), “Conservation Area” (“CA”), “Coastal Protection Area” (“CPA”), “Green Belt” (“GB”) and “Village Type Development” (“V”) zonings on the draft Outline Zoning Plan (OZP) have duly reflected the habitats of high ecological and scientific values in the Tai Ho Area (the Area), as well as landscape character, local topography and site characteristics. No large-scale development should be introduced in order to minimise encroachment onto the sensitive environment and to protect and enhance ecological conservation. Public housing and medium-density residential development are not in line with the planning intention of the Area. There is also no existing infrastructure to support any large-scale residential developments (**R10 to R1063**);

Conservation Zonings

- (b) the “SSSI” zone has duly reflected the boundary of the designated Tai Ho Stream SSSI. The 30m-wide buffer in “CA” zone is to better protect the ecologically important aquatic habitats of both sides of Tai Ho Stream SSSI. The “CPA” zone covers the existing natural coastal area with coastal vegetation, mudflat, rocky shore, and associated estuarine landscape. The “GB” zones generally cover agricultural land, hillslopes, natural vegetation including woodland and shrublands and watercourses in Tai Ho Valley. The designation of “GB” zone not only conserves the natural and landscape characters of the Area, but also provides a buffer between the village type developments, the natural surroundings and the Country Park. Under “GB” zone, ‘House is a Column 2 use which requires planning permission from the Town Planning Board (the Board). Moreover, activities such as diversion of streams, filling of land/pond or excavation of land in “SSSI”, “CPA”, “CA” and “GB” zones that may cause adverse impacts on the natural environment would require permission from the Board. The designation of conservation zonings on the OZP is considered appropriate taking into account all the relevant planning considerations (**R3, R5 to R8, R10 to R1063**);

Protection of Waterbodies and Their Riparian Zones

- (c) 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. Given that the watercourses are already included in “GB” zone with a presumption against development, further up-zoning to protect the watercourses may not be necessary. Each watercourses and its riparian area are different and the respective zoning should be considered on its own characters and circumstances (**R1 to R8**);

Zonings for Private Land

- (d) most private land within the “CPA”, “CA” and “GB” zones are agricultural lots and ‘Agricultural Use’ is always permitted on land in these zones. There is provision in the Notes of the draft OZP to allow for application in “SSSI” zone to the Board for ‘Agricultural Use’ **(R10 to R1061)**;
- (e) private land would not be resumed for nature conservation purpose per se according to the prevailing government policy. The development rights of the respective private land owners would, however, not be totally deprived as the land can be put to ‘always permitted uses’ and other uses as long as planning approval is obtained. The draft OZP would not in any way affect the owners’ right to assign or transfer the interests in their land; the designation of conservation zonings on the draft OZP would not contradict the Basic Law **(R10 to R1061)**;
- (f) the current conservation zonings, instead of “Agriculture” (“AGR”), for farmland are appropriate to preserve the existing natural landscape while facilitating agricultural activities. Moreover, within these conservation zonings, apart from agricultural uses, certain uses are always permitted and specified uses may be permitted upon approval by the Board **(R10 to R1061)**;

Designation of “V” Zone

- (g) the planning intention of the “V” zone is to designate both existing recognised villages and areas suitable for village expansion. The boundaries of the “V” zones for the villages are drawn up around existing house clusters having regard to ‘Village Environ’ (‘VE’), settlement pattern, building lots, local topography, site characteristics,

accessibility, outstanding Small House application, Small House demand forecast and concerned departmental advice. Environmentally and ecologically sensitive areas and steep topography have been excluded (**R1, R3 to R8, R10 to R1061 and R1063**);

- (h) the Small House demand forecast/landownership is only one of the various factors being considered in drawing up the “V” zone boundary and they are both subject to variations over time. Given the natural environment, its ecological and landscape values coupled with its potential natural terrain landslide hazards, it is appropriate to adopt an incremental approach for designation of “V” zone with an aim to confine Small House development at suitable locations. Each Country Park enclave should be considered on the circumstances and characteristic of individual areas (**R1, R10 to R1061 and R1063**);
- (i) the current extent of “V” zones has struck a balance between natural conservation and respecting the rights of indigenous villagers for SH development. Moreover, there are provisions to allow for application to the Board for development or redevelopment of Small House outside the “V” zone under the OZP (**R10 to R1061**);

*Control Stipulated in the Notes of the OZP*

- (j) the Notes for all zones generally follow the Master Schedules of Notes (MSN) including uses which may be considered by the Board under the planning application system. This allows flexibility for development proposals and the provision of different facilities that may be compatible with the surrounding area for public use or/and enjoyment. The current Notes and restriction stipulated on the OZP are considered appropriate. Each application would be considered by the Board based on its own merits taking account of the prevailing planning circumstances (**R5**);

