

**Minutes of 1215<sup>th</sup> Meeting of the  
Town Planning Board held on 20.12.2019**

**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 Sunny L.K. Ho

Mr Stephen H.B. Yau

Dr F.C. Chan

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

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

Ms Sandy H.Y. Wong

Mr Franklin Yu

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Principal Assistant Secretary (Transport) 3

Transport and Housing Bureau

Mr Andy S.H. Lam

Chief Engineer (Works)

Home Affairs Department

Mr Paul Y.K. Au

Deputy Director of Environmental Protection (1)

Environmental Protection Department

Mr Elvis W.K. Au

Assistant Director (Regional 3)

Lands Department

Mr Alan K.L. Lo

Director of Planning

Mr Raymond K.W. Lee

Deputy Director of Planning/District

Miss Fiona S.Y. Lung

Secretary

**Absent with Apologies**

Mr Ivan C.S. Fu

Dr Frankie W.C. Yeung

Mr David Y.T. Lui

Dr Lawrence W.C. Poon

Miss Winnie W.M. Ng

Mr Thomas O.S. Ho

Mr Stanley T.S. Choi

Mr Daniel K.S. Lau

Mr L.T. Kwok

Dr Jeanne C.Y. Ng

Professor Jonathan W.C. Wong

Mr Ricky W.Y. Yu

**In Attendance**

Assistant Director of Planning/Board

Ms Lily Y.M. Yam

Chief Town Planner/Town Planning Board

Ms W.H. Ho (Agenda Items 1 to 3)

Mr Kepler S.Y. Yuen (Agenda Items 4 to 10)

Senior Town Planner/Town Planning Board

Miss Anissa W. Y. Lai (Agenda Items 1 to 3)

Mr Alex C.Y. Kiu (Agenda Items 4 to 10)

**Agenda Item 1**

[Open meeting]

Confirmation of Minutes of the 1214<sup>th</sup> Meeting held on 6.12.2019

[The item was conducted in Cantonese.]

1. The draft minutes of the 1214<sup>th</sup> meeting held on 6.12.2019 were sent to Members before the meeting and tabled at the meeting. Subject to any proposed amendments by Members on or before 23.12.2019, the minutes would be confirmed.

[Post-meeting Note: The minutes, incorporating amendments to paragraphs 81, 112, 120 and 121 proposed by Members, were confirmed on 23.12.2019.]

**Agenda Item 2**

[Open meeting]

Matters Arising

[The item was conducted in Cantonese.]

2. The Secretary reported that there was no matter arising.

**Sai Kung & Islands District**

**Agenda Item 3**

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in respect of the Draft Hebe Haven Outline Zoning Plan No. S/SK-HH/7

(TPB Paper No. 10612)

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[The item was conducted in Cantonese and English.]

3. The Secretary reported that the following Members had declared interests on the item for being associated or having business dealings with Hong Kong and China Gas

Company Limited (R510), which was a subsidiary of Henderson Land Development Co. Limited (HLD), and Ms Mary Mulvihill (R6 /C1):

- |  |   |   |
|--|---|---|
| Mr Ivan C.S. Fu                                    | - | having current business dealings with HLD   |
| Mr K.K. Cheung                                     | ] | their firm having current business dealings with  |
| Mr Alex T.H. Lai                                   | ] | HLD, and hiring Ms Mary Mulvihill on a  |
|  | ] | contract basis from time to time  |
| Mr Franklin Yu                                     | ] | having past business dealings with HLD  |
| Mr Stephen L.H. Liu                                | ] |   |
| Professor S.C. Wong<br>( <i>Vice-chairperson</i> ) | ] | being employees of the University of Hong   |
| Dr C.H Hau   | ] | Kong which had received a donation from a   |
|  | ] | family member of the Chairman of HLD before   |
| Dr Lawrence K.C. Li                                | - | being the deputy chairman of the Hong Kong<br>Polytechnic University which had obtained<br>sponsorship from HLD before                                |
| Mr Peter K.T. Yuen                                 | - | being a member of the Board of Governors of<br>the Hong Kong Arts Centre which had received<br>a donation from an Executive Director of HLD<br>before |

4. Members noted that Mr Ivan C.S. Fu had tendered apology for being unable to attend the meeting and Dr Lawrence K.C. Li had not yet arrived at the meeting. As Messrs Alex T.H. Lai and K.K. Cheung had no involvement in matters related to the representation sites and the interests of Professor S.C. Wong, Dr C.H Hau, Messrs Franklin Yu, Stephen L.H. Liu and Peter K.T. Yuen were indirect, Members agreed that they could stay in the meeting.

5. 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

6. 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) |
| Ms Mable M.B. Lok | - | Town Planner/Sai Kung (TP/SK)                           |

##### *Transport Department (TD)*

- |                    |   |  |
|--------------------|---|--|
| Mr Stephen C.W. Ko | - | Senior Engineer/Housing & Planning/<br>New Territories East (SE/NTE) |
| Ms Rica W.K. Law   | - | Engineer/Sai Kung (E/SK)   |

#### ***Representers and Commenters***

##### R1 – Sai Kung District Council

- |                           |   |                              |
|---------------------------|---|------------------------------|
| Mr Chau Yin Ming, Francis | - | Representer's Representative |
|---------------------------|---|------------------------------|

##### R5 – Sai Kung Planning Concern Front

- |                      |   |                              |
|----------------------|---|------------------------------|
| Ms Ho Kit Yee, Carol | - | Representer's Representative |
|----------------------|---|------------------------------|

##### R6 / C1 – Mary Mulvihill

- |                   |   |                           |
|-------------------|---|---------------------------|
| Ms Mary Mulvihill | - | Representer and Commenter |
|-------------------|---|---------------------------|

##### R7 – Chan Ka Lam (Sai Kung Commons)

- |                |   |             |
|----------------|---|-------------|
| Ms Chan Ka Lam | - | Representer |
|----------------|---|-------------|

R25 – Da Rosa, Veronica

Ms Leung Hin Yan - Representers' Representative

R47 – Wong Ming

Mr Wong Ming - Representers' Representative

Mr Chan Kam Wai - Representers' Representative

R63 – Ho Wai Hong

Mr Ho Wai Hong, Stanley - Representers' Representative

R352 – Yeung Hok Leung

Mr Yeung Hok Leung - Representers' Representative

R486 – Fong Kwok Shan

R490 – 陸秀貞

R492 – Cheng Dicky

Ms Fong Kwok Shan, Christine - Representers' Representative and Representers' Representative

R487 – Fong Kai Ming

Mr Fong Kai Ming - Representers' Representative

R488 – Yau Hon See

Mr Yau Hon See - Representers' Representative

R489 – Yeung Wing Hong

Mr Yeung Wing Hong - Representers' Representative

R493 – Mr Lee Sze Long

Mr Lee Sze Long - Representers' Representative

R496/C3 – 南圍村居民 (Shing Yuen Kiu)

R497/C4 – Wong Lai Ping

R498/C5 – Sing Ching On

R499/C6 – Yau Keung Hing

Ms Shing Yuen Kiu, Anita - Representor and Commenter, and  
Representers' and Commenters'  
Representative

R508 – 一群關心環保熱心人

士

Mr Cheung Ling Fung ] Representor's Representatives

Ms Chang Yan, Antonia ]

R510 – The Hong Kong and China Gas Company Limited

Mr Tsang Chung Man - Representor's Representative

7. The Chairperson extended a welcome and briefly explained the procedures of the hearing. She said that PlanD's representatives would be invited to brief Members on the representations and comments. The representors and commentors or their representatives would then be invited to make oral submission. To ensure the efficient operation of the meeting, each representor and commentor or his/her 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 submission. Members could direct their questions to government representatives or the representors, commentors and their representatives. After the Q&A session, the government representatives, the representors, commentors and their representatives would be invited to leave the meeting. The Town Planning Board (the Board) would deliberate on the representations and comments in their absence and inform the representors and commentors of the Board's decision in due course.

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

9. With the aid of a PowerPoint presentation, Ms Donna Y.P. Tam, DPO/SKIs,



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 to the representations and comments as detailed in TPB Paper No. 10612 (the Paper).

[Ms Sandy H.Y. Wong and Mr Franklin Yu arrived to join the meeting during the presentation of DPO/SKIs.]

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

#### R1 – Sai Kung District Council

11. Mr Chau Yin Ming, Francis made the following main points:

- (a) he had been a member of the Sai Kung District Council (SKDC) for 30 years. The current term SKDC members had unanimously objected to the proposed amendments when SKDC was consulted on 7.5.2019. He was certain that the new term of SKDC would continue to object to the proposed amendments. According to their discussion with the rural committee and local villagers, there were much concerns on the adverse traffic and environmental impacts that would be generated by the proposed development on the surrounding area, in particular the adjacent Country Parks and coastal protection areas. Although the Hiram's Highway Improvement Stage 1 was almost completed, the proposed Stage 2 improvement works had been delayed for about 10 years and whether it would be proceeded had yet to be confirmed;
- (b) the site under Item A (Site A) was proposed to be rezoned from "Government, Institution or Community" ("G/IC") to residential use for the reasons that it was in close proximity to major road networks, having infrastructure support, while the adjoining vacant school would be converted into a social welfare services complex to help meet the current shortfall of Government, Institution or Community (GIC) facilities in the

area. However, the proposal to provide GIC facilities at the vacant school site was not a new idea and the SKDC had been fighting strongly for such a proposal for years. The local residents considered that more “G/IC” sites, in addition to the vacant school site, were required to meet the GIC shortfalls of the Sai Kung community. Site A should thus be retained for GIC uses;

- (c) he queried the rationale of the Board for approving a residential development in a “Green Belt” (“GB”) site under Item D (Site D) about ten years ago and the need to rectify the decision by rezoning the site from “GB” to “Residential (Group C) 6” (“R(C)6”). He also did not agree with the proposal to rezone the adjacent site under Item C (Site C), which was covered by dense vegetation, for residential use. There was a stream running between the proposed and existing residential developments at Sites C and D respectively and flowed down to the coastal protection area in Pak Sha Wan. The water of the stream had been seriously polluted during the construction stage of the residential development at Site D. Although the water quality had improved recently, the proposed residential developments with a total of about 230 flats at Sites A and C would inevitably cause another round of adverse environmental impact on the stream. The existing “GB” zone for Site C should be retained to serve as a buffer between the existing development at Site D and the “Conservation Area” (“CA”) to its east and south; and
- (d) the Board should act as a gatekeeper to safeguard the environment and reject the proposed amendments to the draft Hebe Haven Outline Zoning Plan (the draft OZP).

#### R5 – Sai Kung Planning Concern Front

12. With the aid of the visualiser, Ms Ho Kit Yee, Carol made the following main points:

- (a) she represented the Sai Kung Planning Concern Front which was a group formed by Sai Kung residents to promote community planning. They

were not only concerned about land use planning on a local level but also a wider perspective for Sai Kung District, and Hong Kong as a whole. They had been actively participating in the land use planning of Sai Kung in the past three years;

- (b) while the Government had committed to build up a land reserve by rezoning suitable sites to meet the acute housing needs, the proposed rezoning would not benefit the majority of people in Sai Kung. Sai Kung had the highest vacancy rates for residential flats in Hong Kong due to an over-supply of luxury flats. As such, rezoning sites for low-density private residential development was not necessary;
- (c) rezoning of Site D from “GB” to “R(C)6” to rectify a previously approved residential development meant that the Government was adopting a “build first, approve later” approach for development;
- (d) showing a map of Sai Kung, she indicated that there were a number of approved residential developments in Sai Kung including the completed residential development at Tai Po Tsai and the proposed residential development at Shap Sz Heung. There were also a large number of existing and planned developments for house/flat at Ho Chung, Luk Mei, Tui Min Hoi, as well as a large public housing site near Ying Yip Road. She doubted whether more residential developments would be good for the district from a holistic planning perspective;
- (e) a proposed comprehensive residential development with 771 flats in Sha Ha was rejected by the Board in mid December 2019 mainly on traffic ground in that the road improvement works for Hiram’s Highway Improvement Stage 2 project had yet to be gazetted and the completion date was still uncertain. Hiram’s Highway was only a two-lane road and the road widening works had yet to be completed. Even if the whole Hiram’s Highway was widened to 4 lanes, the traffic problems could hardly be resolved. Besides, there was an increasing number of vehicles in the rural areas of Sai Kung as many private agricultural lots had been

converted into brownfield uses and vehicle repair workshops. It was noted that the traffic assessment conducted to support the proposed amendments had under-estimated the impact as it had not taken into account the approved Small Houses and private residential developments in a larger area from Sai Kung Town to Ho Chung area. Given the great discrepancy between the traffic flow data collected by the local residents and that provided by the Government, she doubted the government assessment that the proposed residential developments would not generate adverse traffic impact on the area; and

- (f) there was a limited number of GIC sites in Sai Kung District. The Government had already rezoned the “G/IC” sites at Tui Min Hoi and Sai Kung Town for residential use. Given the aging population in the Sai Kung District and the long waiting list for elderly homes and hostels for physically and mentally handicapped people, the conversion of the ex-Sai Kung Central Primary School into a social welfare services complex could not adequately meet the needs of the local residents. Since many residents could not afford the facilities provided by the private sector, the Government should retain Site A for the provision of GIC facilities to serve public interest rather than just meeting the housing need.

