

**Minutes of 1178th Meeting of the
Town Planning Board held on 13.7.2018**

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

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Mr Stephen H.B. Yau

Dr F.C. Chan

Dr Frankie W.C. Yeung

Mr Peter K.T. Yuen

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

Mr Stanley T.S. Choi

Mr L.T. Kwok

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Professor Jonathan W.C. Wong

Mr Ricky W.Y. Yu

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

Assistant Director/Regional 1, Lands Department
Mr. Simon S.W. Wang

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

Chief Transport Engineer (New Territories East),
Transport Department
Mr Ricky W.K. Ho

Deputy Director of Planning/District
Miss Fiona S.Y. Lung

Secretary

Absent with Apologies

Mr David Y.T. Lui

Mr Philip S.L. Kan

Mr Thomas O.S. Ho

Dr Jeanne C.Y. Ng

Director of Planning

Mr Ivan M.K. Chung

In Attendance

Chief Town Planner/Town Planning Board

Ms April K.Y. Kun

Senior Town Planner/Town Planning Board

Mr Alex C.Y. Kiu

Opening Remarks

1. The Chairperson congratulated Ms Lilian S.K. Law for having been awarded The Medal of Honour on 1.7.2018.

Agenda Item 1

Confirmation of Minutes of the 1162nd Meeting held on 25.5.2018, the 1171st Meeting held on 21.6.2018 and the 1177th Meeting held on 22.6.2018

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

2. The draft minutes of the 1162nd, 1171st and 1177th meetings were sent to Members on 13.7.2018 and tabled at the meeting. Subject to no proposed amendment by Members on or before 16.7.2018, the minutes would be confirmed without amendment.

[Post-meeting Note : On 16.7.2018, the minutes of the 1162nd Meeting and the 1177th Meeting were confirmed, and the minutes of the 1171st Meeting were confirmed subject to the addition of the following sentence to the end of paragraph 41 :

“The road safety concern should be addressed at the detailed design stage.”]

Agenda Item 2

Matters Arising

(i) Town Planning Appeal Decision Received

Town Planning Appeal No. 9 of 2016

Proposed House (New Territories Exempted House – Small House) in “Agriculture” and “Village Type Development” zones, Lot 626 RP in D.D. 82, Lei Uk Tsuen, Ta Kwu Ling

Application No. A/NE-TKL/541

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

Declaration of Interests

3. The Secretary reported that Mr Alex T.H. Lai had declared interest on the item for his father owning 2 lots of land in Ping Che. As the item was to report on the decision on an appeal, Mr. Lai was allowed to stay in the meeting.

4. The Secretary reported that the subject appeal was against the Town Planning Board's (the Board's) decision to reject on review an application (No. A/NE-TKL/541) for a proposed house (New Territories Exempted House (NTEH) – Small House) at a site zoned "Agriculture" ("AGR") and "Village Type Development" ("V") on the Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP).

5. Members noted that the appeal was heard by the Appeal Board Panel (Town Planning) on 26.9.2017, and dismissed on 28.6.2018 as there was no merit in this appeal and all the grounds of appeal were not established. The Appeal Board's decision was summarized as follows :

Land available within the "V" zone for Small House development

- (a) the number of existing outstanding Small House applications, rather than the unverified 10-year demand forecast, was material to the consideration of whether there was shortage of land in meeting the demand for Small House development in the village. The Appellant failed to demonstrate that there was a general shortage of land in meeting the demand for Small House development within the "V" zone of Lei Uk Tsuen; and

Agricultural purpose

- (b) the site was largely situated on fallow arable land and surrounded by active agricultural land. Using the site for building Small House would destroy a well preserved piece of agricultural land.

(ii) **New Town Planning Appeal Received**

Town Planning Appeal No. 6 of 2018

Proposed Religious Institution (Temple) and Columbarium (within a Religious Institution) in “Green Belt” Zone, Lot No. 4 (Part) in D.D. Cheung Chau, Cheung Chau

Application No. A/I-CC/22

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

Declaration of Interests

6. The Secretary reported that the following Members had declared interests on the item for owning a flat in Cheung Chau or having business dealings with the applicant’s consultants, Ove Arup & Partners Hong Kong Limited (Arup) and AGC Design Limited (AGC) :

- | | | |
|---|---|--|
| Professor S.C. Wong
(Vice-chairperson) | - | being a traffic consultant and personally having current business dealings with Arup |
| Mr Lincoln L.H. Huang | - | being a shareholder and director of a company that owned a flat in Cheung Chau |
| Mr Ivan C.S. Fu | - | having current business dealings with Arup and AGC |
| Mr K.K. Cheung |] | their firm having current business dealings with Arup and AGC |
| Mr Alex T.H. Lai |] | |
| Mr Franklin Yu | - | having past business dealings with Arup |

7. As the item was to report on a new appeal received, the above Members were allowed to stay in the meeting.

8. The Secretary reported that a Notice of Appeal was received by the Appeal Board Panel (Town Planning) on 29.6.2018 against the decision of the Town Planning Board (the

Board) on 13.4.2018 to reject on review an application (No. A/I-CC/22) for proposed religious institution (temple) and columbarium (within a religious institution) at Lot No. 4 (Part) in D.D. Cheung Chau. The site was zoned “Green Belt” (“GB”) on the Cheung Chau Outline Zoning Plan (OZP). The application was rejected by the Board for the reasons that (a) the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone; (b) the proposed development did not comply with the Town Planning Board Guidelines No. 10 (TPB-PG No. 10) for ‘Application for Development within “GB” Zone under section 16 of the Town Planning Ordinance’ in that the applicant failed to demonstrate that the proposed development at the application site was essential and that no alternative sites were available; and (c) approval of the proposed development would set an undesirable precedent for similar applications within the “GB” zone on the OZP.

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

10. In association with the subject application, the Secretary also reported that the Board’s Secretariat received a letter dated 19.6.2018 from the appellant’s (Wong Wai Tsak Tong (WWTT)) representative, Arup, raising queries on the confirmed minutes of the 1168th meeting of the Board held on 13.4.2018 regarding the consideration of the subject s.17 review application. The letter and an extract of the relevant minutes were tabled at the meeting.

