

**Minutes of 970th Meeting of the
Town Planning Board held on 19.11.2010**

Present

Permanent Secretary for Development
(Planning and Lands)
Mr. Thomas Chow

Chairman

Mr. Stanley Y.F. Wong

Vice-chairman

Mr. K.Y. Leung

Mr. Walter K.L. Chan

Mr. B.W. Chan

Mr. Raymond Y.M. Chan

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Dr. James C.W. Lau

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Mr. Maurice W.M. Lee

Mr. Timothy K.W. Ma

Dr. Winnie S.M. Tang

Professor Eddie C.M. Hui

Dr. C.P. Lau

Ms. Julia M.K. Lau

Professor Joseph H.W. Lee

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Dr. W.K. Lo

Mr. Roger K.H. Luk

Ms. Anita W.T. Ma

Professor S.C. Wong

Dr. W.K. Yau

Mr. Stephen M.W. Yip

Deputy Director of Environmental Protection (1)
Mr. Benny Wong

Assistant Director (2), Home Affairs Department
Mr. Andrew Tsang

Director of Lands
Miss Annie Tam

Director of Planning
Mr. Jimmy Leung

Deputy Director of Planning/District
Mr. Lau Sing

Secretary

Absent with Apologies

Mr. Y.K. Cheng

Ms. Maggie M.K. Chan

Mr. Felix W. Fong

Professor P.P. Ho

Ms. Pansy L.P. Yau

Principal Assistant Secretary (Transport 3)
Transport and Housing Bureau
Mr. Fletch Chan

In Attendance

Assistant Director of Planning/Board
Ms. Christine K.C. Tse

Chief Town Planner/Town Planning Board
Miss H.Y. Chu

Senior Town Planner / Town Planning Board
Ms. Maggie M.Y. Chin

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 969th Meeting held on 5.11.2010

[The meeting was conducted in Cantonese.]

1. The minutes of the 969th meeting held on 5.11.2010 were confirmed without amendments.

Agenda Item 2

[Open Meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

2. The Secretary reported that there were no matters arising.

Agenda Item 3

[Open Meeting]

**Hung Shui Kiu New Development Area Planning and Engineering Study
(TPB Paper No. 8666)**

[The meeting was conducted in Cantonese.]

3. The following representatives of government departments were invited to the meeting at this point:

Ms. Jacinta Woo	Chief Town Planner/Studies and Research, PlanD
Ms. Sandy Ng	Senior Town Planner/Studies and Research, PlanD
Mr. C.S. Liu	Chief Engineer/Project 2(New Territories North & West), Civil Engineering and Development Department (CEDD)

[Mr. Rock C.N. Chen, Professor S.C. Wong, Mr. Stephen M.W. Yip and Dr. W.K. Yau arrived to join the meeting at this point.]

4. The Chairman extended a welcome and invited Ms. Jacinta Woo to brief Members on the background of the Paper. With the aid of a powerpoint presentation, Ms. Woo did so as detailed in the Paper and made the following main points:

Background

- a) under the Planning and Development Study on North West New Territories (the NWNT Study) completed in 2003, Hung Shui Kiu (HSK) was identified as suitable for development as a new development area (NDA). With an area of about 450 ha, the then HSK NDA was proposed to accommodate a population of around 160,000 and to provide about 48,000 jobs. These proposals were subsequently shelved in 2003 in the light of an anticipated slower population growth at that time;
- b) the Hong Kong 2030: Planning Vision and Strategy (the HK2030 Study) completed in 2007 reviewed the need for NDAs in the New Territories and recommended proceeding with the HSK NDA and the NDAs in Kwu Tung North, Fanling North and Ping Che/Ta Kwu Ling in North East New Territories (NENT) to address the long-term housing demand, and social and economic needs;
- c) in the 2007-08 Policy Address, the Chief Executive announced the implementation of the 10 major infrastructure projects for economic growth. The planning of the NDAs in Kwu Tung North, Fanling North and Ping Che/Ta Kwu Ling in the NENT as well as HSK in the North West New Territories (NWNT) was one of the major infrastructure projects. The Planning and Engineering Study on NENT NDAs (NENT NDAs Study) had already commenced in June 2008 and was expected to complete in 2011. Subject to funding approval, the HSK NDA Study would commence in 2011;

HSK NDA Study

Existing Context

- d) the tentative location of the HSK NDA under the Study covered an area of about 790 ha. The final boundary of the HSK NDA would be confirmed in the Study;
- e) the existing population in the area was about 25,000. The existing land uses had a mixed urban-rural character predominated by village, low density private residential, agricultural and open storage/port back-up uses. About 64% of the land was under private ownership;

Strategic Location

- f) located between Tuen Mun and Tin Shui Wai New Towns, there was opportunity for the HSK NDA to integrate with these new towns and achieve economies of scale in social and infrastructure planning;
- g) HSK NDA was well served by existing and planned highways and railways linking to the new towns in the NWNT and the main urban areas;
- h) its proximity to the Kong Sham Western Highway, coupled with the well developed and planned transport network, would enhance the opportunity for economic integration with Shenzhen;

Planning Considerations and Principles

- i) the HSK NDA Study would be conducted having regard to the recommendations of the former NWNT Study and the ongoing NENT NDAs Study as well as the following factors:-
 - i) the strategic role of the HSK NDA;
 - ii) public and private housing requirements and policy;
 - iii) territorial demand for commercial and industrial land;
 - iv) new land use demand, particularly for the six industries, namely, innovation and technology, cultural and creative industries, medical services, education services, environment industries, and testing and certification, where Hong Kong enjoyed clear advantages;
 - v) variations to the requirements of Government, institution and

- community facilities due to the changes in the population profile;
and
- vi) public aspiration for high-quality environment, including low carbon living;
- j) in the planning and development of the HSK NDA, the following planning principles would be adopted:-
- i) capitalize on the locational advantage of the HSK NDA to explore economic development opportunities and enhance economic integration between Hong Kong and Shenzhen through appropriate land use and transport planning as well as cooperation in cross-boundary infrastructure planning;
 - ii) adopt sustainable development principles to plan for an environmentally friendly, people oriented and balanced community;
 - iii) review the demand for open storage/port back-up land in the area and tackle the environmental and traffic problems arising from incompatible uses through comprehensive planning; and
 - iv) implement development projects through appropriate mechanisms. The implementation approach to be considered had to be fair and equitable, in the public interest and in line with the legislative framework and the overall planning concept of the HSK NDA;

Scope of the Study

- k) based on the above key planning considerations and principles, the PlanD and the CEDD proposed to engage consultants to carry out the HSK NDA Study. The scope of the HSK NDA Study would comprise:-
 - i) detailed planning and engineering studies for the HSK NDA including preparation of the Recommended Outline Development Plan (RODP) and the Recommended Layout Plans, confirmation of feasibility of development proposals, preliminary design of the associated engineering infrastructure works and formulation of implementation strategies;
 - ii) environmental impact assessment, heritage impact assessment as

- well as landscape and visual impact assessments for the NDA development and associated engineering infrastructure works; and
- iii) associated site investigation works;

Study Approach

- l) the HSK NDA Study would formulate sustainable and feasible planning and development proposals for the HSK NDA. Planning and technical assessments on the land use, environmental, cultural heritage, traffic, infrastructure engineering, air ventilation, landscape and urban design aspects of the recommended proposals would be carried out in the study process by an iterative approach to ascertain the feasibility of the development proposals for the HSK NDA;

Community Engagement

- m) to formulate development proposals for the HSK NDA progressively, a three-stage Community Engagement approach would be adopted for the HSK NDA Study. The Stage 1 Community Engagement commenced on 19.11.2010 to collect public views as early as possible on the key issues of the HSK NDA, including its strategic role/function and planning principles, for the formulation of the planning vision. These activities would take place in advance of the HSK NDA Study so that the views collected could be taken into account at the early stage of the Study. A community forum would also be held to gauge public views. Comments and views received during this stage would be considered in the preparation of the Preliminary Outline Development Plan (PODP);
- n) the Stage 2 Community Engagement aimed at gauging public views on the PODP and allowing public discussions to facilitate the preparation of the RODP. The Stage 3 Community Engagement would brief the public on the RODP and the rationale behind its formulation, and how the public views were incorporated in the plan. Public feedback obtained would facilitate final refinement of the Layout Plans; and

Study Programme

- o) CEDD intended to seek funding approval from the Legislative Council in May 2011. It was estimated that the HSK NDA Study would commence in the third quarter of 2011 for completion in 2014.

[Mr. Clarence W.C. Leung, Mr. Andrew Tsang, Ms. Anna S.Y. Kwong arrived to join the meeting at this point.]

