

**Minutes of 971<sup>st</sup> Meeting of the  
Town Planning Board held on 3.12.2010**

**Present**

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

Chairman

Mr. Stanley Y.F. Wong

Mr. K.Y. Leung

Mr. Walter K.L. Chan

Mr. B.W. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Ms. Anna S.Y. Kwong

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

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Mr. Roger K.H. Luk

Professor S.C. Wong

Dr. W.K. Yau

Mr. Stephen M.W. Yip

Director of Lands

Miss Annie K.L. Tam

Deputy Director of Environmental Protection

Mr Benny Y.K. Wong

Principal Assistant Secretary (Transport)

Transport and Housing Bureau

Mr. Fletch Chan

Director of Planning

Mr. Jimmy C.F. Leung

Deputy Director of Planning/District

Miss Ophelia Y.S. Wong

Secretary

**Absent with Apologies**

Ms. Maggie M.K. Chan

Mr. Y.K. Cheng

Professor Paul K.S. Lam

Professor P.P. Ho

Ms. Julia M.K. Lau

Professor Joseph H.W. Lee

Dr. W.K. Lo

Ms. Anita W.T. Ma

Ms. Pansy L.P. Yau

Assistant Director (2), Home Affairs Department

Mr. Andrew Tsang

**In Attendance**

Assistant Director of Planning/ Board  
Mr. Lau Sing

Chief Town Planner/Town Planning Board  
Ms. Christine K.C. Tse

Senior Town Planner/Town Planning Board  
Mr. J.J. Austin

**Agenda Item 1**

[Open Meeting]

**Confirmation of Minutes of the 970<sup>th</sup> Meeting held on 19.11.2010**

[The meeting was conducted in Cantonese.]

1. The minutes of the 970<sup>th</sup> meeting held on 19.11.2010 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]

Planning and Engineering Study on Development of Lok Ma Chau Loop – Stage 1 Public Engagement

**(TPB Paper No. 8675)**

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[The meeting was conducted in Cantonese.]

**Presentation Session**

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

Mr. Michael Chan

Chief Town Planner/Strategic Planning, PlanD

Mr. C.S. Liu

Chief Engineer/Project 2 (NTN&W), CEDD

|                   |                                       |
|-------------------|---------------------------------------|
| Ms. Theresa Yeung | Ove Arup & Partners Hong Kong Limited |
| Ms. Karmin Tong   | Ove Arup & Partners Hong Kong Limited |
| Mr. John Allcock  | Ove Arup & Partners Hong Kong Limited |

[Mr. Rock C.N. Chen arrived to join the meeting at this point.]

4. The Chairman extended a welcome and invited the representative of PlanD to brief Members on the Paper.

5. With the aid of a powerpoint presentation and a video, Mr. Michael Chan presented the Preliminary Outline Development Plan for the Lok Ma Chau Loop and proposals for its adjoining areas as detailed in the Paper and made the following main points:

- (a) in 2008, the Governments of Hong Kong and Shenzhen agreed to jointly commission a planning and engineering feasibility study for the development of the Lok Ma Chau Loop (the Loop);
- (b) on 12.12.2008, the Town Planning Board (the Board) was briefed on the results of the public engagement exercise carried out from June to July 2008 to collect public views on the future land use of the Loop;
- (c) in June 2009, the Planning and Engineering Study on Development of the Loop (the Study) had commenced. The study area comprised the Loop (Area A) and an adjoining area in Hong Kong (Area B) while an adjoining area in Shenzhen (Area C) was the subject of a separate planning study commissioned by the Shenzhen authorities;

[Dr. Winnie S.M. Tang and Mr. Clarence W.C. Leung arrived to join the meeting at this point.]

Preliminary Outline Development Plan for Area A

- (d) based on the results of the public engagement exercise, the two

Governments considered that higher education should be the leading land use in the Loop, complemented by research and development of high technology industries (R&D) as well as cultural and creative industries (C&C) ;

- (e) the Preliminary Outline Development Plan (PODP) proposed to divide the Loop into 5 zones, including Education Zone, Innovation Zone, Interaction Zone, Ecological Zone and a Riverside Promenade Zone;
- (f) in order to maintain flexibility in the overall layout design, the land use and floor space of some parts of the Education Zone would be interchangeable with the Innovation Zone, subject to market demand;
- (g) a number of green initiatives such as an environmentally friendly transport system, district cooling system and on-site sewage treatment works with treated effluent recycled for flushing and irrigation purposes would be explored;
- (h) the development would comprise a total gross floor area (GFA) of about 1.2 million m<sup>2</sup>, amounting to a plot ratio of 1.37. A total of 720,000m<sup>2</sup> GFA (60%) would be for higher education, 330,000m<sup>2</sup> GFA (27.5%) would be for high-tech R&D, 60,000m<sup>2</sup> GFA (6.75%) would be for C&C industries, and the remaining GFA would be for supporting commercial and infrastructural facilities;
- (i) linear strips of amenity/activity corridors with landscape features, planting, leisure facilities and cycle tracks would be provided to create a comfortable, pedestrian and cyclist-friendly environment;
- (j) a stepped building height profile was adopted with low-rise developments (7 to 8 storeys) for higher education along the river, medium-rise developments (15 storeys) for R&D uses in the west, and in the central and eastern parts, building heights would be progressively reduced from 8 to 15 storeys down to 3 storeys near the ecological corridor in the south;

- (k) a total of 10 hectares of open space was proposed together with a 50m wide landscaped open space along Shenzhen River;
- (l) two transport interchanges with parking facilities and well-connected to cycle tracks and pedestrian walkways were proposed to promote walking and cycling within the Loop;
- (m) as a long term proposal, a link across Shenzhen River was reserved at the northern end of the Loop to connect to Area C where a station of the Shenzhen Metro Line was planned;
- (n) a strip of land 100m in width with an area of 12.7 ha was reserved as an ecological area in the southern flank of the Loop to preserve a flight path for birds and a movement corridor for mammals;

#### Development Proposal in Area B

- (o) Area B was intended for the provision of connection roads to serve the development of the Loop. A western connection road would be provided by widening the existing Lok Ma Chau Road and an eastern connection road to the proposed Kwu Tung North New Development Area (NDA) would be required;
- (p) areas alongside the western connection road might have potential for providing rural commercial activities such as retail, restaurants or hostel facilities to complement the development of the Loop. A maximum plot ratio of 0.4 and a maximum building height of 3 storeys were proposed for developments in this part of Area B;
- (q) the eastern part of Area B, near Hoo Hok Wai, mainly comprised hilly terrain, grassland and wetland/fish ponds which were of high ecological value. The fish ponds adjoining the eastern connection road would pose challenges to the development of this part of Area B;

### Development Proposal in Area C

- (r) Area C mainly comprised the existing Huanggang Boundary Control Point (BCP). The proposed Shenzhen Metro Line (Route No. 7) would run through Area C with two stations at its centre and in the east. One of the guiding principles of the conceptual plan for Area C was to promote cooperation between Shenzhen and Hong Kong as well as to integrate with the physical development of Shenzhen;
- (s) according to Shenzhen's planning study, part of the land covering the existing Huanggang BCP would be released for development into an R&D and information exchange zone. An additional GFA of 1.5 million m<sup>2</sup> was planned and a stepped height profile with the lowest buildings fronting Shenzhen River would be adopted; and

### Stage 1 Public Engagement

- (t) a 2-month public engagement exercise which had just started was conducted to collect public views on the PODP. Briefing sessions would be arranged with the relevant Boards/Committees, District Councils, Rural Committees, professional bodies and other interested organizations. A similar public engagement exercise would be conducted in Shenzhen by the Shenzhen Government in parallel.

### Discussion Session

- 6. Members had the following questions and comments:
  - (a) whether the future bridge crossing Shenzhen River could be designed as an iconic feature for the area, or replaced by a tunnel so as to minimise the visual impact on the surrounding;
  - (b) the proposed building height of the Loop, which was mainly medium-rise,



might not be congruous with the building height on the Shenzhen side where there were mainly high-rise buildings;

- (c) as part of the area in Shenzhen was already developed, how the developments on both sides of Shenzhen River would be integrated in terms of the overall time frame for development;
- (d) the Loop should not be planned as an isolated place - its development should integrate with the surrounding areas;
- (e) noting the intention to promote integration between Hong Kong and Shenzhen, whether the Shenzhen authorities were carrying out a public consultation exercise for Area C;
- (f) welcomed the promotion of higher education and high-tech R&D industries in the PODP. However, the Government would need to draw up an overall plan for the development of high-tech R&D industries, in particular the connection with the other high-tech R&D sites in Hong Kong. The physical linkage between the R&D Zone in the Loop, Science Park and Cyberport should be considered;
- (g) noting that there might be contaminated soil in the Loop area, special attention should be made to treat the contaminated soil to avoid affecting the health of the future occupants;
- (h) whether an air ventilation assessment (AVA) had been conducted for the area;
- (i) whether the provision of a district cooling system had been considered to reduce the amount of heat generated from air conditioning in the area;
- (j) the area reserved for the Ecological Zone appeared to be relatively small in size. Had an ecological impact assessment been conducted for the area? Besides the designation of an Ecological Zone, whether other

measures were proposed to effectively protect and preserve the ecology and bio-diversity of the area;

- (k) the interface between the proposals of the Study on Land Use Planning for the Closed Area (FCA Study) and the PODP in terms of the connection between the ecological areas proposed under both studies should be carefully considered to ensure the protection of the ecology and wildlife along Shenzhen River; and
- (l) concerned that the proposed BCP at the Loop would attract unnecessary cross boundary traffic to the Loop, which was undesirable.