#### R7 – Chan Ka Lam (Sai Kung Commons)

13. With the aid of a PowerPoint presentation, Ms Chan Ka Lam made the following main points:

- (a) she was an elected member of the coming term of SKDC. When the proposed amendments to the OZP were exhibited for public inspection in May 2019, Sai Kung Commons collected a total of 484 residents’ signatures requesting to retain the original zonings for Sites A and C for reasons related to adverse impacts on traffic, green belt and provision of social welfare facilities. While many residents would like to attend the hearing meeting in person, they could not make it as the Board’s meetings were held on working days;

Traffic Issues

- (b) traffic had been the main concern of the local residents. There was only one main road (i.e. Hiram's Highway) in Sai Kung for access to the urban area. The traffic impacts generated by the two proposed residential developments would not only affect the local area of Nam Wai and Heung Chung, but also the whole Sai Kung District. Currently, there were three franchised bus routes from Sai Kung Town to Sha Tin and Tseung Kwan O (TKO), and four Green Mini-bus (GMB) routes to other districts. They conducted a two-day survey during the summer at the GMB No. 1 and 1A stop (to San Po Kong) and found that most people would need to wait for about 30 minutes to get aboard, not to mention the time wasted due to traffic congestion. The Sai Kung residents often took about 60 to 90 minutes to get to Kowloon by bus or GMB, 90 minutes to go to other parts of the New Territories (N.T.), and two hours to go to Hong Kong Island. It was expected that people would wait for longer time during peak hours/school hours. The traffic congestion problem would be aggravated if more people moved into Sai Kung;
- (c) traffic problems in Sai Kung were caused by poor planning. Though there was sufficient number of GMB to serve the area, the GMB could not return on time to pick-up passengers due to traffic congestion. Therefore, most residents preferred driving and waiting in their own private cars rather than queuing in the stops;
- (d) she doubted whether the improvement works under Hiram's Highway Improvement project could solve the traffic congestion problem in the area. While residential developments with about 230 flats might not be significant in other areas, it would cause serious traffic problems in Sai Kung. According to the information provided by the Government to the Legislative Council on the Hiram's Highway Improvement Stage 1, there was traffic congestion along some sections of the road during peak hours as the volume/capacity (v/c) ratios at certain parts of the Hiram's Highway had already exceeded their design capacity during peak hours. Although

the traffic condition would be improved in 2021 to 2023 after the completion of the Hiram's Highway Improvement Stage 1 works, it was doubtful if the new residential developments, including those proposed in the OZP amendments and those with planning permission, had been included in the traffic assessment. According to an interview of a town planner by the press, traffic congestion problem could not be resolved by widening of one section of the road as the bottleneck would only be pushed forward. The problem could only be resolved by reducing the number of vehicles;

- (e) it should be noted that a number of residential developments/Small Houses had already been approved in the surrounding area, including 34 houses and 248 hotel rooms in Tui Min Hoi, 13 houses in Luk Mei Tsuen, 28 flats and 40 Small Houses in Ho Chung, 9,500 flats in Shap Sz Heung, and two large public housing developments with 16,100 flats on Anderson Road. It was noted that some residents had to walk down from the Kowloon Peak to Choi Hung due to traffic congestion. As low-density residential developments would generate more parking demand, the provision of about 100 car parking spaces for 230 flats in the two proposed residential developments was far from adequate;

#### *Provision of GIC Facilities*

- (f) according to the 2016 By-Census, 22.7% of the population in the Sai Kung District were over 60 years old, and the figure was as high as 29.7% in Sai Kung Town. There was insufficient provision of elderly facilities, childcare services, medical and health care facilities, as well as recreation and sports facilities in Sai Kung. Currently, residents in Sai Kung mainly relied on the provision of such facilities in TKO; and
- (g) the Government should retain the original zonings for Sites A and C until a comprehensive planning review of the whole Sai Kung District had been conducted.

R25 – Da Rosa, Veronica

14. Ms Leung Hin Yan made the following main points:

- (a) as an elected member of the coming term of SKDC, it was the first time she could attend the Board's meeting which was held on working days and during office hours. The hearing arrangement should be reviewed such that more local residents could attend the meeting. She was a stakeholder of the Clear Water Bay Road area as she lived in Hang Hau, worked in the Hong Kong University of Science and Technology (HKUST), and attended secondary school near Shun Lee Estate;
- (b) planning for the Hebe Haven area should not be confined within the OZP boundary, but within a wider district with a holistic perspective. The rezoning of Site C from "GB" for residential use would defeat the purpose of the zone to define the limits of urban and rural areas, create an undesirable precedent for similar uses in the "GB" zones, and destroy the rural character. The role of Sai Kung as a "back garden" of Hong Kong should be respected and preserved. Given there were still vacant flats for sale in a luxury residential development near HKUST, the increase in luxury flats in Sai Kung should be reconsidered;
- (c) with the completion of the other private residential developments and the proposed residential care homes for the elderly (RCHE) at the existing industrial buildings at the fringe of Sai Kung Town, and the Anderson Road public housing developments, the traffic conditions in the area would be worsened. The two proposed residential developments at Sites A and C would add further burden to the traffic conditions and cause serious adverse impacts on Sai Kung residents' daily lives. For instance, it took her only 15 to 20 minutes to go to school in Shun Lee Estate in the past, but the same journey would need 45 minutes nowadays due to the serious traffic congestion in the area;
- (d) she disagreed with TD's comments that the traffic problems could be

addressed by enhancing public transport services such as replacing the 16-seater GMB by those with 19-seater to increase the carrying capacity. Besides, she did not agree with TD's view that the traffic conditions in the area could be alleviated after the TKO - Lam Tin Tunnel came into operation. According to her local knowledge, the tunnel would only improve the traffic conditions in the TKO South and Lohas Park areas, but not those living along the Clear Water Bay Road and Hang Hau areas; and

- (e) although PlanD claimed that the existing and planned provision of GIC facilities was generally adequate to meet the demand of the planned population except for primary school and hospital beds, the local residents had experienced a shortage of GIC facilities in Sai Kung. In particular, there was a general shortfall of social welfare and elderly facilities in the area and the local residents would need to travel to TKO for such facilities. The Government should put on hold the proposed rezoning for residential developments until the shortfall of GIC facilities in the area was addressed.

R47 – Wong Ming

15. With the aid of a PowerPoint presentation, Mr Wong Ming and Mr Chan Kam Wai made the following main points:

- (a) they were from the Eco-Education & Resources Centre and had conducted ecological surveys in the Nam Wai and Heung Chung areas from June to August 2019, which served to provide a baseline record of the ecological conditions in the area. The findings showed that a total of four species of damselfly and dragonfly were recorded, including Mangrove Skimmer (*Orthetrum poecilops*), a species of conservation concern and was listed by the International Union for Conservation of Nature (IUCN) under the unusual biology classification. According to the Agriculture, Fisheries and Conservation Department (AFCD), Mangrove Skimmers were mainly found in the north-eastern part of the N.T. and in Yung Shue O and Heung Chung/Nam Wai areas;



- (b) during their survey, Golden Birdwing (*Troides aeacus*) and Common Birdwing (*Troides helena*) which were species of conservation concern and listed in the Protection of Endangered Species of Animals and Plants Ordinance were found. Burmese Bush Blue (*Arhopala birmana*), which was very rare, was also found. Since 96 butterfly species were recorded (accounting for 40% of total number of species recorded in Hong Kong) with three “Rare” and three “Very Rare” species, the findings of the survey concluded that the area was an important hotspot for butterflies. With the proposed amendments, numerous food plants for diverse butterfly species would be eliminated, thus destroying their feeding and breeding habitat;
- (c) a total of 33 bird species were recorded, including 2 rare species, namely Striated Heron (*Butorides striata*), and Greater Sand Plover (*Charadrius leschenaultia*). In addition, nesting of Black-crowned Night Heron (*Nycticorax nycticorax*) was discovered. The mangrove and shore area of the area not only provided feeding ground for waterbirds, but also served as breeding ground for species with conservation importance;
- (d) a total of 13 crab species were recorded. According to AFCD’s information in 2006, there were 13 locations in Hong Kong with more than four species of fiddler crabs, mainly on Lantau Island and in North East N.T. The current survey revealed that the area could be the only site in Sai Kung with the habitat to hold four species of fiddler crabs;
- (e) Site A was surrounded by an area zoned “Coastal Protection Area” (“CPA”) of high ecological value, while Sites C and D were located next to a stream. Although the mangroves located at the downstream would not be affected by the proposed residential developments directly, any discharge generated by the developments, including during the construction period, without proper treatment could be easily washed off to the downstream area. As seen from the photos taken in 2003, while the mangroves were standing healthily along the coastline, it was noted that the mangroves were decreasing in amount with an increasing level of

dumping activities;

- (f) as many of above-mentioned species were sensitive to pollution and disturbance, the proposed residential developments would pose a serious threat to the wildlife and adversely affect the ecology of the mangrove area, which was zoned “CPA” to reflect its ecological value. The concerned sites were located in close proximity to the “CPA” zone and effluents from the proposed residential developments would inevitably be discharged into the protected area. Though sewage treatment facilities might be provided, the effectiveness of such facilities was unclear. In particular, Site A was adjoining the “CPA” zone and there was at least a 10m water level difference during high and low tides. The proposed/existing developments at Sites C and D were located in close proximity to a natural stream and any uncontrolled discharges would cause pollution to the stream; and
- (g) the proposed residential developments should be put on hold until sufficient mitigation measures could be implemented to avoid creating adverse environmental and ecological impacts on the surrounding “CPA” areas and stream.

#### R63 – Ho Wai Hong Stanley

16. With the aid of a PowerPoint presentation, Mr Ho Wai Hong, Stanley made the following main points:

- (a) as an elected member of Pak Sha Wan constituency of the coming term of SKDC, he came to convey the local views that he had received. It was not until April 2019 that the proposed amendments were made known to the local people. Despite the opposition and concerns raised by the local residents, Sai Kung Rural Committee and SKDC, the Government still proceeded with the OZP amendments. After the proposed amendments were gazetted, a paper regarding the proposed amendments was circulated to SKDC only for information;

- (b) although the Government claimed that it had adopted a multi-pronged approach for increasing land supply to meet the acute housing need of the community, the inclusion of rural land in Sai Kung for the purpose was not appropriate. There were many better alternatives such as the brownfield sites and golf course sites which could be prioritised for housing developments;
- (c) many local residents were not able to participate in the hearing as it was held on a working day. To enhance transparency of the plan making process and the effectiveness of public consultation, the Board should review the hearing arrangements. It was noted that the Government had initiated the planning for residential development at Site A in 2016 and the then SKDC, in particular the Chairman, considered that the site might be suitable for residential use and the “G/IC” zoning could be amended as additional social welfare facilities were not required. However, the new term SKDC members would unanimously oppose the proposed change of use;
- (d) photos taken by the local residents showed that there were already long queues for franchised buses/GMB in Heung Chung and Marina Cove very early in the morning even during summer holidays. However, no traffic impact assessment (TIA) had been carried out to support the proposed amendments. The proposed residential developments without adequate car parking provision would aggravate the problem of insufficient car parking provision in the area;
- (e) the provision of GIC facilities in the Sai Kung District was insufficient. Those who resided in the rural areas of Sai King would need to rely on the social welfare facilities provided in TKO District which had already been overloaded. There were similar problems in the provision of hospital services and clinic;
- (f) he agreed with the points raised by other representers/commenters that the proposed developments would cause insurmountable impacts on areas with ecological importance;

- (g) although the northern portion of Site A was on government land (GL), an area in the southern part of the site was on private land. The Government's intention to include some private land in a potential land sale site was unclear; and
- (h) as shown in the photos taken by a local resident, the water quality of the stream located between Sites C and D in Nam Wai was found deteriorating mainly due to the improvement works being carried out in the Hiram's Highway. The number of birds, animals, insects and plants found in Nam Wai had also been decreasing in the past few years. The proposed residential developments, which would further downgrade the quality of the living environment, were not in line with the overall planning intention for the rural area in Sai Kung.

#### R352 – Yeung Hok Leung

17. Mr Yeung Hok Leung made the following main points:

- (a) he had been living in the “GB” site of Nam Wai Village (i.e. Site C) for 50 years. The water quality of the stream at Nam Wai was very good with fishes and shrimps when he was a child. However, the stream bed and the water level had raised substantially due to dumping and surface run off from the nearby road works. The proposed residential development at Site C would further pollute the stream in particular during the construction stage, which would generate adverse environmental impact on the area. Besides, the discharge from the proposed development into the stream would affect the water volume, block the steam course and worsen the flooding problem; and
- (b) as the recent site visit by the Environmental Protection Department (EPD) was conducted before the commencement of the road works, the discharge and surface run off problems were not obvious at that time. That was why the conditions of the stream appeared to be satisfactory. No site visit had been conducted by EPD after the commencement of the road works.

R487 – Fong Kai Ming

18. Mr Fong Kai Ming made the following main points:

- (a) he was the Chairman of the Incorporated Owners of Marina Cove. As he had been living in the area for almost 30 years, he was very familiar with the surrounding area. Marina Cove was one of the largest residential developments in the Sai Kung area and thus he had worked closely with SKDC members for years although not much could be done by the SKDC. The Incorporated Owners also formed a special working group with representatives from relevant government departments and some SKDC members to monitor the various issues in relation to the improvement works of Hiram's Highway;
- (b) there was a lack of comprehensive planning for the whole Sai Kung District. The main access road in the area was Hiram's Highway, which was only a single two-lane carriageway with a few sections widened to dual two lanes. The Hiram's Highway Improvement Stage 1 would only cover the section between Clear Water Bay Road and Marina Cove. However, they were told by a representative of the Highways Department (HyD) in a recent SKDC meeting that the Stage 2 road improvement works might be put on hold;
- (c) the traffic assessment conducted by the Government had under-estimated the traffic flow and did not reflect the actual provision of public transport facilities in the area. As the supporting public transport facilities had been reduced over the years, more residents needed to drive in private cars which had created more traffic congestion and parking problems. The improvement works for Hiram's Highway might attract more tourists to Sai Kung and worsen the current traffic and parking problems;
- (d) although there were sewage treatment facilities in Marina Cove, the Hebe Haven and Ho Chung areas were unsewered and only septic tanks were used. As such, it was found that lots of untreated water flowed into the

areas near Marina Cove. The nearby new developments under construction also had no sewage treatment facilities. If the proposed developments were not provided with adequate on-site sewage treatment and drainage disposal facilities, the stream would be further polluted as the local sewage treatment plants under the Port Shelter Sewerage Works had not yet commenced;

- (e) he doubted why no Environmental Impact Assessment (EIA) for Hiram's Highway Improvement Stage 1 was conducted and no drainage facilities were proposed. While he was told that no EIA was required as it was not a Designated Project due to the small scale of the road works, he found it unsatisfactory as the streams would be polluted;
- (f) he also noted that there were a number of public works for utility facilities in the area in the pipeline, which meant that the Government had indeed planned for more new developments in the area; and
- (g) there were insufficient social welfare facilities in Sai Kung. The voluntary work team formed by Marina Cove had to go to TKO for voluntary services as they could not find suitable welfare centres in Sai Kung. The vacant school site in Sai Kung should be converted for the provision of social welfare facilities.