5. Members had the following questions/comments on the Study:
 - a) the number of NDAs that had been identified in the New Territories;
 - b) the rationale for delineating the Study Area. It was noted that the northern coastal part was not included in the Study Area;
 - c) the undertaking of the HSK NDA Study was supported. The Study should examine the strategic role of HSK and how HSK NDA would co-ordinate with the planning and development of North West New Territories as a whole;
 - d) most of the industries in Shenzhen and Pearl River Delta remained at a relatively low-technology and low-skill level. There was an advantage to develop ‘innovation and technology’ industries in the NDA to seize the opportunity for regional cooperation. In this regard, the Study should examine the opportunity to enhance integration and cooperation between Hong Kong and Shenzhen;
 - e) the type of employment opportunities to be provided in the HSK NDA should match with the population profile and structure of the NDA and its surrounding areas such as Tin Shui Wai New Town;
 - f) more ‘green design’ should be adopted to provide a quality-living environment. In this regard, reference could be made to the green measures proposed in the Kai Tak development, such as cycle tracks,

pedestrian walkways;

- g) apart from collecting public views via e-mail, other proactive alternatives, such as internet and web 2.0 could also be used to facilitate public engagement;
- h) HSK north was currently occupied by a number of open storage and port-back up uses. The Study should examine the relocation of these uses to resolve the interface problems;
- i) there were some villages with rich cultural heritage in HSK, e.g. Ha Tsuen. The rural character of the local villages should be respected and preserved. In preparing the land use proposals for the HSK NDA, efforts should also be made to enhance social integration between the existing villages and the new residential development so as to create a harmonious community; and
- j) the implementation details and issues should be considered at an early stage when preparing the development proposal for the NDA.

6. In response to Members' questions and comments, Ms. Jacinta Woo made the following key points:

- a) apart from HSK NDA, the Hong Kong 2030 Study had also recommended taking forward the implementation of the NENT NDAs at Kwu Tung North, Fanling North and Ping Che/Ta Ku Ling. The Planning and Engineering Study on NENT NDAs had already commenced in June 2008 and was expected to be completed in 2011;
- b) by referring to the plan showing the Study Area, the HSK NDA under the current Study had extended northwards to include the HSK north which was currently occupied by some open storage/port back-up uses. It was intended to review the demand for such uses in the area and tackle the environmental and traffic problems arising from incompatible uses

through comprehensive planning. Besides, the proposed HSK NDA also covered the area to the south-west of Tin Shui Wai New Town. The objective was to examine the feasibility of developing the area to meet the housing demand of the new town. The area to the north of the NDA was covered by the Study on the Enhancement of the Lau Fau Shan Rural Township and Surrounding Area separately undertaken by PlanD. Hence, this area was excluded from the Study;

- c) one of the study objectives was to identify the strategic role of HSK NDA. This issue would be highlighted for public comments and discussion at the Stage 1 community engagement which would take place in advance of the NDA Study. Public comments collected would be considered in the Study;
- d) to capitalize on the strategic location of HSK with its proximity to Qianhai in Shenzhen, the Study would explore economic development opportunities and enhance economic integration between Hong Kong and Shenzhen through appropriate land use and transport planning as well as cooperation in cross-boundary infrastructure planning;
- e) in view of their locational advantages and proximity to the boundary crossing facilities, the NENT NDAs also had potential to provide land to serve the 'six knowledge-based industries'. A new road connecting Kwu Tung North with Lok Ma Chau Loop area and a new road linking up Ping Che/Ta Kwu Ling to the connecting road leading to the planned Liantang/Heung Yuen Wai Boundary Control Point were proposed. For Kwu Tung North NDA, land had been reserved for development of supporting facilities for the future development of Lok Ma Chau Loop with higher educational facilities as the leading use. The special industrial area in the Ping Che/Ta Kwu Ling NDA would serve as a land bank to provide development space for high value-added and non-polluting business/industries as well as port back-up and logistics industries;

[Ms. Anita W.T Ma and Ms. Julia M.K. Lau arrived to join the meeting at this point.]

- f) apart from providing land for development of 'six industries' in HSK NDA, the Study would also examine the demand for commercial and industrial development so as to provide a wide range of employment opportunities for the local residents as well as the existing residents in the surrounding areas;
- g) the Study would review the demand for open storage/port back-up land in the area and tackle the environmental and traffic problems arising from incompatible uses through comprehensive planning;
- h) to enhance community engagement, a community forum would be held to gauge public views after the commencement of the Study. Briefing sessions would also be arranged for district councils, different local organizations and other stakeholders. The study consultants and relevant government departments' representatives would also consult the villagers and local community in the district to collect their views and comments; and
- i) in formulating the implementation strategy, steering and working groups of the Study comprising representatives from relevant government bureaux and departments would provide the necessary input on policy and project coordination issues. This would ensure that the issues be thoroughly discussed during the course of the Study.

7. In relation to Members' comments on integration with Shenzhen and the adoption of proactive alternatives for community engagement, Mr. Jimmy Leung, Director of Planning made the following key points:

- a) the Lok Ma Chau Loop was currently under a joint-study between the authorities in Hong Kong and Shenzhen and it was agreed in principle between the two Governments that the Loop should be reserved primarily for the development of higher educational facilities with hi-tech and creative industries. The Planning and Engineering Study on

Development of Lok Ma Chau Loop, which provided an opportunity for interaction and cooperation between Hong Kong and Mainland in land use planning, commenced in mid 2009; and

- b) different community engagement activities had been/would be carefully considered to best suit the nature of the studies and the target stakeholders. In the Study on the Enhancement of the Lau Fau Shan Rural Township and Surrounding Area, PlanD had used the public participation geographic information system to enable the public to easily visualize the study area, the proposed planning framework and conceptual schemes in an interactive environment of satellite images and maps. For the HSK NDA Study, there were quite a number of local villages and residential neighbourhoods in the Study Area. Face-to-face communication with the local residents was required. The study consultants and PlanD would examine different outreach activities to best suit the target community groups.

8. The Chairman stated that comments and views expressed by Members should be taken into account as appropriate into the HSK NDA Study. As Members had no further comments/questions, the Chairman thanked the government representatives for attending the meeting. They all left the meeting at this point.

9. As the presenter for the representation hearing under Agenda Item 4 had not yet arrived, the Chairman proposed and Members agreed to proceed with Items 8 and 9 first.

Agenda Item 8

[Open Meeting]

Request for Deferral for Review of Application No. A/NE-MUP/62

Proposed 2 Houses (New Territories Exempted Houses – Small Houses) in “Agriculture” zone, Lot 326 SB ss.4 and ss.5 in D.D. 37, Man Uk Pin, Sha Tau Kok

(TPB Paper No. 8674)

[The meeting was conducted in Cantonese.]

10. The Secretary reported that on 3.11.2010, the applicants’ representative wrote to the Secretary of the Board requesting the Board to defer consideration of the review application for two months in order to allow time to update the information on Small House demand in Man Uk Pin Village by the village representative. The PlanD had no objection to the request for deferment as the justifications for deferment met the criteria for deferment as set out in the TPB Guidelines No. 33 on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance.

11. After deliberation, the Board agreed to defer consideration of the review application for two months in order to allow time for the applicant to prepare submission of further information. The Board also agreed that the application should be submitted to the Board for consideration within three months from the date of receipt of further information from the applicant. The Board also agreed to advise the applicant that two months were allowed for preparation of submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 9

[Open Meeting]

Request for Deferral for Review of Application No. A/TP/447

Proposed House (Private Garden Ancillary to House) in "Green Belt" zone,

A Piece of Government Land Adjoining House No. 10, Southview Villas, Tai Po

(TPB Paper No. 8672)

[The meeting was conducted in Cantonese.]

12. The Secretary reported that on 11.11.2010, the applicant wrote to the Secretary of the Board requesting the Board to defer consideration of the review application in order to allow time for the applicant to conduct an environmental assessment to support his review application. The PlanD had no objection to the request for deferment as the justifications for deferment met the criteria for deferment as set out in the TPB Guidelines No. 33 on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance.

13. After deliberation, the Board agreed to defer consideration of the review application for two months in order to allow time for the applicant to prepare submission of further information. The Board also agreed that the application should be submitted to the Board for consideration within three months from the date of receipt of further information from the applicant. The Board also agreed to advise the applicant that two months were allowed for preparation of submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 4

[Open Meeting (Presentation and Question Session only)]

Consideration of Representation in Respect of the
Draft The Peak Area Outline Zoning Plan No. S/H14/10
(TPB Paper No. 8667)

[The hearing was conducted in Cantonese.]

14. Members noted that a replacement page in respect of page 1 of the TPB Paper 8667 had been circulated for Members' information.

Presentation and Question Sessions

15. The Secretary reported that the representer, Mr. David Lai, had just informed the Secretariat of the Board that he would not attend the meeting. As sufficient notice had been given to invite the representer to attend the hearing, Members agreed to proceed with the hearing of representation in the absence of the representer. Ms. Brenda Au, District Planning Officer/Hong Kong (DPO/HK), was invited to the meeting at this point.

