

**Minutes of 1234th Meeting of the
Town Planning Board held on 13.11.2020**

Present

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

Chairperson

Mr Lincoln L.H. Huang

Vice-chairperson

Mr Wilson Y.W. Fung

Mr Stephen L.H. Liu

Dr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Mr K.K. Cheung

Dr C.H. Hau

Mr Thomas O.S. Ho

Mr Alex T.H. Lai

Dr Lawrence K.C. Li

Professor T.S. Liu

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Stanley T.S. Choi

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Dr Jeanne C.Y. Ng

Dr Roger C.K. Chan

Dr Venus Y.H. Lun

Mr C.H. Tse

Dr Conrad T.C. Wong

Mr Y.S. Wong

Principal Assistant Secretary (Transport 3)

Transport and Housing Bureau

Mr Andy S.H. Lam

Chief Engineer (Works), Home Affairs Department

Mr Gavin C.T. Tse

Deputy Director of Environmental Protection (1)

Environmental Protection Department

Mr Elvis W.K. Au

Assistant Director (Regional 1)

Lands Department

Mr Simon S.W. Wang

Director of Planning

Mr Raymond K.W. Lee

Deputy Director of Planning/District

Miss Fiona S.Y. Lung

Secretary

Absent with Apologies

Mr L.T. Kwok

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 Caroline T.Y. Tang (a.m.)

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

Senior Town Planner/Town Planning Board

Ms Carmen S.Y. Chan (a.m.)

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

Opening Remarks

1. The Chairperson said that the meeting would be conducted with video conferencing arrangement.

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1233rd Meeting held on 30.10.2020

[The item was conducted in Cantonese.]

2. The draft minutes of the 1233rd meeting held on 30.10.2020 were sent to Members on 13.11.2020 and tabled at the meeting. Subject to any proposed amendments by Members on or before 16.11.2020, the minutes would be confirmed.

[Post-meeting Note: The minutes were confirmed on 16.11.2020 without amendments.]

Agenda Item 2

[Open Meeting]

Matters Arising

[The item was conducted in Cantonese.]

(i) **Approval of Draft Outline Zoning Plan**

3. The Secretary reported that on 3.11.2020, the Chief Executive in Council approved the draft Sai Ying Pun & Sheung Wan Outline Zoning Plan (OZP) (renumbered as S/H3/34) under section 9(1)(a) of the Town Planning Ordinance. The approval of the draft OZP was notified in the Gazette on 13.11.2020.

(ii) Reference Back of Approved Outline Zoning Plans

4. The Secretary reported that on 3.11.2020, the Chief Executive in Council referred the Approved Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTYYY/10 and the Approved Tuen Mun OZP No. S/TM/35 to the Town Planning Board for amendment under section 12(1)(b)(ii) of the Town Planning Ordinance. The reference back of the said OZPs was notified in the Gazette on 13.11.2020.

Sai Kung & Islands District
Sha Tin, Tai Po & North District

Agenda Item 3

[Open meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in respect of the
Draft Pak Lap Outline Zoning Plan No. S/SK-PL/3,
Draft So Lo Pun Outline Zoning Plan No. S/NE-SLP/3 and
Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/3
(TPB Papers No. 10689, 10690 and 10691)

[The item was conducted in Cantonese and English.]

5. The Secretary reported that the following Members had declared interests on the item for having business dealings/affiliation with the representers and/or commenters including Ms Mary Mulvihill (R1/C59), the Hong Kong Countryside Foundation (HKCF) (R2), Kadoorie Farm and Botanic Garden Corporation (KFBG) (R3), the Conservancy Association (CA) (R4/C54) and Hong Kong Bird Watching Society (HKBWS) (R5/C55) (their representation/comment number was the same for all the three OZPs:

Dr C.H. Hau

- being an ordinary member of HKBWS, a life member of CA and his spouse being the Vice Chairman of the Board of Directors of CA, and an employee of the University of Hong Kong which was involved in a project with HKCF in

Lai Chi Wo;

- Mr K.W. Leung - being a member of the executive board of HKBWS and the chairman of the Crested Bulbul Club Committee of HKBWS;
- Professor John C.Y. Ng - being a director of the Board of HKCF;
- Mr K.K. Cheung - his firm having current business dealings with KFBG, past business dealings with CA, and hiring Ms Mary Mulvihill on a contract basis from time to time; and
- Mr Alex T.H. Lai - his former firm having current business dealings with KFBG, past business dealings with CA, and hiring Ms Mary Mulvihill on a contract basis from time to time.

6. The meeting noted that the above mentioned Members had no involvement in the submissions of the representations and comments and agreed that they could stay in the meeting.

Presentation and Question Sessions

7. The Chairperson said that notification had been given to the representers and commenter 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 the their absence. The Chairperson also said that some environmental groups had requested that their allied group presentation be made after the oral submission by other representers/commenters. Since the arrangement would not delay the presentation of other representers/commenters, their request could be accommodated.

8. 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), PlanD |
| Ms Jessica H.F. Chu | - District Planning Officer/ Sha Tin, Tai Po & North (DPO/STN), PlanD |
| Mr Tony Y.C. Wu | - Senior Town Planner/Country Park Enclaves, PlanD |

Agriculture, Fisheries and Conservation Department (AFCD)

- | | |
|-------------------|--|
| Dr Flora S.Y. Mok | - Senior Nature Conservation Officer (North), AFCD |
| Ms C.Y. Ho | - Senior Nature Conservation Officer (South), AFCD |
| Ms Chole C.U. Ng | - Nature Conservation Officer (North), AFCD |
| Dr S. C. Ng | - Nature Conservation Officer (Sai Kung), AFCD |

Representers, Commenters and their Representatives

Representations and Comments in respect of the Draft Pak Lap OZP No. S/SK-PL/3, Draft So Lo Pun OZP No. S/NE-SLP/3 and Draft Hoi Ha OZP No. S/NE-HH/3

R1/C59 – Mary Mulvihill

- | | |
|-------------------|-----------------------------|
| Ms Mary Mulvihill | - Representer and Commenter |
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R2 – The Hong Kong Countryside Foundation

Roger Anthony Nissim - Representer's representative

R3 – Kadoorie Farm and Botanic Garden Corporation

R9 – Andrew Bowden Brown

R10 – Gary William John Ades

R13 – Yip Tsz Lam

Mr Nip Hin Ming - Representers' representative

R4/C54 – The Conservancy Association

Mr Ng Hei Man - Representer's and Commenter's
representative

R5/C55 – Hong Kong Bird Watching Society

Ms Wong Suet Mei] Representer's and Commenter's

Ms Woo Ming Chuan] representatives

R6 – Designing Hong Kong Limited

Mr Paul Zimmerman] Representer's representatives

Mr Wong Wan Kei Samuel]

R7 – Friends of Hoi Ha

C35 – Chan Hang Yi

C60 – Fung Kam Lam

C58 – Chan Ka Lam

Ms Chan Ka Lam - Commenter and Representer's and
Commenters' representative

R12 – Hou Han San Thomas

Mr Hou Han San Thomas - Representer

R14 – Ruy Barretto

Mr Ruy Barretto - Representer

R16 – 新界鄉議局

R18 – Yung Wong Fat (for Hoi Ha OZP only)

R19 – Yung Tin Sang (for Hoi Ha OZP only)

Mr Li Yiu Ban] Representers' representatives

Mr Lee Koon Hung]

Mr Lau Kin Yip]

Representation in respect of the Draft Hoi Ha OZP No. S/NE-HH/3

R17 – Sai Kung North Rural Committee

Mr Li Yiu Ban - Representer's representative

Representations and Comments in respect of the Draft So Lo Pun OZP No. S/NE-SLP/3

R18 – 新界沙頭角區鄉事委員會

Mr Lee Koon Hung - Representer's representative

R19 – 鎖羅盤村委員會

R20/C62 – Wong Hing Cheung

R39 – Shum Kwei Mui

R40 – Wong Chi Kin

Mr Wong Hing Cheung - Representer, Commenter and Representers' representative

R21/C63 – Wong Wayne Chun Wing

R22/C64 – Wong Sui Fong

R32/C61 – 黃素珍

R35/C65 – Wong Chee Yeung

R53 – 黃湘齡

Ms Wong So Chun Jane

- Representer, Commenter and Representers' and Commenters' representative

9. The Chairperson extended a welcome. She then 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 representers, commenters, and their representatives would then be invited to make oral submissions. To ensure the efficient operation of the hearing, each representer, commenter or his/her representative would be allotted 10 minutes for making presentation irrespective of the number of OZPs he/she had made submissions on. There was a timer device to alert the representers, commenters or their representatives two minutes before the allotted time was to expire, and when the allotted time limit was up. A question and answer (Q&A) session would be held after all attending representers, commenters or their representatives had completed their oral submissions. Members could direct their questions to the government representatives or the representers, commenters and their representatives. After the Q&A session, the government representatives, representers, commenters or their representatives would be invited to leave the meeting. The Town Planning Board (the Board) would then deliberate on the representations and comments in their absence and inform the representers and commenters of the Board's decision in due course.

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

11. With the aid of a PowerPoint presentation, Ms Donna Y.P. Tam, DPO/SKIs, and Ms Jessica H.F. Chu, DPO/STN, 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 views on the representations and comments as detailed in TPB Papers No. 10689, 10690 and 10691.

[Dr Frankie W.C. Yeung and Mr Franklin Yu joined the meeting during PlanD's presentation.]

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

R2 – The Hong Kong Countryside Foundation

13. Mr Roger Anthony Nissim made the following main points:
- (a) the 10-year small house (SH) demand forecast provided by the Indigenous Inhabitant Representatives (IIRs) only showed the desire of the villagers for building SH while the actual number of SH applications received/approved/rejected by the Lands Department (LandsD) reflected the genuine need for SH development. In that regard, the Board should take into account the genuine need (i.e. the actual number of SH applications) but not the desire for SH (i.e. the 10-year demand forecast) in designating the “Village Type Development” (“V”) zone on the OZPs;
 - (b) the situation in Pak Lap and So Lo Pun was similar. As the actual number of SH applications received/rejected/approved by LandsD since 2010 in both areas was zero (for So Lo Pun) or just one rejected and one approved (for Pak Lap), there was no genuine need for SH development. While the 10-year SH demand forecast for So Lo Pun was 229, there was no people living there. The vision of village restoration was unrealistic;
 - (c) land ownership should be a relevant planning consideration on the designation of “V” zone. Taking So Lo Pun as an example, some existing houses were dilapidated. If there was a genuine need to restore the village, the villagers could redevelop the village houses on their own building lots. The “V” zone should be confined to the existing building lots. There was no justification for expanding the “V” zone in Pak Lap and So Lo Pun;
 - (d) for Hoi Ha, most of the indigenous villagers eligible for SH applications were not living in Hong Kong. The 10-year SH demand forecast was inflated as compared to the actual number of SH applications received/rejected/approved since 2010. The existing village should not be expanded as there was no justification provided; and

- (e) on 12.10.2020, the Court of Final Appeal quashed the Government's decision not to incorporate six enclaves, namely Hoi Ha, Pak Lap, To Kwa Peng, So Lo Pun, Tin Fu Tsai and Pak Tam Au, into Country Parks and ordered that the Authority (i.e. the Director of Agriculture, Fisheries and Conservation) should put before the Country and Marine Parks Board an assessment on the suitability of incorporating the six enclaves into the surrounding Country Parks. The judgment was relevant for consideration by the Board as it implied that there should be a presumption against development in the enclaves and consideration should be given to incorporating them into Country Parks. If the villagers wished to build houses on their building lots, they could seek planning permission from the Board upon application.

R14 – Ruy Barretto

14. The Chairperson said that Mr Ruy Barretto had requested just before the meeting to table a written submission for Members' consideration. She explained that since the information was submitted out of time, the Board could not accept the written submission. However, the content of the submission was largely the same as the representation he made within the statutory period and he was present at the hearing, he could supplement his representation at the meeting. Mr Barretto responded that the three documents submitted just before the meeting were the annotated version of his representations submitted in May 2020. The intention was to show the lack of responses in the three TPB Papers to his representations. He also expressed concern that the 10-minute time allocated for his presentation was too short.