11. Arup claimed that the term ‘columbarium use’ in line 2 of paragraph 98(d) of the minutes had not accurately reflected its presentation, and should read ‘columbarium (within a religious institution or extension of existing columbarium only’ instead. Arup alleged that this had implications on the validity of the deliberation as recorded in paragraph 111 of the minutes. Members noted that the minutes were not a verbatim record of the meeting but a summary of the main points discussed at the meeting, and agreed that the minutes had sufficiently reflected Arup’s presentation and there was no need to amend the minutes.

12. Arup alleged that Members’ queries on the representation of WWTT in making the application were unsubstantiated as the applicant had submitted an authorization from WWTT in the application. Members noted that paragraph 110 of the minutes was a record

of the views expressed by Members during the deliberation. Whether the appellant agreed or disagreed with Members' views was a separate matter not related to the confirmed minutes.

(iii) **Updated Appeal Statistics**

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

13. The Secretary reported that as at 5.7.2018, eight appeals were yet to be heard and two appeals' decision was outstanding. Details of the appeal statistics were as follows :

Allowed	36
Dismissed	156
Abandoned/Withdrawn/Invalid	201
Yet to be Heard	8
Decision Outstanding	2
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Total	403

(iv) **Judicial Review Decision Received**

Judicial Review against the Decision of the Town Planning Board in respect of Applications No. A/FSS/237, A/FSS/238, A/FSS/239 and A/FSS/240 for Proposed Houses (New Territories Exempted Houses) in "Green Belt" and "Village Type Development" zones, Wo Hop Shek Village, Fanling (HCAL 236/2015)

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

14. The Secretary reported that on 2.12.2015, a judicial review (JR) application was lodged by Law Wai Fong (the Applicant) against the decision of the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) made on 4.9.2015 to approve applications No. A/FSS/237 to 240 for proposed House (New Territories Exempted Houses - Small Houses) in "Green Belt" and "Village Type Development" zones on the Fanling/Sheung Shui Outline Zoning Plan (OZP). The Applicant was one of the signatories of a public comment objecting to application No. A/FSS/239, and alleged that the Board failed to take into account and make necessary enquiries of the suspected criminality of the four subject Small House applications.

15. The leave application was heard by the Court of First Instance (CFI) on 7.9.2016. Members noted that the CFI refused to grant leave to the JR application on 8.6.2018 mainly on the grounds that (i) none of the Applicant's proposed grounds of JR, including abuse of discretion, irrational or unlawful decisions, breach of legitimate expectation and natural justice, and failure to satisfy the proportionality test, was reasonably arguable; (ii) the allegation of suspected criminality of specific underlying Small House applications was not a relevant planning consideration and the Board had no duty to make enquiries; and (iii) the Applicant lacked the necessary sufficient interest to bring the intended JR application as the public comment on suspected criminality was actually made by Designing Hong Kong Limited to the Board, not the Applicant. The Applicant had not appealed against the CFI's decision.

(v) [Confidential Item] [Closed Meeting]

16. The item was recorded under confidential cover.

[Dr Lawrence W.C. Poon left the meeting at this point.]

Tsuen Wan & West Kowloon District

Agenda Item 3

Consideration of Representations and Comment in respect of Draft Kwai Chung Outline Zoning Plan (OZP) No. S/KC/29

(TPB Paper No. 10445)

[Open Meeting (Presentation and Question Sessions only)]

[The meeting was conducted in Cantonese.]

Declaration of Interests

17. The Secretary reported that the representation sites (the Site) were related to proposed public housing development by the Hong Kong Housing Authority (HKHA), with the Housing Department (HD) as its executive arm. Ms Mary Mulvihill was a presenter (R2)/commenter (C1). The following Members had declared interests in the item :

- Mr Ivan M.K. Chung - being a member of the Strategic Planning
(as Director of Planning) Committee (SPC) and Building Committee of
HKHA
- Mr Martin W.C. Kwan - being an alternate member for the Director of
(as Chief Engineer (Works), Home Affairs who was a member of SPC and
Home Affairs Department) Subsidized Housing Committee of HKHA
- Mr Thomas O.S. Ho - having current business dealings with HKHA
- Mr Ivan C.S. Fu] having past business dealings with HKHA
Mr Stephen L.H. Liu]
Mr Franklin Yu]
- Dr Lawrence W.C. Poon - his spouse being a civil servant of HD but not
involved in planning work
- Mr K.K. Cheung] their firm having current business dealings with
Mr Alex T.H. Lai] HKHA, and hiring Ms. Mary Mulvihill (R2 and
] C1) on a contract basis from time to time
- Dr C.H. Hau - his institute having current business dealings with
HKHA
- Mr Daniel K.S. Lau - being the Director (Development & Marketing) of
Hong Kong Housing Society, which was currently
in discussion with HD on housing development
issues

18. Members noted that Mr Ivan M.K. Chung and Mr Thomas O.S. Ho had tendered apologies for not being able to attend the meeting, and Dr Lawrence W.C. Poon had left the meeting. As the interest of Mr Martin W.C. Kwan with HKHA/HD was considered direct, he was invited to leave the meeting temporarily for this item.

[Mr Martin W.C. Kwan temporarily left the meeting at this point.]

19. Since Mr K.K. Cheung, Dr C.H. Hau and Mr Alex T.H. Lai had no direct involvement in the subject public housing development; and the interests of Mr Ivan C.S. Fu, Mr Franklin Yu, Mr Stephen L.H. Liu and Mr Daniel K.S. Lau were not direct, they were allowed to stay at the meeting.

Presentation and Question Sessions

20. The following Government representatives and Representer No. R2/Commenter No. C1 were invited to the meeting :

Planning Department's (PlanD's) representatives

Ms Katy C.W. Fung - District Planning Officer/Tsuen Wan & West Kowloon (DPO/TWK), PlanD

Mr Stephen C.Y Chan - Senior Town Planner/Kwai Tsing (STP/KT), PlanD

Housing Department's (HD's) representatives

Mr William W.M. Chan - Senior Planning Officer/8 (SPO/8), HD

Ms Joyce C.Y. Wong - Architect/82 (A/82), HD

Representer/Commenter

R1/C2 – Mary Mulvihill

Ms Mary Mulvihill - Representer and commenter

21. The Chairperson extended a welcome to the Government representatives and the representer/commenter, and briefly explained the procedures of the hearing. To ensure the efficient operation of the meeting, the representer/commenter would be allotted 10 minutes each for making oral submission. There was a timer device to alert the

representer/commenter 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 the representer/commenter had completed her oral submission. Members could direct their questions to the Government's representatives or the representer/commenter. After the Q&A session, the representer/commenter would be invited to leave the meeting. The Town Planning Board (the Board) would deliberate on all the representations and comment in a closed meeting and would inform the representers and commenter of the Board's decision in due course. The Chairperson invited the Government's representatives to brief Members on the representations/comment.