16. The Chairman extended a welcome and invite DPO/HK to brief Members on the representation.

17. With the aid of a Powerpoint presentation, Ms. Brenda Au made the following main points as detailed in the Paper:

- a) on 28.5.2010, the draft of The Peak Area Outline Zoning Plan No. S/H14/10, incorporating amendments to impose building height restrictions on the "Government, Institution or Community" ("G/IC") and "Other Specified Uses" zones; to rezone an area occupied by the Magazine Gap Road No. 3 Service Reservoir from "Green Belt" ("GB") to "G/IC"; and to rationalize the zoning boundary of the existing residential development at 99 - 103 Peak Road from "GB" to "Residential (Group C)2" ("R(C)2"), was exhibited for public inspection under section 5 of the Town Planning Ordinance (the

Ordinance);

- b) the amendments were presented to the Development, Planning and Transport Committee of the Wan Chai District Council (WCDC) and the Central and Western District Council in June 2010. Members of both DCs generally had no adverse comments on the amendments to the OZP;
- c) during the two-month statutory publication period, one representation was received. On 6.8.2010, the Board published the representation for three weeks for public comments, and no comment was received;

The Representation

- d) the representation was submitted by Mr. David Lai, a Wan Chai District Councillor, objecting to Amendment Item C in respect of the rationalization of the zoning boundary of the existing residential development at 99 - 103 Peak Road from “GB” to “R(C)2”. He opposed changing the green area to residential use. He had not proposed any amendment to the OZP;

Responses to Ground of Representation

- e) the representation site, covering an area of about 588m², formed part of the existing residential development (Rural Building Lot (RBL) No. 1147) at 99 - 103 Peak Road. There were previously non- departmental quarters on the RBL No. 1147, which was sold by auction in 1999 for residential development. The three houses within the development were completed in February 2003. The representation site was previously zoned “GB” on The Peak Area OZP No. S/H14/9 and was actually part and parcel of the existing residential development. The concerned area was currently for private garden and swimming pool uses serving the residents of the development. The rezoning of the representation site from “GB” to “R(C)2” was to rationalize the zoning boundary to reflect the as-built condition and to tally with the lot boundary ;

- f) PlanD did not support the representation and considered that the representation should not be upheld.

18. In response to a Member's enquiry, Ms. Brenda Au said that the representation site was previously zoned "GB" on The Peak Area OZP. It was part of RBL No. 1147 at 99 - 103 Peak Road which was previously used as non-departmental government quarters. RBL No. 1147 was then sold by auction in 1999 for residential development. The developer subsequently erected residential blocks within the lot boundary of the site. Since the OZP was a small-scale plan at a scale of 1:10,000, the boundaries between zones might be subject to minor adjustment in the detailed planning stage. The zoning amendment in respect of the site at 99-103 Peak Road was technical in nature, mainly to rationalize the zoning boundary to reflect the as-built condition.

19. As Members had no further question to raise, the Chairman said that the hearing procedures had been completed and the Board would deliberate on the representation. The Chairman thanked Ms. Brenda Au for attending the hearing. Ms. Au left the meeting at this point.

Deliberation Session

20. The Chairman remarked that the amendment in respect of the site at 99-103 Peak Road was technical in nature, mainly to tally with the lot boundary to reflect the as-built condition. Members agreed that the representation should not be upheld. Members then went through the reason for not upholding the representation and considered that it was appropriate.

21. After further deliberation, the Board decided not to uphold the representation for the following reason:

The rezoning of the "GB" portion of the existing residential development at 99 - 103 Peak Road to "R(C)2" was to rationalize the zoning boundary to reflect the as-built condition. The concerned area formed part and parcel of the development and no green area was involved.

[Mr. B.W. Chan left the meeting at this point.]

Agenda Item 5

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/NE-TK/301

Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone,
Government Land in D.D. 15, Shan Liu Village, Tai Po

(TPB Paper No. 8673)

[The hearing was conducted in Cantonese.]

Presentation and Question Sessions

22. The following representative of Planning Department (PlanD) and the applicant’s representatives were invited to the meeting at this point:

Mr. W.K. Hui	-	District Planning Officer/Shan Tin, Tai Po and North (DPO/STN)
Mr. Leung Yuk Ping]	
Mr. P.K. Leung]	Applicant’s Representatives
Mr. Lui Tak Chun]	
Mr. Ho Tat Ming]	

23. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited Mr. W.K. Hui to brief Members on the background to the application.

24. With the aid of some plans, Mr. W.K. Hui presented the application on review and covered the following main points as detailed in the Paper:

- a) the applicant sought planning permission to build a house (New Territories Exempted House (NTEH) – Small House) on the application site zoned “Agriculture” (“AGR”) on the Ting Kok Outline Zoning Plan (OZP);

- b) the site was located within the village environs ('VE') of Shan Liu Village and in a relatively low-lying sloping terrain. It fell within the upper indirect Water Gathering Ground (WGG);
- c) on 9.4.2010, the Rural and New Town Planning Committee (RNTPC) decided to reject the application and the reasons were:
 - i) the proposed development did not comply with the interim criteria for consideration of application for NTEH/Small House in New Territories ('Interim Criteria') as the feasibility in connecting the proposed Small House, being located within the WGG, to the planned sewerage system in the area was doubtful. The applicant failed to demonstrate that the proposed development would not cause adverse impact on the water quality in the area; and
 - ii) the applicant failed to demonstrate that the proposed development would not cause adverse landscape impact on the surrounding area, resulting in a general degradation of the rural environment and landscape quality in the area;
- d) The application was originally scheduled for the Board's consideration on 6.8.2010. Upon the applicant's request, the Board decided at its meeting on 6.8.2010 to defer the consideration of the review application for two months. On 1.11.2010, the applicant requested the Board to defer the consideration of the application for a further period of two months. At its meeting on 5.11.2010, the Board noted that while the applicant requested for further deferral to allow time for preparing further information, he did not state clearly the type of further information that was being prepared. Moreover, in the previous deferral, the applicant was advised that no further deferment would be granted unless under very special circumstances. Upon deliberation, the Board agreed not to accede to the applicant's request for deferment and to consider the review application on 19.11.2010;

- e) the main justifications put forth by the applicant in support of the review application could be summarised as follows:
- although the application site was zoned “AGR”, it had been abandoned for decades;
 - to solve the water quality problem in the WGG, a public sewerage system in Shan Liu Village would be constructed so that all the proposed houses could be connected to it;
 - the proposed development would be connected to the planned public sewerage system. The applicant had appointed a drainage engineer to design the sewerage connection of the proposed development to the nearest connection points of the public sewer. A schematic site formation proposal had been prepared for forming a building platform at 46.5mPD so that the sewer of the Small House could be connected to the public sewer;
 - arrangements would be made to obtain the letters of consent of the owners of the adjoining private lots for laying of the underground pipes. As the works of the planned public sewerage system had not yet started, relevant details could not be provided at this stage;
 - the proposed Small House only covered an area of 65.03m² and was only 3-storey high (8.23m). It would help enliven the quiet surrounding areas. It would not cause adverse impact on the landscape and the adjacent natural stream; and
 - there were similar cases in Ha Wong Yi Au Tsuen, Tai Po where two Small Houses were built at Lots 736 and 749 in D.D. 32 and in Lam Tsuen San Tsuen, Tai Po where six Small Houses were built at Lots 158, 159 and 161 S.A. in D.D. 19. Approval for the site formation works for these Small Houses had been given by the District Lands Officer/Tai Po (DLO/TP). Moreover, planning applications No. A/TP/419 and A/NE-LT/383 with similar slope

problems had been approved by the Board;

- f) departmental comments were summarised in paragraph 5 of the Paper. The Director of Water Supplies (DWS) advised that the site was within the upper indirect WGG and less than 30m from the nearest stream. He objected to the application at the s.16 stage as the feasibility of connecting the proposed Small House to the planned sewerage system in the area was doubtful. However, in view of the applicant's proposal to overcome the level difference by constructing a raised platform to match the level of the public trunk sewer and the confirmation by the Director of Environmental Protection (DEP) and the Director of Drainage Services (DSD) that the applicant was capable to connect the sewer from the proposed Small House to the planned sewerage system, the DWS had no objection to the application provided that the occupation of the Small House would only take place after the public sewerage system was available in the area. The Chief Town Planner/Urban Design & Landscape (CTP/UD&L), PlanD considered the proposed building platform and the 6.6m high retaining wall massive, visually intrusive and not compatible with the surrounding area, particularly when viewed from the south at the front side of the development. He therefore objected to the review application from the urban design and visual perspectives. He also maintained his objection to the application from the landscape planning point of view. He pointed out that the site was situated in an area on the upper foothills between Pat Sin Leng Country Park and Ting Kok Village, and surrounded by hills, valleys, woodland, streams and fallow agricultural land. The proposed Small House and the associated urban sprawl would cause adverse impact on this valuable landscape resource, resulting in degradation of the quality of the existing upland countryside landscape. The Commissioner for Transport had reservation on the application as the proposed Small House should be confined within the "Village Type Development" ("V") zone as far as possible. The proposed Small House, if permitted, would set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. The Director of Agriculture, Fisheries and