15. With the aid of the visualiser, Mr Ruy Barretto made the following main points:

- (a) the genuine need for SH development had not been demonstrated and substantiated in the relevant TPB Papers. Other relevant information, such as land ownership and entitlement, should also be provided so that more detailed analysis could be conducted to assess the genuine need for SH development under the three OZPs. Without the required information, it had come up with excessive "V" zones for the three OZPs;

- (b) there was neither assessment on sewage impact nor effective control and management of sewage disposal in the planning of the “V” zone. It would not only lead to degradation of the environment but also put the public at risk from public health perspective;
- (c) ‘develop first, apply later’ cases such as construction of access road, excavation of land and vegetation clearance were found in Pak Lap. However, no enforcement action was taken by relevant government departments. As such, an effective planning control mechanism against unauthorised development should be established under the planning regime so as to plug the loophole;
- (d) it was noted from the Tai Long Wan case that planning permission was required for SH development within “V” zone, which set a good precedent for imposing planning control on Country Park Enclaves (CPEs). To strike a balance between conservation and development, planning permission for SH development should also be required in the three concerned areas;
- (e) the three concerned areas should be protected under the Biodiversity Strategy and Action Plan, and Convention on Biological Diversity (CBD) and zoned as “Conservation Area” (“CA”). Clearance of vegetated land near the streams and wetlands for building houses was not in line with CBD Article 8(e); and
- (f) in conclusion, the three TPB papers were fundamentally defective and the amendments requested by environmental groups should be adopted by the Board. The “V” zones should be reduced; the “Agriculture” (“AGR”) zones should be subject to house restrictions or rezoned to “Green Belt” (“GB”) or “CA”; all the streams and wetlands should be identified and preserved; a 15m-wide buffer area from the streams should be zoned “CA” or other conservation zonings; vacant SH and cleared land should not be encouraged; and a balance between conservation and village development should be struck.

R16 – 新界鄉議局

R17 – Sai Kung North Rural Committee (for Hoi Ha OZP only)

R18 – Yung Wong Fat (for Hoi Ha OZP only)

R19 – Yung Tin Sang (for Hoi Ha OZP only)

16. Mr Li Yiu Ban made the following main points:

- (a) he was making the oral submission in his capacity as an Ex Officio Councillor of Heung Yee Kuk and the Chairman of Sai Kung North Rural Committee (SKNRC). Hoi Ha Village was within the boundaries of SKNRC. He also represented some villagers of Hoi Ha as they had difficulty in attending the subject hearing;
- (b) Heung Yee Kuk in general held the view that a balance should be struck between village development and conservation so as to address the concerns of both the local villagers and the green groups. According to Article 40 of Basic Law, the legal rights of the indigenous villagers of the New Territories should be protected. In that regard, there should be sufficient land reserved within the “V” zone to meet the forecasted SH demand;
- (c) it was revealed in the past history that the villagers of Hoi Ha were also very concerned about the environment while preserving their rights for building SHs;
- (d) there was a detailed record on indigenous villagers eligible for SH applications, including those currently resided in Hong Kong and overseas. For those who were eligible for SH applications, their rights should not be deprived of;
- (e) some people expressed concerns on domestic sewage treatment and its impact on the environment in Hoi Ha and used it as a reason to restrict village development. When the Hoi Ha villagers discussed with AFCD in

respect of the designation of Hoi Ha Wan Marine Park, villagers were assumed that their living would not be affected. After the designation, the public sewers or sewerage systems should be provided by the Government to cater for the need of the villagers. Besides, more than 80% of the Hoi Ha residents were outsiders, not indigenous villagers. Alleging the indigenous villagers as the source of generating pollution and restricting their development rights of building SHs were unfair to the indigenous villagers; and

- (f) even though the “V” zone on the previous draft Hoi Ha OZP prepared in 2014 was unable to fully meet the forecasted SH demand, the Hoi Ha villagers considered that the previous OZP was preferred to the current one. There was no justification to reduce the size of the “V” zone as shown on the current draft OZP as the circumstances had not changed at all.

R18 – 新界沙頭角區鄉事委員會

Mr Lee Koon Hung

17. Mr Lee Koon Hung made the following main points:

- (a) he would like to supplement the presentation made by Mr Li Yiu Ban, representative of Heung Yee Kuk, regarding the judgment of the Court of First Instance (CFI) on the Judicial Review (JR) on the decision of the Chief Executive in Council (CE in C) made on 3.2.2015 to approve the three draft OZPs for Pak Lap, So Lo Pun and Hoi Ha. According to Article 40 of Basic Law, the lawful traditional rights of indigenous villagers to build SHs should be protected; and
- (b) the three previous draft OZPs prepared in 2014 were considered appropriate and he trusted that the Board had thoroughly considered the draft OZPs with sufficient information to justify the areas designated for each of the zonings prior to submission of the OZPs to CE in C for approval. PlanD should stay firm on their previous recommendations. For the So Lo Pun OZP, with 229 indigenous villagers eligible for SH applications, a compromise

had already been made in designating about 4.1 hectares of land as “V” on the previous draft OZP No. S/NE-SLP/1 in 2014. While some might question about the eligibility of those 229 indigenous villagers, their village representative could help verify the identity of those eligible indigenous villagers if required. However, under the current draft So Lo Pun OZP, the “V” zone had been reduced to 1.1 hectares for 29 SHs, which was not sufficient to meet the demand from 229 potential applicants. The fairness to the indigenous villagers was questionable.

[Mr Alex T.H. Lai left the meeting during Mr Lee’s presentation.]

R19 – 鎖羅盆村委員會

R20/C62 – Wong Hing Cheung

R39 – Shum Kwei Mui

R40 – Wong Chi Kin

18. With the aid of a PowerPoint presentation, Mr Wong Hing Cheung made the following main points:

Land ownership and village settlement in So Lo Pun

- (a) a record on land ownership had been kept showing the land owned by their ancestors/successors in So Lo Pun before the publication of the first OZP in the area. According to the record, there were 68 houses, about 1.6 million ft² agricultural land and 15 latrines. As shown on the aerial photo taken in 1924, there were two clusters of village houses in So Lo Pun. The third housing cluster was developed in around 1937, which could be seen on the aerial photo taken in 1945;
- (b) it was stated in TPB Paper No. 10690 that the SH application in So Lo Pun since 2010 was zero and the last SH was built in 1937. The reason for not building SH for over 80 years was mainly due to the lack of provision of basic infrastructure by the Government. Many villagers moved out from

the village in 1970s to earn a living in other countries or other parts of Hong Kong;

Village restoration

- (c) in 2007, the So Lo Pun Village Committee was set up and registered under the Societies Ordinance to enhance the unity and cooperation among villagers and to restore their village. In the same year, the Fishery, Farming and Animal Husbandry Group was established. Various agricultural activities had taken place throughout the years. Also, the villagers including those resided overseas came back to the village and made effort to clean up and restore the village. All such activities and restoration work were funded by donation from villagers. The village restoration work was in good progress;

“V” zone and Village ‘Environs’ (‘VE’) boundary

- (d) one of the grounds for CFI to allow the JR was related to the genuine need for SH development. The CFI also directed that the three draft OZPs including the draft So Lo Pun OZP be remitted to the Board for reconsideration. As the village representative of So Lo Pun Village, according to their record of genealogy and proof under oath, there were 229 male indigenous villagers eligible for SH applications in 2020. The traditional rights and interest of the indigenous villagers to build SHs should be protected;
- (e) under the current draft So Lo Pun OZP, the “V” zone of 1.1 hectares was considered too small and most of which was occupied by existing houses. Besides, according to tradition, no building structure was allowed to be built near the shrine. Therefore, the actual buildable land could only accommodate two SHs, with one located near a slope and the other already reserved for SH development but not yet pursued. In other words, only one SH site was available for 229 eligible indigenous villagers;

- (f) the So Lo Pun villagers objected to the ‘VE’ as shown on Plan H-3b of TPB Paper No. 10690 as its delineation was unreasonable. In their view, the village boundary should include all the nearby mountains such as Yung Shue Au (榕樹凹) and Tiu Tang Lung (吊燈籠) where the villagers previously made use of the natural resources in those areas to make a living;

Stream course within “CA” zone

- (g) part of the ecologically important stream (EIS) within the “CA” zone shown on Plan H-3a of TPB Paper No. 10690 no longer existed as the area was covered by an abandoned fish pond. The EIS had been diverted to the southern edge of the fish pond;

“AGR” zone and related government policy

- (h) the planning intention of the “AGR” zone to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes was generally supported. Also, the establishment of the Countryside Conservation Office and provision of financial support to villagers for conservation projects through the Countryside Conservation Funding Scheme were appreciated. With the successful experience of Lai Chi Wo and other nearby villages (i.e. Mui Tsz Lam Village and Kop Tong Village) in preserving the natural environment while balancing the development needs, there should be a positive impact on revitalisation of rural villages; and
- (i) it was considered appropriate to allow agricultural use not only within “AGR” zone but also “CA”, “GB” and “V” zones.

R21/C63 – Wong Wayne Chun Wing

R22/C64 – Wong Sui Fong

R32/C61 – 黃素珍

R35/C65 – Wong Chee Yeung

R53 – 黃湘齡

19. With the aid of a PowerPoint presentation, Ms Wong So Chun Jane made the following main points:

- (a) it was appreciated that relevant government departments, including AFCD, the North District Office of Home Affairs Department (HAD), Environmental Protection Department and Urban Design and Landscape Section of Planning Department, were consulted on the current OZP amendments;

Genuine need for SH development

- (b) there were over 200 indigenous villagers eligible for SH development in So Lo Pun but no SH application was submitted in the past 10 years. The fundamental reason was the inadequate provision of infrastructural facilities and access to serve the villagers. Over the years, the villagers had requested the District Land Office and HAD on the provision or repair of latrines, rain shelters, ferry pier, access road and signage but most of the applications were rejected. As no basic infrastructure would be provided, there was no incentive for eligible villagers to submit SH application. In any event, the zero SH application should not be used as an indication that there was no demand for SH development and that the “V” zone could be reduced. The fact that there was no SH application in the past did not necessarily mean that there was no demand for SH development in the future;

Existing infrastructure in So Lo Pun

- (c) there were no water supply and sewerage facilities in the So Lo Pun area. A small reservoir and streams in the area were blocked by rocks and soil, and the footpath was narrow. Given the above circumstances, while the planning intention of the “V” zone was to designate both existing recognized villages and areas of land considered suitable for village expansion, and concentrate village type development for a more orderly development pattern, efficient use of land and provision of infrastructures

and services, among others, such planning intention of provision of infrastructures and services was yet to be achieved in So Lo Pun;

Restoration work in the past 10 years

- (d) village restoration should not just focus on SH development but should revitalise the ancestors' village for retaining the Hakka culture, and creating strong bonding, sense of belongings and trust among indigenous villagers who lived in Hong Kong and overseas. Various events and activities, such as festive celebration, ancestor worship and other social activities, had been organised by the So Lo Pun Village Committee to strengthen the connection among villagers. They also welcomed various experts including those familiar with eco-tourism, conservation, geopark and landscape architecture to visit So Lo Pun and exchange views on village restoration. There was no doubt that village development and countryside could co-exist; and
- (e) it was not appropriate to consider the So Lo Pun OZP together with the Pak Lap and Hoi Ha OZPs as So Lo Pun was different from the other two in that all private land was owned by their villagers rather than developers/outsideers. Besides, So Lo Pun Village was encircled by Plover Cove Country Park on three sides with no road access. So Lo Pun Village was a unique village and villagers treasured the environment as the area was chosen by their ancestors for expansion of their family. The villagers also urged those who were in opposition to village type development in the area to try to better understand the history, culture and environment of their village.

20. Ms Wong So Chun Jane also conveyed the views from some overseas villagers by presenting their video recording/ letters as follows:

- (a) Mr Wong Wayne Chun Wing, who was born in So Lo Pun and currently resided in the United States, indicated that he wished to move back to the village. He considered that Hong Kong had a well-established legal

system and citizens' property rights were well protected by law. As male indigenous villagers had a legal right to build SH in their village, the Government should not reduce the size of the "V" zone for SH development. On the contrary, with 229 eligible indigenous villagers, more land should be allocated for SH development to cater for such needs. Other people should not intervene with the villagers on how they used their own land. If the Government wished to include the private land into the Country Park or reduce the land for SH development, they could acquire the land at market price;

- (b) Dr Wong Chee Yeung, who was holding a Master Degree in Environmental Science and currently resided in the United Kingdom (UK), considered that the beautiful environment of So Lo Pun had faded as the local ecology had changed. Ecology was a study among all organisms, plants and environment. Since most of the villagers had moved out in 1965, the organisms there had lost its interaction with the environment and its biotic components. The way to retrieve the local environment was to revitalise the village community so that the migrated birds would come back and the former ecology could be restored. The reduction of "V" zone would hinder the villagers from moving back to So Lo Pun and hence jeopardise the revival of the local environment;
- (c) Ms Wong Sui Fong, who was a Hakka born in So Lo Pun and currently resided in UK, considered that So Lo Pun was an asset from their ancestors. She always thought of her hometown even though she emigrated to UK in 1960s. Whilst some people urged that no development should be allowed in So Lo Pun for reason of environmental protection, she requested the Government to help restore the village by providing supporting infrastructure such as construction of access roads;
- (d) Ms Wong Sheung Ling Christina, who moved out from So Lo Pun in 1960s/70s, indicated that she wished to move back after retirement. She considered that the villagers including those from overseas were keen on joining activities organised by the Village Committee in the past years

which demonstrated that they were not giving up the village. The villagers intended to restore the village for gathering and strengthening their connection. The Government should enhance the accessibility and basic infrastructure in So Lo Pun so as to improve the livelihood in the rural village. Visitors could also come to enjoy the natural environment. So Lo Pun should not be included in the Country Park as the villagers should be allowed to determine how their private land was to be used; and

- (e) a video mainly containing photos of the scenery of and villagers' activities in So Lo Pun was shown at the end of the presentation.