R486 – Fong Kwok Shan

R490 – 陸秀貞

R492 – Cheng Dicky

19. Ms Fong Kwok Shan, Christine made the following main points:

- (a) she had been working in the Sai Kung District for 30 years and had been a member of the SKDC for 12 years. The high attendance of members of the SKDC and the stakeholders in the hearing meeting demonstrated that Sai Kung people loved the area so much. The role of Sai Kung as the “back garden” of Hong Kong should be respected;

- (b) while the Hiram's Highway Improvement Stage 1 which involved dualling of Hiram's Highway between Clear Water Bay Road and Marina Cove would be completed soon, the improvement works could not solve the traffic problems including the bottleneck at major traffic congestion black spots such as Tai Po Tsai, Ah Kung Wan, and Ying Yip Road in Hang Hau. She doubted why improvement works at some road sections, such as that near Ah Kung Wan, which could improve the traffic conditions were deleted;
- (c) although the housing demand was acute and public housing was in need, the site characteristics and location should be duly considered. It was noted that sometimes the concerned government departments might not have presented the real picture of the site characteristics to the Board for consideration. For example, in the proposed amendments to the TKO OZP, a site overlooking the Silverstrand Beach with many luxury flats was proposed for public housing development, while some suitable sites were excluded;
- (d) there was much concern for the proposed residential development at Site C as the traffic conditions in the area was already poor and any new development would worsen the bottleneck problems. She could not understand why Hiram's Highway, which was a main road in Sai Kung, was considered as a rural road and that EIA was not required for its improvement works. Without an EIA, the environmental, drainage and sewerage impacts arising from the road widening works could not be properly addressed. As there was currently no sewerage system in most of the rural parts of Sai Kung, she had come across similar approved development which almost caused irreversible adverse environmental impact on the surrounding villages in the course of connecting the proposed sewerage facilities. The potential sewage discharge problem might happen again in Site C. The proposed residential development without proper sewage treatment facilities would further pollute the adjoining streams, create adverse environmental impact and increase the area's flooding risk;

- (e) there was currently a population of about 60,000 to 70,000 in Sai Kung area but there was no recreation, sports and elderly facilities in the rural parts of Sai Kung and the local residents had to go to TKO for such facilities. As such, Site A should be retained for the provision of GIC facilities. The Government should make reference to Taiwan and Singapore where gathering places for residents were provided in the form of local community halls in residential areas;
- (f) the proposed residential developments should only be proceeded after the traffic, sewerage and drainage issues were properly addressed and the local residents were adequately consulted; and
- (g) housing sites should be identified through a comprehensive planning rather than in the form of in-fill developments. For example, TKO Area 137 with a site area of about 104 ha might be used for housing developments. The site could be rezoned to “Comprehensive Development Area” to house a population of about 100,000. Public facilities and supporting infrastructures should be planned and implemented before population intake.

R489 – Yeung Wing Hong

20. Mr Yeung Wing Hong made the following main points:

- (a) his mother who was over 70 years old was an indigenous villager and lived in the affected lots under Site C; and
- (b) if land resumption was needed to facilitate the proposed residential development, they would be removed and become homeless. The Board was urged not to resume their land for residential development.

R493 – Mr Lee Sze Long

21. Mr Lee Sze Long made the following main points:



- (a) the Government should adopt a community-oriented and transit-oriented approach in land use planning. The current approach which relied on the developers to implement traffic improvement works, and drainage and sewerage mitigation measures under the lease requirements was unsatisfactory as it was very difficult for the Government to take enforcement actions against non-compliance;
- (b) as there was insufficient provision of public transport facilities in Sai Kung, consideration should be given to providing a transit hub in the amendment item sites to improve the traffic flow and efficiency of the public transport facilities; and
- (c) given the lack of medical and health care facilities in Sai Kung, the community-oriented planning approach could be adopted to provide a local medical centre or clinics at Site A so as to reduce the burden of medical facilities in TKO. Taking away a “G/IC” site in the area was not fair to the local residents/villagers.

R496 – 南圍村居民 (Shing Yuen Kiu)

R497 – Wong Lai Ping

R498 – Sing Ching On

R499 – Yau Keung Hing

22. With the aid of the visualizer, Ms Shing Yuen Kiu, Anita made the following main points :

- (a) although she was an indigenous villager of Nam Wai, she had not been consulted on the proposed amendments to the OZP. She only knew the proposed amendments from other channels. Therefore, she mobilized Sai Kung residents to make representations on the proposed amendments and had gathered over 3,000 signatures to support her representation, including GMB operators and drivers, and many local residents. Most of them raised traffic concerns;

*Amendment Item C*

- (b) there were indigenous villagers residing in Site C which was originally located within the 'Village Environ' ('VE') of Nam Wai. Site C was excluded from the 'VE' of Nam Wai without any consultation. Nam Wai villagers were not aware of the reduction in the size of their village. They were shocked to learn that their homes would soon be demolished for luxury residential development;
  
- (c) there were ancestral graves within Site C, the earliest could be traced back to some 240 years ago. Located at the western foothill of a knoll south of the village, Site C was originally Nam Wai's ancestral burial ground. As the population grew, Nam Wai villagers converted the land into terrace fields for farming and the burial ground was relocated to the eastern side of the knoll. Many Nam Wai villagers still held government licences of their farm land within Site C, which was a proof of their right to use the land. If Site C was used for private residential development, villagers would no longer be able to access their farm land and ancestral graves. The right of the indigenous villagers should be respected;

*Fung Shui*

- (d) the proposed residential development at Site C would seriously affect the Fung Shui of Nam Wai as well as the rural landscape;

*Power Supply*

- (e) the China Light and Power Hong Kong Limited (CLP) advised that power supply to Nam Wai had already reached its full capacity, and there was no scope to increase power supply due to the lack of land and the Government's prohibition of excavation works in view of the existing traffic congestion. It was ironic that Site C could be put into residential use under such circumstances;

*Traffic and public transport*

- (f) the rural area in Sai Kung could not accommodate additional population without first improving the basic transport infrastructures and facilities;

- (g) currently, villagers of Nam Wai, Heung Chung and Wo Mei were unable to get on buses during the morning peak hours. Even if one could get on a bus, he would need to stand for about 30-40 minutes when the bus slowly crawled through the congested road section at Tseng Lan Shue. Sai Kung residents on average took over 100 minutes per day during the morning peak hours to commute to the main urban areas for work/schooling. Many residents then switched to private cars, resulting in a vicious cycle;
- (h) GMB drivers were particularly affected by the traffic congestion problem as it could take up to three hours to complete a return journey between Sai Kung and Hang Hau or Choi Hung, which would greatly reduce their income;
- (i) traffic congestion would also affect Sai Kung residents' access to emergency medical services at the TKO Hospital;
- (j) the sightline between Nam Wai Road and the access road serving Site D was obstructed by a signboard of the development. Despite junction improvement works had recently been carried out, the junction remained dangerous to drivers due to gradient/level differences. In fact, an accident had happened right after the completion of the junction improvement works. A direct connection from Sites C and D to Hiram's Highway should be considered instead;
- (k) the provision of 45 car parking spaces for the proposed residential development at Site C was unrealistic. According to her estimation, the proposed 130 residential units would generate about 250 private cars based on the existing car ownership pattern in Nam Wai;

*Drainage and Sewerage*

- (l) the stream at Nam Wai used to have a depth of 3m and the water was clear. After Site D was developed, the stream was filled by construction wastes with a depth reduced to only three feet and the water was polluted by sewage discharge. And yet, nothing was done to remedy the water

quality and flood discharge capacity of the stream. As a result, Nam Wai Road and small houses on both sides of the stream would be flooded during heavy rain. As the number of flats in Site C would be ten times that of Site D, the associated pollution problem was inconceivable. The proposed 10m wide buffer between the site and the stream might not be able to protect the stream;

- (m) the situation was even worse in Heung Chung where the stream was much more polluted. The recent flooding at Heung Chung was mainly due to the removal of mangroves associated with the numerous large scale residential developments in its vicinity. The addition of residential development would aggravate the existing problems;

*Proposals*

- (n) Site A should either be used as a park-and-ride cum public transport interchange facility to ease the traffic bottleneck at Tseng Lan Shue, or an elderly centre to meet the needs of the aging population in Sai Kung;
- (o) a highway should be constructed from Tseng Lan Shue to Anderson Road and then to MTR Hang Hau Station, and/or from Cheng Chek Chee Secondary School to MTR Tiu Keng Leng Station to address the traffic bottlenecks in Sai Kung. The ultimate solution to Sai Kung's traffic congestion problem would be extending the MTR TKO Line to HKUST and Nam Wai; and
- (p) the proposals of residential development should be shelved and the indigenous villagers should be adequately consulted on the future land use in the area.

[Mr Philip S.L. Kan and Mr Alex T.H. Lai left the meeting during the presentation of Ms Shing Yuen Kiu.]

R508 – 一群關心環保熱心人士

23. With the aid of a photo presentation, Mr Cheung Ling Fung made the following main points:

- (a) they represented a group of people who were passionate about environmental protection. They visited Site C in mid December 2019 to conduct a survey of the site conditions. The photos taken during their site visit showed that the site was covered with dense vegetation and many of which were over 10m high. As the proposed development would involve large scale tree felling, it would have adverse landscape impact on the natural environment. They did not agree with the tree survey conducted by the Lands Department (LandsD) which concluded that there were no rare, protected or endangered species nor Registered Old and Valuable Trees within the boundaries of the site. Although they were not able to enter the site as it was either fenced off or blocked by large trees, they could find at least 33 number of Incense Trees (*Aquilaria sinensis*) in the surrounding, not including the already dead ones due to serious damage. While only one of the Incense Trees was of large size, the others were less than 15 cm and mostly damaged. It was confirmed by the Police that there were tree theft incidents for Incense Trees in the area. It seemed that the findings of LandsD was contradictory to the investigation result of the Police;
- (b) the Paper mentioned that EPD had not received any water pollution complaints at Nam Wai and Heung Chung in the past three years and their recent site inspections revealed that there was no illegal discharge and the general conditions of the streams were found satisfactory. However, that was not the case. The stream at Nam Wai was subject to dumping and blockage problems. The stream bank near Site C was built by the local villagers many years ago and had become a beautiful scenic feature. During the construction at Site D, many large boulders from the stream bank fell down and were taken away as construction materials, resulting in damages of the stream bank. Upon completion of the construction works

at Site D, no one was held responsible for the repair works. The debris had adversely affected the water flows for a section of at least 50 feet and that section had over-grown with long grass and mosquitoes. A group of people helped reinstate the damaged banks and cleared the debris. After two years, the stream was almost restored and fishes and shrimps returned. Unfortunately, two years later, the chemical used to clean up an oil tanker accident nearby caused pollution again. The Hiram's Highway improvement works also generated a lot of sandy runoff into the stream. EDP visited the stream in August when the water had just improved, and their visit only covered a small section of the stream. That explained why they considered that the general condition of the stream was satisfactory. The proposed 10m buffer between Site C and the stream was not sufficient to protect the existing stream and its vegetated banks from disturbance; and

- (c) Site C was described in the Paper as at the fringe of the "GB" zone. In fact, it formed part of a large "GB" area and was actually located in the centre of the zone. Rezoning the site for residential use would divide the "GB" zone into pieces. The proposed residential development at Site C would adversely affect the surrounding flora and fauna in the "GB" and adjoining "CA" zones. The Government should identify another piece of land with less vegetation or having been disturbed for residential development.

#### R510 – The Hong Kong and China Gas Company Limited

24. Mr Tsang Chung Man made the following main points:

- (a) there was an existing town gas pipeline along Hiram's Highway running to Tseng Lan Shue. The project proponents of the proposed residential developments should be requested to evaluate the potential risk on the gas pipeline in the vicinity of the sites and propose necessary mitigation measures; and
- (b) the gas company should be consulted during the design stage of the

proposed developments. The project proponent should also maintain close coordination with the gas company and provide protective measures during the construction stage.

[Mr Andy S.H. Lam and Mr Stephen L.H. Liu left the meeting at this point.]

R6/C1 - Mary Mulvihill

25. With the aid of the visualiser, Ms Mary Mulvihill made the following main points:

- (a) she was happy to see many people were taking part in the OZP amendment process and had not been discouraged to attend the hearing following the introduction of new requirements on the submission of representations and comments;
- (b) amongst the 505 valid representations received, none was in support of the proposed amendments. Besides, there were more than 3,000 people participated in a signature campaign against the proposed residential developments. It was noted that many people would like to attend the hearing but found it difficult to travel to Quarry Bay due to the poor traffic conditions in Sai Kung;
- (c) the Board was taking away “G/IC” sites for luxury flats, which would not be affordable to those in need. As mentioned by R5, there was already an oversupply of luxury flats in the area. A nearby residential development at Shap Sz Heung (with 9,500 units) would create enormous adverse impacts on the local living and traffic conditions. She doubted why more residential units were required when there were a reduction in housing demand;
- (d) although PlanD had showed that there was no major shortfall of GIC facilities in the area, it was questionable why the information provided was confined to the planning scheme area. In the recent consideration of the proposed amendments to the Central District OZP, the data provided

had covered the entire Central and Western District to justify the urgent need for a private hospital. According to the 2016 By-census, the population of a wider Sai Kung District including TKO was more than 460,000. Comparing the data on a district basis, there would be higher deficits in GIC facilities, particularly in elderly facilities;

- (e) while some GIC facilities were required on a territorial basis, some should be provided at the local level. Hebe Haven was a good location for GIC facilities such as palliative facilities to relieve the overcrowdedness of the hospitals in the Kowloon East cluster. There was also a lack of recreational facilities and amenities in the area. The former Director of Planning had said that the shortage of GIC land would create even greater societal problems than that of housing land, but the Government continue to take away the GIC sites first in the urban area, then in the rural area;
- (f) Site D was developed despite of the “GB” zoning. While Site C would further encroach into the “GB” zone which was next to the Country Park, there was no assessment on ecological and glare impacts on insect, bird and wildlife that might be generated by the proposed development. She doubted whether it was the Government’s intention to develop up to the boundary of the Country Park. As there were still many brownfield sites and private land not yet been developed, there was no justification to destroy the countryside which should be preserved for public enjoyment; and
- (g) she questioned whether it was worthwhile to increase land revenue by land sale at the expense of adverse traffic, sewerage, ecological and tourism impacts on Sai Kung. People had new inspirations now and the mindset of the Board should also be changed.