Conservation maintained his view of not supporting the application as the site had high potential for agricultural rehabilitation;

- g) public comment - during the statutory publication period of the review application, there was one public comment objecting to the application mainly on the grounds that the area was zoned “AGR” and the area lacked a plan for a sustainable layout of infrastructure and development;

- h) PlanD’s view - PlanD did not support the review application based on the assessments set out in paragraph 7 of the Paper. The application site fell entirely within the ‘VE’, there was a general shortage of land in meeting the demand for Small House development in the “V” zone of Shan Liu Village and the proposed Small House located within the WGG could be connected to the planned sewerage system. However, the proposed Small House development did not comply with the ‘Interim Criteria’ in that the design, scale and height of the proposed 3-storey village house on a raised platform of 6.6m high was considered incompatible with the rural character of the surrounding area, which mainly comprised fallowed agricultural field covered with grass and surrounded by vegetated hills. The proposed development would cause adverse landscape impact on the surrounding area resulting in a general degradation of the rural environment and landscape quality of the area. Regarding the cases quoted by the applicant in support of the review application, the two houses in Ha Wong Yi Au were located within the “V” zone amongst other village houses. For the planning applications No. A/TP/419 and A/NE-LT/383, they did not involve any slopes comparable to the current application site. Due to its technical constraints, the site which was a piece of government land was considered not suitable for Small House development.

25. The Chairman then invited the representatives of the applicant to elaborate on the application.

26. Mr. Leung Yuk Ping made the following main points:

- a) as indicated in paragraph 5 of the TPB paper, DWS, DEP and DSW had no objection to the application as the applicant would be able to connect the sewer of the proposed Small House to the planned sewerage by raising its platform to match with the level of the public trunk sewer. The proposed Small House development had complied with the 'Interim Criteria'. There was no reason for PlanD to oppose the proposed development;
- b) upon the request of PlanD, the village representative of Shan Liu Village met Ms. Lisa Cheng of STN/DPO last month. At the meeting, Ms. Cheng requested the villagers to consider building their Small Houses within the "V" zone. However, it should be noted that a large part of the "V" zone, about 3,631 m², was located on steep slopes, loop of the river or woodland. Small House development under such site conditions generally required the building of retaining walls as requested by DLO, LandsD;
- c) PlanD commented that the 6.6 m high retaining wall was massive and visually intrusive. This was only an excuse used by PlanD to create hurdles for the villagers. The "V" zone was located on steep slopes of 10m high and Small House development would also require construction of retaining walls resulting in similar visual impacts;
- d) there was a similar case where planning permission had been granted by the Board over 10 years ago for building 12 Small Houses at a site to the north east of Shuen Wan Eu Tong Sen School/east of the Beverly Hills. Six of the 12 Small Houses were built at the southern part of site, where the platform was raised with a 10m high retaining wall. The 3-storey Small Houses together with the retaining wall amounted to a massive development of over 18m high. It certainly had caused adverse visual impacts on the villagers walking along Ting Kwok Road. However, PlanD had not raised any objection and recommended the Board to

approve the planning application;

- e) according to paragraph 7.5 of the Paper, DPO/STN commented that the two houses in Ha Wong Yi Au were located within “V” zone. However, DPO/STN failed to explain why these sites were included in the “V” zone in the first place. It seemed that DPO/STN had adopted different assessment criteria in designating the “V” zone and consideration of the subject Small House application;
- f) when the Board considered the representations and comments in respect of the draft Ting Kok OZP on 8.10.2010, the village representative, Mr. P.K. Leung, had raised strong objection to PlanD’s proposal to rezone a large piece of land to the east of Ting Kok Village from “AGR” and “GB” for a spa resort hotel development. The objection was not against the proposed land use, but the double standards adopted by PlanD in assessing the concerned developments;
- g) DPO/STN had rejected a number of Small House applications submitted by the villagers of Shan Liu Village on different unreasonable grounds, including adverse traffic and visual impacts, non-compliance with the planning intention and the need to retain the sites for agricultural rehabilitation. However, PlanD had no objection to the proposed spa resort hotel with over 200 rooms. It was totally unreasonable to assume that a Small House would create adverse traffic and visual impacts, but not the spa resort hotel development;
- h) the villagers of Shan Liu Village had decided to adopt a strongly unco-operative attitude towards PlanD. About 12% of land for the proposed spa resort hotel was still owned by the villagers. To show their grievance, the villagers would not sell their land for the spa resort hotel development;
- i) the natural irrigation system in the area had been destroyed as water at the upstream area had been diverted to the WGG. There was not enough

irrigation water for agricultural use. Moreover, if the application site was used for agricultural activities with the application of fertilizers and pesticides, it would cause water pollution to the WGG. On the contrary, the sewer of the proposed Small House would be connected to the planned sewerage system which would help protect the environment and water quality of the WGG; and

- j) the above had demonstrated that the objection raised by DPO/STN against the proposed Small House was not correct and subjective. The Board should not be misled by the comments of PlanD.

27. Miss Annie Tam, Director of Lands, had the following questions:

- a) whether the application site was a piece of government land or private land. According to DLO/TP, it appeared that the applicant had submitted an application on the Government land but later changed the application site to private land;
- b) DPO/STN stated at his presentation that the application site was on a piece of government land and the proposed Small House development was considered not appropriate. It was not clear whether DPO/STN would have different views/comments if the proposed development was on a piece of private land; and
- c) whether the applicant would make use of septic tank and soakaway pit system in the interim before the connection of the sewer of the proposed Small House to the future trunk sewer system could be made.

28. In response, Mr. P.K. Leung made the following points:

- a) the sewer of the proposed Small House development would be connected to the planned public sewerage system and the traditional septic tank would not be used. The processing time for the Small House application, if approved by the Board, would take about four to six years.

Taking into account the construction time required, it was expected that the subject Small House would only be built in 10 years' time which should be after the completion of the public sewerage system;

- b) he did not know which government department was responsible for designating the "V" zone for Shan Liu Village. The "V" zone was located at the top of the hill and woodland which was densely covered by mature trees. Small House development within the "V" zone would involve felling of trees and this would be objected by the government departments. Besides, part of the "V" zone had also covered land owned by Tso Tong. It was doubtful why the "V" zone boundary was so designated;
- c) DPO/STN commented that the subject site, which was a piece of government land, should not be used for Small House development. It was very common in other villages that government land was used for Small House development. It was not reasonable for PlanD to penalize the applications for Small House development in Shan Liu Village;
- c) to address the visual impacts as mentioned by PlanD, the applicant would provide landscaping works for the proposed Small House, including planting of trees and climbing plants to beautify the retaining wall;
- d) the natural irrigation system in the area had already been destroyed. DAFC's comment that the application site had high potential for agricultural rehabilitation was not correct. Besides, the fertilizers and pesticides to be used for farming activities would pollute the water of the WGG. The proposed Small House with its sewer connected to the sewerage system would better protect the environment; and
- f) although Shan Liu Village was a small village, it was founded in the Qing Dynasty and had a long history in Hong Kong. However, unlike other villages in the New Territories where Small House development were allowed and built, Shan Liu Village was treated very differently. All the planning applications for Small House development in the village had

been unreasonably rejected by the Board.

29. Mr. W.K. Hui said that the subject government land was located at a relatively low-lying sloping terrain. To address the site constraint, the applicant needed to build a retaining wall of up to 6 m high so as to enable the sewer of the proposed Small House to be connected to the planned public sewerage system. As this was not a piece of private land owned by the applicant, the applicant could search for another piece of government land with less constraints or closer to the sewerage system to facilitate the development.

30. In response, Mr. P.K. Leung said that there were not many vacant government sites available at Shan Liu Village. The vacant government land was either too small for Small House development or covered by vegetation. The application site was the largest piece of government land available in the area.

31. As the applicant's representatives had no further comment to make and Members had no further question to raise, the Chairman informed the representatives of the applicant that the hearing procedures for the review had been completed and the Board would further deliberate on the application in their absence and inform the applicant of the Board's decision in due course. The Chairman thanked the representatives of the applicant and DPO/STN for attending the meeting. They all left the meeting at this point.

Deliberation Session

32. Miss Annie Tam, Director of Lands, said that DLO/Tai Po would not raise objection to the subject planning application if the sewer of the proposed Small House could be connected to the trunk sewer of the planned sewerage system and no septic tank and soakaway pit system would be used in the interim. If and after the planning approval had been given by the Board, DLO/TP would process the Small House application according to the applicable land procedures. If the Small House application was approved by the LandsD acting in the capacity as landlord at its discretion, such approval would be subject to such terms and conditions as imposed by the LandsD.

33. The Chairman said that a similar application No. A/NE-TK/313, involving a site located to the immediate east of the current application site, was rejected by the Rural and New Town Planning Committee of the Board in July 2010 for the similar reasons that

the applicant failed to demonstrate the feasibility of sewerage connection and the proposed development would cause adverse impact on the rural landscape of the area.