21. The meeting was adjourned for lunch break at 1:00 p.m.

[Mr Stephen L.H. Liu, Dr Frankie W.C. Yeung, Mr Peter K.T. Yuen and Miss Winnie W.M. Ng left the meeting at this point.]

22. The meeting was resumed at 2:05 p.m.

23. 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 Lincoln L.H. Huang

Vice-chairperson

Mr Wilson Y.W. Fung

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Mr K.K. Cheung

Dr C.H. Hau

Mr Thomas O.S. Ho

Dr Lawrence K.C. Li

Professor T.S. Liu

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Stanley T.S. Choi

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Dr Jeanne C.Y. Ng

Dr Roger C.K. Chan

Dr Venus Y.H. Lun

Mr C.H. Tse

Dr Conrad T.C. Wong

Mr Y.S. Wong

Chief Engineer (Works), Home Affairs Department
Mr Gavin C.T. Tse

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

Assistant Director (Regional 1)
Lands Department
Mr Simon S.W. Wang

Director of Planning
Mr Raymond K.W. Lee

Agenda Item 3 (Continued)

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in Respect of the
Draft Pak Lap Outline Zoning Plan No. S/SK-PL/3,
Draft So Lo Pun Outline Zoning Plan No. S/NE-SLP/3 and
Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/3
(TPB Papers No. 10689, 10690 and 10691)

[The item was conducted in Cantonese and English.]

Presentation and Question Sessions (Continued)

24. 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), PlanD |
| Ms Jessica H.F. Chu | - | District Planning Officer/ Sha Tin, Tai Po & North (DPO/STN), PlanD |
| Mr Tony Y.C. Wu | - | Senior Town Planner/Country Park Enclaves, PlanD |

Agriculture, Fisheries and Conservation Department (AFCD)

- | | | |
|-------------------|---|--|
| Dr Flora S.Y. Mok | - | Senior Nature Conservation Officer (North) (SNC/N), AFCD |
| Ms C.Y. Ho | - | Senior Nature Conservation Officer (South) (SNC/S), AFCD |
| Ms Chole C.U. Ng | - | Nature Conservation Officer (North), AFCD |
| Dr S.C. Ng | - | Nature Conservation Officer (Sai Kung), |

AFCD

Representers, Commenters and their Representatives

Representations and Comments in respect of Draft Pak Lap Outline Zoning Plan (OZP) No. S/SK-PL/3, Draft So Lo Pun OZP No. S/NE-SLP/3 and Draft Hoi Ha OZP No. S/NE-HH/3

R1/C59 – Mary Mulvihill

Ms Mary Mulvihill - Representer and Commenter

R3 – Kadoorie Farm and Botanic Garden

R9 – Andrew Bowden Brown

R10 – Gary William John Ades

R13 – Yip Tsz Lam

Mr Nip Hin Ming - Representers' representative

R4/C54 – The Conservancy Association

Mr Ng Hei Man - Representer's and Commenter's representative

R5/C55 – Hong Kong Bird Watching Society (HKBWS)

Ms Wong Suet Mei] Representer's and Commenter's

Ms Woo Ming Chuan] representatives

R6 – Designing Hong Kong Limited

Mr Paul Zimmerman - Representer's representative

Mr Wong Wan Kei Samuel

R7 – Friends of Hoi Ha

C35 – Chan Hang Yi

C60 – Fung Kam Lam

C58 – Chan Ka Lam

Ms Chan Ka Lam - Commenter and Representer's and Commenters' representative

R14 – Ruy Barretto

Mr Ruy Barretto - Representer

Representations and Comments in respect of the Draft So Lo Pun OZP No. S/NE-SLP/3

R19 – 鎖羅盤村委員會

R20/C62 – Wong Hing Cheung

R39 – Shum Kwei Mui

R40 – Wong Chi Kin

Mr Wong Hing Cheung - Representer/Commenter and Representers' representative

R21/C63 – Wong Wayne Chun Wing

R22/C64 – Wong Sui Fong

R32/C61 – 黃素珍

R35/C65 – Wong Chee Yeung

R53 – 黃湘齡

Ms Wong So Chun Jane - Representer/Commenter and Representers' and commenters' representative

25. The Chairperson welcomed and invited the representers, commenters and their representatives to elaborate on their submissions and encouraged them to stay for the question session. The meeting noted that the following representers and commenters in relation to the environmental groups would have a joint presentation on their submissions.

R3 – Kadoorie Farm and Botanic Garden

R4/C54 – The Conservancy Association

R5/C55 – HKBWS

R6 – Designing Hong Kong Limited

R7 – Friends of Hoi Ha

R9 – Andrew Bowden Brown

R10 – Gary William John Ades

R13 – Yip Tsz Lam

C35 – Chan Hang Yi

C60 – Fung Kam Lam

C58 – Chan Ka Lam

26. Mr Paul Zimmerman made the following main points:

The History of Country Park Enclaves (CPEs)

- (a) the history of country parks in Hong Kong could be traced back to the period of World War II. After World War II, the Government carried out afforestation in the city to restore the barren hillsides and opened the areas for public enjoyment through the designation of country parks. However, the private land in between had been taken out as CPEs during the designation of country parks, resulting in a total of 77 CPEs without proper management and control under the Country Parks Ordinance (CPO);
- (b) the Tai Long Sai Wan incident in 2010 demonstrated that AFCD, which was the authority for management of the country parks, was unable to control development in CPEs. As a result, it was decided that some of the CPEs should be put under the control of the Town Planning Ordinance (the Ordinance);
- (c) the environmental groups were not against the reuse and redevelopment of existing structures and farming activities in the CPEs. However, the continued increase in the number of Small Houses (SHs) had destroyed the natural environment and caused pollution to the surrounding areas; and

- (d) SH development in private land within the CPEs was akin to cancer in the country parks, which should be removed so as to protect the natural environment in the country parks.

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

The Background of the Three OZPs

- (a) the 77 CPEs were geographically located within the country park areas. The Tai Long Sai Wan incident, in which a large piece of land was destroyed by a developer, had led to public outcry causing the Government to give consideration to better protection of the CPEs. Subsequently, a number of less controversial CPEs were incorporated into country parks, and Development Permission Area (DPA) plans were prepared to cover the other CPEs in view of the development pressure in those areas;
- (b) in September 2010, three DPA plans were gazetted for Pak Lap, So Lo Pun and Hoi Ha enclaves. When the DPA plans were replaced by OZPs which were gazetted in September 2013, over 10,600 representations and 3,600 comments mainly objecting to the designation of “Village Type Development” (“V”) zones as well as raising concerns on the environmental impacts were received. After hearing the representations and comments, the Town Planning Board (the Board) proposed amendments to reduce the size of the “V” zones on the three OZPs in June 2014. Further representations opposing the proposed amendments were then received as the “V” zones were still considered excessive. However, the Board decided not to make any further amendments to the “V” zones to meet the further representations in November 2014. It was under this background that she lodged a Judicial Review (JR) to challenge the decisions of the Board to submit the three draft OZPs to the Chief Executive in Council (CE in C) for

approval and the decision of CE in C to approve the three draft OZPs in February 2015;

- (c) the Court of First Instance (the Court) allowed the JR and quashed the decisions of the Board and the CE in C. According to the Court's judgment, the Board had not properly inquired into the issues and representations made relating to (a) the lack of established genuine needs for SH development by indigenous villagers for all the draft OZPs, and (b) the planning concerns identified in the representations on inaccurate and deficient maps and plans regarding the "Coastal Protection Area" ("CPA") zoning of the Hoi Ha OZP. As such, it was important for the Board to ask the right questions and be acquainted with relevant information to answer the questions correctly; and

Maps Issue of Hoi Ha OZP

- (d) the information on the base map made reference to in designating the zoning was inadequate and misleading and could not fulfil the requirement of the Court's judgment. The high water mark (HWM) was a poor indication of the boundary between sea and land as the sea came inland of the HWM at least 50 times a year because of natural tides and storm surges. The beach area and the coastal mangrove belt in front of the village were not marked on government maps. The area between the Hoi Ha Wan Marine Park (HHWMP) and the "V" zone was currently zoned "CPA". Noting the change of the HWM which had moved inland over the years, there might be implications on the protection of Hoi Ha Wan, including the beach area and the mangrove belt as the "V" zone was too close to the HWM.

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

Importance of Protecting the CPEs

- (a) the CPEs, which formed part of the entire ecosystem extending from the country parks, were also part of the country park recreation system. As CPEs provided habitats for many species with conservation importance, their ecological and conservation value could even be higher than many areas within the country parks. Human activities in CPEs would adversely affect the important habitats in the country and marine parks;
- (b) the adverse impacts caused by allowing developments in the CPEs were mainly related to tree felling, site formation and concrete paving works. In the case of Hoi Ha, it was difficult to understand the criteria for designating “V” zone given that some of the areas covered by the “V” zone were heavily vegetated;
- (c) water pollution was the major concern of developments in Pak Lap, So Lo Pun and Hoi Ha areas, which were adjacent to wetlands and/or important aquatic habitats. Hoi Ha Wan had been designated as marine park as it had rich coral communities with good water quality. Wetland and natural stream could also be found in Hoi Ha. Regarding Pak Lap, some educational institutes had proposed to designate the area as a marine protection area, marine park or marine reserve due to the extremely good water quality. Pak Lap also provided a habitat for species of high conservation importance such as Amphioxus. In So Lo Pun, there were wetland, natural stream and woodland and many species of conservation importance could be found;
- (d) many SHs relied on septic tank and soakaway pit system (STS) for sewage treatment as no public sewer was available. Toilet wastes and sullage (i.e. wastewater from bath, shower, sink, washing of clothes) were collected by pipes to the STS. A STS consisted of a septic tank, a soakaway pit or some soakaway trenches, and the surrounding soil into which wastewater was finally decomposed. However, the performance of the STS was in doubt. It was noted that the then Secretary for the

Environment, Transport and Works had mentioned in her reply to the Legislative Council in 2005 that “the continued development and hence the population growth in the river catchments and the lack of maintenance of many private STSs had caused the water quality of some rivers and streams in the Northwest New Territories to remain unsatisfactory”. Relevant departments had also repeatedly stated that STSs were not reliable in their proposals to carry out public sewerage projects in rural areas. For example, STSs were susceptible to operation and maintenance problems which could easily cause pollution to the environment and pose potential hazards to the villagers and nearby public;

- (e) it was mentioned in a leaflet of the Drainage Services Department (DSD) that the number of septic tanks and quantity of sewage discharge continued to increase with the rise in development density of village houses. This gradually exceeded the natural purification capacity of the surrounding soil causing environmental pollution and hygiene problems;
- (f) apart from the problem of STS, the natural streams adjacent to village house developments were susceptible to various threats due to illegal discharges. As mentioned by the Environmental Protection Department (EPD) previously, illegal discharges could be completed in a few minutes. It was very difficult to collect evidence on spot, which caused difficulties in undertaking prosecution action. It was noted that the increase in the number of SHs in Ma Wan New Village in Tung Chung had resulted in a sharp increase in the level of various pollutants in the nearby stream and the water quality of the stream was even worse than that of Shing Mun River;
- (g) as it was difficult to construct public sewer in Pak Lap, So Lo Pun and Hoi Ha areas due to the topographical constraints, SHs would likely rely on STS for sewage treatment, which might cause adverse impacts on the water quality in the nearby areas. In Hoi Ha, it was observed that the

previous E-Coli level could not meet the standard for a public beach. The E-Coli level would decrease in areas far away from the village houses. As there was a natural stream running through the “V” zone, any pollutants entering into this stream would be directed into the marine park. In Pak Lap, the natural stream was located right adjacent to the “V” zone. Any pollutants entering into the stream would flow into Pak Lap Wan directly and would have adverse impact on the species with conservation value. In So Lo Pun, the existing water gate adjacent to the pond might lead to the accumulation of pollutants, if any, causing adverse impacts on the mangrove area;

[Mr Philip S.L. Kan joined the meeting at this point.]