C3 – 南圍村居民 (Shing Yuen Kiu)

C4 – Wong Lai Ping

C5 – Sing Ching On

C6 – Yau Keung Hing



26. Ms Shing Yuen Kiu, Anita made the following main points:

- (a) the traffic conditions in Sai Kung was really bad and there were always long queues for buses. The Government should enhance the frequency of bus services especially during peak hours;
- (b) the stream at Nam Wai was always blocked with a water depth of three feet only. The Government was requested to clear the stream bed such that the risk of flooding during heavy rain could be reduced;
- (c) if the Government considered that the proposed residential development at Site C would not generate adverse impact on the adjoining stream, they should first stop the illegal discharge from the existing residential development at Site D;
- (d) the Board should not agree to the proposed residential development at Site C, or alternatively, there should be a new access connecting directly to Hiram's Highway without passing through Nam Wai Road; and
- (e) the concerned villagers and affected parties should be adequately consulted prior to any proposed amendments to the OZP.

27. As the presentation from government representatives and the representers, commenters and their representatives had been completed, the meeting proceeded to the Q&A session. The Chairperson explained that Members would raise questions and the Chairperson would invite the representers, commenters and 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.

#### *Development Parameters and Site Context*

28. Some Members raised the following questions:

- (a) estimation on the number of flats and number of residents in the two proposed residential developments;
- (b) the existing and planned population for the planning scheme area of Hebe Haven and Sai Kung as a whole;
- (c) vacancy rate of private residential properties in the Sai Kung District;
- (d) whether there was any connection/relationship between Sites A and C, and why the south-eastern site boundary of Site C was in a straight line; and
- (e) background of the existing residential development at Site D.

29. Ms Donna Y.P. Tam, DPO/SKIs, PlanD, made the following responses with the aid of the visualiser and some PowerPoint slides:

- (a) the two potential housing sites (i.e. Sites A and C) would provide a total of 230 flats including 100 flats at Site A and 130 flats at Site C. Based on the number of person per occupied flat of about 3 to 3.2, the number of residents for Site A and Site C were about 300 and 400 respectively;
- (b) the existing and planned population for the OZP planning scheme area of Hebe Have were 5,450 and 7,000 respectively. The population of Sai Kung District was about 461,000 according to the 2016 By-Census, while the planned population would be about 560,000;
- (c) the latest private property vacancy rate for Sai Kung District was about 9.3% (6,245 units) in 2018;
- (d) Sites A and C were individual sites without any physical connection. The south-eastern boundary of Site C mainly followed the existing platform of the adjoining development which was partly on private land. While there were some temporary structures within Site C, the whole site fell within government land; and

- (e) Site D was the subject of a planning application for residential development approved on review with conditions by the Board in 1999. The residential development was completed in 2008. As the development was completed, it was proposed to rezone the site from “GB” to “R(C)6” to reflect its existing use and development parameters which were the same as those specified under the lease conditions.

### Environmental and Ecological Aspects

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

#### *Site A*

- (a) the context and planning intention for the “CPA” zone adjoining Site A;
- (b) whether site formation works for Site A would be required, and whether those works would affect the adjoining “CPA” zone;
- (c) whether an ecological or landscape buffer would be required for Site A in view of its close proximity to the mangrove area;

#### *Site C*

- (d) the planning intention for the subject “GB” zone and whether the proposed rezoning of Site C from “GB” to “R(C)5” would disrupt the planning intention and integrity of the “GB” zone in the area;
- (e) noting that some representers had pointed out that there were many species with ecological significance within the site, what the findings of the Government were;
- (f) the current conditions of the stream at Nam Wai, and whether the Government had any plan to improve the depth of the stream bed to address the water flow and flooding problems;
- (g) whether Site C would share the same access road with Site D, and whether

there would be compensatory planting for the trees affected by the road works;

*Sewerage and environmental pollution*

- (h) whether the proposed residential developments would generate adverse sewerage impacts on the surrounding areas and what types of sewage treatment mechanism would be adopted;
- (i) whether there was any measure to address the possible environmental pollution during the construction stage of the proposed residential developments; and
- (j) the relationship between the streams and the area zoned “CPA”.

31. Ms Donna Y.P. Tam, DPO/SKIs, PlanD, made the following responses with the aid of the visualiser and some PowerPoint slides:

*Site A*

- (a) a large piece of water area with a mangrove stand to the northeast and east of Site A was zoned “CPA”. Mangrove stand was generally considered as an important habitat in Hong Kong. As the site level of Site A was higher than the high-tide water level of the adjoining coastal area, Site A would not be flooded during high-tide. However, there might be flooding risk during strong typhoon period and hence, flood prevention measures would need to be implemented at the site;
- (b) the northern portion of Site A was on government land and was previously occupied by HyD as a temporary maintenance depot. The southern portion was mainly private land used for paint storage. As the site had already been formed, no site formation works would be required for the future development and the adjoining “CPA” zone would not be affected;
- (c) as there was an existing seawall/retaining structure separating the water area and the site, an ecological/landscape buffer on the OZP was

considered not necessary. However, relevant landscape requirement could be incorporated into the lease if necessary;

*Site C*

- (d) while the subject “GB” zone had previously acted as a buffer to the adjoining “CA” zone from Hiram’s Highway, there were changes over the years including the completion of the adjacent development (i.e. Site D). Site C was currently partly occupied by temporary structures and the vegetation therein was not very dense. As Site C was located at the fringe of “GB” and in close proximity to the developed area of Nam Wai Village with supporting infrastructure facilities, it was considered having good potential for residential development;
- (e) AFCD advised that there were no record of faunal or floral species of significant conservation importance within the site. Tree surveys conducted by LandsD concluded that there were no rare, protected or endangered species within the boundaries of the site. According to the tree surveys, approximately 150 trees of common species were identified within the boundary of the site and the proposed buffer area. Tree protection measures would be addressed at the land disposal stage. A copy of the tree survey had been deposited for Members’ reference when the proposed amendments were considered by the Rural and New Town Planning Committee (RNTPC) of the Board;
- (f) there would be a buffer area of 10m wide between the stream and Site C. AFCD advised that the buffer was adequate to protect the stream with natural stream-bed and strips of wild-grown vegetation on both sides from any impact of the future development. The Drainage Services Department would arrange clearance works for the debris found, cutting of vegetation and desilting works at the stream concerned to avoid flooding. They would also consider improvement works to the stream bed if necessary. There were also existing regulations for pollution control during the construction stage;
- (g) the proposed development at Site C would share the same access road

leading to Site D. Road improvement works to widen the road to a standard one would be implemented and if any trees were to be affected by the road improvement works, mitigation measures including compensatory tree planting would be provided by the future developer;

*Sewerage and environmental pollution*

- (h) the project proponents for the proposed residential developments would need to conduct sewerage impact assessment and implement appropriate mitigation measures under the lease to ensure that the sewage discharge would not affect the environmentally sensitive areas in the vicinity. The sewage generated by the proposed residential developments would either be treated by on-site sewage treatment facilities or diverted to public sewer, if available. The Pak Sha Wan area would be provided with public sewers. The sewerage system of the rural areas and villages in Sai Kung would be improved under the Port Shelter Sewerage Projects. Residential developments would need to comply with the relevant standards and regulations in discharging sewage water;
- (i) there was sufficient control mechanism under the relevant ordinances and regulations to ensure that no unacceptable environmental impacts would be generated on the surrounding areas including the adjacent “CPA” zone during the construction stage; and
- (j) the existing stream near Nam Wai was connected to the sea area at Pak Sha Wan i.e. the “CPA” zone. It would pass through existing developments including village settlements at Nam Wai.

32. In response to the environmental concerns regarding the stream at Nam Wai, Ms Shing Yuen Kiu, Anita (R496/C3), said that the stream used to be the main source of fresh water supply for the villagers of Nam Wai. However, after the completion of the residential development at Site D, the natural water supply was blocked due to dumping and blockage problems in the stream. As such, another residential development near the stream would worsen the problems.

33. In response to a Member’s question on the general planning intention of Sai

Kung as a “back garden” of Hong Kong as raised by some representers, Ms Donna Y.P. Tam, DPO/SKIs, PlanD said that the back garden of Hong Kong referred to the whole areas of Sai Kung including the Country Parks, the beaches and the natural environment, which should be preserved for conservation purposes as well as for public enjoyment and recreation purposes. Sai Kung also covered existing development areas including Sai Kung Town and village settlements. Given the rural context of Sai Kung, existing developments mainly clustered in areas near major roads such as Ho Chung and along Hiram’s Highway. The two sites proposed for residential development were located either adjacent or in close proximity to Hiram’s Highway and had potential for low-density development.

### Traffic and Transport

34. Some Members raised the following questions:

- (a) details of the improvement works for Hiram’s Highway;
- (b) whether the proposed residential developments would generate adverse traffic impact on the surrounding area;
- (c) whether Nam Wai Road would be affected by the proposed access road to Site C; and
- (d) traffic improvement measures for the road networks between Ying Yip Road and Tai Po Tsai.

35. Mr Stephen C.W Ko, SE/NTE, TD, made the following responses with the aid of some PowerPoint slides :

- (a) upon completion of Hiram’s Highway Improvement Stage 1 by end of 2020, the section of Hiram’s Highway between Clear Water Bay Road and Marina Cove would become dual 2-lane carriageway and the capacity of traffic flow would be doubled, relieving the traffic congestion problem along Hiram’s Highway. Hiram’s Highway Improvement Stage 2 project

would improve the remaining section of Hiram's Highway from Marina Cove to Sai Kung Town. HyD was currently co-ordinating with relevant departments for road gazette of the road scheme scheduled for early 2020. Upon completion of the relevant statutory procedures, the Government would proceed with funding arrangement and detailed design study for the project;

- (b) Hiram's Highway Improvement Stage 1 would be completed before population in-take of the proposed residential developments. The addition of about 230 flats would only generate about 80 passenger car units during the morning peak hours, which would not cause significant traffic impact on the adjacent road network;
- (c) according to the preliminary layout of the access road to Site C, there would be a give way traffic sign at the junction of the proposed access road to Site C and Nam Wai Road such that Nam Wai Road would be the major road while the proposed access road would be a secondary road; and
- (d) traffic improvement measures for the road network between Ying Yip Road and Tai Po Tsai included traffic light adjustment during morning peak hours in week days to allow more traffic flow to the Kowloon direction near Ngan Ying Road. The proposed improvement work at the junction of Clear Water Bay Road and Ngan Ying Road would be implemented upon completion of the new residential development at the former Shaw Brothers' Studio site. For the proposed public housing site at Ying Yip Road, traffic improvement measures including addition of a traffic lane would be proposed by the project proponent.

#### Provision of GIC Facilities

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

- (a) why the assessment on the provision of GIC facilities was conducted based on the planning scheme area of Hebe Haven rather than a wider area of Sai Kung District;



- (b) the provision of GIC facilities in the wider area of SKDC;
- (c) whether other GIC sites were available in Sai Kung for the provision of elderly facilities; and
- (d) there was a deficit in RCHE and community gathering place, whether the Government would consider using Site A for such use, and whether there were other planned elderly facilities in the area.

37. Ms Donna Y.P. Tam, DPO/SKIs, PlanD, made the following responses with the aid of the visualiser and some PowerPoint slides :

- (a) it was an established practice to assess the provision of GIC facilities based on the planning scheme area in the plan making process. As the rural population was sparsely distributed in Sai Kung, it was considered more appropriate to assess the provision of GIC facilities on a neighbourhood basis. For the wider Sai Kung District, the main population was concentrated in the TKO area. If the SKDC boundary was adopted for the assessment of the provision of GIC facilities, the need of the population in rural area of Sai Kung could not be adequately reflected;
- (b) according to the requirements of the Hong Kong Planning Standards and Guidelines (HKPSG), the existing and planned provision of GIC facilities was generally adequate to meet the demand of the overall planned population in the wider Sai Kung District except hospital beds (-1,250 beds). However, according to information of the Food and Health Bureau, the deficit would generally be met after the expansion plans for both the TKO Hospital and the Haven of Hope Hospital were implemented. There were also deficits in the provision of community care services and RCHE in the Sai Kung Area. It should be noted that the population-based provision standards of those facilities were only re-introduced recently and it would be a long term goal of the Social Welfare Department (SWD) and the actual provision would be subject to the consideration of SWD in the planning and development process as appropriate;

- (c) the “GIC” site adjoining Site A had already been planned for GIC uses comprising a day activity centre cum hostel for severely mentally handicapped persons and a RCHE cum day care unit. According to the advice of SWD, the department did not have any plan to use Site A for the provision of welfare facilities. SWD would continue to adopt a multi-pronged approach to identify suitable accommodation for the provision of welfare facilities, taking into account factors such as the location, area, nearby environment, the supply and demand for services in the local community; and
- (d) part of the “G/IC” site at north of Pak Sha Wan would be developed into a residential home for the elderly providing care and attention places and a day care centre for the elderly. The remaining area of the site could be considered for other GIC facilities.

#### Other Aspects

38. Some Members raised the following questions:

- (a) the type of temporary structures within Site C and their status;
- (b) the exact location of the graves and whether local consultation on the proposed amendments to the OZP had been carried out;
- (c) whether Site A could be reserved for cultural and heritage related uses as Sai Kung was an area with rich heritage and traditional Hakka culture such as Che Kung Temple in Ho Chung and Qing Jiao Festivals held in many local villages; and
- (d) whether the boundary of ‘VE’ in Nam Wai would be affected by the proposed amendments.