[Dr. James C.W. Lau arrived to join the meeting at this point.]

7. Professor S.C. Wong indicated that he had to declare interests as he had current business dealings with Ove Arup & Partners Hong Kong Limited. As the item was only for general discussion, Members agreed that Professor S.C. Wong should be allowed to stay in the meeting.

8. In response to Members' questions raised above, Mr. Michael Chan, Mr. C.S. Liu and Ms. Theresa Yeung made the following points:

- (a) the connection across Shenzhen River was a long-term proposal and it had not been decided whether the future connection should be a bridge or a tunnel. The detailed design of the connection would be carefully considered at a later stage and Members' views would be taken into account;
- (b) the proposed building height in Area A had taken into account the rural character of the surrounding area, the low-rise village developments and the presence of a knoll of about 120mPD in the vicinity. For buildings on the Shenzhen side, those around the Huanggang BCP were mainly low-rise while taller buildings of about 100m in height were located some distance away from the Loop. In this respect, the proposed medium-rise

building height in the Loop was considered appropriate;

- (c) the planning concept behind the PODP had already taken into consideration the larger area which included the Kwu Tung North NDA in the south, the existing Huanggang BCP to the east of the Loop as well as the existing developments on the Shenzhen side. With connections proposed both to the east and west of the Study area, the entire area covering Shenzhen, the Loop and the Kwu Tung NDA would become a well-integrated area. In terms of timing, the higher education facilities in Area A were targeted for completion by 2020. For Area C in Shenzhen, the proposed development would only be undertaken in the long term. On the interface with the FCA Study, the Loop was already identified in the FCA Study as an area that was suitable for development. One of the main foci of the Study was to examine how the Loop could become an integrated link between Shenzhen and the other areas covered by the FCA Study;
- (d) the public consultation exercise was conducted by the Governments of Hong Kong and Shenzhen in parallel and they were launched on the same day, i.e. 23.11.2010. In fact, the Shenzhen Government had already conducted the first public forum on 26.11.2010;
- (e) an assessment of the contaminated soil in the Loop area was conducted at the beginning of the Study. The results of site investigations indicated that contaminated soil was found at a few locations along the old river bed (before it was trained) with minor traces of heavy metals. Proven techniques and methods to properly treat the contaminated soil would be carried out;
- (f) an AVA was conducted under the Study and, based on the results of the AVA, amenity/activity corridors were proposed on the PODP to serve as air ventilation corridors to enable unobstructed flow of wind from the south-east and south-west at different times of the year;

- (g) a site in the south-eastern part of Area A had been reserved for the provision of a district cooling system to improve energy efficiency of developments in the Loop;
- (h) an ecological impact assessment was conducted under the Study and the proposals in the PODP were in line with the recommendations of the ecological impact assessment. For example, the proposed Ecological Zone in the southern part of Area A would provide a corridor for migratory birds to fly from Hoo Hok Wai in the east to Nam Sang Wai in the west. The zone would also allow free movement of mammals. Moreover, a full environmental impact assessment to cover the various impacts arising from the PODP, including air quality, sewerage, ecological impact, soil quality, etc. would be conducted in accordance with the requirements of the Environmental Impact Assessment Ordinance; and
- (i) with the completion of the Liantang/Heung Yuen Wai BCP, a major artery in the east would be in place to complement the Shenzhen Bay BCP in the west. It was expected that vehicular traffic in the east would be diverted from the existing Huanggang BCP to the Liantang/Heung Yuen Wai BCP and the function of Huanggang as a BCP for goods vehicles would be much reduced. This would pave the way for a land use review of the Huanggang area and the future development of Area C into an R&D information exchange zone. In this respect, the future linkage between the Loop and Area C was not expected to function as a major BCP. In any event, the provision of any BCP at the Loop would have to be considered under the overall policy on the provision of BCPs.

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

9. Mr. Jimmy C.F. Leung supplemented that the proposed connection between the Loop and Shenzhen was not intended as a new BCP for the general public. In fact, there was spare capacity at the two existing BCPs at Huanggang and the Lok Ma Chau Spur Line to meet the future demand of the general public and those arising from the development of

the Loop. Besides, the FCA Study had included proposals of development corridors along the existing BCPs at Lok Ma Chau and Man Kam To so as to leverage on the accessibility to Shenzhen and beyond.

10. A Member supplemented that consideration should be given to link up cycle tracks proposed in the FCA Study with that proposed in the Loop.

11. The Chairman said that the comments and views expressed by Members should be taken into account as appropriate in the next stage of the Study. As Members had no further questions and comments, the Chairman thanked the representatives of the Government and the study consultants for attending the meeting. They left the meeting at this point.

#### **Agenda Item 4**

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments to the Draft Tai O Fringe Development Permission Area Plan No. DPA/I-TOF/1

#### **(TPB Paper No. 8676)**

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[The hearing was conducted in Cantonese.]

#### **Presentation and Question Session**

12. Members noted that reasonable notice had been given to the representers and commenters to invite them to attend the meeting. While representers R3, R4, R5, R6, R7, R8, and R9 would attend the meeting, the other representers and commenters had either indicated that they would not attend the hearing or made no reply. The Board agreed to proceed with the hearing in the absence of these parties.

13. The following representatives from the government, the representers and the representatives of the representers were invited to the meeting at this point:

Mr. Ivan Chung

District Planning Officer/Sai Kung and Islands,

PlanD

Mrs. Maggie Lam Senior Town Planner/Islands (2), PlanD  
Miss Josephine Yang Senior Nature Conservation Officer (S), AFCD  
Miss Colette Yan Nature Conservation Officer (Lantau), AFCD

**R3 (World Wild Fund for Nature – Hong Kong)**

Ms. Sandra Chow ) Repesenter’s representatives  
Dr. Leung Sze Lun )

**R4 and C2 (Mr. Yu Hon Kwan, Island District Council Member)**

Mr. Yu Hon Kwan - Repesenter  
Ms.Chan Oi Wah - Repesenter’s representative

**R5 (Tai O Rural Committee)**

Mr. Lee Chi Fung )  
Mr. Lou Cheuk Wing ) Repesenter’s representatives  
Mr. Cheung Chi Wing )

**R6 (RHL Surveyors Limited)**

Mr. Keith Siu ) Repesenter’s representatives  
Ms. Cynthia Lam )

**R7 (Concern Group for the Interests of Leung Uk Tsuen and San Tsuen Villagers)**

Ms. Leung Shun Wah )  
Mr. Liu Kin Sang ) Repesenter’s representatives  
Mr. Leung Hung Sui )

**R8 (Priscilla Investment Limited)**

Mr. Shu Lui Yip ) Repesenter’s representative  
Ms. Yu Meei Ju )

**R9 (Aaron Investment Limited)**

Mr. Hui Kim Kwong )

Ms. Leung Siu Wah           )   Representer's representatives  
Ms. Wong Nau Fong           )

14.           The Chairman extended a welcome and explained the procedures of the hearing. He then invited the representatives of PlanD to brief Members on the representations.

15.           Mr. Ivan Chung informed Members that two replacement pages for the TPB paper had been tabled for Members' reference. With the aid of a Powerpoint presentation, Mr. Chung made the following main points as detailed in the Paper:

- (a)   the draft Tai O Fringe Development Permission Area (DPA) Plan was exhibited for public inspection on 4.6.2010 under section 5 of the Town Planning Ordinance. A total of 9 representations were received during the publication period. On 13.8.2010, the representations were published for three weeks and 2 valid comments were received;
- (b)   an overview of the representations:
  - representations R1 to R3 were submitted by three green groups which generally supported the various zonings on the DPA Plan, particularly the "Conservation Area" ("CA") zones. They included the Green Lantau Association, the Association for Tai O Environment and Development, and WWF Hong Kong;
  - representations R4 and R5 were submitted by an Islands District Councillor and the Tai O Rural Committee respectively and they generally opposed to the "CA", "Green Belt" ("GB") and "Coastal Protection Area" ("CPA") zones. However, R4 supported the "CA" zone for the area to the west of Yim Tin Pok and the "CPA" zone for the area from Old Man Rock to Kau San Tei;
  - representations R6, R8 and R9 were submitted by three individual companies and they opposed to the "CA" zone for the area to the east of Lung Tin Estate; and
  - representation R7 was submitted by the Concern Group for the Interests of Leung Uk Tsuen and San Tsuen Villagers and they

opposed to the conservation zone for the Tai O reedbed at Leung Uk Tsuen;