Concerns on Pak Lap

- (h) various forms of devastation including vegetation clearance, excavation of land and construction of access road were observed in Pak Lap area since 2009. Some of the affected areas were within the country park. The devastation continued ever after the DPA plan was put in force. It was noted that some of the village houses had been rented out as holiday houses. Vegetation clearance and land filling were observed in the south-eastern part of the “V” zone. Besides, the bank of a nearby stream had been paved; and
- (i) although the rural environment in Pak Lap was deteriorating, PlanD had not reviewed and made any changes to the “V” zone in response to the Court’s judgment. Land available for SH development within the “V” zone could accommodate 16 SHs, which was far more than the number of outstanding SH grant applications (i.e. four applications). Besides, there was no buffer between the “V” zone and the adjacent stream, which might result in pollution of the stream and the beach. The Board was urged to critically review the “V” zone of the Pak Lap OZP.

29. With the aid of a PowerPoint presentation, Ms Wong Suet Mei made the following

main points:

Concerns on “Agriculture” Zone in CPEs

- (a) various habitats, such as natural streams, could be found within and surrounding the “Agriculture” (“AGR”) zone in Pak Lap and So Lo Pun. In considering whether the “AGR” zone could offer adequate protection to the ecological features in CPEs, the types of development which were permitted within the “AGR” zone should be taken into account. It was noted in the Schedule of Use of the two OZPs that SH development was a Column 2 use in the “AGR” zone, which might be permitted with or without conditions on application to the Board. Although PlanD had indicated that each application for SH development in the “AGR” zone would be considered by the Board based on its individual merits taking into account the prevailing planning circumstances, relevant guidelines and relevant departments’ comments, it was doubtful whether those proposed STS for SH development would cause pollution to the streams. The intended agricultural activities, which was a Column 1 use, might not be realised in the “AGR” zone;
- (b) the Board would make reference to the “Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories” (the Interim Criteria) when considering applications for SH development. While more stringent requirement was imposed for SH development within conservation-related zonings, such requirement was not applicable for SH development within the “AGR” zone;
- (c) while the planning intention of the “AGR” zone was to retain and safeguard good quality agricultural land for cultivation and agricultural purposes, and SH development was only permitted on application to the Board, according to a study on “Hong Kong Headline Indicators for Biodiversity and Conservation 2015-2017” conducted by HKBWS, among the 545 SH planning applications in the “AGR” zone submitted from 2012 to 2016, 338 of them had been approved, with an approval rate

of 62%. It was also noted that the approval rate of SH planning applications within the “Green Belt” (“GB”) zone was about 40%. In the examples of Ho Chung, Kai Leng and Man Uk Pin, it was noted that the approval of one SH planning application in the “AGR” zone would lead to the approval of more similar applications in the area and result in a substantial loss of agricultural land. It was doubtful whether the “AGR” zone, which was vulnerable to SH development with approval from the Board, was appropriate in CPEs;

- (d) in the case of Pak Lap, land filling still happened in the seasonal wet grassland after it was zoned “AGR”. According to the Notes of the OZP, laying of soil not exceeding 1.2m in thickness for cultivation did not require permission from the Board. However, it was difficult to define ‘cultivation/agricultural purposes’. The agricultural land would be easily turned into recreational uses such as hobby farm and barbecue site; and
- (e) the potential problems of the “AGR” zone in Pak Lap and So Lo Pun included water pollution from STS of SH development, destruction of ecologically sensitive wetlands/streams by land filling of less than 1.2m in thickness, and environmental degradation caused by hobby farm/barbecue/ recreational developments. It was suggested to impose more stringent control on the “AGR” zone such as deleting SH development from Column 2 uses and requiring planning permission from the Board for any diversion of streams or filling of land/pond, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes.

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

30. With the aid of a PowerPoint presentation, Mr Ng Hei Man made the following main points:

Genuine Need for SH Development

- (a) PlanD indicated that to follow up with the Court's judgment on the JR, a review on the genuine need for SH development had been undertaken and the best available information had been provided to the Board for consideration. However, a proper inquiry into the genuine need issue had not been made. PlanD indicated in the TPB Papers No. 10624, 10625 and 10626 that the forecast provided by the Indigenous Inhabitant Representatives (IIRs) could not be easily verified based on the information currently available. There was no practical means available for determining the genuine need for SH development. Also, the eligibility of the applicants for outstanding SH grant applications in Hoi Ha had yet to be ascertained. However, in view of the small amount of outstanding SH grant applications as provided in relevant TPB Papers, it was not justified to designate such a large "V" zone in Hoi Ha and Pak Lap. The percentage of the outstanding SH grant applications that could be met by the available land in Hoi Ha and Pak Lap were 221% and 400% respectively;
- (b) in the periphery of the "V" zone in Hoi Ha without any permanent structures, about 70% of land was solely and partly owned by several developers. Some lots acquired by developers were subsequently subdivided and sold to individuals with surname Yung at very low price. He suspected that there might be acquisition of SH concessionary rights and doubted whether the outstanding SH applications on private lots were serving genuine need of indigenous villagers;
- (c) in the periphery of the "V" zone in Pak Lap without any permanent structures, nearly all of the land was solely owned by one single developer. It was noted that private land in the south-eastern part of the existing village settlement had been sold by the indigenous villagers to the developer in 1993, 1994, 1996 and 2001. The IIR of Pak Lap had once publicly admitted to the media that the 10-year SH demand forecast was inflated and the villagers were willing to cooperate with the developers. It was therefore questionable whether the right of the indigenous villagers for SH

development had been sold to the developer and whether the “V” zone in Pak Lap was meeting the genuine need for SH development;

- (d) while PlanD was of the view that land ownership should not be a material planning consideration on the designation of the land use zones as ownership could change over time, he considered that land ownership was an important factor for evaluating SH demand forecast, even though it was changing over time. Such information was also important for the Board to verify whether the SH demand was genuine or not; and
- (e) the proposed amendments to the Hoi Ha and Pak Lap OZPs were considered minor and could not achieve the objective of reviewing the genuine need for SH development, which was the subject of the OZP review.

[Mr Franklin Yu and Mr Wilson Y.W. Fung left the meeting at this point.]

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

Need to Amend Pak Lap OZP

- (a) in the OZP review, PlanD had provided updated information including the actual number of SH grant applications received/approved/rejected by the Lands Department (LandsD) since 2010, the latest number of outstanding SH grant applications being considered by LandsD and the 10-year SH demand forecast provided by IIRs for the Board’s consideration. However, it was the same old methodology for assessing the genuine need for SH development and the Board could not verify the information provided. It was questionable why the Board, in the absence of mechanism to verify the figures in the SH demand forecast provided by IIRs, still accepted PlanD’s recommendation for the designation of “V” zones;

- (b) given the ecological importance of Pak Lap, the designation of “V” zone near the country park should be fully justified. She was a Member of Sai Kung District Council (SKDC) with the constituency in Sai King Islands. The Housing, Planning and Development Committee (HPDC) had passed a motion on 19.5.2020 objecting to the excessive land allocated for SH development on the Pak Lap OZP and urged the Government to improve the plan so as to protect the CPE;
- (c) there was a lack of basic infrastructure in the remote and sparsely populated villages in the rural areas of Sai Kung district. Pak Lap, in particular, had no vehicular or marine access. It was therefore doubtful how the villagers living there could be supported. Designating an excessive “V” zone without providing the necessary infrastructure and supporting facilities would only create a false hope for the villagers;
- (d) she had lodged another JR against the Country and Marine Parks Authority (CMPA) in respect of the assessment of the suitability of incorporating six enclaves (Hoi Ha, Pak Lap, To Kwa Peng, So Lo Pun, Tin Fu Tsai and Pak Tam Au) into Country Parks, and the need to consult the Country and Marine Parks Board (CMPB) and consider its advice prior to making a recommendation to the CE in C. The JR was allowed by the court and the effect of the judgment was that CMPA was obliged to consult CMPB and considered its advice prior to making a recommendation to the CE in C about whether to include the six CPEs into Sai Kung Country Park, as well as when making recommendations about other CPEs that were in and around nine country parks in Hong Kong. The judgment might have an implication on the consideration of Pak Lap, So Lo Pun and Hoi Ha OZPs as the incorporation of the CPEs into the country park could have better protection of those areas; and
- (e) once an excessive “V” zone was designated in Pak Lap, the Government could not stop the villagers from building SHs, even if they were not meeting the housing need of the villagers. It was noted that some SHs in Pak Lap had been turned into holiday houses for visitors, who flocked into

the area during weekends. There was an urgent need to protect the CPEs for public interest.

32. In response to the query of Ms Chan Ka Lam on whether the letter which expressing the views of HPDC of SKDC had been received by the Secretariat and the motion passed by HPDC of SKDC had been incorporated in the TPB Paper, the Chairperson drew Members' attention that an extract of the HPDC minutes had been attached to the TPB Paper No. 10689. Any written representation which complied with the submission requirements and made within the statutory time limit would be considered by the Board.

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

Good Precedent of OZP Control for CPEs - Tai Long Wan OZP

- (a) the plan making process for Tai Long Wan OZP was a good precedent for which the Board could make reference to. Tai Long Wan enclave was completely surrounded by the Sai Kung East Country Park. The original OZP put forth in April 2000 designated 7.9 ha of land (15.56% of the enclave) as "V" zone for about 370 SHs with an estimated population increased to 1,000 people. Five objections mainly against the excessive "V" zone were received. One of the objectors remarked that it was a fallacy to think that "V" and "Conservation Area" ("CA") zones could co-exist with one another as the SH developments accompanying by the associated transportation and infrastructural facilities and the resultant population increase would destroy the natural environment of Tai Long Wan. In view of the public concerns on better protection for Tai Long Wan, the Board subsequently indicated that there was a conflict between conservation of natural environment and village expansion and more in-depth research should be carried out by relevant government departments so as to provide more information to substantiate whether Tai Long Wan was worthy of conservation. At that time, AFCD advised that the Tai Long Sai Wan Site of Specific Scientific Interest (SSSI) and the proposed

“CA” had already provided the necessary protection in the Tai Long Wan area and the area zoned “V” was not a prime area for conservation;

- (b) during November/December 2000, the Conservancy Association and the Friends of Tai Long Wan had organised campaigns to arouse public awareness on the protection of Tai Long Wan. More than 2,000 signatures in support of the preservation of the Tai Long Wan area were collected and over 900 participants had turned up in a related event organised to support preservation of the area;
- (c) subsequently, PlanD provided three options for the Board’s consideration, (i) keeping the 7.9 ha of “V” zone; (ii) confining the “V” zone to the existing village settlement with a reduction of the “V” zone from 7.9 ha to 1.9 ha; and (iii) incorporating the enclave area into the country park. PlanD recommended to reduce the area of the “V” zone on the OZP with a view to minimising the potential threats to the existing landscape quality and heritage of the area. The reduction of “V” zone was considered more pragmatic in view of the inadequate infrastructure provision as it would help avoid unnecessary development expectations. The Board also decided to impose further control by transferring ‘House (New Territories Exempted House (NTEH) only)’ use from Column 1 to Column 2 and removing the ‘House (other than NTEH)’ use from Column 2 of the Schedule of Uses in the Notes of the “V” zone. A requirement was also added in the remarks of the “V” zone to require planning permission for any demolition, addition, alteration and/or modification to an existing building;
- (d) the Board’s decision in respect of the Tai Long Wan OZP had set an important precedent in that even though AFCD had advised that areas in the “V” zone were not a prime area for conservation, the Board considered that the conservation value of Tai Long Wan should not be confined to the SSSI, but the natural beauty of the enclave area as a whole should be conserved ;
- (e) while PlanD had indicated that the imposition of specific planning control on the Tai Long Wan OZP was mainly based on the consideration that the

village settlements in Tai Long Wan were well-preserved with high heritage value, it was stated in the Explanatory Statement (ES) of the Tai Long Wan OZP that the planning intention was primarily to conserve the scenic and unspoiled natural environment by protecting features of ecological significance, the natural landscape and the rural character. The intention of imposing more stringent control for heritage preservation was not obvious; and

- (f) while there was more stringent control on SH development on the Tai Long Wan OZP, SH planning applications could still be approved within the reduced “V” zone. The OZP control had not extinguished the village life. While the villages could still be thriving in the area, the public could enjoy the spectacular natural features. As such, Tai Long Wan OZP provided a win-win situation whereby the traditional right of indigenous villagers was respected and the natural environment for public enjoyment was protected; and
- (g) as compared with So Lo Pun and Hoi Ha OZPs, PlanD had not properly reviewed the issue of genuine need in respect of the Pak Lap OZP and made any changes to the “V” zone.