34. In response to a Member's enquiry on whether there was a shortage of land in the "V" zone to meet the Small House demand, the Secretary said that Plan R1 showed all the planning applications for Small House development in the area. While there were altogether 19 similar applications for Small House development, it should be noted that Small House development within "V" zone was always permitted and no planning approval from the Board was required. The boundary of "V" zones on the OZPs would be reviewed by PlanD from time to time and adjusted, if necessary, to meet the changing circumstances. Besides, an indigenous villager was also eligible to apply for cross-village application and apply for building a Small House in a village within the same 'Heung' provided that there was no local objection. The villagers could also consider submitting section 12A applications to rezone land for Small House development for the Board's consideration. In this regard, Mr. Jimmy Leung, Director of Planning, stated that the "V" zone of Shan Liu Village would be reviewed by DPO/STN.

35. The Chairman said that the TPB, in reviewing a planning application, should base on the zoning of the application site on the current OZP, rather than questioning the appropriateness of the zoning of the site. In case the zoning of a site was considered by the TPB as inappropriate, it should be amended under the plan-making process as set out in the Town Planning Ordinance.

36. By making reference to Plan R-2(b), a Member pointed out that as the application site was quite far from the planned trunk sewer, underground pipes would need to pass through a large stretch of government land in the adjoining area. This would sterilize the development potential of the concerned area. The applicant should identify another piece of land for the proposed Small House development. In this regard, the applicant might explore whether the government land near the planned trunk sewer could be made available for the proposed development.

37. A Member pointed out that while the Small Houses in Ha Wong Yi Au as quoted by the applicant's representatives was different as they were within a "V" zone and in between existing village houses whereas the proposed Small House under the subject review

application was located in sloping terrain on the upper foothills between Pat Sin Leng Country Park and Ting Kok Village with a pleasant rural ambiance. The proposed Small House with a retaining wall of 6m high was massive and would cause adverse visual impacts on the surrounding areas.

38. Another Member pointed out that the applicant's representatives had stated that the Board had unreasonably rejected Small House applications in Shan Liu Village. This statement, however, was unfounded as similar applications No. A/TK/295 and 305 had been approved by the Board for Small House developments. Each case should be considered on the merits of individual cases.

39. After further deliberation, the Chairman concluded that proposed Small House development with a retaining wall of 6m high would cause adverse visual impact to the surrounding areas. A similar application located to its immediate east was rejected not long ago. Apart from the subject application site, the applicant could identify other alternative sites for the proposed development.

40. After further deliberation, the Board decided to reject the application. Members then went through the reason for rejecting the application as stated in paragraph 8.1 of the Paper and considered that they were appropriate. The reasons were:

- a) the design, scale and height of the proposed development, in particular the 6.6m high building platform, were considered incompatible with the rural character of the surrounding area comprising fallow agricultural field surrounded by wooded hills; and
- b) the applicant failed to demonstrate that the proposed development would not cause adverse landscape impact on the surrounding area resulting in a general degradation of the rural environment and landscape quality in the area.

Agenda Item 7

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations in Respect of the
Draft So Kwu Wat Outline Zoning Plan No. S/TM-SKW/10
(TPB Paper No. 8668)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

41. The following Members had declared interests on the item:

Dr. C.P. Lau - owned a property in Tuen Mun and being a Member
of the Tuen Mun District Council

Mr. Stephen M.W. Yip - being an advisor of ExxonMobile on the rateable
values of the oil depots situated at Tsing Yi. There
was a petrol filling station of ExxonMobile in So
Kwun Wat

42. As the Tuen Mun District Council had submitted a representation in respect of the draft So Kwu Wat Outline Zoning Plan No. S/TM-SKW/10, Members considered that the interest of Dr. C.P. Lau was direct and should be invited to withdraw from the subject hearing. For Mr. Stephen Yip, Members noted that the relevant petrol filling station was at a distance from the representation site. The Board considered Mr. Yip's interest on this item was not direct and he could be allowed to stay in the meeting.

[Dr. C.P. Lau left the meeting temporarily at this point.]

43. As sufficient notice had been given to invite the representers to attend the hearing, Members agreed to proceed with the hearing of representations in the absence of representers who had indicated that they would not attend the meeting.

[Dr. Winnie S.M. Tang left the meeting at this point.]

44. The following representatives from the Planning Department (PlanD) were invited to the meeting at this point :

Ms. Amy Cheung - District Planning Officer /Tuen Mun and Yuen Long,
(DPO/TMYL), PlanD

Ms. Miranda Yue - Town Planner/West, PlanD

45. The Chairman extended a welcome and invited Ms. Amy Cheung to brief Members on the background to the representations.

46. With the aid of a Powerpoint presentation, Ms. Amy Cheung made the following main points :

- a) the background to the proposed amendments incorporated into the draft So Kwun Wat Outline Zoning Plan No. S/TM/10 (the OZP) as set out in paragraph 1 of the Paper;
- b) during the two-month statutory publication period, a total of two representations (Representation No. 1 (R1) and Representation No. 2 (R2)) were received. The representations were published for three weeks for public comments until 6.8.2010, and no comment was received. On 3.9.2010, the Board decided to consider the representations R1 and R2 collectively;

The Representations and the Grounds

- c) the grounds of representation put forth by R1 and R2 were summarised in paragraph 3 of the Paper;

Relating to Amendment Item A1 - Rezoning of two sites at Siu Lam from "G/IC" to "R(C)1"

- d) R1 expressed concerns that the nearby residents might raise objection as the amendment would change the living environment from what they anticipated when they purchased their properties. Besides, if there was an increase in the demand for "G/IC" sites in the future, the provision of

such facilities would be hampered due to the lack of “G/IC” land;

- e) R2 objected to the amendment for the following reasons:-
- i) in the New Territories West, there was a severe shortage of medical services. There were only two public hospitals (excluding psychiatric hospitals) and no private hospitals. Part of the land under Amendment Item A1 (i.e. Site 2 as indicated on Plan H-1) was reserved for medical services use. It should not be converted to other uses without first addressing the problem. The lead time for implementation of large-scale projects, such as the proposed hospital at Tin Shui Wai and expansion at the Hong Kong Sanatorium and Hospital, could take up to 10 years. Suitable replacement site should be free from the need for resumption of private land and rezoning or planning application process;
 - ii) the land bank in Tuen Mun East could provide 7,000 flats in future. Tuen Mun East was far from the metro area and not linked by railway system. The consumption rate of residential flats in Tuen Mun East was low. There was no pressing need to convert the “G/IC” sites into residential use;

Relating to Amendment Item C1 - Rezoning of two strips of land at So Kwun Wat Tsuen from “V” to an area shown as ‘Nullah’

- f) R1 expressed concerns on the rezoning on the following grounds:
- i) land under the “V” zone would be reduced as a result of the construction of the nullah;
 - ii) even if there was sufficient land in the “V” zone for the next 10 years, some “V” sites were remote, e.g. the “V” zone at So Kwun Wat San Tsuen, and indigenous villagers had very low incentives to build village houses on these sites. If the birth rate of the villagers increased in the future, there might not be sufficient land to meet the villagers’ demand;

- iii) the nullah being constructed would divide the area into a number of isolated sites, causing inconvenience to the villagers;

Representers' Proposals

Relating to Amendment Item A1 - Rezoning of two sites at Siu Lam from "G/IC" to "R(C)I"

- g) R1 considered that Site 2 was rather large and suggested that the site could be sub-divided to facilitate development;
- h) R2 had not made any proposed amendment to this item;

Relating to Amendment Item C1 - Rezoning of two strips of land at So Kwun Wat Tsuen from "V" to an area shown as 'Nullah'

- i) R1 suggested that additional land should be designated as "V" zone at other locations to compensate the loss;
- j) R1 suggested that the Government should provide the necessary road infrastructure for the villagers;
- k) planning considerations and assessments of the representations were detailed in paragraphs 4.1 and 4.2 of the Paper. The key points were:

Relating to Amendment Item A1 – Rezoning of two sites at Siu Lam from "G/IC" to "R(C)I"

- i) the sites were located on the hill slopes between Siu Lam and So Kwun Wat;
- ii) Site 1 was near Grandview Terrace, a low-rise low-density residential development, and adjacent to the Siu Lam Fresh Water Service Reservoir and vegetated slopes zoned "GB". It was partly vacant and partly occupied by temporary uses, e.g. storage and plant nursery;

- iii) Site 2 was located to the north, northwest and west of Palatial Coast and was currently largely vacant and vegetated with some scattered temporary structures occupying the lower part near Tuen Mun Road. It was mainly surrounded by slopes zoned “GB”;

Relating to Amendment Item C1 – Rezoning of two strips of land at So Kwun Wat Tsuen from “V” to an area shown as ‘Nullah’