(c) the grounds of representations, the representer's proposals, the views of the commenters and Government's responses were summarized as follows:

(i) Supporting Representations (R1 to R3)

- the draft DPA Plan was a good example to preserve and protect ecologically valuable areas like Tai O from haphazard development;
- the Tai O reedbed was the second largest reedbed in Hong Kong with many unique species. Moreover, the Four-spot Midget, which was a damselfly of conservation importance, was recorded in the area. This species was classified as uncommon by the Agriculture, Fisheries and Conservation Department (AFCD) and as endangered by the World Conservation Union;
- a large area of the marsh had been destroyed by land filling activities when the area was not covered by any statutory plan. To comprehensively preserve the Tai O reedbed, the entire reedbed should be zoned into a conservation area. The “CA” zoning would provide a more comprehensive protection to this sensitive area than a “GB” zoning and would preserve land for future wetland restoration;
- the fill materials involving mainly construction and demolition waste should be removed from the site and the original environment and hydrological regime of the entire reedbed should be restored; and
- the main street of Tai O and the wetland adjacent to the temporary football pitch in Yim Tin Pok was not covered by the DPA plan. Planning of these areas should be carried out at the next stage to avoid man-made destruction and dispute;



- (ii) Representers' proposal
- R2 and R3 proposed to rezone the area between the Tai O reedbed and Leung Uk Tsuen from “GB” to “CA”;
- (iii) Opposing Representations (R4 and R5)
- the “CA” zone for the areas at Po Chue Tam, Sun Ki Street and along the bank of Tai O River, area between Lung Tin Estate and Wang Hang, and at the Tai O Reedbed involved private agricultural land. The “CA” zone would add restrictions to the use of these privately owned land;
  - the “GB” zone for the area to the north of Leung Uk Tsuen involved a lot of abandoned agricultural land under private ownership. The “GB” zone would affect the indigenous villagers' opportunities to build Small Houses. Sufficient land should be reserved for indigenous villagers to build Small Houses;
  - to compensate landowners whose interests were affected, Government should conduct a thorough consultation on land requisition and work out a comprehensive compensation scheme. Otherwise, no planning should be implemented and the status quo should be maintained;
  - the “CPA” zone along the coastline opposite Yeung Hau Temple was not supported as it would impose new constraints for the development of a road or a rural path along the coast proposed by the local people as an alternative link to Tai O;
  - R4 supported the “CA” zone for the mangrove replanting area to the west of Yim Tin Pok in view of its ecological and landscape value. R4 also supported the “CPA” zone along the coastline from Old Man Rock to Kau San Tei as it would be beneficial to the Chinese White Dolphins and the local marine ecology; and
  - R5 considered that the use of the “Government, Institution or Community” (“G/IC”) site at Kau San Tei which was currently occupied by the Christian Zheng Sheng Association under short

term tenancy (STT) should be reviewed upon the expiry of the STT as the site was under-utilized, or even not used at all;

[Dr. Winnie S.M. Tang returned to join the meeting at this point.]

(iv) Opposing Representations (R6, R8 and R9)

- the site to the east of Lung Tin Estate comprised a number of private lots which were not natural mangrove grounds and had been used as fish ponds and salt pans since 1986. The site had no conservation value;
- in 1983, the site was zoned for ‘Residential Zone 4’ and “G/IC” uses on Layout Plan No. RU/TO/8E prepared by the former New Territories Development Department. The planning intention for the area was to reserve land either for residential uses or other uses serving the needs of the population of the district;
- the area comprised shallow layers of rock and was suitable for development and construction works;
- the development rights and interests of the property owners affected should be respected;
- the existing mangroves had been purposely planted on the site and were on such a small scale that they were insignificant to the natural environment. To excise the site from the “CA” zone would not cause adverse impact as many other areas were zoned “CA” on the draft DPA Plan; and
- R6 and R9 considered that the consultation period was too short and it was unfair to the affected landowners who were either not informed, were illiterate, or were not residing in Hong Kong;

(v) Representers’ proposals

- R6 proposed to rezone the area to the east of Lung Tin Estate from “CA” to either “Other Uses” or “Cemetery” use; and
- R9 proposed to rezone the area to ‘Residential Zone 4’ and

“G/IC”;

(vi) Opposing Representation (R7)

- the legitimate interests of the indigenous villagers provided under Article 40 of the Basic Law (BL40) were undermined as Small House applications within the village ‘environs’ had been turned down;
- an area in front of the Buddhist Fat Ho Memorial School which was previously designated as “Village Type Development” (“V”) on the Recommended Outline Development Plan (RODP) under the Study on Revitalisation of Tai O (2002) had been deleted. This demonstrated that the development needs of indigenous villagers had not been taken care of;
- it was misleading to claim that the wetland near Leung Uk Tsuen was of important scientific value with rare species of frogs and dragonflies as the area was full of salt water and was not a suitable habitat for fresh water insects; and
- the farmlands of Leung Uk Tsuen were private property which should not be planned as a reed conservation area. The landowners should be permitted to grow whatever plants they preferred;

(vii) Views of Commenters (C1 and C2)

- comment C1 was submitted by the Tai O Rural Committee who was also representer R5. Commenter C1 mainly reiterated that private landowners affected by conservation zones should be consulted, compensation arrangements should be made and adequate land should be reserved for Small House development by villagers of Leung Uk Tsuen; and
- comment C2 was submitted by Mr. Yu Hon Kwan who was also representer R4. Commenter C2 requested clarifications on whether public works such as drainage works and road construction works were permitted as of right within the “CPA” zone and whether agricultural use was permitted within

the “CA” and “GB” zones. He suggested the setting up of a rural development fund from revenue derived from land sales;

(viii) Government’s response

*Representations related to areas zoned “CA”*

- to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation purposes, the “CA” zone was necessary to put areas of high environmental and ecological value under stringent planning control to protect the natural environment and habitats of rare avifauna. The “CA” zone on the draft DPA Plan was supported by the Director of Agriculture, Fisheries and Conservation (DAFC);
- the patches of woodland at Po Chue Tam, the extensive area comprising abandoned salt pans and fish ponds to the east of Sun Ki Street, and the Tai O Mangrove Replanting Area were of high environmental and ecological value. A number of rare avifauna including Schrenck’s Bittern, Pheasant-tailed Jacanca, Brambling and White-shouldered Starling had been recorded in the area to the east of Sun Ki Street. Besides, the Tai O Mangrove Replanting Area was diverse in macro-invertebrates such as Fiddler crabs and Gastropod species;
- the Tai O reedbed, which covered a sizeable area to the north of Leung Uk Tsuen and some woodland at the foothill of Tsim Fung Shan, was of high environmental and ecological value as it was one of the largest Phragmites beds in Hong Kong. Moreover, the four-spot Midget, which was of conservation importance, was found at the site;
- the area to the east of Lung Tin Estate comprised mangrove stands and wetlands which supported the rare Mangrove snake (*Enhydryis bennetti*) and Bramblings. This habitat also provided roosting and foraging grounds for the avifauna identified;

*Land resumption and compensation*

- there was no provision under the Town Planning Ordinance for compensation to land affected by planning restrictions as stipulated under statutory town plans;

*Area east of Lung Tin Estate*

- the ‘R4’ and ‘G/IC’ zoning shown on Layout Plan No. RU/TO/8E prepared in the 1980’s was to reflect a land exchange proposal submitted by the landowners in 1982. However, in 1986, the DLO advised that the proposed land exchange would no longer be pursued. The site was subsequently rezoned to “Other Specified Uses annotated “Agriculture” on Tai O Layout Plan No. L/I-TO/8C which was adopted in 1988 (later renumbered to L/I-TO/1C in 1991);
- regarding the development right of the lots claimed by R6, R8 and R9, the DLO advised that the lots concerned were old schedule agricultural lots under Block Government Lease. As agricultural use was always permitted within the “CA” zone, the draft DPA Plan did not deprive the lot owners of their existing right under the lease;
- DAFC advised that the representers’ proposal to rezone the site from “CA” to other development zones would cause adverse ecological and environmental impacts to the area and its surroundings as the site was covered with mature mangrove stands which were worth protecting;
- adequate “G/IC” facilities were already provided in Tai O Town Centre to serve the essential needs of the local community;
- the proposal to rezone the site to “Cemetery” use was not supported as such use was incompatible with the adjacent residential development of Lung Tin Estate;

*Public consultation*

- due to the confidential nature of the draft DPA Plan, the Board

agreed that the Islands District Council and the Tai O Rural Committee should be consulted only after the publication of the draft plan;

- the Board had taken all reasonable steps to publicize the draft DPA Plan during the two-month exhibition period and the draft plan was presented to the Tai O Rural Committee and the Islands District Council on 8.6.2010 and 21.6.2010, respectively;