R1/C59 - Mary Mulvihill

34. Ms Mary Mulvihill made the following main points:

- (a) she clarified that her supportive view on the OZPs was for reducing the area of the “V” zone, but not on the merits of the proposed amendments. She had more understanding on the issues involved when the representations from the green groups were published and she fully supported their views. Land ownership should be an important factor for consideration in the designation of “V” zone;
- (b) in Pak Lap and Hoi Ha, given that the land had been sold to developers, the proposed “V” zones allowed for building 16 and 21 SHs in Pak Lap

and Hoi Ha respectively were not justifiable, and deviated from the intention of providing “V” zone for SH development to meet the genuine need of the indigenous villagers;

- (c) in So Lo Pun, no justification had been provided for the proposed “V” zone which allowed for building 29 SHs. It was doubtful why the shrine area was included in the “V” zone;
- (d) she disagreed with the view of PlanD and other government departments that there was mechanism to monitor SH development as manipulation could hardly be avoided. For example, in the redevelopment of Bishop Hill in Central, she made a complaint to LandsD as the trees would be removed for the construction of a private hospital. Though the site was covered by a lease with various restrictions, LandsD was unable to provide any response so far. As such, the control in the remote CPEs should be even more stringent. When damage was done, it was impossible to revert the situation by enforcement actions;
- (e) the representatives of Hoi Ha Village had indicated that about 80% of the inhabitants were outsiders. It was a clear indication that the indigenous villagers did not have much intention to live in the villages;
- (f) there was no people living in So Lo Pun. While the villagers requested for the provision of more infrastructure in the area, it would be too costly and not practicable. Public fund should be better spent on other aspects such as public housing for the benefits of more people. The villagers would have a tendency to sell their land to developers;
- (g) she had concerns on the use of STS in SH development which should be restricted; and
- (h) given the current health crisis, it was noted that disrupting nature and encroachment onto natural habitat would cause disastrous consequences in view of the possible shortage of clean water supplies in the coming

decades. Hence, focus should be put on creating new conservation sites and restricted areas instead of further encroachment onto the country parks in order to strike a balance between conservation and development.

[The meeting was adjourned for a 5-minute break.]

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

The Genuine Need Issue

36. A Member asked about the details of the Court's judgment regarding "the genuine need issue" and how the Court's directive could be complied with. Ms Jessica H.F. Chu, DPO/STN, responded that according to the Court's judgment, the Board had failed to make proper inquiry into the representations on whether there were proven genuine needs of the indigenous villagers to build SHs within the existing villages in the enclaves. The Court held the view that the Board had not explained on what basis it had treated the forecast figures of the SH demand to provide support for showing the needs of "V" zones, whether and why it had accepted or rejected the validity of those extensive representations made under the question on the genuine need issue, and how the representations had affected the Board's view on planning the size of the "V" zones. According to the judgment, the Court did not request the Board to designate the "V" zones according to ascertained genuine need for SH development. The point stressed by the Court was that the Board should make proper inquiry into the question raised by the representations concerning the genuine need issue.

37. The same Member asked whether there was any administrative mechanism to verify the genuine need for SH development. Ms Jessica H.F. Chu said that there was no practical means available for determining the genuine need for SH development at the planning stage, such as the number of eligible applicants for SH development and the verification of the 10-year SH demand forecast provided by the IIRs. However, the status of the SH applicant would be

verified by the respective DLO during the processing of the SH grant applications. She stressed that the demand forecast was only one among a host of planning factors to be considered in the designation of the “V” zone. The Chairperson supplemented that, as set out in the TPB Papers, PlanD had provided additional/updated information for the Board’s consideration in the review of the three OZPs. Such information included (i) the actual number of SH grant applications received/approved/rejected by LandsD since 2010, and the latest number of outstanding SH grant applications being considered by LandsD; and (ii) the 10-year SH demand forecasts starting from 2010 provided by the IIRs, and breakdown of such forecasts. She added that the Court did not request the Board to ascertain the figures of SH demand, and the Board should make use of the best available information provided by PlanD in making a decision on the “V” zone.

38. The same Member also asked whether the Board was required to look into the land ownership issue in the designation of “V” zone according to the judgment. Ms Jessica H.F. Chu responded that while the Court accepted the applicant’s ground of challenge that the Board had failed to make proper inquiry into the genuine need issue, it considered that the applicant’s complaint against the Board for failing to take into account the matter of land ownership for consideration was neither here nor there. The Chairperson supplemented that the Court had not instructed the Board on how the land ownership issue should be taken into account. However, the Board should consider all relevant issues raised by the representers.

39. Another Member asked whether land ownership and the intention of villagers to reside in the concerned SHs were relevant factors in determining the genuine need for SH development. Ms Jessica H.F. Chu responded that the Court was of the view that, for planning purposes, it was reasonable for the Board to start off by looking at the right of indigenous villagers to apply for building SH and the forecast demands to ascertain the development needs. Also, SHs on private land granted by way of Building Licenses were normally subject to a five-year alienation restriction, after which the ownership of the SH could be transferred. If the SHs were on government land granted by way of Private Treaty Grants, the grantee of the SH could apply to LandsD for removal of the relevant alienation restriction clause by paying additional premium and administrative fee before the ownership of his SH could be transferred. As the land ownership was subject to change over time, it was not a material planning consideration in the designation of “V” zone.

The Maps Issue for Hoi Ha OZP

40. A Member asked how the base map issue would affect the Hoi Ha OZP. Ms Jessica H.F. Chu, DPO/STN, responded that the survey maps served no more than a map base and a locational reference. In designating various land use zones, many other materials were taken into account including land use survey records, lot boundaries records, geological maps, aerial photos, site inspections conducted by PlanD and advice from AFCD and other relevant government departments. The map base might not fully reflect the prevailing situation due to on-going changes in topographic features over time, and due to cartographic limitations, selection and generalisation of features were needed in making the maps. It was noted that part of the HWM in Hoi Ha was further inland than the coastal boundary of the “Coastal Protection Area” (“CPA”) zone and a very small portion (about 37m²) of the HHW Site of Special Scientific Interest encroached upon the “CPA” zone. But what was more important was that the northern boundary of the OZP coincided with the HHWMP boundary for continuous planning control and to avoid duplication of controlling authorities. The HWM would however serve as a reference for the determination of setback distance for the installation of STS. According to EPD’s Practice Note for Professional Person 5/93 “Drainage Plans subject to Comment by the EPD” (ProPECC PN 5/93), there was a minimum clearance requirements between the STS systems and HWM/ the nearest streams. Planning control under the OZP would not be affected by the map base which was only a locational reference. It was exercised based on the physical features/activities on the ground rather than the map base of the OZP.

Environmental Concerns

41. Some Members raised the following questions:
- (a) whether the JR was allowed on the grounds of environmental and conservation concern;
 - (b) how the boundary of “V” zone was designated to avoid adverse impact caused by STS on the water quality of nearby streams;
 - (c) whether both toilet waste and sullage were collected by STS; and

- (d) whether there was any plan for a public sewer in Hoi Ha given the increasing number of SH developments.

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

- (a) as noted in the Court's judgment, it was not necessary for the Board to inquire into and resolve those matters related to adverse environmental impacts caused by the STS for the purpose of making the planning decision as far as the Board accepted that the issue would be addressed in the subsequent processing of the SH grant application. The Court also considered that the Board had adequately inquired into the cumulative impact on conservation and had taken into account the representations on the issue when making a planning judgment which was to strike a balance between conservation and compatible development;
- (b) the concerns on sewage treatment for SH development and its impact on the nearby streams were well noted. The Board, in considering the previous representations and comments, noted that LandsD, when processing SH grant applications, would consult concerned government departments including DSD, EPD, AFCD and PlanD to ensure that all relevant departments would vet and comment on the applications. In the design and construction of on-site STS and the soil percolation test for development proposals, the applicants were required to comply with relevant standards and regulations, including EPD's ProPECC PN 5/93. Furthermore, an enhanced arrangement had been adopted for Pak Lap, Hoi Ha and So Lo Pun areas by EPD and LandsD in that the design and construction requirements for STS locating beyond 30m from the streams would still be scrutinised under the ProPECC PN 5/93. As such, there was sufficient control in the current administrative system to ensure that SH development together with the STS within the "V" zone would not entail unacceptable impacts on the surrounding environment including the streams even though a buffer area was not provided between the "V" zone and the streams;

- (c) according to the “Guidance Notes on Discharges from Village Houses” issued by EPD, there was a requirement for the STS to collect both sullage (i.e. wastewater from a bath, shower, sink or basin) and toilet waste; and
- (d) the “V” zone in Hoi Ha was about 1.65 ha while the whole Sai Kung West Country Park occupied 3,000 ha. With an addition of 21 new SHs in the area, it was expected that the cumulative environmental impact would not be significant. The construction of public sewers would be planned by relevant government departments taking into account various considerations including the cost-effectiveness of such system.

43. Noting that there was a buffer area between the “V” zone and streams in other OZPs, a Member asked whether there was any standard in the provision of such buffer area on the OZPs. In response, Ms Donna Y.P. Tam, DPO/SKIs, said that a 30m-wide riparian buffer would normally be provided for Ecologically Important Stream (EIS) according to the advice by AFCD. However, there was no standard requirement for designating buffer areas for streams and the need of a buffer area would be considered on a case-by-case basis based on the advice of AFCD. Another Member asked whether a buffer should be provided between the “V” zone and the country parks. Ms Jessica H.F. Chu said that whether a buffer area between the “V” zone and the country parks was required should be considered on the basis of specific circumstances and characteristics of individual areas.

“V” Zone on the Three OZPs

44. In response to a Member’s enquiry on how the “V” zones were designated, Ms Donna Y.P. Tam, DPO/SKIs, said that in the review of the genuine need issue, the best available information relating to the SH demand, including the updated/past figures on SH applications, as well as 10-year SH demand forecasts and its breakdown such as the number of male indigenous villagers living in Hong Kong provided by IIRs starting from 2010, had been provided to the Board for consideration. Such information was obtained from LandsD on the understanding that there was no mechanism to verify the figures provided by IIRs at the planning stage. Given that there was no practical means available for determining the genuine need for SH development, the SH application and demand figures were only one among a host of planning factors to be considered in the designation of “V” zone. Apart from that, the Board had also taken into

account all related planning considerations including but not limited to the village ‘environs’ (‘VE’), local topography, existing settlement pattern, availability of road access and infrastructure, areas of ecological and landscape importance as well as site specific characteristics.

45. A Member asked whether there was a need to meet the 10-year SH demand forecast in the designation of “V” zone. In response, Ms Jessica H.F. Chu, DPO/STN, said that as there was no mechanism to verify the 10-year SH demand forecast provided by the IIRs at the planning stage, the figure would only serve as a reference and one of the various factors to be considered in the designation of “V” zone. There was no obligation to meet the 10-year SH demand forecast when determining the appropriate land uses for particular areas under the planning regime.

46. A Member asked whether there was mechanism to expand the “V” zone to cater for the villagers’ need for SH development in future. Ms Jessica H.F. Chu responded that an incremental approach had been adopted for designating the “V” zone with an aim to confining SH development at suitable locations and to minimise adverse impact on the natural environment. The “V” zone could be expanded by way of rezoning suitable locations if needed in future. Besides, to allow flexibility in land-use planning and control on development to meet the changing needs, there was provision for submission of planning application for SH development under other zonings such as “AGR”. These applications would be considered by the Board based on individual merits to ensure that no adverse impacts on the surrounding areas would be caused. There was so far only one application received for SH development in “AGR” zone under OZP covered by CPE (Application No. A/I-LWKS/1), which was rejected by the Board in 2015.

47. A Member enquired on the provisions for planning applications for SH development in various zones on the three OZPs. Ms Jessica H.F. Chu and Ms Donna Y.P. Tam responded that while ‘House (NTEH) only’ use was always permitted in “V” zones, planning permission for ‘House (NTEH only)’ use, ‘House’ use and ‘House (Redevelopment only)’ use were required in “AGR”, “GB” and “CA” / “GB(1)” / “CPA” zones respectively.