22. With the aid of a PowerPoint presentation, Mr Stephen C.Y. Chan, STP/KT, PlanD, briefed Members on the representations and comment, including the background of the amendments, the grounds/views/proposal of the representers and commenter, planning assessments and PlanD's responses on the representations and comment as detailed in TPB Paper No. 10445 (the Paper).

23. The Chairperson then invited the representer/commenter to elaborate on her representation/comment in her written submissions.

24. With the aid of the visualizer, Ms Mary Mulvihill made the following main points :

- (a) people had equal rights to government, institution or community (G/IC) facilities as to housing;
- (b) many "G/IC" sites had been taken away from the community, and G/IC uses were stuffed into any forgotten space/unused corners of the district. This had an impact on the level of community services;
- (c) elderlies and children, in particular, had to compete with other users to gain access to their G/IC facilities in joint-user developments. The atmosphere was also not conducive to the relaxing environment that one would expect for properly planned elderly and childcare facilities on their own;

- (d) the Government was only focusing on housing need and put housing sites wherever there was land available, instead of evaluating what was the best use of a particular site to enhance the level of satisfaction of the community and the quality of life;
- (e) there was no standard of provision for elderly facilities in the Hong Kong Planning Standards and Guidelines (HKPSG). Kwai Chung had the oldest population in terms of median age of all New Towns, and had the highest proportion of elderlies. Elderly facilities were particularly underprovided for in the district;
- (f) the Site was suitable for development of elderly home and care facilities as it was a standalone site next to the police station and near the Central Kwai Chung Park. Most elderlies who would be admitted to the proposed elderly home at the Site would come from the nearby public housing estates, thereby freeing up their public housing units and there would be no net loss in flat supply. It would be a win-win situation;
- (g) the Education Department was not consulted on the possibility of releasing the nearby Vocational Training Centre (VTC) Kwai Chung Complex site for other uses, noting that VTC had three facilities in the district and a 4 hectare site in Cha Kwo Ling was recently reserved for VTC. VTC should also consider moving its numerous campuses in Hong Kong Island and Kowloon to the New Territories noting that some 55% of our population would be living in the New Territories by 2026;
- (h) there had also been discussions in the Kwai Tsing District Council (KTDC) to relocate the low-rise Food and Environment Hygiene Department (FEHD) Kwai Chung Depot adjoining the Site, say to unused space beneath highways. The Site could also be better developed together with the VTC and FEHD depot sites;

- (i) the consultation for the draft Kwai Chung OZP (the Plan) was not proper in that it did not examine alternative uses or consolidation of existing facilities; and
- (j) the Government should not continue to rezone “G/IC” sites for housing use, and the Board should look at the needs of the community as a whole rather than agreeing to the Plan.

25. As the presentations from the Government’s representatives and the representer/commenter had been completed, the meeting proceeded to the Q&A session. Members would raise questions and the Chairperson would invite the Government’s representatives or the representer/commenter 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.

26. The Chairperson and Members had the following questions :

- (a) the existing and designated uses of the Site;
- (b) elderly population and supply/demand of the existing elderly facilities in Kwai Chung;
- (c) progress on the formulation of population-based standards for provision of elderly facilities in the HKPSG;
- (d) details of the existing uses at the VTC and FEHD depot sites; development/redevelopment proposals of, and the possibility of housing development at the VTC site, the FEHD depot site and the carpark to the immediate east of the Site;
- (e) development parameters of the proposed public housing development at the Site;

- (f) the status of HD's proposal to use the existing drainage reserve (DR) to the south of the Site as passive recreation space; and
 - (g) the development programme of the footbridge system between the Site and the nearby housing estates shown on Plan H-3 of the Paper.
27. In response, Ms. Katy C.W. Fung, DPO/TWK, PlanD, made the following points :
- (a) the northern part of the Site had previously been used by the Highways Department (HyD) as a works area for the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL) for eight years and was currently vacant. Before that, this part of the Site had been used as a temporary carpark for four years;
 - (b) the southern part of the Site was currently used by the Drainage Services Department (DSD) as its Maintenance Depot and Works Area;
 - (c) the Site had never been designated for any particular G/IC use;
 - (d) according to the 2016 By-census, elderlies aged 65 and above accounted for 17% of Kwai Chung's population. The proportion would rise to 24% in 2024-2026 according to PlanD's projections. Both figures were slightly higher than the territorial average;
 - (e) there were five day care centres for the elderly and 13 elderly homes in Kwai Chung, including an elderly home and day care centre at the newly completed Kwai Tsui Estate across Kwai Chung Road. HD would incorporate a day care centre for the elderly and a child care centre in the proposed public housing development at the Site;
 - (f) currently, there was no population-based standard for provision of elderly facilities in the HKPSG. To that end, the Labour and Welfare Bureau (LWB) was working with concerned departments, including PlanD, to formulate such standards;

- (g) the Education Bureau (EDB) had been consulted on and had no objection to the Plan. EDB had not requested any expansion/consolidation of VTC's campuses in Kwai Chung;
- (h) the VTC Kwai Chung Complex was offering courses on business administration, applied science and engineering;
- (i) whilst she had no handy information about the number/types of vehicles parked at the FEHD depot site and the total number/distribution of FEHD depots in the territory, FEHD had not indicated its intention to release the site, which was used for cleaning, maintenance and parking of its vehicles serving the Kwai Chung area;
- (j) there were shortfalls in parking provision in many parts of Kwai Chung. According to PlanD's on-site observation, the fee-paying carpark to the immediate east of the Site was over 80% utilized even during the off-peak hours. Therefore, the carpark would be retained at this stage to serve the neighbourhood;
- (k) the number of units and population of the proposed public housing development at the Site had been slightly revised upwards from 650 units/1,600 persons at the stage the Metro Planning Committee considered the OZP amendments to the current 700 units/1,800 persons while HD generally assumed an average persons per flat of about 2.8. She understood that the technical assessments had catered for this minor increase in population; and
- (l) the footbridge system shown on Plan H-3 was intended to link up the Site and the nearby housing estates, viz. the recently completed Kwai Tsui Estate and the Lai Cho Road public housing development under construction. The footbridge system was scheduled to be completed together with the proposed public housing development at the Site tentatively in 2023.