*Small House development and BL 40*

- under the current practice of Lands Department (LandsD), Small House application sites had to be within the “Village Type Development” (“V”) zone and the village ‘environs’ of a recognized village. LandsD would consider and approve Small House applications taking into account the zonings under the RODP and the draft DPA Plan. Leung Uk Tsuen was the only recognized village in Tai O;
- apart from 4 outstanding Small House applications in Leung Uk Tsuen, the projected demand in the next 10 years was 80 Small Houses and adequate land had been reserved within the “V” zone for the construction of about 88 Small Houses;
- the Department of Justice advised that since the right to build Small Houses had been subject to planning controls under the Town Planning Ordinance before the Basic Law came into force, the application of statutory planning controls by way of the draft DPA Plan to the right to build Small House was not inconsistent with BL 40. Moreover, it did not appear that the right to build Small Houses free from statutory planning controls could reasonable be deduced as a derivative right under BL 40;

*“GB” zone at Leung Uk Tsuen*

- DAFC advised that the site consisted of footpath, dry agricultural land and disturbed areas and was considered

suitable to serve as a buffer to protect the Tai O reedbed against any undesirable disturbance from the village type development nearby. In this respect, the “GB” zone was considered sufficient as a means to control development in the area;

- regarding R4 and R5’s proposal to reserve the site for Small House development, adequate land had already been reserved within the “V” zone to meet the needs of the villagers in the next 10 years;

*Road proposal within “CPA” zone*

- the Commissioner for Transport (C for T) advised that they had no proposal to construct a new road along the north-east coastline (within the “CPA” zone under concern) to link up with Tung Chung. Upon completion of the Tung Chung Road improvement works in 2009, there was adequate capacity to cope with future traffic demand. Local road improvements at Keung Shan Road and South Lantau Road to improve Lantau’s traffic would be carried out at district level. There was no justification for an alternative road between Tung Chung and Tai O;
- the current “CPA” zone would not pre-empt any road proposals as s.13A of the Ordinance provided that any road works or use authorized under the Roads (Works, Use and Compensation) Ordinance would be deemed to be approved under the Town Planning Ordinance;

*“G/IC” zone at Kau San Tei*

- the site was currently granted to the Christian Zheng Sheng Association under Short Term Tenancy for a non-profit making drug addiction treatment centre. A licence under the Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Ordinance was issued to the operator on 16.12.2009 and the centre had commenced operation. The “G/IC” zone was to reflect the current use and was considered

appropriate;

*Other issues*

- concerning the proposal to put the area adjacent to the temporary Yim Tin Pok football pitch under planning control, the area was government land and subject to the outcome of the assessment being undertaken by PlanD, the area would be put under statutory planning control in due course; (R2)
- on the concern that the planting preferences of landowners would be restricted by the “CA” zone, it should be noted that there was no restriction on the type of vegetation planted within the “CA”, “CPA” and “GB” zone; (R7)
- on the matter of whether public works were permitted within conservation zones, according to the covering notes of the draft DPA Plan, drainage works, road works and such other public works coordinated or implemented by Government were always permitted and planning permission was not required; (C2) and
- the proposal to set up a rural land development fund was an administrative matter outside the jurisdiction of the Board. (C2)

[Ms. Anna S.Y. Kwong left the meeting at this point.]

16. The Chairman then invited the representatives of the representers to elaborate on the representations.

Representation No. R3

17. Ms. Sandra Chow made the following main points:

- (a) the Tai O Reedbed was an ecologically sensitive area and an important conservation area and the Four-spot Midget, which was a damselfly of conservation importance, was found at the site;
- (b) the proposal to rezone the Tai O Reedbed to “CA” was in line with the



general planning intention for the draft DPA Plan which was to protect the natural habitats of high ecological significance in the area. The “CA” zone would reduce the threat caused by development to the ecologically sensitive area. It would also provide an opportunity for the area to be restored to its original natural state; and

- (c) the Board should rezone the entire Tai O Reedbed to “CA” so as to protect its integrity as an area of high ecological value.

Representation No. R4 and Commenter C2

18. Mr. Yu Hon Kwan tabled a summary of his views and made the following main points:

- (a) he clarified that the support for the proposed “CA” zone covering the Mangrove Replanting Area was based on the condition that no private land was involved. If private land was involved, the Government should first resume the land and compensate the landowners before imposing the zoning control;
- (b) a proper balance should be struck between community needs, economic development and conservation. The proposals of the draft DPA Plan were biased towards conservation and had neglected the needs of the community and the need for economic development;
- (c) although he agreed that the Tai O Reedbed should be conserved in order to protect the habitat of the Four-spot Midget, such conservation requirement should be balanced against the development right of the affected landowners. The Government should provide compensation to the affected landowners;
- (d) he queried how the land use proposals of the draft DPA Plan could achieve the objective of rejuvenating the fishing village of Tai O if no measures were proposed to shorten the travelling time between Tai O and the urban area so as to attract people to stay in the area;

- (e) he was not convinced that the area at Po Chue Tam was an important feeding ground for avifauna as different areas in Tai O were also used by the birds as feeding grounds. If the Government considered it necessary to conserve the areas at Po Chue Tam, Sun Ki Street, east of Lung Tin Estate and the Tai O Reedbed for the overall benefit of Hong Kong, the Government should first resume the land and pay compensation to the affected landowners. The interests of the private landowners should not be sacrificed for the sake of conservation;
- (f) the local people, the Tai O Rural Committee and the Island District Council were not consulted before the draft DPA Plan was published. Even though PlanD said that the public was consulted during the two-month exhibition period, he reiterated that many of the local people were illiterate and were residing overseas and did not know of the draft DPA Plan;
- (g) although the representatives of PlanD explained at the Tai O Rural Committee and the Islands District Council that agricultural use was always permitted within the “CA” zone, many District Councillors and local villagers remained concerned that once the land was zoned “CA”, agricultural activities on the site would be restricted as green groups would likely raise objection to any actions taken by the villagers on their land, including the clearing of reeds for planting purpose;
- (h) regarding the Layout Plan for Tai O prepared in the 1980’s, though PlanD claimed that the Layout Plan had been revised and eventually cancelled in 2001, most of the villagers and local people were not aware of that;
- (i) if the property rights of landowners were not safeguarded, the population in Tai O would continue to decline. He noted that the population had already declined from some 20,000 persons in the 1970’s to the existing 2,700 persons; and

[Mr. Timothy K.W. Ma left the meeting at this point.]

- (j) he proposed that a land development fund should be set up to pay compensation to landowners whose land was affected by conservation requirements.

[Professor Edwin H.W. Chan arrived to join the meeting at this point.]

Representation No. R5

19. Mr. Lee Chi Fung made the following main points:

- (a) the “CA” zoning for the four areas at Po Chue Tam, Sun Ki Street, east of Lung Tin Estate, and the Tai O Reedbed would affect a lot of private land interests. The Government should compensate the landowners before imposing such planning control on these sites;
- (b) Leung Uk Tsuen and San Tsuen were recognized villages. The indigenous villagers had the right to develop Small Houses within the village ‘environs’, i.e. 300 ft from the original boundary of the village. This right was protected by the Basic Law. He opposed the proposed “GB” zoning as it would affect the traditional right of the villagers. The Government should compensate the villagers for the loss of their right;
- (c) opposed the “CPA” zone opposite Yeung Hau Temple. Unless the Government was prepared to resume the land and put in resources to manage the site, it would be better to maintain the status quo;
- (d) he proposed that a road/cycle track/footpath linking up with Tung Chung should be built along the coast. The proposed road would reduce the travelling time from Tung Chung to Tai O to about 15 minutes and help rejuvenate Tai O. The road would become an important alternative access to Tai O while the cycle track would become a tourist attraction;
- (e) as the “G/IC” site at Kau San Tei was left vacant in the last few years, the

Government should take back the site from the Christian Zheng Sheng Association and re-let the site to other parties in order to properly utilise the scarce land resources;

- (f) the Board should take into account the views of the Islands District Council and the Tai O Rural Committee which generally opposed the proposals of the draft DPA Plan; and
- (g) the Government should reserve adequate land for the indigenous villagers of Leung Uk Tsuen and San Tsuen to build Small Houses.

Representation No. R6

20. Mr. Keith Siu made the following main points:

- (a) he represented his client who owned a piece of land in the area to the east of Lung Tin Estate;
- (b) he noted a major contradiction in the “CA” zoning. On the one hand, any site that had been left unattended and became a habitat for wild life would be designated as a conservation zone and the property rights of the landowner would be forfeited. On the other hand, ‘Agricultural Use’ was always permitted and the landowner could always remove all the trees and wild life on the site for the purposes of cultivation. In this respect, he considered that the Government was forcing all landowners to exercise their right and clear all natural vegetation on their land so as to prevent the land from being zoned for conservation purposes. This would mean that the planning intention to preserve the natural environment could not be achieved;
- (c) the Government should only designate government land for conservation purposes and should not include any private land within the ‘CA’ zone;

[Miss Annie K.L. Tam arrived to join the meeting at this point.]