39. Ms Donna Y.P. Tam, DPO/SKIs, PlanD, made the following responses with the aid of some PowerPoint slides :

- (a) the temporary structures within Site C were domestic dwellings with permits/licenses;
- (b) prior to the submission of the proposed amendments for consideration by the RNTPC of the Board, the Sai Kung Rural Committee (SKRC) which consisted of village representatives of respective villages in Sai Kung area, and SKDC were consulted. The views expressed by SKRC and SKDC were presented to the RNTPC in considering the proposed amendments. The villagers and SKDC had also submitted their representations to the Board which were being considered at this hearing. According to PlanD's site inspection, no grave was observed within Site C. Notwithstanding that, a detailed survey would be carried out in a later stage before land sale. The affected graves, if any, would be compensated in accordance with the existing policy;
- (c) cultural and heritage related uses such as temple usually fell within "G/IC" zone where relevant activities were always permitted. During the plan-making process, PlanD would consult all relevant government departments. As stipulated in the Explanatory Statement of the OZP, prior consultation with the Antiquities and Monuments Office would be conducted should there be any development proposals which might affect a site's historic and heritage characteristic; and
- (d) the rezoning of Site C was outside the 'VE' boundary in Nam Wai.

40. 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 and comments in closed meeting and would inform the representers and commenters of the Board's decision in due course. The government representatives as well as the representers, commenters and their representatives left the meeting at this point.

Deliberation Session

[Closed Meeting]

41. A Member raised no objection to Amendment Item A as it was located at road side and the proposed development intensity at the site was considered acceptable. Besides, a social welfare services complex would be provided at the adjoining “G/IC” site (i.e. the ex-Sai Kung Central Primary School), which could help address the shortfall of the most needed facilities in the area. However, there was reservation on Amendment Item C which was a “GB” site as the proposed amendment would further bisect the wider “GB” zone in the area and affect its buffer function for the adjoining “CA” zone. The proposed amendment would have been more acceptable had it involved a lower development intensity.

42. Another Member also considered that Amendment Item A acceptable and had reservation on Amendment Item C. Consideration could be given to transferring the development intensity from Site C to Site A such that Site C could be retained as “GB”. As regards Site D, there was no strong view on the proposed amendment as the site was previously used as a factory before planning permission was granted for residential development under s.17 review.

43. Noting that more time would be required for discussion, the Chairperson suggested and Members agreed that the deliberation should be adjourned to the afternoon session.

[The meeting was adjourned for lunch break at 2:30 p.m.]

[Professor S.C. Wong, Mr Lincoln L.H. Huang, and Mr Franklin Yu left the meeting, and Mr Paul Y.K. Au left the meeting temporarily at this point.]

The meeting was resumed at 3:30 p.m. on 20.12.2019.

44. 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

Mr H.W. Cheung

Mr Sunny L.K. Ho

Mr Stephen H.B. Yau

Dr F.C. Chan

Mr Peter K.T. Yuen

Mr K.K. Cheung

Mr Wilson Y.W. Fung

Dr C.H. Hau

Dr Lawrence K.C. Li

Professor T.S. Liu

Ms Sandy H.Y. Wong

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Chief Engineer (Works)  
Home Affairs Department  
Mr Paul Y.K. Au

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

Assistant Director (Regional 3)  
Lands Department  
Mr Alan K.L. Lo

Director of Planning  
Mr Raymond K.W. Lee

**Agenda Item 3 (Continued)**

[Closed Meeting]

Consideration of Representations and Comments in respect of the Draft Hebe Haven Outline Zoning Plan No. S/SK-HH/7

(TPB Paper No. 10612)

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[The meeting was conducted in Cantonese.]

45. The Chairperson said that the meeting was a continuation of the deliberation session in respect of the Draft Hebe Haven Outline Zoning Plan No. S/SK-HH/7 (the draft OZP).

[Dr Lawrence K.C. Li arrived to join the meeting at this point. He was reminded to refrain from participating in the Deliberation Session.]

**Amendment Item A**

46. Some Members had reservation on Amendment Item A for the following reasons :

- (a) GIC needs should be assessed in a wider district. In view of the increasing demand for elderly facilities and that identification of new “G/IC” sites was very difficult, it was worthwhile to retain the site for GIC uses to meet the future needs;
- (b) apart from social welfare facilities, “G/IC” site could be used for cultural heritage related uses. In particular, there was well preserved Hakka culture in Sai Kung with a number of activities such as Hakka Unicorn Dance in Hang Hau and the Qing Jiao festivals in several indigenous villages, which were included in the Intangible Cultural Heritage Inventory

of Hong Kong. Besides, the first Che Kung Temple was also located in Ho Chung. As such, consideration might be given to reserving Site A for the promotion of cultural heritage in Sai Kung; and

- (c) it was doubtful whether the traffic problems in the area could be resolved. The proposed residential development might aggravate the traffic problems in the area.

47. The majority of Members, however, had no objection to or strong view on Amendment Item A and had the following views :

- (a) rezoning of the site for residential use would not result in a loss of existing or planned GIC facilities as no specific use for the site had been identified by the Government. Besides, as the rural area was sparsely populated, the provision of GIC facilities could be more decentralised;
- (b) the adjoining “G/IC” site had already been reserved for the provision of social welfare facilities. There were also other “G/IC” sites available for the provision of social welfare facilities in the area. The overall provision of GIC facilities in Sai Kung District and Hebe Haven was in general adequate to meet the requirements of HKPSG, except some facilities which were provided on a wider district basis;
- (c) the proposed development intensity was low and compatible with the surrounding areas; and
- (d) the site had already been formed. Consideration might be given to imposing an ecological buffer requirement for the proposed development in the land sale conditions to address the potential adverse ecological impact on the adjoining “CPA” zone.

#### Amendment Item B

48. Members generally had no comment on the proposed amendment which was to

rezone a strip of land to an area shown as 'Road' to reflect the existing use of a road side carpark.

### Amendment Item C

49. Most of the Members had reservation on the proposed Amendment Item C for the following reasons :

- (a) the rural character of the Site C should be respected and the "GB" zoning of the site should be retained to preserve the integrity of the "GB" zone, which was essential to act as a buffer to the adjoining "CA" zone. Rezoning of Site C for residential development would set an undesirable precedent for similar zoning amendments within the subject "GB" zone;
- (b) although no species with significant ecological importance was identified within the site, the proposed development at the site and the construction of the new access road would involve massive tree felling, resulting in loss of landscape and ecological value as well as adverse environmental impacts. It might not be worthwhile to disturb an intact natural environment in exchange for only 130 flats; and
- (c) residential development at the site might cause potential pollution and flooding problems to the stream at Nam Wai. Although there were regulations for pollution control during the construction stage, a 10m buffer might not be sufficient to protect the stream.

50. The Secretary relayed to the meeting the view of a Member, who had already left the meeting, that land ownership might not be a relevant ground of the representation.

51. Mr Alan K.L. Lo, Assistant Director (Regional 3), Lands Department, clarified that the Government Land Permit in respect of Site C was five instead of one as stated in paragraph 6.1.5 of the Paper.



### Amendment Item D

52. In response to a Member's question, the Secretary said that Site D was the subject of a planning application for residential development in "GB" zone, which was approved on review with conditions by the Board on 23.4.1999. As the site was previously used as a factory for manufacturing of foam, the then Members considered that a more positive approach could be adopted to allow residential development at the site so as to phase out the undesirable uses.

53. Some Members had reservation on Amendment Item D as the rationale for rejecting the residential development at Site C should be equally applicable to Site D given the close proximity of the two sites. Besides, the previous planning permission might not justify sufficiently the rezoning of the site from "GB" to "R(C)6".

54. A Member asked what the difference in redevelopment right would be if Site D was zoned "GB" rather than "R(C)6". Mr Raymond K.W. Lee, Director of Planning, said that if Site D was retained as "GB" zone, while the existing development at the site would not be affected, planning permission would be required should there be a redevelopment or material change of use. It was an established practice to rezone a site to the approved use after the development was completed. As for the proposed "R(C)6" zone, the development restrictions stipulated on the OZP were the same as the existing development intensity at the site. Should the site be redeveloped with an intensity exceeding those stipulated on the OZP in future, planning permission from the Board would still be required.

55. The majority of Members had no objection to or strong view on Amendment Item D for the following reasons :

- (a) the site was already occupied by an existing residential development and rezoning of the site from "GB" to "R(C)6" would not alter the existing characteristic and development intensity of the site, it would not cause additional ecological impacts on the surrounding areas;
- (b) the development parameters for the "R(C)6" zone were the same as the existing development at the site;

- (c) the existing residential development at the site was approved by the Board and the previous decision of the Board should be respected; and
- (d) AFCD advised that the existing residential development at Site D had not caused significant ecological impacts on the stream.

56. The Chairperson concluded that Members had in general no comment on Amendment Item B. As regards Amendment Items A and D, while some Members considered that a cautious approach should be adopted given the sites were in close proximity to conservation zones, the majority of Members were of the view that the amendments were acceptable as the sites were either formed or occupied by a completed development. For Amendment Item A, there was no designated GIC use for the site and alternative sites for GIC provision were available in the area. For Amendment Item D, the proposed “R(C)6” zoning was to reflect the existing development and its development intensity at the site and future redevelopment had to comply with the development restrictions of the zone. Whilst noting that no insurmountable traffic and sewerage problems were anticipated for Amendment Item A, some Members considered that further improvement to address the local residents’ concern on traffic and sewerage issues would be required. Members in general did not support Amendment Item C in view of the buffer function of the subject “GB” to the adjoining “CA” zone and the potential disturbance to the natural environment.

57. Members generally considered that other grounds and proposals of the representations and comments had been addressed by the departmental responses as detailed in the Paper and the presentations and responses made by the government representatives at the meeting.

58. After deliberation, the Board noted the views of R510. The Board also decided to uphold/partially uphold Representations No. R1 to R296, R298 to R354, R356 to R367, R369 to R415, R417 to R478 and R480 to R509, and considered that the draft OZP should be amended to meet/partially meet the representations by reverting the zoning of the site under Amendment Item C from “Residential (Group C)5” to “Green Belt” (“GB”), for the reasons set out in paragraph 49 above. The amended OZP would be published for further representation under section 6C(2) of the Town Planning Ordinance (the Ordinance) for three

weeks and the Board would consider the further representations, if any, in accordance with the provisions of the Ordinance.

59. Taking into account the above discussion, the Board decided not to uphold the remaining part of Representations No. R1 to R296, R298 to R354, R356 to R367, R369 to R415, R417 to R478, R480 to R504, and R509, and considered that the draft OZP should not be amended to meet the representations under Amendment Items A, B and D for the following reasons:

- “(a) the statutory and administrative procedures in consulting the public on the Outline Zoning Plan (OZP) amendments have been duly followed. The exhibition of the OZP for public inspection and the provisions for submission of representations and comments also form part of the statutory consultation process under the Town Planning Ordinance (**R1 to R4**, and **R496 to R500**);

Amendment Item A

- (b) the Government has adopted a multi-pronged strategy to increase land supply. The site is of sufficient size with infrastructure support and is in close proximity to major road networks and other developed sites. The site and the scale of proposed development are generally compatible with the surrounding areas comprising mainly residential developments and Government, Institution or Community (GIC) uses and is considered suitable for residential development to meet the short to medium-term housing needs (**R1 to R296**, **R298 to R354**, **R356 to R367**, **R369 to R415**, **R417 to R478**, **R480 to R484**, **R500** and **R502**);
- (c) with the completion of Hiram’s Highway Improvement Stage 1 by end of 2020, which is earlier than the planned completion year of the proposed development, the additional peak hour traffic generated from the proposed development is not expected to cause insurmountable traffic impact to the adjacent road network. In addition, there are rural road network and junction improvements at the site and surrounding areas (**R1 to R296**, **R298 to R354**, **R356 to R367**, **R369 to R415**, **R417 to R478**, **R480 to R485**, **R496 to R500** to **R502**);

- (d) parking facilities for the proposed development will be provided in accordance with the Hong Kong Planning Standards and Guidelines. The public transport service arrangement of the entire Hebe Haven area will be monitored and appropriate adjustments will be made in accordance with future community needs (**R1 to R5, R496 to R499**);
- (e) the planned provision for GIC facilities in the area is generally adequate to meet the demand of the overall planned population. The Government has been closely monitoring the development and service demand in Sai Kung and TKO districts and is devoted to set up suitable community and public facilities therein. The ex-Sai Kung Central Primary School, located to the immediate northwest of the site, will be converted into an elderly and rehabilitation service facilities complex comprising day activity centre cum hostel for severely mentally handicapped persons and a contract residential care home for the elderly cum day care unit (**R1 to R296, R298 to R354, R356 to R367, R369 to R415, R417 to R478, R480 to R495 and R509**);
- (f) technical requirements could be handled in land disposal stage through appropriate lease conditions requiring the future developer to undertake relevant technical assessments, if required, to demonstrate that the proposed development will not cause any adverse environmental impact on the site and surrounding areas (**R1 to R4, R6 to R296, R298 to R354, R356 to R367, R369 to R415, R417 to R478, R480 to R496 and R501 to R504**);

Amendment Items B and D

- (g) the amendments are to reflect the existing use of a road side carpark serving the car parking needs of local villagers (Amendment Item B) (**R1 to R296, R298 to R354, R356 to R367, R369 to R415, R417 to R478 and R480 to R485**) and an existing residential development (Amendment Item D) (**R1 to R296, R298 to R354, R356 to R367, R369 to R415, R417 to R478, R480 to R485, R502 to R504 and R509**).”

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

**Kowloon District**

**Agenda Item 4**

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Further Representation No. FF1 on Proposed Amendments to the Draft Ngau Tau Kok and Kowloon Bay Outline Zoning Plan No. S/K13/29 Arising From the Re-Consideration of Representation No. R2 on the Draft Ngau Tau Kok and Kowloon Bay Outline Zoning Plan No. S/K13/26

(TPB Paper No. 10600)

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[The meeting was conducted in Cantonese and English]

60. The Secretary reported that Further Representation No. 1 (FF1) was related to proposed Amendment Item A of Amendment Plan No. R/S/K13/26-B1 (the Plan) arising from the re-consideration of Representation No. R2 (R2) in respect of the draft Ngau Tau Kok and Kowloon Bay Outline Zoning Plan (OZP) No. S/K13/26 pursuant to the Court's order on a judicial review (JR) case. The JR application was lodged by the Real Estate Developers Association of Hong Kong (REDA) which was the representer of R2. The following Members had declared interests on the item for having affiliation/business dealings with REDA, Masterplan Limited which was REDA's representative for submitting the representation, the Institute of Future Cities of the Chinese University of Hong Kong which was Planning Department (PlanD)'s consultant of the updated Air Ventilation Assessment (AVA) in respect of the OZP, an organisation providing social services in Ngau Tau Kok and Kowloon Bay or owning properties in the vicinity of the further representation site (the Site), and/or the further representer, Ms Mary Mulvihill (FF1) :

Mr Ivan C.S. Fu - having current business dealings with Masterplan and developers which were members of REDA;

Mr Stephen H.B. Yau - his organization owning a property in the vicinity of the Site;

Mr K.K. Cheung ] their firm hiring Ms Mary Mulvihill (FF1) on a  
Mr Alex T.H. Lai ] contract basis from time to time;

Mr L.T. Kwok - his employing organization having a number of  
service units located in Ngau Tau Kok and Kowloon  
Bay; and

Professor John C. Y. Ng - being a fellow of the Institute of Future Cities.