48. In response to a Member’s enquiry on the proportion of private land owned by developers and villagers in the villages of the three CPEs, Mr Wong Hing Cheung, R20/C62, said that all land was owned by the villagers in So Lo Pun. Ms Jessica H.F. Chu said that the

total area of “V” zone in So Lo Pun was about 1.11 ha, with 0.59 ha of private land and 0.52 ha of government land. Regarding Hoi Ha, the “V” zone was about 1.65 ha with 0.69 ha of private land and 0.96 ha of government land. Ms Donna Y.P. Tam, DPO/SKIs, said that the “V” zone in Pak Lap was about 0.9 ha, with 0.3 ha of government land and 0.6 ha of private land.

“V” Zone on Pak Lap OZP

49. Some Members raised the following questions:
- (a) whether the planning control on the Tai Long Wan OZP was applicable to Pak Lap;
 - (b) why the 10-year SH demand forecast of Pak Lap was unknown;
 - (c) noting that HPDC of SKDC had passed a motion objecting to the excessive “V” zone on the Pak Lap OZP, whether PlanD had made any response by reducing the area of “V” zone;
 - (d) whether designating the area to the southeast of the existing village cluster as “V” zone would set an undesirable precedent of “destroy first, build later” activities as it was subject to various forms of disruption recently;
 - (e) whether there was any enforcement control on the suspected guesthouses in Pak Lap;
 - (f) whether non-Pak Lap villagers could apply for SH development in Pak Lap; and
 - (g) why there was no buffer between the “V” zone and the beach which was within the country park.
50. Ms Donna Y.P. Tam, DPO/SKIs made the following responses:

- (a) in the case of Tai Long Wan, the concerns on excessive “V” zone were raised in the objections to the OZP at that time. After considering the information provided by AFCD and Antiquities and Monuments Office (AMO) on the conservation and heritage value of the area respectively, the Board decided to adopt a more conservative approach by reducing the area of the “V” zone. The land currently available within the “V” zone on the Tai Long Wan OZP was able to accommodate about 27 SHs, while noting that the number of outstanding SH grant applications was only five in 2017. The imposition of specific planning control in the “V” zone on the Tai Long Wan OZP was mainly based on the consideration that the village settlements in Tai Long Wan were well-preserved and of high heritage value. Tai Long Wan fell within the Ham Tin Site of Archaeological Interest and Tai Long Tsuen and Ham Tin Tsuen were proposed Grade II historic villages. To ensure that new NTEH/SH development would be in harmony with the existing historic village houses and would not affect the integrity of the existing village setting in Tai Long Wan, planning permission was required for new NTEH developments, and for any demolition of or any addition, alteration and/or modification to or redevelopment of an existing building within that “V” zone. Regarding Pak Lap, a conservation-oriented approach had been adopted in drawing up the land use proposals, in which a substantial part of the enclaves had been designated for conservation-related zonings. The concerns on excessive “V” zone were raised in the previous representations and comments. After giving consideration to those representations and comments, the Board decided on 4.6.2014 to substantially reduce the “V” zone from 2.37 ha to 0.98 ha by rezoning a section of the existing stream in Pak Lap and the area to its east from “V” to “AGR”. As there was no historic village of heritage significance in Pak Lap, there was no exceptional circumstances that warranted adopting the same planning control on new NTEH/SH developments within the “V” zone as that on the Tai Long Wan OZP;
- (b) the SH demand forecast was unknown because the IIRs did not provide such information;

- (c) an extract of minutes for HPDC meeting on 19.5.2020 was attached to the TPB Paper No. 10689 for Members' reference. HPDC's concern on the excessive "V" zone on the Pak Lap OZP was similar to those raised in the representations. The designation of the "V" zone was based on various planning considerations and was considered appropriate;
- (d) the area to the southeast of the existing village cluster had been zoned "V" since the OZP was first gazetted in 2013. As SH development was always permitted within areas zoned "V", the works related to SH development or other Column 1 uses would not be considered as "destroy first, build later" activities. However, should any unauthorised development under the Town Planning Ordinance (the Ordinance) be observed, planning enforcement action would be taken against the unauthorised developments;
- (e) the use of guesthouse in "V" zone required planning permission from the Board. If a guesthouse was not an existing use under the Ordinance, it might constitute an unauthorised development. Also, all guesthouses in Hong Kong were subject to the control of the Hotel and Guesthouse Accommodation Ordinance (Cap 349) (HGAO). Any breach of HGAO would be reported to the relevant authority for follow-up;
- (f) in general, cross-village SH applications were allowed if the applicants belonged to the same "Heung" (鄉). The application would be processed by LandsD in accordance with the established practice; and
- (g) relevant government departments had been consulted on the delineation of land use zonings in Pak Lap. While areas with high conservation value had been designated as conservation-related zonings, concerned departments had made no request for a buffer area between the "V" zone and the beach or the country park be provided.

51. The Chairperson and a Member queried the rationale for reserving land in the "V" zone for 16 new SHs, having noted that there were only four outstanding SH applications and no 10-year SH demand forecast was provided by the IIR. Ms Donna Y.P. Tam explained that a

review on the genuine need issue was undertaken and the findings had been provided for the Board's consideration on 3.3.2020 as follow up actions of the Court's judgment. In line with the planning intention for conservation, most of the area in Pak Lap had been designated for conservation-related zonings. The "V" zone mainly covered the existing village cluster and the land identified as suitable for future village expansion. After considering a host of factors including local topography and existing settlement pattern, the "V" zone on the previous OZP was recommended to be largely retained taking into account that the site condition was suitable for village development and the additional 16 new SHs in the "V" zone would not generate any significant impact on the surrounding environment.

"V" Zone on So Lo Pun OZP

52. A Member asked whether there was a need to preserve the heritage value of So Lo Pun Village. Ms Jessica H.F. Chu, DPO/STN, responded that there was no graded historic building nor new item pending heritage assessment by the Antiquities Advisory Board within the So Lo Pun area according to AMO's advice.

53. In response to another Member's enquiry on the number of SHs that could be built in the "V" zone of So Lo Pun, Ms Jessica H.F. Chu said that the "V" zone was about 1.11 ha with about 0.75 ha of land available for SH development (equivalent to 29 SH sites), while there was no outstanding SH grant application. The land available within the "V" zone was estimated by excluding areas such as steep slope, major tree clusters and areas around the shrine. The land of the existing dilapidated village houses/ruins in the old village had also been included in estimating the available land for SH developments.

54. A Member asked whether there was any EIS in So Lo Pun that should be conserved. In response, Ms Jessica H.F. Chu said that according to AFCD, the EIS in So Lo Pun still existed. With a high ecological value, the EIS was protected under the "CA" zone. A buffer area ranging from 20m to 92m between the EIS and the adjoining "AGR" zone was reserved.

55. Some Members raised questions on the history of and the existing condition in So Lo Pun. In response, Mr Wong Hing Cheung, R20/C62, said that the major economic activities in So Lo Pun from 1930s to 1970s were fishing and farming, which supported a population of more than 100 people. After World War II, many male villagers moved overseas to look for

job opportunities. Since then, more villagers left So Lo Pun and moved to other areas of Hong Kong. All houses in So Lo Pun were currently dilapidated. There were currently 229 male indigenous villagers eligible for applying for SH development. The current “V” zone could not meet the SH demand as after deducting areas not suitable for SH development such as areas near the shrine, there were only two sites available for new SH development. He estimated that about six to seven villagers would move back to So Lo Pun. If infrastructure could be provided, more villagers would be willing to move back. He added that the villagers would restore the existing village houses first in order to preserve the character of the village without affecting the surrounding environment. However, it was the responsibility of the Government to reserve more land to cater for the need of village expansion.

56. Ms Wong So Chun, R32, supplemented that they had the intention to preserve the old characters of the village by maintaining the facade of a row of village houses that were built in the 1920s and 1930s and to build new SHs in areas close to the existing village. However, it would be very difficult to build new SHs as the current “V” zone had been reduced and confined to the existing village cluster. They were concerned that building a SH too close to the old village houses would have adverse impact on the old character of the village.

57. A Member asked the views of the green groups on the “V” zone of the So Lo Pun OZP. Mr Nip Hin Ming, representative of R3, responded that the proposed amendment to So Lo Pun OZP was considered acceptable as it had addressed the concerns of the Court’s judgment. Noting that most of the village houses in So Lo Pun were dilapidated, he was of the view that the villagers should consider rebuilding the dilapidated houses first before constructing new SHs.

“V” Zone on Hoi Ha OZP

58. Some Members raised the following questions:

- (a) the reasons for designating a densely vegetated area to the west of the existing village cluster as “V” zone;
- (b) whether basic infrastructure and supporting facilities would be provided to villagers and visitors; and

- (c) the percentage of village houses owned by the indigenous villagers in Hoi Ha.

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

- (a) Hoi Ha was an active community and there were 14 outstanding SH grant applications from the indigenous villagers. It was reasonable to designate “V” zone to cater for the needs of SH developments. According to AFCD, the area to the west of the “V” zone was covered by shrubs and woody vegetation with scattered trees and partly overgrown with climbers. Compared with the mature woodlands to the east, south and west of Hoi Ha, the woodland in this area was relatively young and disturbed, with no record of any species of conservation importance. As such, the area was considered suitable for incorporation into the “V” zone. The current “V” zone was about 1.65ha with about 0.53 ha of land available for SH development (equivalent to 21 SH sites);
- (b) a number of recreational facilities were found in the area, including a water sports recreation centre, which was currently zoned “Other Specified Uses” annotated “Water Sports Recreation Centre” on the Hoi Ha OZP. There was also a visitor centre for the Hoi Ha Wan Marine Park to be operated by AFCD on Hoi Ha Road near the village. Hoi Ha was accessible by road and was supplied with electricity, telephone services and potable water supply. Given the small population in the area, it would be subject to the consideration of relevant works departments on whether further infrastructure should be provided taking into account the cost-effectiveness of providing such infrastructure. In addition, the Countryside Conservation Office (CCO) was established under EPD in end July 2018 with a funding of \$1 billion for undertaking relevant conservation and revitalisation efforts, as well as minor improvement works. The CCO could collaborate with local non-profit-making organisations and villagers to carry out suitable works or projects based on an interactive and co-operative approach under the Countryside Conservation Funding Scheme, which had funded different projects/proposals on nature conservation,

restoration of built heritage, cultural revitalisation and countryside conservation and revitalisation; and

- (c) according to the information provided by LandsD, five SHs were built in the past 20 years and two of which were still owned by the concerned applicants.

JR Lodged by Chan Ka Lam against CMPA

60. A Member asked about the grounds of the JR lodged by Chan Ka Lam against the CMPA and whether the Court's Judgment of the JR would affect the Board's consideration of the three OZPs. Ms C.Y. Ho, SNC/S of AFCD, said that the JR covered two aspects, one about the assessment of the suitability of incorporating six enclaves (Hoi Ha, Pak Lap, To Kwa Peng, So Lo Pun, Tin Fu Tsai and Pak Tam Au) into Country Parks, and the other about the need to consult the CMPB. The JR was allowed on both aspects. To follow up, AFCD would reassess the six enclaves and consult CMPB at an appropriate juncture. Ms Jessica H.F. Chu, DPO/STN, added that whether the three enclaves would be incorporated into the country parks/marine parks or not would not have any implications on the Board's consideration of the three OZPs under the Ordinance, as the Country Parks Ordinance and the Town Planning Ordinance were different regimes. Even if the three enclaves were incorporated into the country parks upon reassessment by AFCD, the concerned OZPs could be reviewed to reflect the latest circumstances as appropriate.

Others

61. A Member enquired on the existing transport facilities serving the three CPEs. Ms Jessica H.F. Chu, DPO/STN, responded that Hoi Ha was accessible by vehicles and minibus service was provided in the area, and there was a jetty in So Lo Pun. Ms Donna Y.P. Tam DPO/SKIs said that Pak Lap was currently not accessible by any road transport.

62. In response to the same Member's enquiry, Mr Wong Hing Cheung, R20/C62, said that it was the villagers' wish that the Government could provide a road access to So Lo Pun which was essential in case of emergency. While he did not have the information on the cost of constructing a SH in So Lo Pun, he estimated that it might cost about \$2.5 million due to the

lack of road access.

[Mr Lincoln L.H. Huang, Mr Philip S.L. Kan, Mr K.K. Cheung, Dr Lawrence K.C. Li, Dr Jeanne C. Y. Ng and Mr Y.S. Wong left the meeting during the question-and-answer session.]

Deliberation Session

[Closed Meeting]

63. The Chairperson briefly recapitulated the key points raised in the Presentation and Question Sessions. Members noted that issues related to the designation of “V” zones on the three OZPs were the main concerns of the representers and commenters. While the rural committees and villagers were of the view that there was insufficient land in the “V” zone of the three OZPs to meet the SH demand, the environmental groups considered that more stringent control should be imposed to protect the high ecological and conservation value of the three CPEs.