28. Mr William W.M. Chan, SPO/8, HD, supplemented the following points :
- (a) whilst HD would strive to maximize the use of land made available to it for public housing development, and welcome any future offer to allocate the VTC and FEHD depot sites to it for public housing development, the focus of the present hearing should be on public housing development at the Site;
 - (b) the proposed public housing at the Site was still at the preliminary design stage and the flat mix had yet to be finalized. The average flat size was assumed to be about 40 m²;
 - (c) DSD had no in-principle objection for HD to use the existing DR to the south of the Site for passive recreation development. HD was liaising with DSD on the details; and
 - (d) HKHA had approved the works for the development of the footbridge system together with the proposed public housing development at the Site.

29. Noting that the hearing was about the rezoning of a “G/IC” site for housing development, a Member asked the number and area of “G/IC” zones in Kwai Chung. In response, Ms. Katy C.W. Fung advised that there were about 57 “G/IC” zones on the Kwai Chung OZP with a total area of about 118.84 hectares.

30. A Member enquired as to whether there was any other undesignated “G/IC” site in Kwai Chung that could be put into standalone G/IC development should the need arise. Ms. Katy C.W. Fung responded that there was currently no other undesignated “G/IC” site in the area. Should the need for standalone G/IC development arise, a site search would be conducted. That said, Kwai Chung lacked flat land for development and any standalone G/IC development might have to be located in the adjoining districts instead. PlanD would proactively consult concerned departments, notably the Social Welfare Department (SWD), on the need to incorporate G/IC facilities, particularly social welfare facilities, in major new developments in the district. Many social facilities only required floorspace within a development rather than a standalone site for development.

31. The Chairperson remarked that site search was an on-going/evolving process, and the Administration would not rule out any future proposal say, to redevelop the FEHD depot site for joint-user development.

32. As Members had no further question to raise, the Chairperson said that the hearing of oral submission had been completed. The Board would deliberate on the representations in the absence of the representers and would inform them of the Board's decision in due course.

33. The Chairperson thanked the representer/commenter, and PlanD's and HD's representatives for attending the hearing. They all left the meeting at this point.

[The meeting was adjourned for a 10-minute break.]

Deliberation Session

[Closed Meeting]

34. Members who had not attended the majority part of the Presentation and Question Sessions were reminded to refrain from participating in the deliberation.

35. The Chairperson remarked that rezoning "G/IC" site for residential use, as in the present case, was often a difficult choice for the Board. While members of the community would not wish to give up a G/IC site too easily, according to DPO/TWK, there was no shortfall in G/IC provision in Kwai Chung for population-based facilities. The Site had also remained undesignated for years and no department expressed any interest to take it up for development of G/IC facilities. Whilst the Board would wish to facilitate the provision of more elderly facilities serving the aging population, the Board was told that there was no plan/programme for the development of a standalone elderly facility in the area. On the other hand, the Site could readily be put into public housing use, which had a concrete development programme, to address the present acute housing shortage. Members were invited to express their views on the points raised in the hearing.

Suitability of the Site for Housing Use

36. Some Members noticed that the Site was a logical extension of the nearby housing estates. Kwai Chung was not merely a district with an ageing population, but also a community with serious subdivision of flats. Public housing development at the Site could relieve the pressure for further subdivision of flats in the district. A Member pointed out that the Site had been underutilized for years and was largely vacant at the moment. If the Board were to amend the Plan, say to include the rezoning of the adjoining VTC and FEHD depot sites, the Site would remain underutilized for another few years. Noting the acute shortage of urban land and the proximity of the Site to the Kwai Fong Mass Transit Railway (MTR) Station, it would be a serious waste of resources to leave the Site idling. Another Member pointed out that further consultation on alternative uses of the Site would delay the proposed public housing development which was already in an advance stage.

G/IC Facilities

37. A Member considered that the Site might not be the best location for a standalone elderly home given Kwai Chung's high density setting. As elderlies staying in elderly homes generally had little mobility/transport needs, elderly homes could be located in relatively remote areas in a lower density and more open/scenic setting. A Member also advised that the latest elderly policy was 'Ageing in Place', and standalone elderly home developments were not the sole or preferred solution to help the elderlies. Another Member noted that the 'Ageing in Place' policy might be difficult to implement considering the territory's ageing building stock and decreasing flat size.

38. A Member remarked that even if the Board agreed to develop the Site into a standalone multi-storey elderly facility, it might take a very long time to materialize the proposal since the Government had no development programme for it.

39. While agreeing with HD's proposal to include elderly day care centre in the proposed public housing development to address the estate's elderly needs, a Member suggested that an integrated family service centre might be preferable to the proposed child care centre to minimize any feeling of loneliness in the elderlies using the day care centre. Some Members further proposed to allocate some floorspace in the proposed development

for social innovation and entrepreneurship (SIE) development and/or non-government organizations (NGOs) serving the district.

40. The Chairperson responded that the Development Bureau (DEVB) was studying a number of measures to encourage the revitalization of industrial buildings, and one of the proposals under consideration was to incentivize the redevelopment of old industrial buildings and in return ask for the provision of floorspace to support worthy causes. It might be less appropriate to provide such floorspace in public housing developments, the priority of which should be on housing. As regards the suggestion to allocate floorspace to NGOs, HD would discuss with SWD on the type of social facilities to be provided in the proposed public housing development at the detailed design stage.

41. A Member also cautioned that HD's major role was public housing development and could not be expected to expand the scope of the proposed estate in an unlimited manner to incorporate a multitude of G/IC facilities unrelated to housing.

VTC Kwai Chung Complex and FEHD Kwai Chung Depot Sites

42. With regard to the VTC and FEHD depot sites mentioned by representer No. R2, a Member expressed concern that these two sites could not be better utilized.

43. The Chairperson advised that DEVB was looking into a new mechanism to take forward joint-user developments. There would be a briefing to the Board after the mechanism was finalized.

[Mr Alex T.H. Lai, Mr Stanley T.S. Choi and Mr. Ricky W.Y. Yu left the meeting during the deliberation session.]

Information to Enable the Board to make a Decision

44. Some Members, while supporting public housing development at the Site, requested more information, say territorial demand for elderly facilities, to enable the Board to make a decision on the representations.