61. Members noted that Messrs Ivan C.S. Fu and L.T. Kwok had tendered apologies for not being able to attend the meeting, and Mr Alex T.H. Lai and Professor John C.Y. Ng had already left the meeting. As the property of Mr Stephen H.B. Yau's organization had no direct view of the further representation site and the interest of Mr K.K. Cheung was considered indirect, Members agreed that they could stay in the meeting.

#### Presentation and Question Sessions

62. The following PlanD's representatives, the further representer (FF1) and the original representer (R2)'s representative were invited to the meeting at this point :

#### **PlanD's representatives**

Ms Johanna W.Y. Cheng - District Planning Officer/Kowloon (DPO/K)  
Mr William W.L. Chan - Senior Town Planner/Kowloon (STP/K)

#### **Further Representer and Original Representer's Representative**

##### FF1 – Mary Mulvihill

Ms Mary Mulvihill - Further Representer

##### R2 – REDA

*Masterplan Limited* ] Representer's representative

Mr Ian Brownlee ]

63. The Chairperson extended a welcome and briefly explained the procedures of the hearing. To ensure the efficient operation of the meeting, the further representer and the original representer's representative would be allotted ten minutes each for making oral submission. There was a timer device to alert the further representer and the original representer's representative 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 further representer and the original representer's representative had completed their oral submissions. Members could direct their questions to PlanD's representatives, the further representer, or the original representer's representative. After the Q&A session, the further representer and the original representer's representative would be invited to leave the meeting. The Town Planning Board (the Board) would deliberate on the further representation in a closed meeting and would inform the further representer and the original representer of the Board's decision in due course. The Chairperson invited DPO/K, PlanD to brief Members on the further representation.

64. With the aid of a PowerPoint presentation, Ms Johanna W.Y. Cheng, DPO/K, PlanD briefed Members on the further representation, including the background of the proposed amendment, the grounds/views of the further representer, planning assessments and PlanD's responses on the further representation as detailed in the Paper.

65. The Chairperson then invited the further representer and the original representer's representative to elaborate on their further representation/representation.

FF1 – Mary Mulvihill

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

- (a) there was a typo in her written submission, and 'AVA 2019' should read 'AVA 2010' instead;
- (b) AVA 2010 was outdated as it had not taken into account the effect of the new revitalisation scheme for industrial buildings under the 2018 Policy Address, which would have a particularly significant impact on the Tsuen Wan, Tsing

Yi and Ngau Tau Kok/Kowloon Bay districts where there were many pre-1987 industrial buildings;

- (c) there was no information in the Paper on the number of pre-1987 industrial buildings within the Plan's coverage. That crucial piece of information should have been given in the Paper as the buildings would likely be redeveloped in the near future to capitalize on the 20% increase in plot ratio (PR) on application to the Board under the new revitalisation scheme for industrial buildings;
- (d) though there was currently no application for minor relaxation of PR restriction in Ngau Tau Kok and Kowloon Bay, there were six such applications in the pipeline in the adjoining Kwun Tong (South) OZP No. S/K14S/22, indicating a strong trend towards taking advantage of the 2018 policy initiative. As the building height (BH) restrictions remained unchanged, the buildings would get 'fatter' with the 20% increase in PR, and therefore would generate greater impacts on air ventilation. Air ventilation was particularly important to the dispersion of air pollutants;
- (e) the Court of First Instance (CFI) ruled that the Sustainable Building Design Guidelines (SBDG) were relevant considerations when imposing development restrictions. It was however noted from some of the approved applications for minor relaxation in PR restriction that the SBDG features mentioned in the applications were not implemented upon approval. The green walls in particular, were difficult and costly to maintain, and some were eventually filled with plastic plants rather than real plants as in the case of Cheung Kong Center. The K11 Atelier King's Road, for example, had thousands of lights to illuminate the green ceiling, and the associated energy consumption would easily outweigh any benefit of greening;
- (f) the Mega Box site, the Enterprise Square III site and the Manhattan Place site, with their much higher BH restrictions of 170mPD than the surrounding buildings, would create a wall effect along Sheung Yee Road; and



- (g) property rights should not be merely about maximizing return, and developers should realize by now that they were part of the cause of the current societal conflicts.

## R2 – REDA

67. Mr Ian BrownLee, original representer's representative made the following main points :

- (a) he represented REDA all the way through on the case, focusing on the operation of the planning system rather than any specific property;
- (b) REDA considered that there was inadequacy in the way in which development restrictions were imposed on private properties during the plan-making process, and when the Board did not address such inadequacy in the representation process, REDA pursued a JR to seek the Court's ruling;
- (c) CFI ruled that the Board had to take into account SBDG when imposing development restrictions. The Board did exactly that for the Mega Box site, and removed the building gap (BG) thereat in view of the building design mechanisms under SBDG to address air ventilation issues. To that end, REDA supported the removal of the BG; and
- (d) CFI also ruled that the Board should balance the development restrictions imposed and the societal benefits achieved through the imposition of such restrictions. To that end, REDA requested the Administration to review the current Technical Circular (TC) on AVA to take into account CFI's ruling. REDA also considered that there should be comparison of options when the Board considered proposed amendments to OZPs.

68. As all the presentations from PlanD's representatives, the further representer and the original representer's representative had been completed, the meeting proceeded to the Q&A

session. Members would raise questions and the Chairperson would invite PlanD's representatives, the further representer or the original representer's representative 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.

69. A Member raised the following questions :

- (a) the number of pre-1987 industrial buildings within the Plan's coverage, and whether there would be ventilation issues as the further representer had suggested;
- (b) whether the pre-1987 buildings would be redeveloped in accordance with the provisions of the extant OZP, including the development restrictions, and SBDG requirements; and
- (c) whether the TC on AVA mentioned by the original representer's representative had any relevance to the further representation under hearing.

70. With the aid of the visualizer, Ms Johanna W.Y. Cheng, DPO/K, PlanD responded as follows :

- (a) pre-1987 industrial buildings within the Plan's coverage were shown on the visualizer;
- (b) the further representation was related to the deletion of the BG at the Mega Box site only, and all other development restrictions on the OZP remained unchanged after the Board's re-consideration of REDA's representation. The BG was proposed to be deleted after taking into consideration that there were two large open space sites, a "Government, Institution or Community" zone and the wide wind corridor along Wang Chiu Road around the Mega Box site. It was also noted that buildings in the vicinity of the Mega Box site were relatively new;

- (c) to date, one application for minor relaxation of PR and BH restrictions within the Plan's coverage relating to the revitalization of industrial buildings as set out in the 2018 Policy Address was received;
- (d) if minor relaxation of PR and/or BH restrictions was sought upon redevelopment, the applicant would need to submit appropriate technical assessments to support its proposal. The applicant would also be required to explain in its submission how SBDG's requirements could be fulfilled; and
- (e) while the TC on AVA mentioned by the original representer's representative did not have much relevance to the further representation under consideration, it was still valid and being followed by PlanD when conducting AVA for landuse review of OZP.

71. As Members had no further question to raise, the Chairperson said that the Q&A session had been completed. The Chairperson thanked the further representer, the original representer's representative, and PlanD's representatives for attending the hearing. The Chairperson informed them that the Board would deliberate the further representation in closed meeting and would inform the further representer/original representer of the Board's decision. They all left the meeting at this point.

Deliberation Session

[Closed Meeting]

72. Members noted PlanD's explanation on the rationale of deleting the BG at the Mega Box site, and generally agreed that there was no justification in the further representation to merit a reinstatement of the deleted BG requirement.

73. After deliberation, the Board decided not to uphold the further representation and considered that the Plan should not be amended to meet the further representation for the following reasons :

- “ (a) there is no need to retain the building gap (BG) requirement on the “Other Specified Uses” annotated “Business (2)” (“OU(B)2”) site as its localized wind environment could be improved through the Sustainable Building Design Guidelines (SBDG) requirements; and
- (b) the proposed amendment to the “OU(B)2” zone under Amendment Item A is in line with the Town Planning Board's principles adopted in review of Outline Zoning Plans to retain non-building areas and BGs with district-wide significance and remove those where localized wind environment could be improved through SBDG.”

74. The Board also noted that in accordance with section 6H of the Town Planning Ordinance (the Ordinance), the extant draft Ngau Tau Kok and Kowloon Bay OZP No. S/K13/29 should thereafter be read as including the amendment shown on the Plan. The amendment should be made available for public inspection until the Chief Executive in Council (CE in C) had made a decision in respect of the draft OZP in question under section 9 of the Ordinance.

75. The Secretary suggested and the Board agreed that the draft Ngau Tau Kok and Kowloon Bay Outline Zoning Plan with incorporation of the amendment on the Plan, together with its Notes and updated Explanatory Statement, were suitable for submission to the Chief Executive in Council (CE in C) for approval under s.8 of the Ordinance, and a

separate procedural paper was not necessary. The practice could also apply to other future OZPs requiring CE in C's approval.

[Dr C.H. Hau and Mr Elvis W.K. Au left the meeting at this point.]

### **Sai Kung & Islands District**

#### **Agenda Item 5**

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/SLC/155

Proposed Temporary Holiday Camp (Caravan Holiday Camp) for a Period of 5 Years and Excavation of land (Sewage and Drainage Facilities) in "Coastal Protection Area" Zone, Lots 626(Part), 627 (Part) 628 to 630, 632, 633 (Part), 634 to 637, 639 to 642, 647 to 650, 710 to 712, 715 RP, 716, 717 and 718 RP in D.D. 316L, Pui O, Lantau Island  
(TPB Paper No. 10608)

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[The meeting was conducted in Cantonese]

76. The Secretary reported that the application site (the Site) was located in South Lantau and the following Members had declared interests on the item :

Mr K.K. Cheung ] their company having past business dealings with one  
Mr Alex T.H. Lai ] of the applicant's representatives; and

Mr Stanley T.S. Choi - his spouse being the director of a company which  
owned several lots in South Lantau.

77. Members noted that Mr Stanley T.S. Choi had tendered apologies for not being able to attend the meeting and Mr Alex T.H. Lai had already left the meeting. As Mr K.K.

Cheung had no involvement in the application, Members agreed that he could stay in the meeting.

### Presentation and Question Sessions

78. The following Planning Department (PlanD)'s and the applicant's representatives were invited to the meeting :

#### *PlanD's Representatives*

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

Mr Kanic K.C. Kwok - Town Planner/Islands (TP/Is)

#### *Applicant's representatives*

Ms T.J. Loo ] Applicant's representatives

Mr Y.J. Yu ]

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

80. With the aid of a PowerPoint presentation, Ms Donna Y.P. Tam, DPO/SKIs, PlanD briefed Members on the background of the review application including the consideration of the application by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board), departmental and public comments, and planning considerations and assessments as detailed in TPB Paper No. 10608 (the Paper).

81. The Chairperson then invited the applicant's representatives to elaborate on the review application.

82. With the aid of a PowerPoint presentation, Mr Y.J. Yu, the applicant's representative made the following main points :

- (a) the Site had previously been used as a vehicle repair workshop for more than ten years;
- (b) the applicant purchased a piece of land within the Site near South Lantau Road in 2008, and turned it into a gardening centre because the applicant did not want the beautiful rural areas of Pui O being destroyed by the extensive concrete paving and unsightly carparks/container yards;
- (c) many customers suggested the applicant to add leisure, recreational and camping facilities in the gardening centre, and so the Site gradually evolved from a gardening centre into a caravan holiday camp;
- (d) he was astonished by the large number of objections against the application, most of which he believed were lodged out of misunderstanding about the camp's operation. In that regard, a fly through video was prepared to give the Board an accurate perspective of the Site and the operation of the holiday camp;
- (e) as shown in the video, the holiday camp, with 30% of greenery, was more compatible with the rural setting than the vehicle parks/container yards in the same locality;
- (f) according to the environmental experts he consulted, the holiday camp under application was not environmentally damaging. On the contrary, the organic farm and lotus pond on-site were considered ecologically sustainable and would contribute to wetland conservation. Even the caravans on-site were powered by solar panels mounted on their top;
- (g) the holiday camp hosted over 100 happy events for adults and kids over the past two years. It also contributed to the economy by employing over 20 staff;

- (h) the concerned government departments did nothing to the concrete paved storage yards within 3m of the ecologically important stream (EIS), but paid weekly visit to the Site which was 110m away from the EIS. The septic tanks of some Small Houses in Ham Tin San Tsuen were literally next to the EIS;
- (i) he was particularly upset by the responses from government officials that private land owners had the freedom to concrete pave and store movable items on their land. He pointed out that he would actually be making more money, and could do away with the hassle of application had he chosen to run a concrete-paved open storage yard or carpark instead;
- (j) it was inconceivable that the temporary holiday camp under application was rejected while another holiday camp (Hong Kong Victoria Resort) located much closer to the coastline than the Site in the same “Coastal Protection Area” (“CPA”) zone was approved by the Board on a permanent basis;
- (k) according to the covering Notes of the approved South Lantau Coast Outline Zoning Plan No. S/SLC/21 (the OZP), temporary uses of 5 years or less were always permitted as long as relevant legislations, lease conditions, and any other government requirements were complied with. That said, he could not find any guideline/documentation as to what legislation/requirement the temporary caravan holiday camp had to comply with. Even government departments could not answer the question and advised him how the Site could be conserved; and
- (l) the applicant had secured a 5-year tenancy agreement with the landlord for the southern part of the Site, which would be executed upon the Board’s approval. There were currently about 30 scrap containers on the Site, which would then be removed and the land would be grassed to increase the overall greening ratio to 80%. The owners of nearby lots currently being used for parking/storage uses also expressed interests in renting their land to the



applicant for holiday camp use. He requested the Board to approve the application because it was a genuine conservation project.