Preservation of CPE

64. Due to the high ecological and conservation value of the three CPEs and the lack of infrastructure and supporting facilities in those areas, Members generally agreed that a conservation-oriented approach should be adopted in the designation of land use zonings on the three OZPs. However, sites at suitable locations should be reserved for future SH developments to meet the needs of indigenous villagers.

65. While the more stringent planning control in Tai Long Wan OZP was welcomed by environmental groups, Members noted that the specific planning control was mainly based on the consideration that the village settlements in Tai Long Wan were well-preserved and of high heritage value. As the planning circumstances in the subject three CPEs were different from those of Tai Long Wan, the same planning control might not be appropriate for the three OZPs.

Genuine Need Issue

66. To follow up with the Court’s judgment on the JR, Members noted that a review on the genuine need for SH development had been undertaken and the best available information had been provided to the Board for consideration. While there were difficulties to verify the

10-year SH demand forecast provided by the IIRs at the planning stage, that figure was only one among a host of planning factors that would be taken into account in designating the “V” zones. Other factors included factors such as to the ‘VE’, local topography, existing settlement pattern, number of approved and outstanding SH applications, availability of road access and infrastructure, areas of ecological and landscape importance as well as site specific characteristics.

67. A Member said that the genuine need for SH development could be a variable factor. For example, if the infrastructure provision for a remote area was improved, the SH demand might increase. Due to the lack of infrastructure in the CPEs, a more conservative approach should be adopted in the designation of “V” zones. Another Member agreed that the genuine need for SH development might change according to different circumstances and it might be appropriate to designate “V” zone to meet the current need of SH development rather than future village expansion.

68. Members generally agreed that an incremental approach should be adopted for designating the “V” zones with an aim to confining SH development to the existing village cluster and the adjoining suitable land and to minimize adverse impact on the natural environment. A Member remarked that according to the existing mechanism, if land within the “V” zone was not sufficient to meet the genuine need for SH development, there was flexibility to rezone suitable areas to “V” or allowing SH developments in other zones such as “AGR” through the planning application mechanism.

Sewage Treatment

69. Some Members had concerns that an increase in SH development in CPEs would cause water pollution due to the use of STS. In response, Mr Elvis W.K. Au, Deputy Director of Environmental Protection (1) of EPD, said that there was sufficient control in the current administrative system to ensure that individual SH development and the STS within the “V” zone would not entail unacceptable impact on the surrounding environment. The design and construction of on-site STS for any development would need to comply with relevant guidelines and requirements set out in EPD’s ProPECC PN 5/93. LandsD, when processing SH grant applications, would consult concerned government departments including EPD to ensure that all relevant guidelines and requirements were complied with. A soil percolation test would also be carried out before the construction of a STS. For village houses built after 1984, the STS was

required to collect both sullage and toilet waste. Given that there were requirements set out in the ProPECC PN 5/93 on the provision of suitable buffer distance between the STS and the watercourses, the concern on water pollution could be addressed by the existing mechanism no matter a buffer area was provided between the “V” zone and the watercourse or not.

70. A Member said that while there were standards and regulations for the construction of STS, the problem rested on the difficulties in taking enforcement actions against the malfunction of STS. Due to the remoteness of the CPEs without vehicular access, it would be very difficult, if not impossible, for the villagers to conduct periodic sludge removal, which would result in a higher risk of water pollution caused by STS. As such, designation of “V” zone in unsewered area should be considered with due care.

“V” Zone in Pak Lap

71. Noting that the 10-year SH demand forecast was unknown and there were only four outstanding SH grant applications in Pak Lap, some Members were of the view that the current size of the “V” zone which could accommodate 16 new SHs was excessive. They considered that the “V” zone should be confined to the existing village cluster and an incremental approach should be adopted for the designation of the “V” zone. The Chairperson supplemented that as explained by PlanD, there was no historic building with heritage significance in Pak Lap and there was no exceptional circumstances that warrant adopting the same planning control on SH developments as that in Tai Long Wan OZP.

72. A Member said that the interface between the “V” zone and the adjacent sensitive areas should be carefully handled. There was a potential risk of pollution caused by SH development to the nearby stream, the beach and the country park areas as the “V” zone was close to these areas without a buffer. Another Member pointed out that even if the stream was not an EIS, a non-polluted stream was already worth of conservation and the surface runoff could also be a threat to the water quality of the stream and the beach. Some Members considered that human activities in Pak Lap should be kept to the minimum so as to avoid disturbances to the natural environment.

73. Members generally agreed that the size of the “V” zone in Pak Lap should be reduced and consideration should be given to providing a buffer area between the “V” zone and the stream.

In considering how the boundary of the “V” zone should be adjusted, Mr Raymond K.W. Lee, the Director of Planning, advised that PlanD should be requested to conduct a review on the “V” zone boundary taking account of Members’ comments for the Board’s further consideration.

74. The Chairperson said that based on the Board’s discussion at the meeting, PlanD could undertake the necessary review and submit the proposed amendment with justifications for the Board’s consideration before exhibition of the proposed amendments for public inspection.

“V” Zone in So Lo Pun

75. While villagers of So Lo Pun had the intention to restore the character of and rehabilitate the buildings in the village, Members noted that revitalization of the village into a habitable area would be very difficult due to its remote location and the lack of infrastructure and supporting facilities. A Member said that while the villagers had requested a larger “V” zone to cater for the need of village expansion, whether the villagers would actually move back to and live in the village would depend on the improvement of infrastructures in the area. Another Member said that while the villagers’ effort in revitalising the village was appreciated, a more pragmatic approach was to replace the dilapidated village houses/ruins in the existing village cluster with new building structures before finding new sites for SH development.

76. A Member said that the “V” zone in So Lo Pun, which had a large buffer distance from the stream, could help avoid generating adverse impact on the water quality of the area. With the designation of “V” zone on the OZP, the villagers’ concern on the lack of infrastructure should also be addressed by relevant government departments.

77. Members generally considered that the “V” zone, which was mainly confined to the existing village cluster in So Lo Pun, was appropriate given the limited provision of infrastructure in the area. The “V” zone had achieved a balance between conservation and the villagers’ need for SH development.

“V” Zone in Hoi Ha

78. Noting that there was a stream flowing through the western part of the “V” zone, a Member raised concern that the water quality of the stream and Hoi Ha Wan might be affected

by the increase in use of STS related to the increase in number of SH development. The Member was of the view that the use of STS should be closely monitored and appropriate enforcement actions should be taken when necessary.

79. Another Member said that while some vegetated areas to the west of the existing village cluster had been destructed, the proposed “V” zone which generally covered a large densely vegetated area might need further justifications.

80. More Members considered that Hoi Ha was the most vibrant area among the three CPEs. Given that most of the existing village houses were actively occupied, there were 14 outstanding SH grant applications and there was provision of the necessary infrastructure and supporting facilities in the area, they considered that the current “V” zone with suitable area for village expansion was appropriate.

Concluding Remarks

81. The Chairperson concluded that Members generally agreed that a conservation-oriented approach should be adopted in preparing the concerned OZPs and a balance had been struck between conservation and the right of the indigenous villagers for SH development. Given the specific circumstances and characteristics of Tai Long Wan, the more stringent planning control in Tai Long Wan OZP was not applicable to the subject three OZPs. In drawing up the “V” zone boundaries of the three OZPs, an incremental approach had been adopted with an aim to confining SH developments to the existing village cluster and the adjoining suitable land and to minimize adverse impact on the natural environment.

82. For Pak Lap OZP, the Meeting agreed that the “V” zone should be further reviewed with a view to reducing the area of the “V” zone and providing a buffer area between the “V” zone and the stream, taking into account the SH demand forecast, the proximity of the “V” zone to the stream and the country park and the inaccessibility of the area.

83. For So Lo Pun OZP, the current “V” zone which was mainly confined to the existing village cluster should be retained. The villagers were encouraged to liaise with CCO regarding the improvement of the necessary infrastructure in the area.

84. For Hoi Ha OZP, given that the area was more accessible with the provision of infrastructure facilities, a relatively larger “V” zone was considered appropriate to cater for SH development. However, the potential water pollution associated with the operation of the STS for SH development should be closely monitored to ensure that the SH development would not cause adverse impacts on the water quality of the stream and Hoi Ha Wan.

85. Regarding the map issue of Hoi Ha OZP, the Meeting noted that the survey maps served no more than a map base and a locational reference in preparing the OZP. The HWM was only a general indication and a reference for determining the buffer distance requirement for the construction of STS. Members also noted that the northern boundary of the Hoi Ha OZP coincided with the HHWMP boundary.

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

Decision on Pak Lap OZP

87. After deliberation, the Board noted the supportive views of R1(part), R5(part) and R6(part). The Board also decided to partially uphold R1(part), R2 to R4, R5(part), R6(part), R7 to R14 and considered that the draft Pak Lap Outline Zoning Plan (OZP) would be amended to partially meet the representations by further reviewing the “Village Type Development” (“V”) zone. The amended OZP would be submitted to the Board for consideration before gazetting. 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.

88. Other than the decision mentioned in paragraph 87 above, the Board decided not to uphold R15 to R17, and the remaining part of R1 to R14 and considered that the draft Pak Lap OZP should not be amended for the following reasons:

“ Genuine Need for Small House Development ”

- (a) to follow up the Court’s judgment on the judicial review, a review on the genuine need for Small House development has been undertaken and the best available information has been provided to the Board for consideration **(R1(part) to R14(part))**;

Designation of “Village Type Development” Zone

- (b) a host of planning factors, including but not limited to the village ‘environ’, local topography, existing settlement pattern, number of approved and outstanding Small House applications, Small House demand forecast, availability of road access and infrastructure, areas of ecological and landscape importance as well as site specific characteristics have been taken into account in the designation of “V” zone. An incremental approach has been adopted for designating the “V” zone with an aim to confining Small House development to the existing village cluster and the adjoining suitable land and to minimize adverse impact on the natural environment **(R1(part) to R14(part), R15 to R17)**;
- (c) each country park enclave (CPE) should be considered on the circumstances and characteristics of individual areas, and there was no need to apply the same planning control in Tai Long Wan OZP to Pak Lap OZP **(R3(part), R5(part), R9(part), R10(part), R13(part) and R14(part))**;
- (d) matters related to Block Government Lease and implementation details of Small House Policy are not directly related to the OZP. Lands Department (LandsD) will handle these matters in the processing of Small House grant applications **(R15)**;
- (e) there is no deprivation of landowners’ right in using their land. The draft OZP is not inconsistent with Article 40 of the Basic Law **(R16)**;

Environmental Impact on Existing Stream

- (f) there is an established mechanism exercised through the Small House grant application system administered by LandsD to ensure that individual Small House development and septic tank and soakaway pit system within the “V” zone would not entail unacceptable impacts on the surrounding environment (**R1(part), R3(part), R4(part), R5(part), R7(part), R8(part), R11(part), R12(part) and R14(part)**);

Designation of “Agriculture” (“AGR”) Zone

- (g) the “AGR” zone was not covered by any amendment items under the current rezoning exercise. The designation of “AGR” zone on the OZP has been duly considered by the Board in the previous hearing and further hearing on the draft Pak Lap OZP No. S/SK-PL/1, and there is no strong justification for a departure from the Board’s previous decision (**R4(part), R5(part) and R14(part)**);

Preservation of CPE

- (h) the ecological value of Pak Lap and the surrounding areas are well recognised and it has been an important consideration in the drawing up of the draft OZP. Conservation zone, i.e. “Conservation Area” (“CA”), under which there is a general presumption against development, has been designated at suitable locations to protect the natural environment of Pak Lap and the ecologically linked Sai Kung East Country Park and the surrounding areas under the statutory planning framework (**R1(part), R3(part) to R14(part)**);
- (i) a conservation-orientated approach has been adopted in drawing up the land use proposal of Pak Lap, which aims to strike a balance between conservation and development (**R1(part) to R14(part), R15**);
- (j) designation of the Country Park is under the jurisdiction of the Country and

Marine Parks Authority governed by the Country Parks Ordinance (Cap. 208) which is outside the purview of the Board (**R5(part)**); and

Designation of “Government, Institution or Community (1)” (“G/IC(1)”) Zone

- (k) the size of the “G/IC(1)” zone is considered appropriate to reflect the existing village office and the reserved site for provision of government refuse collection point and a public convenience (**R14(part)**). ”

Decision on So Lo Pun OZP

89. After deliberation, the Board noted the supportive views of R1 (part). The Board decided not to uphold R1(part), R2 to R53 and considered that the draft So Lo Pun Outline Zoning Plan (OZP) should not be amended for the following reasons :