- (d) referring to Plan H-5, he pointed out that on a site which was zoned “CA”, several uses which were contradictory to the intention to protect the natural landscape had been proposed by PlanD including recreational use, youth hostel, and residential development; and

[Post-meeting Note: The representer was actually referring to the uses proposed by PlanD when the site was zoned “G/IC” and “R4” on the Tai O Layout Plan. According to the Notes of the “CA” zone under the draft DPA Plan, recreational use, youth hostel and residential development were not permitted.]

- (e) the Board should consider whether the proposed “CA” zoning for the area to the east of Lung Tin Estate was appropriate.

21. Ms. Cynthia Lam made the following main points:

- (a) she represented her family’s interests;
- (b) taking away her private property rights would be an infringement of her human rights which was ridiculous;
- (c) the rezoning of the area to “CA” would cause the value of the land to drop to zero as the site was no longer developable and the investment placed by her family on the site would be totally lost; and
- (d) the Board should either exclude the area concerned from the boundaries of the draft DPA Plan or rezone the area to either ‘R4’, ‘G/IC’ or ‘Other Uses’ so that the landowners could exercise their right to develop.

Representation No. R7

22. Ms. Leung Shun Wah tabled some photos and a short note and made the following main points:

- (a) the photos showed that the existing reedbed was in fact active agricultural

land and salt pans in the 1950s. She queried whether the purpose of conservation was to conserve the original use of the site or the reedbeds which were only introduced into the area in the 1980s;

- (b) the photos also showed that the reeds were only very young saplings. She queried whether it was worthy to take away the rights of the existing landowners for the sake of these very young saplings;
- (c) in 2007, her family applied to DLO to build 3 Small Houses on the site concerned and their application was rejected by the DLO as the site was reserved for conservation purposes;
- (d) referring to some research articles in the document she tabled, she noted that while the male of the Four-spot Midget lived in wetlands, the female of the species lived on dry grassland. The current proposal to zone the entire reedbed into "CA" might not be appropriate as the habitat of the male and female species were different;
- (e) the Government should create a suitable habitat for the Four-spot Midget on government land instead of relying on the existing reedbed which would deprive the existing landowners of their property rights; and
- (f) according to a study carried out by AFCD on the dragonflies of Hong Kong from 2002 to 2008, the Four-spot Midget was found in 8 locations in Hong Kong but not in Tai O. She queried the accuracy of the information presented in the TPB paper.

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

23. Mr. Liu Kin Sang tabled a summary of his views and made the following main points:

- (a) the draft DPA Plan proposed by PlanD did not respect the needs of the local people and PlanD did not respect the well established local

consultation mechanism that had been in place;

- (b) besides conserving the natural habitat, it was more important to conserve the cultural heritage of Tai O. The Government should examine the reasons behind the substantial decline in the population of Tai O as this would affect the cultural heritage of the area;
- (c) contrary to the information provided in the TPB paper, he pointed out that San Tsuen was originally called Chung Uk which was in fact a recognized village;
- (d) he disputed PlanD's claim that the Outline Development Plan (ODP) prepared by the New Territories Development Department was an internal document as the ODP was available for sale to the public. Indeed, all villagers knew of the ODP and would refer to the ODP. The villagers had not been informed of the cancellation of the ODP;
- (e) according to the ODP, the village 'environs' of Leung Uk Tsuen and San Tsuen were clearly demarcated. However, the draft DPA Plan had deleted more than 7 ha of land previously designated for village development without first consulting the indigenous villagers. This had adversely affected the right of the indigenous villagers to build Small Houses and was not in line with the BL 40;

[Mr. Clarence W.C. Leung left the meeting at this point.]

- (f) it was unreasonable to designate agricultural land under private ownership as conservation area as it would restrict the farmers' choice of crops. Once the owner started to carry out agricultural activities, the reedbed would disappear. Besides, the wetlands were not a suitable habitat for frogs and dragonflies which mainly lived in fresh water areas;
- (g) the Government should give sympathetic consideration to the views of the indigenous villagers who opposed the "CA" zone and should provide land

for Small House development. The proposals of the draft DPA Plan showed that Government had sacrificed the needs of indigenous villagers for the sake of conservation, which was unfair;

- (h) several years ago, Government had successfully planted a 10 ha site with mangroves which became an important mangrove conservation area. This served to demonstrate that there was no need for Government to designate land under private ownership as conservation area for reedbed as Government could adopt a similar approach to create a reedbed for dragonflies on government land; and
- (i) to win the support of the villagers, the Government should grant approval to the 3 Small House applications submitted by indigenous villagers before 2010. He also suggested that a piece of land at the foothill of Leung Uk Tsuen which was not covered by reedbeds should be zoned “GB”.

[Mr. Maurice W.M. Lee arrived to join the meeting at this point.]

24. Mr. Leung Hung Sui made the following main points:

- (a) the “CA” zone was unfair as the percentage of government land within the zone was relatively small compared to that under private ownership. Besides, the proposed zoning was not based on any solid data as there was no statistics on the number of Four-spot Midgets living in Tai O;
- (b) the proposed zoning would deprive indigenous villagers of their right to build Small Houses within the village ‘environs’;
- (c) as the size of the existing village houses was quite small, there was not enough space for an increasing number of family members over the years and there was a big demand for land for Small House development; and
- (d) although 2.2 ha of land was said to be reserved within the “V” zone, most



of that land was not available to indigenous villagers for building Small Houses. In the last 20 years, out of 41 Small House applications, only 4 applications were granted and these were all on private land owned by the applicants.

Representation No. R9

25. Mr. Hui Kim Kwong made the following main points:

- (a) approval was granted by the Government 27 years ago for the development of a site to the east of Lung Tin Estate into 140 Small Houses. At that time, there was no reed on the site. The reedbed was actually planted by the green groups in the last few years;
- (b) the site was owned by four owners, one of whom was the Government as the Government required the surrender of part of the site for the provision of G/IC facilities at the time of the land exchange;
- (c) it was unfair for the Government to change its plans without notifying the other landowners and to freeze the development right on this piece of land;
- (d) the Government should offer compensation to the affected landowners as approval had been granted for the development of 140 Small Houses on the site;
- (e) he was upset that the local people and the landowners were not consulted on the draft DPA Plan; and
- (f) given the prominent location of the site along Tung Chung Road especially to visitors of Tai O, he considered it more appropriate from the urban design point of view to allow development on the site instead of conserving it as a reedbed.

[Mr. Rock C.N. Chen left the meeting at this point.]

26. Ms. Leung Siu Wah made the following main points:

- (a) the TPB Paper was biased as the views of the local people were played down while those of the green groups were highlighted;
- (b) it was very unfair to the landowners who had put much resources and effort in managing their land but were now deprived of their property right;
- (c) the Board should only designate government land for conservation purposes and should not designate land under private ownership into conservation areas; and
- (d) it was unfair in that landowners were consulted on planning applications affecting their land but, in this case, they were not consulted even though the draft DPA Plan had severely affected their development rights.

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

27. As the presentations from the representers and commenters had been completed, the Chairman invited questions from Members.

28. The Chairman enquired about the existing situation of the area not covered with reeds as mentioned by R7. In response, Mr. Ivan Chung indicated that the site concerned was zoned "CA" on the draft DPA Plan and comprised mainly trees and wetland vegetation. There were no reeds on the site. Miss Josephine Yang supplemented that even though the site was at the fringe of the wetland, it belonged to the same wetland ecosystem as the Tai O reedbeds.

29. A Member enquired about the status of the internal plan mentioned by the representers. In response, Mr. Ivan Chung explained that the plan referred to by the representers was the Tai O Outline Development Plan (ODP) which was not a statutory plan but a departmental plan used by government departments to guide development. The

public could request to inspect draft ODPs while ODPs which were adopted would be available for sale at the Map Sales Offices of LandsD. For the site to the east of Lung Tin Estate, it was zoned 'R4' and 'G/IC' on the draft Tai O Layout Plan No. RU/TO/8E which was a draft plan. However, the site was subsequently rezoned in 1988 to "Other Specified Uses" annotated "Agriculture" and this version of the Tai O Layout Plan was adopted in 1988 and was available for sale to the public.

30. The same Member asked about the specific plant or animal species that were to be protected in the area, and the reason why the Four-spot Midget was not mentioned in reports prior to 2008. In response, Miss Josephine Yang explained that the designation of "CA" zone in Tai O was intended to conserve the ecological system in the area especially the important wetland habitat which comprised the mangroves, reedbeds, the wet and dry agricultural land, and the marshes. As for the Four-spot Midget, there was no record before 2008 because this dragonfly species was first found in Tai O in 2009 in the salt pans near Sun Ki Street. This dragonfly species was mostly found in the northern parts of Hong Kong near Tsim Bei Tsui and Mai Po before that. After the first sighting in Tai O, AFCD carried out more detailed investigations and noted that both genders of the species at different stages of maturity were recorded. The results showed that a healthy colony of these Four-spot Midgets was in existence in Tai O.