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

84. The Chairperson and some Members had the following questions :

- (a) if no excavation of land was involved, whether planning permission would still be required for the temporary holiday camp for a period of five years, and whether the proposed caravan holiday camp development could operate without excavation of land;
- (b) whether planning permission was required for 'gardening centre' and 'barbeque spot';
- (c) whether the previous application No. A/SLC/147 was submitted by the same applicant;
- (d) comparison of the subject application against similar applications approved within the subject "CPA" zone; and
- (e) whether there was any change in the ecological value of the Site and surrounding areas since the approval of the Hong Kong Victoria Resort.

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

- (a) according to the covering Notes of the OZP, temporary uses of 5 years or less were always permitted and no planning permission was required. Generally speaking, temporary uses referred to uses conducted in open-air or did not involve any permanent structure. In the present case, the applicant could actually proceed to apply to concerned departments for the required

licence/Short Term Waiver (STW) to effect the temporary caravan holiday camp use. It was out of the applicant's own accord to apply for a temporary permission for the holiday camp on top of excavation of land (which required planning permission);

- (b) the previous application No. A/SLC/147 was also submitted by the current applicant. Four pieces of land outside the Site were included in the previous application for 'agriculture' use;
- (c) the main use under application was 'holiday camp', and 'gardening centre' and 'barbeque spot' within the Site were regarded as ancillary uses. If the 'holiday camp' element was taken out, the 'gardening centre' might be regarded as a 'plant nursery' which would require planning permission, or 'agriculture use' which was always permitted. It all depended on the actual mode of operation of the 'gardening centre';
- (d) there were three approved similar applications for permanent holiday camp involving essentially the same site within the "CPA" zone, now known as the Hong Kong Victoria Resort as mentioned by the applicant's representative. It was first approved in 1992 mainly on the ground that the proposed holiday camp was in line with the recommendation of the 'South Lantau Planning and Development Study' in 1989 that Pui O was identified suitable for low-density recreational development; and
- (e) over the years, the Government had paid more attention to conserving the ecologically important areas in South Lantau. In the 'Sustainable Lantau Blueprint' promulgated in 2017, South Lantau was proposed for conservation with sustainable leisure and recreational uses. Any camping ground proposal at or in proximity to the Pui O wetland must ensure that the development would not result in adverse impact on the wetland habitat, and at the same time, encourage upgrading the environment and enhancing the ecology. Against the evolving planning intention, the subject application was rejected by the RNTPC. Nevertheless, the overall ecological value of

the Site was similar to that of the Hong Kong Victoria Resort, though the Site was located closer to the EIS.

86. In response, Mr Y.J. Yu and Ms T.J. Loo, the applicant's representatives made the following main points :

- (a) at present, sewage was collected and stored in plastic tanks underneath the caravans, and disposed of weekly. Underground septic tanks, the provision of which would require excavation of land, would be more convenient and would eliminate the eyesore; and
- (b) the camp was getting weekly visits from various departments, including the Lands Department (LandsD), Home Affairs Department (HAD), Environmental Protection Department (EPD) and Agriculture, Fisheries and Conservation Department (AFCD). LandsD advised them that although the movable caravans were not structures and therefore beyond its jurisdiction, planning permission was recommended to put the camp under proper control. Besides, policy support, viz. planning permission, was needed for STW for a shed which existed on-site for more than ten years. HAD advised them that a licence under the Hotel and Guesthouse Accommodation Ordinance (HGAO) (Cap. 349) might be required for the operation of the camp, but policy support was needed for licensing. In addition, there was no guideline for caravans as they were movable. EPD was concerned about any excavation of land, sewage discharge into the soil and other types of pollution, and again suggested him to apply for planning permission in view of the "CPA" zoning. In response to the requests from the concerned departments, they therefore applied for planning permission.

[Mr Paul Y.K. Au returned to join the meeting at this point.]

87. Mr Raymond K.W. Lee, Director of Planning and some Members had the following questions :

- (a) current uses in the vicinity of the Site;
- (b) whether there was planning enforcement power within the OZP's coverage, and whether any enforcement/prosecution action had been instigated against the applicant or not;
- (c) whether the holiday camp was subject to licensing under the HGAO, and whether student accommodation as part of a 2-day gardening course would be subject to licensing under HGAO; and
- (d) noting the discrepancy between the application form and the applicant's representative's verbal presentation, whether the applicant was an owner of the Site; and
- (e) the ownership and status of those lots (Lot No. 638, 643, 644, 645 and 646 in D.D. 316L) surrounded by but not forming part of the Site.

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

- (a) there were non-conforming uses like carparks, vehicle repair workshops, container yards and open storage yards within the "CPA" zone along South Lantau Road, some of which existed before the first statutory plan for the area was gazetted. Areas to the east of the Site were mainly agricultural land, and areas to the south of the Site were wetland;
- (b) there was no planning enforcement power within the OZP's coverage as South Lantau Coast was not a Development Permission Area (DPA). Enforcement against uses not conforming to the zonings on the OZP would have to rely on the lease, licensing, building and other authorities; and
- (c) according to the provisions of HGAO, the 'holiday camp' fitted the description of a guesthouse. However, HAD needed to ascertain the mode of operation of the holiday camp before making a decision on whether the

camp was subject to licensing under HGAO. It was not certain whether student accommodation as part of a training course would require licence under HGAO.

89. In response, Ms T.J. Loo, the applicant's representative made the following main points :

- (a) about one third of the Site, i.e. areas occupied by the gardening centre and the caravans, was owned by shareholders of the applicant in their personal capacity. The southern part of the Site was currently occupied by containers and the applicant had convinced the landowners to rent the land to them for holiday camp use if planning permission was obtained;
- (b) some of the land surrounded by the Site was under Tso/Tong ownership. Another piece of land of about 800 ft<sup>2</sup> in area was collectively owned by about 20 persons. There was also one elderly person residing in a converted container. Those pockets of land were landlocked but the applicant had reserved passages within the Site for landowners to access the land surrounded by the Site. The applicant had not encroached upon any part of those lots, and no fencing had been erected to separate the Site from the concerned pockets of land; and
- (c) despite weekly departmental inspections, no enforcement/prosecution action had been instigated against the applicant.

90. Noting from paragraph 5.2.1 of the Paper that South Lantau was also proposed for sustainable leisure and recreational uses under the 'Sustainable Lantau Blueprint', the Chairperson enquired whether there was any insurmountable problem(s) associated with the application, or whether the technical concerns of relevant departments could be dealt with through approval conditions on technical assessments/proposals. A Member followed up to enquire about the concerns amongst various government departments on the application.

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

- (a) South Lantau was indeed proposed for sustainable leisure and recreational uses under the 'Sustainable Lantau Blueprint' on top of the main theme of conservation, and the Civil Engineering and Development Department (CEDD) would conduct detailed studies to assess the ecological value of the ecologically important areas with a view to developing South Lantau in a sustainable manner;
- (b) meanwhile, project proponents of leisure and recreational development in the area would need to conduct studies for their own development to ensure sustainability, including encouraging upgrading of the environment and enhancing of the ecology;
- (c) regarding the current application, the Drainage Services Department (DSD) required the re-submission of a drainage proposal with sufficient connection details which might be addressed through approval condition. However, AFCD required more information to address its ecological concerns; and
- (d) there was interrelationship of the concerns of DSD, EPD and AFCD that if DSD's drainage and sewerage connection concerns were not addressed properly, EPD would have to deal with the resulting pollution and AFCD would have to deal with the resulting ecological impacts.

92. As Members had no further question on the application, the Chairperson said that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application. The Chairperson thanked PlanD's representatives and the applicant's representatives for attending the meeting, and they left the meeting at this point.

[Mr Stephen H.B. Yau left the meeting during the Questions and Answers session.]

Deliberation Session

[Closed Meeting]

93. Members noted that the latest planning intention for South Lantau under the ‘Sustainable Lantau Blueprint’ was conservation with sustainable leisure and recreational uses, and generally considered that the temporary caravan holiday camp under application, albeit a fairly new type of development in Hong Kong, was compatible with the planning intention. Considering that the environment of this part of the “CPA” zone had been seriously damaged, the proposed development could be regarded as an improvement to the environment as compared to the previous vehicle repair workshop use on-site and the carparks/storage yards in its immediate vicinity. Members further noted that planning permission was actually not necessary for temporary uses of five years or less, and that only excavation of land under the application required planning permission. Against that background, the Chairperson and most Members were generally sympathetic towards the applicant.

94. Some Members, while supporting approval of the application, expressed the concern about the precedent effect of approving the application within the “CPA” zone. Some Members also expressed concerns that the development might continue to enlarge or attract other operators into the area, and considered that control measures were needed to contain proliferation of similar holiday camp developments within the subject and other “CPA” zones. In that regard, a few Members considered that criteria should be set, say to limit the number of caravans to site area ratio and/or the distance from the EIS. Some Members suggested that an approval condition to safeguard access to the encircled lots within the Site could be imposed should the application be approved.

95. A Member, while expressing sympathy for the applicant, pointed out that the Board had to balance between protecting the integrity of the wetland and restoring greenery at the damaged parts of the wetland. Noting that there was no enforcement power to stop the proliferation of holiday camp use within the “CPA” zone, it would not be prudent to overturn the RNTPC’s decision on such a big piece of wetland and approve the application. The Member noted further that the area was not subject to enforcement/prosecution action under the planning regime and there were other sewage disposal solutions other than septic tanks. Accordingly, the same Member had reservation on the application.

96. On the concern over precedent effect, Mr Raymond K.W. Lee, Director of Planning made the following main points :

- (a) South Lantau was of high environmental value worthy of conservation. For historical reasons, there was no planning enforcement power within the OZP's coverage, which had attracted a lot of attention from the green groups;
- (b) PlanD was reviewing the provisions of the Town Planning Ordinance to give planning enforcement power to environmentally sensitive area as pledged by the Chief Executive's 2018 Policy Address;
- (c) there was much tension between green groups and the locals on the development/conservation of South Lantau, particularly in Pui O. There was a need for an effective framework to facilitate rectification of non-conforming uses and the implementation of good ideas/desirable uses;
- (d) as far as the subject application was concerned, both DSD's and EPD's technical concerns could be addressed by way of approval conditions, while AFCD's reservation on the application was a general concern on the potential impact;
- (e) the adverse public comments regarding the 'destroy first' approach, and Members' concern on how to limit/control the proliferation of holiday camp uses within the "CPA" zone would need to be addressed if the application was to be approved;
- (f) Members might consider shortening the time limit of the approval to monitor the situation of the Site more closely. This might also signify that the Board encouraged the phasing out of non-conforming uses through granting of temporary planning permission for development that was in line with the planning intention of South Lantau for conservation with sustainable leisure and recreational uses; and



- (g) any approval conditions to be imposed would be enforced through the required STW and guesthouse licence, if applicable.

97. Members noted that the Site was close to South Lantau Road. The proposed development was an environmental improvement as compared to the previous vehicle repair workshop and other parts of the subject “CPA” zone had already been disturbed. The proposed development was also in line with the planning intention for South Lantau in the ‘Sustainable Lantau Blueprint’ to encourage conservation with sustainable leisure and recreational uses. In view of the above, Members generally agreed that a temporary approval of three years could be given so as to monitor the situation of the Site more closely. Furthermore, Members considered that the number of caravans on-site should be limited to ten as applied to control the scale of the development. Apart from the approval conditions set out in paragraph 8.2 of the Paper, Members considered that there should also be approval conditions on the provision of septic tanks to ensure that no adverse sewage impact would be generated by the use, as well as the provision of access to the lots surrounded by the Site.

98. After deliberation, the Board decided to approve the application on a temporary basis for a period of 3 years until 20.12.2022, on the terms of the application as submitted to the Board and subject to the following conditions :

- “(a) no more than 10 caravans, as proposed by the applicant, is allowed to be provided on-site at any time during the planning approval period;

- (b) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (c) access shall be provided within the site for Lots No. 638, 643, 644, 645 and 646 in D.D. 316L, as proposed by the applicant, at all times during the planning approval period;
- (d) the submission of a landscape proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 20.6.2020;
- (e) in relation to (d) above, the implementation of the landscape proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 20.9.2020;
- (f) the submission of a drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 20.6.2020;
- (g) in relation to (f) above, the implementation of the drainage proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 20.9.2020;
- (h) the submission of a proposal of fire service installations and water supplies for firefighting within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 20.6.2020;
- (i) in relation to (h) above, the provision of fire service installations and water supplies for firefighting within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 20.9.2020;

- (j) the submission of a loading/unloading bay and parking space proposal within 6 months from the date of the planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 20.6.2020;
- (k) in relation to (j) above, the provision of loading/unloading bays and parking spaces within 9 months from the date of the planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 20.9.2020;
- (l) the provision of septic tanks within 9 months from the date of the planning approval to the satisfaction of the Director of Lands or of the Town Planning Board by 20.9.2020;
- (m) if any of the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (d) to (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.”

99. The Board also agreed to advise the applicant to note the advisory clauses as set out at Annex I of the Paper.

[Dr Lawrence K.C. Li and Mr K.W. Leung left the meeting at this point.]

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

**Agenda Item 6**

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-KLH/570

Proposed House (New Territories Exempted House – Small House) in “Agriculture” Zone,  
Lot 857 RP in D.D. 9, Tai Wo Village, Kau Lung Hang, Tai Po  
(TPB Paper No. 10610)

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[The meeting was conducted in Cantonese]

100. The Secretary reported that the following Members had declared interests on the item :

Mr K.K. Cheung ] their company having past business dealings with the  
Mr Alex T.H. Lai ] applicant and his representative.

101. Members noted that Mr Alex T.H. Lai had already left the meeting. As Mr K.K. Cheung had no involvement in the application, Members agreed that he could stay in the meeting.