“ Genuine Need for Small House Development

- (a) to follow up the Court’s judgment on the judicial review, a review on the genuine need for Small House development has been undertaken and the best available information has been provided to the Board for consideration (**R1 (part), R2 to R14**);

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

- (b) the designation of the “V” zones is considered appropriate and a host of planning factors, including but not limited to the village ‘environs’, local topography, existing settlement pattern, number of outstanding Small House applications, Small House demand forecast, availability of road access and infrastructure, areas of ecological and landscape importance as well as site specific characteristics have been taken into account. An incremental approach has been adopted for designating the “V” zone with an aim to confining Small House development to the existing village cluster and the adjoining suitable land and to minimize adverse impact on the natural environment. It is also reasonable to retain the “V” zoning for the

area around the shrine with the potential for community use by villagers **(R1 (part), R3 to R10, R13 and R14, R16 to R53)**;

- (c) each country park enclave (CPE) should be considered on the circumstances and characteristics of individual areas, and there was no need to apply the same planning control in Tai Long Wan OZP to So Lo Pun OZP **(R3, R5, R9, R10, R13 and R14)**;
- (d) matters related to Block Government Lease and implementation details of Small House Policy are not directly related to the OZP. Lands Department (LandsD) will handle these matters in processing of Small House grant application **(R15)**;
- (e) there is no deprivation of landowners' right in using their land. The draft OZP is not inconsistent with Article 40 of the Basic Law **(R16)**;

Environmental Impact on Existing Stream

- (f) there is an established mechanism exercised through the Small House grant application system administered by LandsD to ensure that individual Small House development and septic tank and soakaway pit system within "V" zone would not entail unacceptable impacts on the surrounding environment **(R1 (part), R5 and R14)**;

Designation of "Agriculture" ("AGR") Zone

- (g) the designation of "AGR" zone covering mainly abandoned agricultural fields between the "V" and "Conservation Area" ("CA") zones is considered appropriate as it possess a potential for agricultural rehabilitation. Whilst there is provision for application for New Territories Exempted House development in the "AGR" zone, each application would be considered on its own merits taking account of all relevant planning considerations and the comments from government departments as well as public comments. It is also considered that putting

‘Agricultural Use’ as a column 2 use would discourage agricultural development in the long run. There is no strong justification for imposing more stringent control in the “AGR” zone on the So Lo Pun OZP (**R2 to R10, R13, R14, R16 to R18**);

- (h) the agricultural lots zoned “CA” and “Green Belt” (“GB”) were not covered by any amendment items under the current rezoning exercise. The designation of “CA” and “GB” zones on the OZP has been duly considered by the Board in the previous hearing and further hearing on the draft So Lo Pun OZP No. S/NE-SLP/1, and there is no strong justification for a departure from the Board’s previous decision (**R19, R20, R32, R38, R39, R43, R44, R48, R49 and R52**);

Preservation of CPE

- (i) the conservation zones, including “GB” and “CA”, have been designated at suitable locations to protect the natural environment of So Lo Pun and the areas ecologically linked with Plover Cove Country Park under the statutory planning framework (**R5 and R14**);
- (j) a conservation-oriented approach has been adopted in drawing up the land use proposal of So Lo Pun, which aims to strike a balance between conservation and development (**R1 (part), R5 to R8, R14 and R15**);
- (k) designation of the Country Park is under the jurisdiction of the Country and Marine Parks Authority governed by the Country Parks Ordinance (Cap. 208) which is outside the purview of the Board (**R5**); and

Deletion of ‘Market’ Use

- (l) ‘Market’ use is subsumed under ‘Shop and Services’ use, which is always permitted on the ground floor of a NTEH and is a Column 2 use elsewhere under “V” zone (**R21**). ”

90. The Board also agreed that the draft So Lo Pun OZP, together with its respective Notes and updated ES, was suitable for submission under section 8 of the Town Planning Ordinance to the Chief Executive in Council for approval.

Decision on Hoi Ha OZP

91. After deliberation, the Board noted the supportive views of R1 (part), R4 (part) and R5 (part). The Board decided not to uphold R1(part), R2, R3, R4 (part), R5 (part), R6 to R20 and considered that the draft Hoi Ha Outline Zoning Plan (OZP) should not be amended for the following reasons :

“ *Genuine Need for Small House Development*”

- (a) to follow up the Court’s judgment on the judicial review, a review on the genuine need for Small House development has been undertaken and the best available information has been provided to the Board for consideration **(R1 (part), R2, R3, R4(Part), R5(Part), R6 to R14)**;

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

- (b) the designation of “V” zone is considered appropriate and a host of planning factors, including but not limited to the village ‘environs’, local topography, existing settlement pattern, numbers of approved and outstanding Small House applications, Small House demand forecast, availability of road access and infrastructure, areas of ecological and landscape importance as well as site specific characteristics have been taken into account. An incremental approach has been adopted for designating the “V” zone with an aim to confining Small House development to the existing village cluster and the adjoining suitable land and to minimize adverse impact on the natural environment **(R1 (part), R2, R3, R4(Part), R5(Part), R6 to R14 and R16 to R20)**;
- (c) each country park enclave (CPE) should be considered on the circumstances and characteristics of individual areas, and there was no need to apply the same planning control in the Tai Long Wan OZP to Hoi

Ha OZP (R3, R5(Part), R9, R10, R13 and R14)

- (d) matters related to Block Government Lease and implementation details of Small House Policy are not directly related to the OZP. Lands Department (LandsD) will handle these matters in processing of Small House grant application **(R15)**;
- (e) there is no deprivation of landowners' right in using their land. The draft OZP is not inconsistent with Article 40 of the Basic Law **(R16)**;
- (f) the judgment on the Small House Policy is related to the Government's land administration power rather than the Board's plan-making function under the Town Planning Ordinance (the Ordinance) (Cap.131) **(R18 and R19)**;
- (g) there is no record of any species of conservation importance in the western part of the "V" zone, which warrants a rezoning of this area to "Green Belt (1)" ("GB(1)") **(R3, R4(Part), R5(Part), R6, R9, R10, R13, R14 and R20)**;

Environmental Impacts on Existing Water System

- (h) there is an established mechanism exercised through the Small House grant application system administered by LandsD to ensure that individual Small House development and septic tank and soakaway pit system (STS) within "V" zone would not entail unacceptable impacts on the surrounding environment **(R1 (part), R4(Part), R5(Part), R7, R8, R11, R12, R14 and R20)**;

Preservation of CPE

- (i) the conservation zones, including "GB(1)", "Conservation Area" ("CA") and "Coastal Protection Area" ("CPA") have been designated at suitable locations to protect the natural environment of Hoi Ha and the areas

ecologically linked with Sai Kung West Country Park and Hoi Ha Wan Marine Park under the statutory planning framework (**R3, R4(Part), R5(Part) and R6**);

- (j) a conservation-orientated approach has been adopted in drawing up the land use proposal of Hoi Ha, which aims to strike a balance between conservation and development (**R1 (part), R4(Part), R5(Part), R6 and R15**);
- (k) designation of the Country Park is under the jurisdiction of the Country and Marine Parks Authority governed by the Country Parks Ordinance (Cap. 208) which is outside the purview of the Board (**R5**); and

Maps Issue

- (l) It should be noted that the northern boundary of the OZP coincides with the Hoi Ha Wan Marine Park boundary to provide certainty and to avoid duplication of controlling authorities. Furthermore, planning control is not exercised based on the map base of the OZP. Survey maps serve no more than a map base and a general reference for the preparation of the OZPs. There are many other materials taken into account, including land use survey records, lot boundaries records, geological maps, aerial photos, and site inspections by officers in the Planning Department and other relevant departments. A map base is to facilitate locational references and is not used for enforcement purposes (**R2, R7, R8, R11, R12 and R14**).

92. The Board also agreed that the draft Hoi Ha OZP, together with its respective Notes and updated ES, was suitable for submission under section 8 of the Town Planning Ordinance to the Chief Executive in Council for approval.

Sha Tin, Tai Po & North District

Agenda Item 4

[Open Meeting]

Review of Application No. A/TP/671

Proposed House (New Territories Exempted House - Small House) in “Green Belt” Zone, Lot 80 S.A in D.D. 21, San Uk Ka Village, Tai Po

(TPB Paper No. 10688)

[The item was conducted in Cantonese.]

93. In view of the overrun in the meeting schedule, the Chairperson suggested and Members agreed that consideration of Agenda Item 4 should be deferred to the next meeting.

Procedural Matters

Agenda Item 5

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments on the Draft Chai Wan Outline Zoning Plan No. S/H20/24

(TPB Paper No. 10692)

[The item was conducted in Cantonese.]

94. The Secretary reported that one of the proposed amendment items was to facilitate a public housing development by the Hong Kong Housing Authority (HKHA) and the Housing Department (HD) was the executive arm of HKHA. AECOM Asia Co. Ltd. (AECOM), Ove Arup & Partners Hong Kong Ltd. (ARUP) and Mott MacDonald Hong Kong Ltd (MMHK) were the consultants of HKHA. The following Members had declared interests on the item for owning properties in the Chai Wan area or having business dealings with Ms Mary Mulvihill who had submitted representation and comment (R2 and C4) and Mass Transit Railway Corporation Ltd (MTRCL) which had submitted comment (C1):

- Mr Peter K.T. Yuen - being a member of the Board of Governors of the Arts Centre, which had collaborated with the MTRCL on a number of arts projects
- Dr Lawrence W.C. Poon - his spouse being an employee of HD, but not involved in planning work;
- Mr K.K. Cheung - his firm having current business dealings with HKHA, MMHK, ARUP and MTRCL and hiring Ms Mary Mulvihill on a contract basis from time to time
- Mr Alex T.H. Lai - his former firm having current business dealings with HKHA, MMHK, ARUP and MTRCL and hiring Ms Mary Mulvihill on a contract basis from time to time
- Mr Thomas O.S. Ho - having current business dealings with HKHA, ARUP, MMHK, AECOM and MTRCL
- Mr Franklin Yu - being a member of the Building Committee of HKHA
- Mr Daniel K.S. Lau - being an ex-employee of Hong Kong Housing Society which was in discussion with HD on housing development issues
- Mr L.T. Kwok - his serving organisation operating a social service team in Mei Tung Estate which was supported by HKHA and openly

- bided a funding from HKHA, and co-owning with spouse a flat in Heng Fa Chuen
- Dr Conrad T.C. Wong - having current business dealing with HKHA
- Mr Raymond K.W. Lee (as Director of Planning) - co-owning with spouse a flat in Heng Fa Chuen and spouse owning a workshop on Fung Yip Street, Chai Wan
- Mr Gavin C.T. Tse (as Chief Engineer (Works), Home Affairs Department) - being a representative of the Director of Home Affairs who was a member of the Strategic Planning Committee and Subsidized Housing Committee of HKHA

95. As the item was procedural in nature, Members agreed that the above Members who had declared interests could stay in the meeting. Members noted that Mr L.T. Kwok had tendered apology for being unable to attend the meeting and Messrs Peter K.T. Yuen, K.K. Cheung, Alex T.H. Lai and Franklin Yu had already left the meeting.

96. The Secretary briefly introduced the TPB Paper No. 10692. On 19.6.2020, the draft Chai Wan Outline Zoning Plan (OZP) No. S/H20/24 was exhibited for public inspection under section 5 of the Town Planning Ordinance. The amendments mainly involved the rezoning of a site at the junction of Sun Yip Street and Siu Sai Wan Road from “Government, Institution or Community” (“G/IC”) to “G/IC(4)” for the development of a composite building with ambulance depot and departmental quarters for the Fire Services Department (Item A), rezoning of a site at Cheung Man Road from “Green Belt” to “Residential (Group A)” (Item B1) and areas shown as ‘Road’ (Item B2) to facilitate a public housing development by HKHA.

97. During the two-month exhibition period, a total of three representations were received including one made with identity information missing, which was considered as invalid.

The two valid representations were subsequently published for three weeks and four valid comments were received.

98. In view of the similar nature of the representations and comments, the hearing of the representations and comments was recommended to be considered collectively in one group by the Board.

99. To ensure efficiency of the hearing, a maximum of 10 minutes presentation time would be allotted to each representer and commenter in the hearing session. Consideration of the representations and comments by the full Board was tentatively scheduled for January/February 2021.

100. After deliberation, the Board noted that the one representation with the required identity information missing should be treated as invalid and agreed that:

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

Agenda Item 6

[Open Meeting]

Any Other Business

101. There being no other business, the meeting was closed at 8:20 pm.