31. The same Member enquired about the involvement of the Government in the project mentioned by R9 and why the development was not taken forward. Mr. Hui Kim Kwong said that the project was for residential development with some G/IC facilities and the proposal was approved by the Government at that time. However, DLO indicated that the land status of the some of the land held by the Government needed to be clarified and the project was deferred. Subsequently, the owners had other financial problems and the project was put on hold. Mr. Hui also disputed Mr. Ivan Chung's statement that the 'R4' and 'G/IC' zoning had not been adopted and claimed that according to the adopted Tai O ODP Plan No. D/I-TO/1, the site concerned was zoned 'R4' and 'G/IC'. He also said that the Four-spot Midget was purposely introduced into the area by the green groups in 2009.

32. As the representatives of the representers and commenters had finished their presentation and Members had no more questions to raise, the Chairman said that the hearing procedures had been completed, the Board would deliberate on the representations

in their absence and would inform them of the Board's decision in due course. The Chairman thanked the representatives of the representers and commenters and the government representatives for attending the hearing. They all left the meeting at this point.

### Deliberation Session

33. The Secretary explained that the Tai O ODP No. D/I-TO/1 mentioned by the representers was indeed an adopted plan. Nevertheless, in 1988, the site had been rezoned from 'R4' and 'G/IC' to "Other Specified Uses" annotated "Agriculture" on the Tai O Layout Plan which indicated more detailed land uses and development proposals. The amended Tai O Layout Plan No. L/I-TO/8C was subsequently adopted in 1988. Hence, the change of use had been approved. Subsequently, in 2001, the Tai O Layout Plan and the Tai O ODP were cancelled. Regarding the land exchange, the Secretary pointed out that according to DLO's advice in 1986, the land exchange proposal had not been pursued further.

34. On the issue of compensation as raised by some representers, a Member commented that although it was clear that the Town Planning Ordinance did not have any provisions for compensation, it might be worth pointing out to the representers that the property rights were not absolute rights but subject to other relevant legislative controls. The Chairman noted that the lots were old schedule agricultural lots held under Block Government Lease with no development rights. On this point, Miss Annie K.L. Tam clarified that the Block Government Lease did not have any user restrictions except that the owners were not permitted to build any structures on the land. In this respect, whether the agricultural lots had any development rights would be subject to legal interpretation. Another Member said that the matter of compensation and the effect of planning blight had been examined in detail in the Report of the Special Committee on Compensation and Betterment issued a number of years ago. This Member said that under the Town Planning Ordinance, the Board was statutorily obliged to consider the appropriate land use zone of a site instead of the matter of compensation.

35. The Secretary said that one of the principles set out in the Report of the Special Committee on Compensation and Betterment was that no compensation would be payable

for any curtailment of right due to planning controls unless the planning control had deprived the site of any reasonably beneficial use. She pointed out that as indicated clearly in the TPB Paper, agricultural use was always permitted within the “CA” zone, so lot owners could still use their land for agricultural purpose.

36. A Member commented that the participation of the local villagers was crucial to the successful conservation of any rural habitat. Noting that the conservation area was not a natural environment but the result of human activities in the area such as farming activities and the management of waterways, this Member worried that the zoning of a large amount of private land to “CA” might not be the most effective way to conserve the existing habitat. Noting the strong objections from the local villagers, alternative solutions such as excluding the private land from “CA” zoning and rezoning them to “Agriculture” (“AGR”) use should be explored. Referring to Plan H-4, Members noted that part of the “CA” zone at the Tai O Reedbed and the area to the east of Lung Tin Estate were private land. Another Member agreed that without the support of the local villagers, it would be difficult to conserve the area zoned “CA” as intended. Another Member asked whether some of the areas zoned “CA” could be rezoned to “GB” or “AGR”.

37. The Secretary explained that the “CA” and “GB” zones were intended to provide different levels of conservation of the natural environment. In particular, the application for Small House development was permitted in “GB” zone but not “CA” zone. She added that the proposed “CA” zone on the draft Tai O Fringe DPA Plan was based on the results of a study and Members should consider the rationale behind the proposed “CA” zone and whether the rezoning of part of the “CA” zone to other land use zones would affect the integrity of the whole conservation area.

38. A Member said that although there was scientific evidence to back up the need to conserve the area, the practical difficulties of conserving these areas would also need to be considered, given the strong opposition of the local landowners. This Member supported rezoning some suitable areas from “CA” to “GB”. Another Member was concerned that such rezoning might affect the original planning intention which was to protect areas of high ecological significance. This Member said that the Board needed to have good reasons to keep the areas concerned for conservation purposes.

39. The Secretary explained that if the Board wished to protect and conserve the natural environment of the areas concerned, then the Board could consider whether “GB” or “CA” would be more appropriate, taking account of the level of conservation intended for. She said that “AGR” zoning would not be suitable for the purpose of conservation. She added that the Board would need to identify clearly which area currently zoned “CA” would be suitable for rezoning to “GB”.

[Mr. Felix W. Fong left the meeting at this point.]

40. A Member commented that the rezoning of some of the “CA” areas to “GB” might not be accepted by the local villagers as they would still see their property rights restricted under the “GB” zone. This Member suggested retaining the “CA” zoning to reflect the original planning intention to conserve the wetland habitat in Tai O.

41. The Chairman pointed out that while the local views should be taken as one of the considerations in the plan making process, Members should decide whether conservation was the appropriate planning intention for the areas under concern and the zoning that was most appropriate for the areas. A Member agreed with the Chairman’s views and said that the private property rights of landowners should not override the need to plan the area for the wider public interest. If Members agreed that the planning intention was for conservation of the areas, then the land use zoning should reflect that.

42. A Member said that a conservation area would need to be properly managed so as to maintain its conservation value and this would require the support of the local community. This Member and two other Members supported the proposal to rezone some areas from “CA” to “GB”. Another Member proposed to rezone part of the “CA” zone near Leung Uk Tsuen to “GB” to address the concern of the indigenous villagers regarding the shortage of land available for Small House development.

43. While noting the concerns of the local villagers, a Member asked whether the Board should take account of private property right in planning an area and how to strike a balance when there was a conflict between the private rights and public interest. This Member was of the view that the Board should not take infringement of property right as the sole consideration as this would set an undesirable precedent. This Member said that after

listening to the justifications provided by the government representatives, representers and commenters, the current zoning on the draft DPA Plan should be maintained. Another Member, however, considered that the planning of an area should not disregard the private property rights especially when there was no mechanism for the affected landowners to seek compensation for the loss of property rights.

44. A Member suggested rezoning those areas within the village ‘environs’ of Leung Uk Tsuen and San Tsuen from ‘CA’ to ‘GB’ so that villagers could at least submit planning applications for Small House development within the village ‘environs’. The Chairman said that the village ‘environs’ was only an administrative boundary drawn up by LandsD and it should be noted that there was sufficient land within the ‘V’ zone for Small House developments.

45. Miss Annie K.L. Tam supplemented that the DLO had previously advised PlanD that the ‘V’ zone on the draft Tai O Fringe DPA Plan might not be adequate to meet the 10-year Small House demand of the indigenous villagers as some of the government land was already occupied by licencees, some of the land were private lots and some land were slope areas with trees and other vegetation. The DLO had suggested rezoning an area of the ‘GB’ to the north of Leung Uk Tsuen to ‘V’ for Small House development.

46. A Member said that the boundary of the area for rezoning to ‘GB’ would need to be carefully examined to avoid affecting the integrity of the remaining ‘CA’ zone. Another Member agreed and said that areas not covered by reeds or mangroves might be considered for rezoning from ‘CA’ to ‘GB’, with the intention for conservation still maintained.

47. A Member pointed out that such rezoning would neither address the concern of the local villagers nor that of the green groups. Noting DLO’s comments about the inadequacy of the ‘V’ zone, this Member suggested rezoning the existing ‘GB’ to the north of Leung Uk Tsuen to ‘V’ to increase the land for Small House developments. In response, the Secretary explained that based on PlanD’s estimate, about 2.2 ha of land which was equivalent to 88 Small House sites were available within the ‘V’ zone to meet the 10-year demand of 84 Small Houses. In conducting the assessment, PlanD would not consider whether the vacant land was held by indigenous villagers or not as the owners

could buy/sell their land at any time. Notwithstanding this, indigenous villagers could make planning applications to the Board on area zoned “GB” and favourable consideration might be given if it was proven that there was inadequate land for Small House development.

48. A Member commented that if nature conservation had to be successful, the area involved had to be properly managed. Some incentives would be required so that people involved would bear a sense of ownership to care for the environment.

49. While agreeing that the Government should provide some incentives to facilitate the conservation of the areas, a Member however considered that there might not be sufficient justifications to exclude the areas without reeds and rezone them from “CA” to “GB” as such an approach might not be in line with the recommendations of the study prepared for the area.