**Presentation and Question Sessions**

102. The following Planning Department (PlanD)’s representative, the applicant and the applicant’s representatives were invited to the meeting :

**PlanD’s Representative**

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

Applicant and Applicant's representatives

Mr W.K. Chan	- Applicant
Mr K.F. Ip	] Applicant's representatives
<i>Rocky Fung Surveying Company</i>	]
Mr H.K. Fung	]

103. 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.

104. With the aid of a PowerPoint presentation, Ms Jessica H.F. Chu, DPO/STN, PlanD briefed Members on the background of the review application including the consideration of the application by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board), departmental and public comments, and planning considerations and assessments as detailed in TPB Paper No. 10610 (the Paper).

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

106. Mr K.H. Fung, the applicant's representative tabled a one-page written submission at the meeting and made the following main points in support of the review application :

- (a) PlanD objected to the application on the grounds that the proposed Small House (SH) was not in line with the planning intention of the "Agriculture" ("AGR") zone, and that land was still available within the "Village Type Development" ("V") zone. All other government departments had no objection to the application;
- (b) the applicant had already pointed out at the review of the last previous application that the application site (the Site) was not suitable for farming;

- (c) Yuen Leng, Kau Lung Hang and Tai Wo were independent recognized indigenous villages. PlanD should not combine the three villages in the assessment of land availability for SH development;
- (d) PlanD did not take into account land ownership in the assessment of land available for SH development, and had included private gardens into the assessment. Under that assessment methodology, the amount of land available for SH development was over-estimated. It should be noted that the applicant could not force other owners to sell him their land for SH development;
- (e) the Site was subject to a previous approval in 2001, and one of the reasons of approval was that there was a general shortage of land within the “V” zone in meeting the SH demand. With over 100 SHs developed within the “V” zone over the past 18 years, it was contradictory that PlanD now considered that there was sufficient land available within the “V” zone for SH development;
- (f) the Site was readily available for development, and rejection of the application would not be conducive to good utilization of land resources; and
- (g) the Board was requested to rectify PlanD’s methodology in land availability assessment and approve the application.

107. As the presentations from DPO/STN, PlanD and the applicant’s representative had been completed, the Chairperson invited questions from Members.

108. The Chairperson and some Members had the following questions :

- (a) the rationale of combining the three villages and including private gardens in the assessment of availability of land in “V” zones for SH development;

- (b) sufficiency of land available in the “V” zone of the applicant’s village on its own to meet the village’s outstanding SH applications;
- (c) the land availability for SH development when considering the previous and current applications in 2001 and 2018/19 respectively;
- (d) the amount and location of land within the “V” zone of Tai Wo which was under Tso/Tong ownership;
- (e) validity of the approval for the previous application No. A/NE-KLH/275; and
- (f) details of the sewerage connection issue that resulted in the rejection of the previous application No. A/NE-KLH/445.

109. In response, Ms Jessica H.F. Chu, DPO/STN, PlanD made the following points :

- (a) there was considerable overlapping of the “V” zones and village ‘environs’ of Yuen Leng, Kau Lung Hang and Tai Wo, and hence, combining the “V” zones for assessment of land availability for SH development could avoid double-counting. It was not uncommon for private gardens within the curtilage of existing SHs to be carved out from the parent lot for separate SH developments (usually by the descendants of the parent lot’s owner). Therefore, PlanD had included private gardens, where appropriate, in the land availability assessment;
- (b) the applicant was an indigenous villager of Tai Wo. As shown on Plan R-2b, there was sufficient amount of available land (shaded blue) in the “V” zone of Tai Wo alone to meet the outstanding SH applications of Tai Wo;
- (c) in the past, the demand for SH development was taken as the sum of outstanding SH applications provided by LandsD and the 10-year demand forecast provided by village representatives (VRs) of the village concerned. In recent years, the Board adopted a more cautious approach in considering

whether there was a general shortage of land in meeting SH demand. In that regard, more weighting had been put on the number of outstanding SH applications provided by LandsD in the SH demand assessment;

- (d) there was no information on Tso/Tong land within the subject “V” zone, which was not a material planning consideration as ownership was subject to change over time;
- (e) the approval of the previous application No. A/NE-KLH/275 in 2001 lapsed four years after approval in 2005; and
- (f) Kau Lung Hang was within the Water Gathering Grounds and the Water Supplies Department (WSD) required SH developments to be connected to public sewers to protect the water quality. Public sewerage project for Yuen Leng was gazetted in 2010, but degazetted in the same year due to villagers’ objections to the proposed sewerage alignment. Despite the degazetting, the applicant proposed to connect the proposed SH under application No. A/NE-KLH/445 to the de-gazetted sewerage which would not be implemented. The application was rejected in 2013 for the reason of not complying with the Interim Criteria in that the proposed SH would not be able to be connected to the planned sewerage system in the area. For the current application, as the applicant had proposed to connect the proposed SH to an existing public sewer further west, WSD no longer had any objection.

110. In response to a Member’s enquiry, Mr K.F. Ip, the applicant’s representative and the VR of Tai Wo said that it was misleading to combine the land of all three villages into the land availability assessment. He also said that land ownership was a very important consideration as villagers were unable to use land under Tso/Tong ownership for SH development.

111. A Member requested Mr K.F. Ip to identify undevelopable land on Plan R-2b. Mr Ip pointed out that the big blue patches of land as shown on the plan for Tai Wo were either under Tso/Tong ownership or within private gardens of other villagers. Mr K.H. Fung,



another representative of the applicant supplemented that land identified by PlanD as available for SH development had already been examined piece by piece during the review hearing of the last application, and the VR's view was that less than 50 SHs could be developed therein.

112. Mr Raymond K.W. Lee, Director of Planning enquired whether there was any new information or change in circumstances on the subject review application as compared to the last review application (No. A/NE-KLH/543) since its rejection in December 2018. Ms Jessica H.F. Chu, DPO/STN, PlanD responded that there was neither new information nor any significant change in planning circumstances between the subject and the last review application.

113. The Chairperson asked the applicant whether he had any new information for Members to consider. In response, Mr K.F. Ip, the applicant's representative re-iterated that PlanD's land availability assessment was flawed.

114. As Members had no further question on the application, the Chairperson said that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application. The Chairperson thanked PlanD's representative and the applicant and his representatives for attending the meeting, and they left the meeting at this point.

#### Deliberation Session

[Closed Meeting]

115. A Member said that the Board had adopted a more cautious approach in considering SH applications since 2015 and more weighting had been put on the number of outstanding SH applications provided by LandsD in the assessment. The problem in the past was that the 10-year SH demand forecast figures provided by VRs were not verifiable. The Chairperson supplemented that a more cautious approach were adopted by the Board in recent years in gauging the SH demand, and hence the land availability to meet such demand.

116. Members noted that the last previous application (No. A/NE-KLH/543) was rejected one year ago, and there had been no change in circumstances or additional information since the last rejection. There was no justification to merit a departure from the RNTPC's decision on the application.

117. Noting the Director of Agriculture, Fisheries and Conservation's comments that the Site had low potential for agricultural rehabilitation, the Chairperson was concerned about whether rejection reason (a) was appropriate. Members agreed that the particular rejection reason should be refined to better reflect Members' consideration.

118. After deliberation, the Board decided to reject the application for the following reason :

- “ (a) the proposed development is not in line with the planning intention of the “AGR” zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. While the application site may not have high potential for agricultural rehabilitation as advised by the Agriculture, Fisheries and Conservation Department, it still possesses potential to be used for other kinds of agricultural and related uses. There is no strong planning justification in the submission for a departure from the planning intention; and
- (b) land is still available within the “Village Type Development” (“V”) zone of Yuen Leng, Kau Lung Hang and Tai Wo which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

[Ms Sandy H.Y. Wong and Ms Lilian S.K. Law left the meeting at this point.]

**Agenda Item 7**

[Open Meeting (Presentation and Question Sessions only)]

Request for Deferment of Review of Application No. A/NE-TKL/615

Proposed Temporary Open Storage of Building Materials for a Period of 3 Years in  
“Agriculture” Zone, Lots 359, 360 and 361 in D.D. 77, Ta Kwu Ling

(TPB Paper No. 10609)

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[The meeting was conducted in Cantonese]

119. The Secretary reported that the application site (the Site) was located in Ta Kwu Ling and the following Members had declared interests on the item :

Mr K.K. Cheung - his company having past business dealings with the applicant; and

Mr Alex T.H. Lai - his father owning two lots of land in Ping Che, and his company having past business dealings with the applicant.

120. Members noted that Mr Alex T.H. Lai had already left the meeting. As Mr K.K. Cheung had no involvement in the application, Members agreed that he could stay in the meeting.

121. The Secretary reported that on 13.12.2019, the applicant’s representative requested deferment of consideration of the review application for two months so as to allow time for preparation of further information (FI) to address departmental comments. It was the first time that the applicant requested deferment of the review application.

122. Members noted that the justifications for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33) in that the applicant needed more time to prepare FI in response

to departmental comments, the deferment period was not indefinite and the deferment would not affect the interests of other relevant parties.

123. After deliberation, the Board decided to defer a decision on the review application as requested by the applicant pending the submission of FI from the applicant. The Board agreed that the review application should be submitted for its consideration within three months from the date of 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 two months were allowed for preparation of the submission of the FI, and no further deferment would be granted unless under very special circumstances.

### **Procedural Matters**

#### **Agenda Item 8**

[Open Meeting]

Submission of the Draft Wang Tau Hom and Tung Tau Outline Zoning Plan No. S/K8/22A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval

(TPB Paper No. 10611)

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[The meeting was conducted in Cantonese]

124. The Secretary reported that one of the proposed amendment items on the Draft Wang Tau Hom and Tung Tau Outline Zoning Plan (OZP) No. S/K8/22 was to facilitate the proposed public housing redevelopment by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA). Ove Arup & Partners Hong Kong Limited (Arup) was one of the consultants for the proposed public housing redevelopment. The following Members had declared interests on the item, for being

associated/having business dealings with HD, HKHA and Arup, or affiliated with Ms Mary Mulvihill (R1 and C1) :

- |  |   |
|--|---|
| Mr Paul Y.K. Au<br><i>(as Chief Engineer<br/>(Works), Home Affairs<br/>Department)</i> | - being a representative of the Director of Home Affairs who was a member of Strategic Planning Committee and the Subsidised Housing Committee of HKHA; |
| Professor S.C. Wong<br>(Vice-chairperson)  | - having current business dealings with Arup;   |
| Mr Ivan C.S. Fu  | - having current business dealings with Arup and past business dealings with HKHA;  |
| Dr Lawrence W.C. Poon  | - his spouse being an employee of the HD but not involved in planning work;   |
| Mr K.K. Cheung<br>Mr Alex T.H. Lai   | ] their firm having current business dealings with<br>] HKHA and Arup, and hiring Ms Mary Mulvihill on a contract basis from time to time;              |
| Mr Thomas O.S. Ho  | - having current business dealings with HKHA and Arup;  |
| Mr Stephen L.H. Liu  | - having past business dealings with HKHA;  |
| Mr Franklin Yu   | - being a member of the Building Committee of HKHA and having past business dealings with Arup;   |
| Mr Daniel K.S. Lau   | - being the ex-Director (Development and Marketing) of Hong Kong Housing Society, which was in discussion with HD on housing development issues; and    |

Mr L.T. Kwok - his serving organisation operating a social service team in Mei Tung Estate which was supported by HKHA.

125. Members noted that Messrs Ivan C.S. Fu, Thomas O.S. Ho, Daniel K.S. Lau, L.T. Kwok and Dr Lawrence W.C. Poon had tendered apologies for not being able to attend the meeting, and Professor S.C. Wong, and Messrs Alex T.H. Lai, Stephen L.H. Liu and Franklin Yu had already left the meeting. As the item was procedural in nature, Members agreed that the other Members who had declared interests could stay in the meeting.

126. The Secretary briefly introduced the TPB Paper No. 10611 (the Paper). On 24.5.2019, the draft Wang Tau Hom and Tung Tau OZP No. S/K8/22 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of one valid representation and one valid comment on the representation were received. After giving consideration to the representation and comment under section 6B(1) of the Ordinance on 22.11.2019, the Town Planning Board (the Board) decided not to propose any amendment to the draft OZP to meet the representation. Since the representation consideration process had been completed, the draft OZP was now ready for submission to the Chief Executive in Council (CE in C) for approval.

127. After deliberation, the Board :

- (a) agreed that the draft Wang Tau Hom and Tung Tau OZP No. S/K8/22A 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 Explanatory Statement (ES) for the draft Wang Tau Hom and Tung Tau OZP No. S/K8/22A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land use zonings on the draft OZP and to be issued under the name of the Board; and

- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

### **Agenda Item 9**

[Open Meeting]

Submission of the Draft Tsing Yi Outline Zoning Plan No. S/TY/29A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval  
(TPB Paper No. 10613)

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[The meeting was conducted in Cantonese]

128. The Secretary reported that the following Members had declared interests on the item, for being affiliated with Ms Mary Mulvihill (R2 and C1) :

Mr K.K. Cheung	] their firm hiring Ms Mary Mulvihill on a contract
Mr Alex T.H. Lai	] basis from time to time.

129. Members noted that Mr Alex T.H. Lai had already left the meeting. As the item was procedural in nature, Members agreed that Mr K.K. Cheung could stay in the meeting.

130. The Secretary briefly introduced the TPB Paper No. 10613 (the Paper). On 14.6.2019, the draft Tsing Yi OZP No. S/TY/29 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of two valid representations and one valid comment on the representation were received. After giving consideration to the representations and comment under section 6B(1) of the Ordinance on 6.12.2019, the Town Planning Board (the Board) noted the supportive representation and decided not to propose any amendment to the draft OZP to meet the remaining representation. Since the representation consideration process had been completed, the draft OZP was now ready for submission to the Chief Executive in Council (CE in C) for approval.

131. After deliberation, the Board :

- (a) agreed that the draft Tsing Yi OZP No. S/TY/29A 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 Explanatory Statement (ES) for the draft Tsing Yi OZP No. S/TY/29A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land use zonings on the draft OZP and to be issued under the name of the Board; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

**Agenda Item 10**

[Open Meeting]

**Any Other Business**

132. There being no other business, the meeting was closed at 7:10 p.m.