45. In response, the Chairperson clarified that the present hearing was not to assess the territory-wide surplus/deficit in G/IC provisions. Rather, it was a proposal-specific decision that the Board was required to make, in this case, whether the Site should be rezoned from “G/IC” (and “V”) to “R(A)2”. This was analogous to a s.12A rezoning application whereby the Board/Planning Committee would have to decide whether the proposal put forward by the applicant was justified based on the information submitted/available. A Member echoed that the hearing session on OZP amendments might not be an appropriate forum to discuss wider territorial G/IC provision issues.

46. Members generally supported the “Residential (Group A) 2” (“R(A)2”) zoning of the Site, and considered that the Plan should not be amended to meet Representation No. R2.

Conclusion

47. After deliberation, the Board noted the supportive views of R1. The Board also decided not to uphold R2 and considered that the Plan should not be amended to meet the representation for the following reason :

“(a) The provision of open space and government, institution and community facilities was generally sufficient to meet the demand of the planned population in the Kwai Chung area in accordance with the requirements of the Hong Kong Planning Standards and Guidelines. Social welfare facilities including day care centre for the elderly and child care centre have been planned at the proposed housing sites. The Housing Department would further liaise with the Social Welfare Department on the proper integration of these facilities in the housing development at detailed design stage.”

[Mr. Daniel K.S. Lau left the meeting at this point.]

Agenda Item 4

Request for Deferment of Review of Application No. A/K5/793

Proposed Hotel in “Residential (Group A) 8” Zone, 452 Castle Peak Road, Cheung Sha Wan, Kowloon

(TPB Paper No. 10437)

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

Declaration of Interests

48. The Secretary reported that Dr Chan Fuk Cheung had declared interest in the item for solely and jointly owning with his spouse flats in Sham Shui Po.

49. Members agreed that as the concerned properties of Dr Chan had no direct view of the application site, his interest was considered indirect and he could stay in the meeting.

50. The Board noted that the applicant’s representative requested on 6.7.2018 deferment of the consideration of the review application for two months so as to allow time for preparation of further information (FI) and to address departmental comments. This was the first time that the applicant requested deferment of the review application.

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

[Professor John C.Y. Ng left the meeting at this point.]

Agenda Item 5

Request for Deferment of Review of Application No. A/TY/134

Proposed Temporary Concrete Batching Plant for a Period of 5 Years in “Other Specified Uses” annotated “Boatyard and Marine-oriented Industrial Uses” Zone, Tsing Yi Town Lots 14 and 15 and Adjoining Government Land, Tam Kon Shan Road, Tsing Yi, New Territories (TPB Paper No. 10439)

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

Declaration of Interests

52. The Secretary reported that Mr Thomas O.S. Ho had declared interest in the item for his firm was involving in concrete business, and having past business dealings with BMT Asia Pacific Ltd. (BMT), the applicant’s consultant.

53. Members noted that Mr Thomas O.S. Ho had tendered apologies for not being able to attend the meeting.

54. The Board noted that the applicant’s representative requested on 6.7.2018 deferment of the consideration of the review application for two months so as to allow time for preparation of further information (FI) to address departmental comments. This was the first time that the applicant requested deferment of the review application.

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

Sha Tin, Tai Po and North District

Agenda Item 6

Review of Application No. A/NE-LT/631

Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone,
Lot 748 S.A in D.D. 19, Chung Uk Village, Lam Tsuen, Tai Po

(TPB Paper No. 10440)

[Open Meeting (Presentation and Question Sessions only)]

[The meeting was conducted in Cantonese.]

Declaration of Interests

56. The Secretary reported that Mr Daniel K.S. Lau had declared interest in the item for the applicant being a relative of his spouse. Members noted that Mr. Lau had already left the meeting.

Presentation and Question Sessions

57. The following representative from the Planning Department (PlanD) and the applicant were invited to the meeting :

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

Mr Derek Cheuk Ming Chung - Applicant

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

59. With the aid of a PowerPoint presentation, Ms Jessica H.F. Chu 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 Board, departmental and public comments, and planning considerations and assessments as detailed in TPB Paper No. 10440 (the Paper).

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

60. The Chairperson then invited the applicant to elaborate on the review application.

61. Mr. Derek Cheuk Ming Chung made the following points :

Availability of Land within Chung Uk Tsuen for Small House Development

- (a) the Home Affairs Department (HAD) could clearly define those areas belonging to Chung Uk Tsuen. There was no reason why PlanD could not;
- (b) cross-village small house applications would be met with objections from other villages;
- (c) it was unfair, unreasonable and not scientific to group all four villages (i.e. Chung Uk Tsuen, Fong Ma Po, Tong Min Tsuen and San Uk Tsai) together for assessing land available for Small House development;
- (d) with reference to Plans R-2a and R-2b of the Paper, PlanD had included the vehicle parking area to the northeast of the Tsz Tong into land available for small house development. The said area was a piece of '*fung shui*' land needed for holding festive events of villagers, which also served as emergency vehicular access, and therefore not available for small house development. Villagers would be delighted if the vehicle park could be used for building small houses, though Lam Kam Road would be seriously congested during emergency situations;
- (e) PlanD should liaise with the Lands Department (LandsD), the Fire Services Department (FSD), the Police and the Village Representatives (VRs) to come up with realistic estimates of land available for small house development;

Water Gathering Ground (WGG)

- (f) the Site was located in upper indirect WGG. The term ‘indirect WGG’ was not mentioned in the Environmental Protection Department’s (EPD’s) ‘Technical Memorandum Standards for Effluents Discharged into Drainage and Sewerage Systems, Inland and Coastal Waters’ or the Board’s ‘Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories’ (Interim Criteria). He queried the legality of this term;
- (g) according to the Town Planning Appeal No. 6 of 2007 related to application No. A/NE-LT/365, the Water Supplies Department (WSD) stated that a separation of 100 feet (30m) of the properly constructed and maintained septic tank system from rivers and streams would normally offer sufficient protection to water quality of the rivers and streams. The Site was more than 300m from the She Shan River;
- (h) WSD designated WGG to protect surface waters i.e. rivers and streams, not underground water. Septic tanks, located underground, would not pollute surface waters;
- (i) he would design, construct, use, maintain and repair the proposed septic tank system in accordance with EPD’s ‘Guidance Notes on Discharges from Village House’;
- (j) as a local villager, he was concerned about the environment and the village’s hygiene conditions more than any other person;

Agricultural Use at the Application Site (the Site)

- (k) the Site had not been used for agriculture for over 20 years;
- (l) the Site was located within WGG, and use of chemical fertilizers/pesticides would need the Water Supplies Department’s (WSD’s) prior approval.