- i) the site was under construction for a nullah under the drainage improvement works being carried out by the Drainage Services Department and the construction works were near completion;
- ii) the surrounding areas were mainly village settlements and areas zoned “GB”;

Responses to Representations

- l) responses to the grounds of representations No. R1 and R2 were detailed in paragraph 4.4 of the Paper and summarized as follows:

Amendment Item A1 – Rezoning of two sites at Siu Lam from “G/IC” to “R(C)1”

Representation No. 1

- i) with regard to the concern that the nearby residents might raise objection to the amendment, the Board had not received any representation from them objecting to the amendment. The proposed low-rise low-density residential development within the “R(C)1” zone was compatible with the surrounding environment;
- ii) for the concern on the need of “G/IC” sites in future, adequate sites had been reserved in Tuen Mun East and Tuen Mun Town for GIC uses. Concerned bureaux and departments had confirmed that additional sites for GIC use were not required. Besides, there were still about 8.4 hectares of undesignated “G/IC” sites in Tuen Mun

East on the Tuen Mun OZP that could meet future demand;

- iii) District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) had no comment on R1's proposal of sub-dividing Site 2 to facilitate development. This could be considered at land disposal stage, taking into account the prevailing market situation and other factors;

Representation No. 2

- iv) Site 2 was once reserved for hospital use but was released by the Secretary for Food and Health (SFH) for other uses. SFH had also indicated that the site was not required for private hospital use and advised that there would be sufficient hospital bed supply in the New Territories West Cluster by 2026 upon full operation of the Pok Oi Hospital and Tin Shui Wai Hospital. Thus, there was no need to reserve any site in So Kwun Wat for hospital use;
- v) in case there were unforeseen demand for medical use in future, some of the undesignated "G/IC" sites in Tuen Mun East could be considered;

Amendment Item C1 – Rezoning of two strips of land from "V" to 'nullah

- vi) PlanD had conducted an assessment on the supply and demand of "V" land for Small House development at So Kwun Wat Tsuen. There was adequate land in the "V" zone to meet the forecast 10-year Small House demand. PlanD would monitor the supply and demand of "V" land and would review the "V" zone boundary as and when necessary;
- vii) the area of So Kwun Wat San Tsuen, i.e. the "V" zone to the east of the nullah, was within the boundary of village environs of So Kwun Wat. According to DLO/TM, LandsD, seven Small Houses had been granted and three Small House applications were being processed within this area. The designation of this area as "V"

zone was appropriate;

- viii) according to Chief Engineer/Drainage Projects, Drainage Services Department, existing footbridges and vehicular bridges across the existing stream were being reprovioned under the drainage project. The drainage project would not adversely affect the existing access or connection between the two sides of the nullah;
- m) in view of the detailed assessments and responses to the representations as set out in paragraph 4 of the Paper, PlanD did not support the representers' proposals related to the amendment items;
- n) as detailed in paragraph 4.6 of the Paper, PlanD did not support other views and proposals submitted by R1 which were not related to the amendment items. The key points were summarized as follows:

Construction of a Railway from Tsuen Wan to Tuen Mun along Castle Peak Road

- i) the Secretary for Transport and Housing advised that the coastal area along Castle Peak Road between Tuen Mun and Tsuen Wan consisted mainly of low and medium-density developments with a relatively scattered population. The patronage was inadequate to support the construction of a mass transit system. Tuen Mun residents could travel to the urban area such as West Kowloon, Tsim Sha Tsui East and Hung Hom by the West Rail Line direct without interchanging. If the residents were to take the proposed coastal railway to Kowloon, they would need to interchange at Tsuen Wan West Station for the West Rail Line. When compared to travelling by the West Rail Line, the time saved would not be significant. Hence, the proposed railway scheme was considered impractical in terms of economic and transport benefits;

Suitability of a "G/IC" site reserved for secondary school use

- ii) R1 expressed concerns on the suitability of the "G/IC" site to the

northwest of Grandview Terrace for secondary school use as it was remote and not convenient for students (Plan H-6). In this regard, the Secretary for Education (SED) had no objection to the site for secondary school use. SED advised that there was no programme for developing the proposed school in the near future. However, road and infrastructure would be provided upon development of the school and the nearby proposed residential development. Therefore, the proposed secondary school site would not be a remote site upon its development. Moreover, the proposed site was at a distance from Tuen Mun Road and Castle Peak Road, and away from traffic noise impact;

- iii) R1 suggested relocating the proposed secondary school site to an area close to the future Chu Hoi College and Harrow International School. As shown in Plan H-7, the proposed Chu Hai College and the proposed Harrow International School were to the northwest and north of Hong Kong Gold Coast respectively. Adjacent to these sites were an undesignated “G/IC” site currently used by the Crossroads on a temporary basis, and another undesignated “G/IC” site abutting Castle Peak Road next to Aegean Coast. The site temporarily used by the Crossroads was about 5.7 hectares. In view of its size, it was considered more suitable to reserve this site for future large-scale GIC developments. The site abutting Castle Peak Road next to Aegean Coast would be subject to traffic noise impact;

Bus-Bus Interchanges (BBI) at Siu Lam

- iv) R1 suggested a new road connecting the future BBI at Siu Lam with Tuen Mun Road and that the Highway’s Department Maintenance Depot at Siu Lam should be designated for the future BBI. In this regard, the Commissioner for Transport (C for T) advised that a slip road connecting the BBI with Tuen Mun Road had already been planned. The Highways Department’s Maintenance Depot had been shifted northward to make way for the BBI and was located to the immediate north of the BBI. The construction works of the BBI

commenced on 15.7.2010 and was scheduled for completion by April 2013;

Public transport linkage between Tuen Mun East and Tuen Mun Town Centre

- v) R1 suggested that proposals be made to facilitate public transport between Tuen Mun East and Tuen Mun New Town. In this regard, the C for T advised that there were public transport services on Tai Lam Chung Road and Castle Peak Road, which included bus services and public light bus services. Local residents might make use of these existing public transport services for their journeys to/from Tuen Mun Town Centre and urban area, which could in general meet the demand of existing passengers of the area. The Transport Department would keep in view the development of the area and work with the public transport operators for service enhancement plan paying regard to the future growth of passenger demand;

Site on short-term lease to the Crossroads

- vi) R1 suggested that the land use and planning of the site currently on short-term lease to the Crossroads be reviewed. The subject site was outside the boundary of the So Kwun Wat OZP and was located to the north of Hong Kong Gold Coast, Tuen Mun. It was zoned "G/IC" on the Tuen Mun OZP. Currently, no long-term GIC use had been identified for the site. The Crossroads was using the site on a short-term basis;
- (j) PlanD's View – based on the assessments and considerations as detailed in the Paper, PlanD did not support the representations of R1 and R2 and other proposals not related to the rezoning amendments of the OZP.

47. As Members had no question to raise, the Chairman said that the hearing procedure had been completed and thanked the PlanD's representatives for attending the hearing. They all left the meeting at this point.

Deliberation Session

48. The Chairman said that Amendment Item A1 in relation to the rezoning of two sites at Siu Lam from “G/IC” to “R(C)1” was to take forward the recommendations of the ‘Tuen Mun East Study’. The proposed low-rise low-density residential development within the “R(C)1” zone was compatible with the surrounding environment. Besides, there were still about 8.4 ha of undesignated “G/IC” sites in Tuen Mun East to meet unforeseen future demand, and the concerned government bureau had confirmed that there was no need to reserve the sites for hospital or other medical use. Regarding the representation on Amendment Item C1, the land concerned would be a nullah upon the completion of the drainage project and was not suitable for Small House development. There was also adequate land within the “V” zone to meet the Small House demand. Members agreed and considered that the proposed amendments were reasonable and there was no justification to uphold the representations.

49. Members noted that some of the proposals submitted by R1 were not related to any amendment items of the OZP and PlanD had provided the responses to these proposals as detailed in paragraph 4.5 the Paper. Members also agreed that PlanD should provide the subject responses to the representer.

Representation No. R1

50. After further deliberation, the Board decided not to uphold the Representation No. 1 for the following reasons:

Amendment Item A1 - Rezoning of two sites at Siu Lam from “G/IC” to “R(C)1”

- a) the proposed low-rise low-density residential development with maximum plot ratio of 0.4 and a maximum building height of 3 storeys was compatible with the surrounding environment, which mainly comprised low-rise low-density residential developments and vegetated slopes;
- b) adequate sites had been reserved for GIC uses in Tuen Mun. There were still undesignated “G/IC” sites in Tuen Mun East to meet unforeseen future demand;

- c) the suggestion of sub-dividing the site was a land administration matter and could be considered by the Administration at the land disposal stage;

Amendment Item C1 - Rezoning of two strips of land at So Kwun Wat Tsuen from "V" to an area shown as 'Nullah'

- d) the land concerned would be a nullah upon completion of the drainage project and was not suitable for Small House development. Therefore, it was not appropriate to zone the nullah as "V". There was adequate land within the "V" zone in So Kwun Wat to meet the forecasted 10-year Small House demand; and
- e) under the on-going drainage project, existing pedestrian and vehicular crossings across the nullah would be reprovisioned. Connection and travel convenience across the nullah would be maintained.