- (k) diversion of stream, filling of land and/pond or excavation of land within “GB”, “CA” and “CPA” zones require planning permission from the Board. The current requirements are considered appropriate **(R5)**;
- (l) flexibility has been provided in the covering Notes of the Plan for public works coordinated and implemented by Government. There are administrative mechanisms to ensure that the environmental impacts of such works/temporary use/development would be properly addressed **(R5)**;
- (m) normal farming, fishing and mooring activities would not be affected by “CA” and “CPA” zonings, provided that such uses also conform to any other government requirements and any other relevant legislation, if applicable. No action is required to make the use of any land or building which was in existence immediately before the first publication in the Gazette of the notice of the draft Development Permission Area Plan conform to the draft OZP **(R10 to R1061)**;
- (n) the Notes of the conservation zones primarily follows the MSN. ‘House’ is a Column 2 use in “GB” zone while provision of ‘plant nursery’ and ‘amenity planting (other than by Government)’ in “SSSI”, “CPA” and “CA” zones require planning permission from the Board. The current control in relevant zones is considered appropriate **(R5)**;

“Destroy First, Build Later”

- (o) the Area is subject to the statutory planning control and provisions on enforcement under the Town Planning Ordinance. Any deliberate action to destroy the rural and natural environment would not gain sympathy from the Board. The Board has well established practice in dealing with “Destroy First, Build Later” cases **(R1 and R5)**;

*Provision of Transport and Infrastructure Facilities*

- (p) the need and timing of provision of infrastructure and government, institution or community facilities in the Area would depend on, inter alia, population, provision standards and resources availability in consultation with relevant government departments (**R10 to R1061 and R1063**);
  
- (q) according to the Notes of the OZP, geotechnical works, local public works, road works, sewerage works, drainage works, environmental improvement works, marine related facilities, waterworks (excluding works on service reservoir) and such other public works co-ordinated or implemented by Government are always permitted in the Area (**R10 to R1061 and R1063**);

*Development Proposal Submitted by R1063*

- (r) the proposed scale of development is excessive and undesirable from the nature conservation perspective and the proposal is neither a PPP scheme nor an MA scheme under the NNCP. The submission has not demonstrated that the proposal would have no adverse impacts on the surrounding environment (**R1063**); and

*Other*

- (s) in view of the nature and scale of the shrine, it is generally not practical to zone the site as “G/IC” in this small-scale plan. According to covering Notes of the draft OZP, maintenance or repair of shrine are always permitted in areas zoned “CPA” (**R10 to R1061**).

## **Procedural Matters**

### **Agenda Item 6**

[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 Sha Tin Outline Zoning Plan No. S/ST/33 to the Chief Executive in Council for Approval  
(TPB Paper No. 10352)

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[The item was conducted in Cantonese.]

106. The Secretary reported that 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 (STCSTW) and its supporting facilities to be operated 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. The following Members had declared interests on the item, for being associated/having business dealings with HKHA, DSD, CIC, AECOM Asia Company Limited (AECOM) (the consultant for the investigation, design and construction of STCSTW commissioned by DSD), Ove Arup & Partners Hong Kong Limited (Arup) (the consultant for the proposed public housing development commissioned by HKHA) and Hong Kong Sports Institute Limited (HKSIL)(C376), being members of the Hong Kong Jockey Club (HKJC) (C1) and the Hong Kong Racehorse Owners Association Limited (C6), or affiliated with Mr Paul Zimmerman, the co-founder and Chief Executive Officer of Designing Hong Kong Limited (R205) and Ms Mary Mulvihill (R207/C541), as well as owning property or family member owning property in Sha Tin:

Mr Raymond K.W. Lee - being a member of the Strategic



- (*as Director of Planning*) Planning Committee (SPC) and Building Committee of HKHA
- Mr Thomas C.C. Chan - being a member of HKHA  
(*as Director of Lands*)
- Mr Martin W.C. Kwan - being an alternate member for the  
(*as Chief Engineer (Works),* Director of Home Affairs who was a  
*Home Affairs Department*) member of SPC and Subsidized Housing Committee of HKHA
- Mr H.F. Leung - being a member of the Tender Committee of HKHA, an ordinary member of HKJC and member of a committee of CIC
- Mr Thomas O.S. Ho - having current business dealings with HKHA and past business dealings with AECOM, his firm having past business dealings with DSD, being an ordinary member of HKJC, and personally knowing Mr Paul Zimmerman
- Mr Patrick H.T. Lau - having current business dealings with HKHA, AECOM and Arup
- Ms Janice W.M. Lai - having current business dealings with HKHA, DSD, AECOM and Arup
- Dr C.H. Hau - having current business dealings with HKHA, DSD and AECOM, and applying for funding from HKJC