Hence, it was unrealistic for the Agriculture, Fisheries and Conservation Department (AFCD) to expect rehabilitation of agricultural use at the Site; and

- (m) mushroom farming, as suggested by AFCD, which required shades and a lot of sawdust, was wasteful of land resources and unrealistic.

62. Mr. Derek Cheuk Ming Chung alleged that areas in the vicinity of the Site were being destroyed by developers, while individual villagers were unfairly barred from building a small house. He requested the Board's sympathetic consideration to approve the application.

63. As the presentation from DPO/STN, PlanD and the applicant's representative had been completed, the Chairperson invited questions from Members.

[Dr Lawrence K.C. Li left the meeting at this point.]

Destruction of the Environment by Developers

64. In response to a Members' enquiry on planning enforcement record of the Site, Ms Jessica H.F. Chu advised that the Site and its immediate vicinity were not subject to any previous or current enforcement action. However, she advised that an area to the further east and south of the Site was the subject of two rejected s.12A applications in 1998 and 2000 to rezone the site from "Agriculture" ("AGR") to "Comprehensive Development Area" for residential development, and a rejected s.16 application in 2004 for temporary open storage use. While the Planning Authority was investigating into suspected unauthorized development (earthworks) at the said area, it was noted that the Buildings Department had issued a Dangerous Hillside Order to the owners of the area. The works at the said area observed by the Applicant could be related to the Dangerous Hillside Order.

Town Planning Appeal No. 6 of 2007

65. The Chairperson and a Member enquired into the Appeal mentioned by the Applicant. Ms Jessica H.F. Chu said that the Appeal was dismissed by the Appeal Board.

She further clarified that WSD objected to the appeal case during the appeal hearing, and the Applicant merely singled out a statement in the judgement to support the current application. The statement was made by WSD's engineer under the premise that septic tank was acceptable to the Water Authority. The Site, on the contrary, was located within WGG where septic tank was not acceptable to the Water Authority. WSD would raise no objection to planning applications in WGG if and only if the proposed development could be connected to the existing or planned sewerage system in the area.

66. A Member enquired how the Applicant could address departmental requirements noting their objections to the application. Mr. Derek Cheuk Ming Chung responded that he would hire competent persons to make submissions to fulfil the departmental requirements. He re-iterated that he would design, construct, use, maintain and repair the proposed septic tank system in accordance with EPD's "Guidance Notes on Discharges from Village House".

Availability of Land within Chung Uk Tsuen for Small House Development

67. While it was set out in the Paper that about 3.22 hectares (equivalent to about 128 small house sites) of land was available within the combined village environ (VE) of the four villages, a Member enquired about the availability of suitable site(s) solely within Chung Uk Tsuen for small house development. With the aid of a Powerpoint slide, Ms Jessica H.F. Chu advised that PlanD had identified about 1.46 hectare of vacant land (equivalent to about 58 small house sites, 0.84 hectare of which was government land (GL)) in Chung Uk Tsuen which could be developed for small house use, while the outstanding small house applications of Chung Uk Tsuen was 12. If an indigenous villager did not have any land holding, he could apply to LandsD for a grant of the GL for small house development.

68. Mr. Derek Cheuk Ming Chung re-iterated that PlanD's calculation had included a vehicle parking area for holding festive events. He was also unable to acquire other private land for his small house development. He further pointed out that vacant land on the eastern side of Lam Kam Road was slopes with gas pipes underneath.

69. In response to another Member's query, Ms Jessica H.F. Chu re-iterated that 1.46 hectares of land in Chung Uk Tsuen was identified by PlanD, while land ownership pattern was not a material consideration as it could be subject to change. PlanD had adopted the assumption of 40 houses per hectare in the calculation, which represented about 25% site coverage only. She advised that '*fung shui*' advised by LandsD had already been discounted.

Rehabilitation of the Site for Agricultural Use

70. A Member cast doubt on AFCD's comments regarding rehabilitation of the Site for agricultural use. In response, Ms Jessica H.F. Chu pointed out that mushroom farming was a suggestion, rather than a restriction on the type of agricultural practice at the Site. While pesticides were forbidden, certain types of fertilizers could be used subject to prior approval from WSD. There were active agricultural activities in the WGG of Lam Tsuen.

71. Mr. Derek Cheuk Ming Chung alleged that farmers in Lam Tsuen were probably violating the law as it was next to impossible not to use pesticides and fertilizers for farming. Members noted that the allegation was the Applicant's suspicion only.

72. As Members had no further question to raise, 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. The Chairperson thanked DPO/STN, PlanD and the applicant for attending the meeting, and they left the meeting at this point.

Deliberation Session

73. The Chairperson said that the application was rejected by the Rural and New Town Planning Committee (RNTPC) on three reasons as stipulated in paragraph 1.2 of the Paper. She asked Members to consider whether the RNTPC's rejection reasons were proper or if the RNTPC had missed out any important considerations.

74. A Member considered the rejection reason of 'not in line with the planning intention of the "AGR" zone' not convincing as AFCD's comments were vague and general

in nature. He was impressed by the Applicant's response (such as the septic tank system, water pollution by fertilizer/pesticide, etc.) to the rejection reasons. He was inclined to approve the application.

75. Another Member advised that rehabilitation of agricultural use at the Site was not as difficult as the Applicant claimed since certain types of fertilizer/pesticide were approved by WSD for use in WGG. He considered that rejection reason (a) was not unreasonable. He further pointed out that it would be very difficult to address the effluent discharge issue i.e. EPD's and WSD's objections given that the Site could not be connected to the existing sewerage system across Lam Kam Road, and septic tanks in WGG were not acceptable to the departments concerned.

76. A Member, while agreeing with the RNTPC's decision to reject the application, cautioned that the Applicant was casting doubt on PlanD's estimates on availability of land for small house development. To that end, this Member considered that even if there was over-estimation as the Applicant alleged, the 12 outstanding small house applications in Chung Uk Tsuen was far less than the availability of land for 58 small houses as identified by PlanD.