Representation No. R2

51. After further deliberation, the Board decided not to uphold the Representation No. 2 for the following reason :

Amendment Item A1 - Rezoning of two sites at Siu Lam from "G/IC" to "R(C)1"

- a) the relevant government bureau confirmed that there was no need to reserve the sites for hospital or other medical use.

[Dr. C.P. Lau returned to join the meeting at this point.]

Agenda Item 6

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. /YL-TT/265

Proposed House (New Territories Exempted House – Small House) in "Agriculture" and "Village Type Development" zones, Lot 257 in D.D. 116, Yeung Uk Tsuen, Yuen Long (TPB Paper No. 8671)

[The hearing was conducted in Cantonese.]

Presentation and Question Sessions

52. The following representatives of the Government and the applicant were invited to the meeting at this point:

Ms. Amy Cheung	-	District Planning Officer/Tuen Mun Yuen Long (DPO/TMYL), Planning Department (PlanD)
Mr. Kelper Yuen	-	Senior Town Planner/East, PlanD
Mr. Sit Kwok Keung]	
Mr. Lam Chew Leung]	Applicant's Representatives
Mr. Lam Yuk Wai]	

53. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited Ms. Amy Cheung to brief Members on the background to the application.

[Dr. W.K. Lo arrive to join the meeting whilst Dr. James C.W. Lau left the meeting at this point.]

54. With the aid of a Powerpoint presentation, Ms. Amy Cheung presented the application on review and covered the following main points as detailed in the Paper:

- a) the applicant sought planning permission to use the application site for development of a New Territories Exempted House (NTEH) (Small House). The site with a total area of about 2,055m² fell within an area partly zoned "Agriculture" ("AGR") (about 97.3%) and partly zoned "Village Type Development" ("V") (about 2.7%) on the Tai Tong Outline Zoning Plan (OZP);
- b) on 30.7.2010, the Rural and New Town Planning Committee (the RNTPC) rejected the application for the following reasons:

- i) that the proposed development did not comply with the ‘Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories’ (‘Interim Criteria’) in that there was no general shortage of land in meeting the demand of Small House development in the subject “V” zone. The applicant failed to demonstrate in the submission why suitable sites within the area zoned “V” could not be made available for the proposed SH development; and
- ii) the proposed development was not in line with the planning intention of the “AGR” zone which was intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification had been given in the submission to justify for a departure from the planning intention;
- c) the main justifications put forth by the applicant in support of the review application could be summarised as follows:
 - based on the latest information provided by the Indigenous Inhabitants Representative (IIR), the demand of Small House development in the subject “V” zone was 200 houses. This had far exceeded the estimated Small House site supply of 137 provided by PlanD;
 - the District Lands Officer/Yuen Long (DLO/YL) should adopt another house, which was possibly built before 1972, in delineating the ‘VE’ of Yueng Uk Tsuen. The “V” zone should be correspondingly enlarged;
 - suitable sites within the “V” zone were not available for the proposed development. Development of Small House within a

- large part of the “V” zone was constrained by the lack of EVA;
- the Director of Agriculture, Fisheries and Conservation (DAFC) had not introduced any incentive for agriculture rehabilitation and had no right to oppose the proposed Small House development;
 - the proposed Small House development would not have adverse visual/environmental impacts on the surrounding areas. The concerns on drainage, sewage treatment, tree planting works, water supplies and fire safety requirements should be dealt with through LandsD’s Certificate of Compliance System for Small House development. No approval conditions on these aspects should be imposed by the Board;
- d) departmental comments – the departmental comments were summarized in paragraph 5 of the Paper. The DAFC did not support the application as farming activity in the area was very active. The site and its vicinity were currently used as orchard and vegetable field. Farmland was in great demand and many people or companies sought his assistance in finding suitable farmland for crop cultivation. In this regard, there were still more than 100 applicants in the waiting list pending his help to locate farmland. Furthermore, he regularly provided assistance to crop farmers in irrigation by setting up or repairing pump facilities and irrigation channels in farming districts. The Chief Town Planner/Urban Design & Landscape, PlanD had reservation on the application as the proposed Small House development would impose moderate changes or disturbances to the existing landscape character and resources. Approval of the application might attract similar uses into the area and the landscape quality of the farmlands there would further deteriorate and the intactness of the “AGR” zone would be undermined. The Director of Fire Services (DFS) commented that with the implementation of the revised Fire Safety Requirements in June 2006, the provision of fire safety alternatives instead of EVA was acceptable and the EVA problem was not insurmountable;

- e) during the statutory publication period of the review application, three public comments objecting to the application were received, mainly on the grounds that the site was a piece of agricultural land for orchard; the site was rural in character acting as an amenity area for the villagers; and the proposed Small House development would involve felling of existing trees on-site. There were also concerns on the traffic impact during construction, and effect on the fung shui, drainage and ecology of the area;

- f) PlanD's view - PlanD did not support the review application based on the assessments set out in paragraph 7 of the Paper, which were summarised below:
 - i) the application did not comply with the 'Interim Criteria' in that the footprint of the proposed Small House fell entirely outside both the "V" zone and 300ft from the edge of the last village type house of Yeung Uk Tsuen built before the implementation of the Small House Policy on 1.12.1972;

 - ii) there was still about 3.43ha of land within the subject "V" zone and that could meet the outstanding Small House applications and other Small House developments in the near future. There was no exceptional circumstances to justify approval of the application;

 - iii) in response to the applicant's claim that the development of Small House within a large part of the "V" zone for Yeung Uk Tsuen was constrained by the lack of EVA, DLO/YL was of the view that with the implementation of the revised Fire Safety Requirements in June 2006, the provision of fire safety alternatives instead of EVA was acceptable and the EVA problem was not insurmountable. In fact, all Small House applications in Yeung Uk Tsuen were on the eastern side of the nullah within the "V" zone boundary;

- iv) the proposed Small House development was not in line with the planning intention of the “AGR” zone which was intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. In this regard, DAFC advised that farmland was in great demand. He also regularly provided assistance to crop farmers in irrigation. As the site and its vicinity were currently used as orchard and vegetable field and farming activity in the area was very active, he did not support the application from the agricultural point of view. No strong planning justification had been given in the submission to justify for a departure from the planning intention of the “AGR” zone. The current application did not warrant sympathetic consideration. There was insufficient information in the submission to demonstrate why suitable sites within the “V” zone could not be made available for the proposed development;

- v) there were also concerns on the application from the landscape planning perspective as the proposed Small House development would impose moderate changes or disturbances to the existing landscape character and resources due to site formation works, hard paving of the building area and removal of some existing vegetation. Approval of the application might attract similar uses into the area and the landscape quality of the farmlands there would further deteriorate and the intactness of the “AGR” zone would be undermined. Although the applicant argued that the technical concerns from relevant departments should be dealt with through LandsD’s Certificate of Compliance System for Small House development, the applicant should still demonstrate that the landscape and drainage issues arising from the proposed Small House development could be adequately addressed under the planning application mechanism;

- vi) local objections against the application were received by DO/YL and during the statutory public inspection period for this review. Most of the comments were received from the villagers of Yeung Uk Tsuen. The villagers objected to the application that the site was a piece of agricultural land for orchard; the site was rural in character acting as an amenity area for the villagers; and the proposed Small House development would involve felling of existing trees on-site thereby changing the landscape features of the area. There were also concerns on the traffic impact during construction, and effect on the fung shui, drainage and ecology of the area.

55. The Chairman then invited the representative of the applicant to elaborate on the application.

[Mr. Clarence W.C. Leung, Professor Paul K.S. Lam, Ms. Anita W.T. Ma, Mr. Andrew Tsang and Mr. Walter K.L. Chan left the meeting at this point.]