50. The Secretary explained to Members that the plan under concern was a DPA Plan which would be replaced, within three years, by an Outline Zoning Plan (OZP). The views of Members would serve as reference information for PlanD to draw up the OZP for the Tai O Fringe area in 3 years’ time. The Chairman added that the Environment Bureau was reviewing the nature conservation policy and such issues as the management of conservation areas formed part of the areas under review. Hopefully, the policy review would be completed when the Tai O Fringe OZP was considered by the Board in 3 years’ time.

51. After some discussions, the Chairman summed up members’ overall view by saying that the “CA” zone was considered necessary in order to put areas of high environmental and ecological value under stringent planning control. The areas proposed for “CA” zone including Po Chue Tam, east of Sun Ki Street, the Tai O Reedbed, and the area to the east of Lung Tin Estate were appropriate. The “GB” zone for the area to the north of Leung Uk Tsuen was appropriate to serve as a buffer to protect the Tai O Reedbed from disturbance. Members also noted that the “CPA” zone opposite Yeung Hau Temple would not affect any road proposals for Tai O as any road works gazetted under the Roads (Works, Use and Compensation) Ordinance would be deemed approved. Moreover, the “G/IC” site at Kau San Tei was mainly to reflect an existing use and was considered



appropriate. Members also noted that part of representation R2 concerned a site which was outside the boundaries of the draft DPA Plan and was considered invalid.

52. The Chairman noted that Members generally agreed to note the supporting representations and not to uphold the opposing representations. Members then went through the suggested reasons for not upholding the representations as detailed in paragraph 6 of the Paper and considered that they were appropriate.

Representation No. R1, R2 (part) and R4 (part)

53. The representations in support of the draft DPA Plan, including R1, R2 (part) and R4 (part) were noted by the Board.

Representation No. R2 (part), R3, R4(part) and R5 to R9

54. After further deliberation, the Board decided not to uphold the representations for the following reasons:

- (a) the “Conservation Area” (“CA”) zone was intended to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, education and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development. The “CA” zone was necessary to put areas of high environmental and ecological value under stringent planning control in order to protect the natural environment of the area and the habitats of rare avifauna. The Director of Agriculture, Fisheries and Conservation had supported the designation of various area as “CA” covered by the draft DPA Plan ; *(for R3 to R9)*
- (b) the patches of woodland in Po Chue Tam and the extensive area comprising abandoned salt pans and fishponds to the east of Sun Ki Street were of high environmental and ecological value; *(for R4 and R5)*
- (c) the area to the north of Leung Uk Tsuen included a large, inundated bed of reed grass, known as Tai O reedbed, was also of high environmental and ecological value. A rare threatened damselfly of conservation importance,

the Four-spot Midget, was recorded in the reedbed; *(for R4, R5 and R7)*

- (d) the area to the east of Lung Tin Estate was covered with existing mature mangrove stand, which constituted part of the ecologically important wetland habitat in the area. The mangrove stand was worth protecting to conserve the ecological integrity of the area; *(for R4 to R6, R8 and R9)*
- (e) rezoning the site from “CA” to other development zones (including “Government, Institution or Community” (“G/IC”) and “Residential”) would have adverse ecological and environmental impacts to the area and its surroundings. Additional land for “G/IC” purposes was not considered necessary. On the proposal to rezone the area as “Cemetery” use, a public housing estate, Lung Tin Estate, was in close proximity to the site. The proposed “Cemetery” use at the site was considered incompatible with the adjacent residential development. Besides, it was the long established policy of the Government to promote cremation over burial in view of the scarcity of land; *(for R6, R8 and R9)*
- (f) in 2001, the Tai O Layout Plan No. L/I-TO/1D and the Tai O Outline Development Plan No. D/I-TO/1 were cancelled by the Government and were no longer in force. Regarding development rights, the lots concerned (including Lots No. 77 R.P., 82 R.P., 86 R.P., 88 R.P., 99 R.P. and 97 R.P. in D.D. 313) were Old Schedule Agricultural Lots under Block Government Lease. According to the Notes of the draft DPA Plan, ‘Agricultural Use (other than Plant Nursery)’ was always permitted within the “CA” zone and no planning permission was required from the Board. The publication of the draft DPA Plan did not deprive any existing right of the concerned lot owners under the lease; *(for R6, R8 and R9)*
- (g) on the proposal to rezone the area between Tai O reedbed and Leung Uk Tsuen from “Green Belt” (“GB”) to “CA”, it was considered that the “GB” zone had sufficient means to control development in the area. The site consisted of footpath, dry agricultural land and disturbed areas and was considered appropriate to serve as a buffer to protect the Tai O reedbed

against any undesirable disturbance arising from the village type development nearby. The “GB” zone was primarily for defining the limits of development areas by natural features and to preserve the existing topography and natural vegetation as well as to provide passive recreational outlets. There was a general presumption against development within the “GB” zone. Any unauthorised development within areas covered by the draft DPA Plan would be subject to enforcement action and prosecution under the Town Planning Ordinance. The “GB” zone was considered appropriate for this area; *(for R2 and R3)*

- (h) the “GB” zone was considered appropriate for the area to serve as a buffer to protect the Tai O reedbed against any undesirable disturbance arising from the village type development nearby. Area suitable for village type development had been zoned “V”. There was sufficient land within the “V” zone available to accommodate the Small House demand of Leung Uk Tsuen indigenous villagers up to 2019. In the preparation of the OZP, land use zonings (including “V” zone) for the area would be reviewed; *(for R4, R5 and R7)*
- (i) the draft DPA Plan was not inconsistent with Article 40 of the Basic Law (BL 40) since the right to build Small Houses had been subject to the Town Planning Ordinance before the Basic Law came into force and that the right to build Small Houses was not free from statutory planning controls; *(for R7)*
- (j) any road works published in the gazette under the Road (Works, Use and Compensation) Ordinance was deemed to be approved under section 13A of the Town Planning Ordinance. The “Coastal Protection Area” (“CPA”) would not pre-empt any road proposal for Tai O. There was currently no plan to extend the existing road network in Tai O. Besides, the covering Notes of the draft DPA Plan also stipulated that road works and other public works coordinated or implemented by Government were always permitted and planning permission was not required from the Board; *(for R4 and R5)*

- (k) the area zoned “G/IC” at Kau San Tei was occupied by a drug addiction treatment centre which had been in operation since 2009. This “G/IC” zone was to reflect the existing drug addiction treatment centre at Kau San Tei; (*for R5*)
- (l) according to the Town Planning Ordinance, there was no provision for compensation to land affected by planning restrictions as stipulated under statutory town plans; (*for R4 and R5*)
- (m) regarding the concerns on the owner’s planting preference within conservation zoning, according to the Notes of the draft DPA Plan, ‘Agricultural Use (other than Plant Nursery)’ was always permitted within the “CA” and “CPA” zones whilst ‘Agricultural Use’ was always permitted within the “GB” zone and planning permission was not required from the Board. There was no restriction on the type of vegetation to be planted within these zones; (*for R7*)
- (n) the wetland adjacent to the temporary Yim Tin Pok football pitch currently fell outside the scheme boundary of the draft DPA Plan and was government land. Further planning control on the area was being assessed by Planning Department. Subject to the outcome of the assessment, the area would be put under statutory planning control by the Board in due course; (*for R2*)
- (o) the Board had taken all reasonable steps to publicize the draft DPA Plan during the two-month exhibition period through publishing notice on newspapers, posting to the Board’s website, relevant district office, corresponding district planning office and the public enquiry counters of Planning Department as well as sending to relevant rural committee for public inspection. The draft DPA Plan was presented to the Tai O Rural Committee and the Islands District Council by Planning Department on 8.6.2010 and 21.6.2010, respectively. All representations and comments on representations received would be heard by the Board which would make a decision after taking account of all relevant considerations; (*for R4, R5, R6 and R9*) and

- (p) the proposal to set up a rural land development fund was an administrative matter outside the jurisdiction of the Board. (*for R4*)

### **Agenda Item 5**

[Open Meeting (Presentation and Question Session Only)]

Consideration of Representations and Comments to the Draft Aberdeen & Ap Lei Chau Outline Zoning Plan No. S/H15/26

#### **(TPB Paper No. 8677)**

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[The hearing was conducted in Cantonese.]

#### **Presentation and Question Session**

55. The following Members had declared interests on this item:
- |                     |   |   |
|---------------------|---|---|
| Mr. Laurence Li     | - | owned property in an industrial building in Wong Chuk Hang  |
| Mr. Rock Chen       | - | former Member of the Tung Wah Group of Hospitals Advisory Board. The TWGHs Jockey Club Rehabilitation Complex was one of the commenters |
| Mr. K.Y. Leung      | - | a family member owned a flat in Ap Lei Chau   |
| Mr. Roger Luk       | - | independent Non-Executive Director of Wheelock Properties Limited which had a property in Heung Yip Road                                |
| Professor S.C. Wong | - | a family member owned properties in South Horizons and Aberdeen Centre  |
| Mr. Fletch Chan     | - | being an assistant to the Secretary for Transport and Housing who was a non-executive director of MTRCL                                 |
56. Members noted that Mr. Rock C.N. Chen and Mr. Fletch Chan had already left

the meeting. Members also noted that the interests of Mr. Laurence L.J. Li and Mr. Roger K.H. Luk were direct and substantial and that they should be invited to withdraw from the meeting. They left the meeting at this point. As the representation sites could not be seen from the properties in Ap Lei Chau and Aberdeen Centre, Members considered that the interests of Mr. K.Y. Leung and Professor S.C. Wong on this item were not direct and should be allowed to stay in the meeting.