77. After deliberation, the Board decided to reject the application and the reasons were as follows :

- “(a) the proposed Small House development is not in line with the planning intention of the “Agriculture” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the current submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that the applicant fails to demonstrate that the proposed development located within WGG would be able to be connected

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

Agenda Item 8

Request for Deferment of Review of Application No. A/NE-KLH/544

Proposed House (New Territories Exempted House - Small House) in "Agriculture" Zone, Lot 521 S.A in D.D. 9, Yuen Leng Village, Tai Po

(TPB Paper No. 10442)

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

82. The Board noted that the applicant's representative requested on 4.7.2018 deferment of the consideration of the review application for eight weeks so as to allow time for preparation of further information (FI). This was the first time that the applicant requested deferment of the review application.

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

Agenda Item 9

Request for Deferment of Review of Application No. A/NE-LT/626

Proposed House (New Territories Exempted House – Small House) in “Agriculture” Zone,
Government Land in D.D. 19, Chuen Shui Tseng Village, Lam Tsuen, Tai Po
(TPB Paper No. 10444)

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

84. The Board noted that the applicant’s representative requested on 20.6.2018 deferment of the consideration of the review application for two months in order to allow time for preparation of further information (FI). This was the first time that the applicant requested deferment of the review application.

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

Procedural Matters

Agenda Item 10

Information Note and Hearing Arrangement for Consideration of Representations and
Comments on the Draft Ma Tau Kok Outline Zoning Plan No. S/K10/23
(TPB Paper No. 10446)

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

Declaration of Interests

86. The Secretary reported that one of the representation sites was related to proposed public housing development by the Hong Kong Housing Authority (HKHA) with the

Housing Department (HD) as its executive arm. Ms Mary Mulvihill was a representer (R2)/commenter (C142). The following Members had declared interests on the item for being associated/having business dealings with HKHA or the representer/commenter :

- | | |
|--|--|
| Mr Ivan M.K. Chung
<i>(as Director of Planning)</i> | - being a member of the Strategic Planning Committee (SPC) and Building Committee of HKHA |
| Mr Martin W.C. Kwan
<i>(as Chief Engineer (Works),
Home Affairs Department)</i> | - being an alternate member for the Director of Home Affairs who was a member of SPC and Subsidized Housing Committee of HKHA |
| Mr Ivan C.S. Fu |] having past business dealings with HKHA |
| Mr Stephen L.H. Liu |] |
| Mr Franklin Yu |] |
| Dr Lawrence W.C. Poon | - his spouse being a civil servant of HD but not involved in planning work |
| Mr K.K. Cheung |] their firm having current business dealings with |
| Mr Alex T.H. Lai |] HKHA, and hiring Ms. Mary Mulvihill (R2 and C142) on a contract basis from time to time |
| Dr C.H. Hau | - his institute having current business dealings with HKHA |
| Mr Thomas O.S. Ho | - having current business dealings with HKHA |
| Mr Daniel K.S. Lau | - being the Director (Development & Marketing) of Hong Kong Housing Society, which was currently in discussion with HD on housing development issues |

87. Members noted that Mr Ivan M.K. Chung and Mr Thomas O.S. Ho had tendered apologies for not being able to attend the meeting, and Dr Lawrence W.C. Poon, Mr Alex T.H. Lai and Mr Daniel K.S. Lau had already left the meeting. As the item was procedural in nature, the other Members were allowed to stay in the meeting.

88. The Secretary briefly introduced the TPB Paper No. 10446 (the Paper). On 9.3.2018, the draft Ma Tau Kok Outline Zoning Plan (OZP) No. S/K10/23 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 6 valid representations and 142 valid comments on the representations were received.

89. Since most of the representations and comments were of similar nature, the representations and comments should be considered collectively by the full Board in one group. The hearing could be accommodated in the Board's regular meeting and a separate hearing session would not be necessary.

90. To ensure the efficiency of the hearing, a maximum of 10 minutes' presentation time would be allotted to each representer/commenter in the hearing session. Consideration of the representations by the full Board was tentatively scheduled for September 2018.

91. After deliberation, the Board agreed that :

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

Agenda Item 11

Submission of Draft Hung Shui Kiu and Ha Tsuen Outline Zoning Plan (OZP) No. S/HSK/1A, Draft Lau Fau Shan & Tsim Bei Tsui OZP No. S/YL-LFS/8A, Draft Ping Shan OZP No. S/YL-PS/17A, Draft Tin Shui Wai OZP No. S/TSW/13A, Draft Lam Tei and Yick Yuen OZP No. S/TM-LTY/9A and Draft Ha Tsuen Fringe OZP No. S/YL-HTF/11A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for approval (TPB Paper No. 10450)

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

Declaration of Interests

92. The Secretary reported that the draft Hung Shui Kiu and Ha Tsuen Outline Zoning Plan (HSK OZP) No. S/HSK/1 involved zoning of sites for proposed public housing development by the Hong Kong Housing Authority (HKHA) with the Housing Department (HD) as its executive arm, and AECOM Asia Company Limited (AECOM) was the consultant of the HSK New Development Area (NDA) Study. The following Members had declared interests on the item, for being associated/having business dealings with HD/HKHA, AECOM, Masterplan Limited (Masterplan) (R1), Mass Transit Railway Corporation Ltd. (MTRCL) (R14), or affiliated with the World Wide Fund for Nature Hong Kong (WWF-HK) (R8), the co-founder and Chief Executive Officer of Designing Hong Kong Limited (DHKL) (R17), the Conservancy Association (CA) (R117) and the Hong Kong Bird Watching Society (HKBWS) (C11) :

Mr Ivan M.K. Chung - being a member of the Strategic Planning Committee (SPC) and Building Committee of HKHA
(*as Director of Planning*)

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

Professor S.C. Wong - having current business dealings with AECOM and being a member of the Advisory Committee for the Accredited Programme of MTR Academy

- Mr Ivan C.S. Fu - having current business dealings with AECOM, MTRCL and Masterplan, and past business dealings with HKHA
- Mr Peter K.T. Yuen - being a member of the Board of Governors of the Hong Kong Arts Centre, which had collaborated with the MTRCL on a number of arts projects
- Dr Lawrence W.C. Poon - his spouse being a civil servant of HD but not involved in planning work
- Mr K.K. Cheung] their firm having current business dealings with
Mr Alex T.H. Lai] HKHA and MTRCL
- Mr Thomas O.S. Ho - having current business dealings with HKHA and MTRCL, having past business dealings with AECOM, and personally knowing the co-founder and Chief Executive Officer of DHKL
- Dr C.H. Hau - his institute having current business dealings with HKHA; being a member of HKBWS; a life member of CA; and a past member of the Conservation Advisory Committee of WWF-HK. His spouse being the Honorary Secretary of the Board of Directors of CA
- Mr Stephen L.H. Liu - having past business dealings with HKHA and MTRCL
- Mr Franklin Yu - having past business dealings with HKHA, AECOM and MTRCL