56. With the aid of a Powerpoint Presentation, Mr. Sit Kwok Keung made the following main points:

- a) according to the Indigenous Inhabitant Representative of Yeung Uk Tsuen, the estimated Small House demand for Yeung Uk Tsuen in the next 10 years should be 200 houses. The Small House Policy had been implemented for over 38 years since 1972. The increase in Small House demand was reasonable. Regarding the current application, the applicant had been living abroad and now he wanted to come back to live in his village. There was an increasing number of similar cases;
- b) according DPO/TMYL, 3.43ha of land that was available for Small House developments was located mainly on the two sides of the nullah. The land was still left vacant because the landowners refused to sell the land to other indigenous villagers for Small House development. This problem could not be resolved by the applicant;

- c) the applicant failed to acquire land within the “V” zone for Small House development mainly due to the reasons that the landowners refused to sell their land in the “V” zone; some sites belonged to the Tso Tong; some land in the hinterland had access problem; and the size and configuration of some of the sites were not suitable for Small House development;
- d) the applicant owned the subject site which was in the vicinity of Yeung Uk Tsuen. It was unreasonable for him to have to acquire another piece of land for Small House development while leaving his own land idle. The application site covered an area of about 2,055m². The applicant would build his Small House at the north-eastern corner of the site (as indicated on Plan R-2) while leaving the remaining part of the site for his brothers of the same clan to build Small Houses;
- e) EVA was not only required to meet the fire safety requirement, but also to provide an emergency access for ambulance. The revised Fire Safety Requirements implemented in June 2006 allowed the provision of fire safety alternatives instead of EVA. However, it failed to address the need of providing an access for ambulance to the site;
- f) the natural irrigation system in the area had been damaged/destroyed by the construction of the nullah and Long Ho Road. The application site was no longer suitable for agricultural uses. DAFC stated that farmland was in great demand and there were more than 100 applicants in the waiting list pending his help to locate farmland. However, these comments were irrelevant as the application site was not suitable for agricultural uses and DAFC had no intention to resume the land from the applicant for the said uses;
- g) it was noted that a large area of “V” zone, about 9,000m², had been divested by the construction of the nullah and Long Ho Road. The Government should compensate the loss of land for the “V” zone;
- h) the public comments objecting to the application were not submitted by

the indigenous villagers of Yeung Uk Tsuen. People raised objections to the application because of the election of the village representative to be held in the near future. The Board should not accord too much weight to these objections;

- i) the local objections were mainly concerned about the preservation of well grown trees adjacent to the eastern side of the Yuen Long Highway. Since the proposed NTEH was small in size and far away from the dense road-side vegetation of the Highway, the local objections were not relevant to the application.;
- j) the Small House Policy had been implemented for 38 years. Small House development was a compatible use in the rural area. It also helped to address the housing needs in the rural area, enhance the rural environment by replacing dilapidated houses, pigsties, chicken sheds by Small House. It was unreasonable for government departments to raise objection to Small House development. The Small House applicant should be treated fairly;
- k) as indicated in the minutes of meeting in relation to the consideration of a similar planning application for two proposed Small Houses (para. 18 to 21 of an extract of the RNTPC meeting on 15.10.2010), PlanD had applied very rigidly the 'Interim Criteria' in assessing the Small House application. It should be noted that paragraphs (a), (b) and (c) of the 'Interim Criteria' only allowed sympathetic consideration for those Small House applications that had part of their footprints located within/outside "V" zone or 'VE'. This was unfair to both the applicant and the Board Members as no allowance could be given to other considerations;
- l) for the current application, sympathetic consideration should be given to the fact that the application site was owned by the applicant as inheritance from his ancestors and a very large piece of private land within the "V" zone had been resumed for the construction of the nullah and Long Ho Road;

- m) the 'Interim Criteria' should be revised to include other relevant considerations, such as applications on "AGR", "REC" or "GB" zones which had no implementation programme; and
- n) the proposed Small House development would not have any adverse visual/environmental impacts. The suggested approval conditions in relation to the provision of landscaping works were not in proportion to the scale of the proposed development. Preservation of trees outside the site was also beyond the capability of the applicant. For NTEH/Small House development, LandsD had maintained a very effective control on building, drainage, sewage treatment, tree planting works, water supplies and fire safety requirements through its Certificate of Compliance system. The only approval condition to be imposed on the planning permission should be the submission of Small House application to the Director of Lands within one or two years.

57. A Member referred to the aerial photograph at R-3 and said that the application site was covered with dense vegetation. This Member enquired why the applicant's representative claimed that the site could not be used for agricultural purposes. Referring to a photograph of the site which was downloaded from Googlemap, Mr. Sit Kwok Keung stated that the applicant had let the site to another villager for keeping, growing and selling of mango tree seedlings imported from the Mainland. Hence, the current use of the application was akin to a retail use, rather than agricultural use.

58. In response to two Members' questions, Mr. Sit Kwok Keung replied that the application site was the only site owned by the applicant. He had no information whether the government had resumed any land from the applicant for the construction of the nearby nullah and Long Ho Road.

59. A Member pointed out that as indicated in the public comments attached as Annexes Ea to Ec of the Paper, objections were raised by a group of indigenous villagers. Mr. Sit Kwok Keung said that the village representative had indicated his support to the application. Besides, people raised objections against the application mainly because of

the coming election of the village representative to be held early next year.

60. A Member enquired why the loss of “V” zone due to the construction of the nullah and Long Ho Road was a relevant consideration for the review application. Mr. Sit Kwok Keung replied that in a similar case, two villagers had their Small Houses re-sited to a site far away from Yeung Uk Tsuen due to the construction of Yuen Long Southern Bypass. Relevant government departments had not raised any objection to the developments. In this regard, Members should note that about 9,000m² of land in the “V” zone had been taken up by the Long Ho Road and the nullah. Given the substantial reduction of “V” sites, it was not reasonable to request the applicant to demonstrate that suitable sites within the “V” zone could not be made available for the proposed Small House development.

61. As the applicant’s representatives had no further comment to make and Members had no further question to raise, the Chairman informed the representatives of the applicant that the hearing procedures for the review had been completed and the Board would further deliberate on the application in their absence and inform the applicant of the Board’s decision in due course. The Chairman thanked the representatives of the applicant and PlanD for attending the meeting. They all left the meeting at this point.

[Professor H.W. Lee left the meeting at this point.]

Deliberation Session

62. A Member opined that although it was claimed by the applicant in the review application that the estimated Small House demand in Yeung Uk Tsuen was 200 which was higher than that provided by DLO, such estimated demand was for the next 10 years. As advised by PlanD, there were still about 3.43 ha of land within the “V” zone now for meeting the outstanding Small House application and other Small House development in the near future. In this regard, the applicant failed to demonstrate why suitable land within the “V” zone could not be made available for the proposed Small House development. There was no exceptional circumstance to justify approval of the application. This Member also pointed out that the site was currently covered by dense vegetation and used for keeping, storing and selling of tree seedlings. This was contrary to the submission made by the applicant’s representatives that the site was not suitable for agricultural uses. Some

Members shared the above views and said that the applicant's representatives had not provided reasonable responses to the rejection reasons. There was no merit to approve the planning application.

63. Another Member said that the applicant's representatives had indicated that the applicant planned to keep the remaining part of the site for his brothers of the same clan to build Small Houses. Hence, the approval of the subject application would set an undesirable precedent for similar applications.

64. A Member said that as agricultural activities in the New Territories had been declining, the intention of retaining the application site for cultivation and agricultural purposes might not be a strong rejection reason. Another Member, however, said that as indicated in plans R-2 to R-4, there were active agricultural activities on the application site and in its adjoining areas. Other Members agreed.

65. A Member said that there was no case to support the review application. However, for consideration of similar applications in future, it might be useful if Members could have the updated information on the need of agricultural land in the New Territories. Another Member concurred and said that it might be useful if DAFC could provide more information on the amount of agricultural land intended to be reserved and their respective locations. The Chairman said that similar to other zonings on the OZPs, the "AGR" zone would be reviewed by PlanD in collaboration with the relevant bureau and departments from time to time, taking into account the changing circumstances and relevant considerations. The overall issue of rural land was a complicated one with far-reaching implications. The Board would be briefed after Government had studied the issue in detail.

66. The Chairman concluded Members' views that the application site fell outside both the "V" zone and 'VE' of Yeung Uk Tsuen and the applicant failed to demonstrate why suitable land within the "V" zone could not be made available for the proposed Small House development. The proposed Small House development was not in line with the planning intention of the "AGR" zone. In view of these, the review application should be rejected. Members agreed.

67. After further deliberation, the Board decided to reject the application.

Members then went through the reasons for rejecting the application as stated in paragraph 7 of the Paper and agreed that they should be suitably amended to reflect Members' view as expressed at the meeting. The reasons were :

- a) the proposed development did not comply with the 'Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories' in that the footprint of the proposed Small House fell entirely outside both the "V" zone and 300ft from the edge of the last village type house of Yeung Uk Tsuen built before the implementation of the Small House Policy on 1.12.1972. Village house development should be sited close to the village proper as far as possible to maintain an orderly development pattern. The applicant failed to demonstrate in the submission why suitable sites within the area zoned "V" could not be made available for the proposed Small House development. There was no exceptional circumstances to justify approval of the application; and
- b) the proposed development was not in line with the planning intention of the "AGR" zone which was intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification had been given in the submission to justify for a departure from the planning intention.

Agenda Item 10

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

68. Some Members raised that they had recently received letters sent by the public in relation to the proposed SENT landfill site in Tseung Kwan O. They enquired how these

letters should be handled. The Secretary said that if the letters were addressed to Members in the capacity of a Member of the TPB, the letters could be referred to the Secretariat of the Board for reply. However, if the letter was addressed to a Member in a personal or other capacity, it should be handled by the Members themselves in the manner they think fit.

69. There being no other business, the meeting was closed at 12:10 p.m.