Charities Trust for his project

- Dr Lawrence W.C. Poon - family member living in Sha Tin and his spouse being a civil servant of the HD but not involved in planning work
- Mr Ivan C.S. Fu - having current business dealings with AECOM and Arup, past business dealings with HKHA, being an ordinary member of HKJC, and being a member of CIC and a member of the Construction Workers Registration Board of CIC
- Mr Stephen L.H. Liu - having past business dealings with HKHA and being an ordinary member of HKJC
- Mr Franklin Yu - having past business dealings with HKHA, AECOM and Arup
- Professor S.C. Wong (Vice-chairperson) - having current business dealings with AECOM and Arup, and being a Council Member of CIC
- Mr H.W. Cheung - being the past executive director of CIC and the Chairman of Zero Carbon Building of CIC, and a member of Private Columbaria Licensing Board
- 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

- Dr Lawrence K.C. Li - being a voting member of HKJC
  
- Dr Frankie W.C. Yeung - being a horse owner and an ordinary member of HKJC, and owning property in Sha Tin
  
- Mr Peter K.T. Yuen - being an ordinary member of HKJC and a member of the Board of Governors of the Hong Kong Arts Centre which had received a donation from HKJC before
  
- Mr David Y.T. Lui ]
- Miss Winnie W.M. Ng ]
- Mr Dominic K.K. Lam ] being an ordinary member of HKJC
- Mr Wilson Y.W. Fung ]
- Mr Philip S.L. Kan ]
  
- Mr Alex T.H. Lai - his firm having current business dealings with HKHA and Arup, and hiring Ms Mary Mulvihill on a contract basis from time to time, as well as being an ordinary member of HKJC and the Hong Kong Racehorse Owners Association Limited and a former horse owner
  
- Mr K.K. Cheung - his firm having current business

dealings with HKHA, Arup and HKSIL, and hiring Ms Mary Mulvihill on a contract basis from time to time, as well as being an ordinary member of HKJC

- Mr Stephen H.B. Yau - his organization having obtained support by HKJC on some projects
- Professor K.C. Chau - owning property in Sha Tin
- Ms Christina M. Lee - being an ordinary member of HKJC, her spouse owning property in Tai Wai, Sha Tin

107. Members noted that Professor K.C. Chau and Messer Stephen H.B. Yau and Thomas O.S. Ho had tendered apologies for being unable to attend the meeting and Messrs Patrick H.T. Lau, Ivan C.S. Fu, Stephen L.H. Liu, Franklin Yu, David Y.T. Lui, Wilson Y.W. Fung, and K.K. Cheung, Ms Christina M. Lee, Ms Janice W.M. Lai, Dr C.H. Hau, Dr Lawrence W.C. Poon, Dr Frankie W.C. Yeung and Miss Winnie W.M. Ng had already left the meeting. As the item was procedural in nature, Members agreed that the other Members who had declared interests in the item could stay in the meeting.

108. The Secretary briefly introduced the Paper. On 15.9.2017 and 22.9.2017, the Town Planning Board (the Board) conducted the hearing of the representations and comments and decided to amend the draft OZP to meet/partially meet Representations No. R1 (part), R2, R4, R5, R204, R207, R216, R359, R403, R438, R566, R588 and R748 to R1667 by reverting the zoning of the site at On Muk Street from “Residential (Group A) 6” back to “Open Space”. On 13.10.2017, the proposed amendment to the draft OZP to meet/partially meet the representations was exhibited for public inspection under section 6C(2) of the Town Planning Ordinance for three weeks until 3.11.2017. The consideration of the further representations, if

any, by the Board was tentatively scheduled for January 2018.

109. As there was inadequate time to submit the draft OZP to the Chief Executive in Council (CE in C) for approval within the 9-month statutory time limit (i.e. before 13.12.2017), it was necessary to seek the Chief Executive's (CE) agreement for an extension of the statutory time limit for six months to 13.6.2018 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.

110. 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 13.12.2017 to 13.6.2018.

#### **Agenda Item 7**

[Closed Meeting]

111. The item was recorded under confidential cover.

#### **Agenda Item 8**

[Open Meeting]

#### **Any Other Business**

[The item was conducted in Cantonese]

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