- Mr Daniel K.S. Lau - being the Director (Development & Marketing) of Hong Kong Housing Society, which was currently in discussion with HD on housing development issues
- Professor John C.Y. Ng - being an expert panel member of the HSK NDA Study

93. Members noted that Mr Ivan M.K. Chung and Mr Thomas O.S. Ho had tendered apologies for not being able to attend the meeting, and Dr Lawrence W.C. Poon, Mr Alex T.H. Lai and Mr Daniel K.S. Lau had already left the meeting. As the item was procedural in nature, the other Members were allowed to stay in the meeting.

94. The Secretary briefly introduced the TPB Paper No. 10450 (the Paper). On 26.5.2017, the draft HSK OZP No. S/HSK/1, draft Lau Fau Shan and Tsim Bei Tsui OZP No. S/YL-LFS/8, draft Ping Shan OZP No. S/YL-PS/17, draft Tin Shui Wai OZP No. S/TSW/13, draft Lam Tei and Yick Yuen OZP No. S/TM-LTYYY/9 and draft Ha Tsuen Fringe OZP No. S/YL-HTF/11 were exhibited for 2 months for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 117 valid representations and 338 valid comments on the representations were received. After giving consideration to the representations and comments under section 6B(1) of the Ordinance on 25.5.2018, the Board decided not to propose any amendment to the draft OZPs to meet the representations under section 6B(8) of the Ordinance.

95. For the draft HSK OZP, the Board decided at the meeting on 25 May 2018 that the Explanatory Statement (ES) of the OZP should be revised as appropriate to provide flexibility for possible increase in the development intensity and change of the public and private housing mix in HSK NDA to cater for the future need. The relevant paragraph 7.3 of the ES (Annex IIIa of the Paper) had been updated as follows :

“To cater for the changing planning circumstances, social aspiration and development needs, the development intensity and the public and private housing mix in the HSK NDA might be further reviewed, subject to assessments on technical feasibility.”

96. Since the representation consideration process had been completed, the draft OZPs together with their Notes and updated Explanatory Statements (ESs) were now ready for submission to the Chief Executive in Council (CE in C).

97. After deliberation, the Board :

- (a) agreed that the draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1A, draft Lau Fau Shan and Tsui Bei Tsui OZP No. S/YL-LFS/8A, draft Ping Shan OZP No. S/YL-PS/17A, draft Tin Shui Wai OZP No. S/TSW/13A, draft Lam Tei and Yick Yuen OZP No. S/TM-LTY/9A and draft Ha Tsuen Fringe OZP No. S/YL-HTF/11A at Annexes Ia to If of the Paper and their Notes at Annexes IIa to IIf of the Paper were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (a) endorsed the updated ESs for the draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1A, draft Lau Fau Shan and Tsim Bei Tsui OZP No. S/YL-LFS/8A, draft Ping Shan OZP No. S/YL-PS/17A, draft Tin Shui Wai OZP No. S/TSW/13A, draft Lam Tei and Yick Yuen OZP No. S/TM-LTY/9A and draft Ha Tsuen Fringe OZP No. S/YL-HTF/11A at Annexes IIIa to IIIf of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZPs and issued under the name of the Board; and
- (b) agreed that the updated ESs were suitable for submission to the CE in C together with the draft OZP.

Agenda Item 12

Submission of Draft Aberdeen & Ap Lei Chau Outline Zoning Plan (OZP) No. S/H15/32A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for approval

(TPB Paper No. 10452)

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

Declaration of Interests

98. The Secretary reported that the representation site (Item A) was related to a subsidized housing development by the Hong Kong Housing Society (HKHS) who was also a commenter (C14) and Townland Consultant Ltd. (Townland) was its consultant. Ms Mary Mulvihill (R3/C8) was a representer and commenter. The following Members had declared interests on the item for having affiliation/business dealings with HKHS or its consultant, the representer and commenter, or owning properties in Aberdeen and Ap Lei Chau :

- Mr Ivan M.K. Chung - being an ex-officio member of the Supervisory
(*as Director of Planning*) Board of HKHS

- Professor S.C. Wong - his relative owning a flat in South Horizons
(the Vice-chairperson)

- Dr Lawrence W.C. Poon - being an ex-employee of HKHS

- Mr K.K. Cheung] their firm having current business dealings with
Mr Alex T.H. Lai] HKHS and Townland, and hiring Mary Mulvihill on
a contract basis from time to time

- Mr Thomas O.S. Ho - having past business dealings with HKHS and
Townland

- Dr Lawrence K.C. Li - being a member of HKHS

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

- Mr Daniel K.S. Lau - being the Director (Development & Marketing) of
HKHS

99. Members noted that Mr Ivan M.K. Chung and Mr Thomas O.S. Ho had tendered apologies for not being able to attend the meeting, and Dr Lawrence W.C. Poon, Mr Alex

T.H. Lai and Mr Daniel K.S. Lau had already left the meeting. As the item was procedural in nature, the other Members were allowed to stay in the meeting.

100. The Secretary briefly introduced the TPB Paper No. 10452 (the Paper). On 15.9.2017, the draft Aberdeen & Ap Lei Chau OZP No. S/H15/32 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 3 valid representations and 14 valid comments on the representations were received. After giving consideration to the representations and comments under section 6B(1) of the Ordinance on 22.6.2018, the Board decided not to propose any amendment to the draft OZP to meet the representations under section 6B(8) of the Ordinance. Since the representation consideration process had been completed, the draft OZP together with its Note and updated Explanatory Statement (ES) were now ready for submission to the Chief Executive in Council (CE in C).

101. After deliberation, the Board :

- (a) agreed that the draft Aberdeen & Ap Lei Chau OZP No. S/H15/32A and its Notes at **Annexes I and II** of the Paper respectively were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated ES for the draft Aberdeen & Ap Lei Chau OZP No. S/H15/32A at **Annex III** of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 13

Any Other Business

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

102. There being no other business, the meeting was closed at 13:10 p.m.