[Mr. Walter K.L. Chan, Mr. Maurice W.M. Lee and Mr. Raymond Y.M. Chan left the meeting at this point.]

57. Members noted that reasonable notice had been given to the representers and commenters to invite them to attend the meeting. While representer R12 would attend the meeting, the other representers and commenters had either left before the hearing started, indicated that they would not attend the hearing or did not reply. The Board agreed to proceed with the hearing in the absence of these parties.

58. The following representatives from the Government and the representatives of the representer were invited to the meeting at this point:

|               |  |
|---------------|--|
| Ms. Brenda Au | District Planning Officer/Hong Kong, PlanD |
| Mr. David Lam | Senior Town Planner/Hong Kong, PlanD       |
| Mr. Alan Tam  | Senior Engineer/Southern & Peak, TD        |

**R12**

|                    |   |                               |
|--------------------|---|-------------------------------|
| Mr. Paul Zimmerman | ) | Representer's representatives |
| Ms. Eva Tam        | ) |                               |

59. The Chairman extended a welcome and explained the procedures of the hearing. He then invited the representatives of PlanD to brief Members on the representations.

60. Ms. Brenda Au informed Members that two replacement pages for the TPB Paper had been tabled for Members' reference. With the aid of a Powerpoint presentation, Ms. Au made the following main points as detailed in the Paper:

- (a) the proposed amendments were mainly to rezone the ex-Wong Chuk Hang Estate (WCHE) site from “Residential (Group A)” (“R(A)”) and areas shown as “Road” and “Nullah” to “Comprehensive Development Area” (“CDA”) (Item A1) and two parcels of land from “R(A)” and area shown as “Nullah” to ‘Road’ (Items A2 and A3) and to delete the obsolete Route 4 alignment with associated zoning amendments (Items D & E). A total of 12 representations were received concerning the amendment items and 2 comments on the representations were received;
- (b) an overview of the representations:
- representations R1 to R10 supported Amendment Item A1 concerning the ex-WCHE site;
  - representations R11 and R12 opposed Amendment Item A1;
  - representation R8 also supported Amendment Items D and E; and
  - representation R12 also opposed Amendments D & E;
- (c) the grounds of representations, the representer’s proposals, the views of the commenters and Government’s responses were summarized as follows:
- (i) Supporting Representations for the ex-WCHE site (R1 to R10)
- the ex-WCHE site should be redeveloped into a comprehensive development as soon as possible as there was a need for a shopping and entertainment centre in the area;
  - the amendments would boost economic growth, community development and revitalization of the Wong Chung Hang area which, together with the redevelopment of Ocean Park, would transform Wong Chuk Hang into a major tourist attraction;
  - the proposed railway and associated facilities should be implemented as soon as possible to alleviate traffic congestion in the Southern District; and
  - the proposed development intensity and building height were considered suitable and compatible with the surrounding environment;

(ii) Representers' proposal

- R1 and R6 proposed the provision of a large indoor performance venue, open space, and G/IC and social welfare facilities within the site for public use;

(iii) Opposing Representations to the ex-WCHE site (R11 and R12)

- the building height restriction of 150mPD was not compatible with the Wong Chuk Hang area which was subject to a maximum building height restriction of 140mPD. The proposed development would create a wall effect and adverse visual impact;
- MTRCL's development scheme did not mention the provision of public open space and the proposed performance venue was cosmetic;
- the podium which was not accessible by the public would become the private space of the property owners. The podium was also segregated from the surrounding neighbourhood;
- the proposed development would aggravate the traffic congestion in the area;
- excavation of the site should be kept to the minimum required for the railway works and the development parameters should also be reduced to achieve better waste management; and
- the open character of Heung Yip Road as an enjoyable corridor between Ocean Park and Aberdeen Harbour should be safeguarded;

(iv) Representers' proposals

- the maximum building height should be reduced to 140mPD and that a park or leisure facilities and space for a community hall should be reserved within the site for public use;
- the development of the property should be withheld until the new railway and the Central-Wanchai Bypass were proven to be effective in solving the traffic congestion problem in the



area;

- the number of car parking spaces should be capped to 100 spaces in view of the existing congestion and in order to avoid creating demand for Route 4;
- the nullah should be excluded from the “CDA” zone and the development should be set back by 25m at ground level from the nullah; and
- the development parameters should be changed so that the road works on the nullah could be reduced. The nullah should be kept open, enhanced and turned into an attractive landscape feature;

(v) Views of Commenters on the ex-WCHE site (C1 and C2)

- commenter C1 supported the rezoning of the ex-WCHE site, the imposition of a maximum building height not exceeding 140mPD, and the provision of community facilities and public open space within the site; and
- commenter C2 supported the rezoning of the ex-WCHE site, suggested that the site to the north of the future Ocean Park station could be reserved for uses compatible with Ocean Park, and supported the development of a regional shopping and entertainment centre at the ex-WCHE site;

(vi) Supporting Representation on the deletion of Route 4 and consequential zoning amendment (R8)

- supported the rezoning of a piece of land between Tin Wan Praya Road and Shek Pai Wan Road and two sites along Tin Wan Praya Road to “Green Belt” (“GB”) and “G/IC”. No specific reasons were given;

(vii) Opposing Representation on the deletion of Route 4 and consequential zoning amendment (R12)

- opposed the rezoning of two sites along Tin Wan Praya Road to “G/IC”;

- no specific reasons were given;

(viii) Opposing Representer’s proposals (R12)

- to rezone the two sites along Tin Wan Praya Road to “GB”;  
and
- to remove the concrete cover of the two sites upon the expiry of the short term tenancies covering the sites;

(ix) PlanD’s responses

*Rezoning of the ex-WCHE site*

- on the suggestion to provide more G/IC facilities and performance venue within the ex-WCHE site, the Explanatory Statement of the OZP had already specified that the shopping centre would provide opportunity for a venue for performance and ceremonies and some areas would be reserved for the use of social enterprise or other G/IC facilities. A Planning Brief would be prepared to guide the preparation of the Master Layout Plan submission for the future development and more detailed planning and design requirements would be set out;
- on the proposal to provide public open space within the site, it was the current government policy not to require the provision of public open space within private residential developments to avoid passing the recurrent responsibilities to the small owners. Besides, there was an overall surplus in the provision of public open space upon full development in the Aberdeen & Ap Lei Chau area. The possibility of providing some public open space outside the residential portion of the development might be further explored at the detailed design stage;
- in drawing up the building height restrictions for the “CDA” site, due regard had been given to the physical setting, the surrounding building height profile, the intended land uses and development intensity, the site characteristics as well as urban design considerations including visual and air ventilation aspects;

- the building height restriction of 150mPD would allow greater scope for building height variations and incorporating various design enhancement measures including stepped height profile, provision of air/visual corridors, terraced podium and landscaping. The maximum building height restriction of 140mPD proposed by the representer would limit design and layout flexibility;
- the Board had sufficient planning control through the preparation of the Planning Brief, the requirement of planning application and MLP submission under the “CDA” zoning for the site;
- on the proposal to reserve space for a community hall in the proposed development, a site at the junction of Nam Long Shan Road and Police School Road had already been reserved for such a purpose;
- on the traffic concern, broad assessments had been carried out to ensure that no insurmountable problem would be generated by the development with the development parameters formulated for the “CDA” site. A detailed traffic impact assessment would be carried out at the planning application stage to ensure no adverse traffic impact;
- C for T advised that the Study on Rationalizing the Utilisation of the Three Road Harbour Crossings had proposed measures to address the congestion of the Cross Harbour Tunnel which would consequentially help the operation of the Aberdeen Tunnel;
- the South Island Line (East) (SIL(E)) planned for completion in 2015 would improve the traffic conditions of Southern District;
- there was no direct relationship between the “CDA” development and the Central-Wanchai Bypass which was to relieve traffic congestion and to cater for traffic growth along the Connaught Road Central/Harcourt Road/Gloucester Road Corridor;
- the proposal to cap the car parking provision to 100 spaces was

considered inappropriate as the number fell far too short from the requirement laid down in the Hong Kong Planning Standards and Guidelines (HKPSG). The exact parking provision should be determined at the planning application stage;

- the extent of excavation works for the subject site would be determined by the technical requirements of the railway depot and SIL(E) alignment. As the major part of the property development would be on the podium accommodating the depot for the SIL(E), the development parameters of the property development had no significant bearing on the amount of excavation required;
- the SIL(E) alignment had been designed to run along Heung Yip Road above the nullah and the portion of the nullah abutting the ex-WCHE site would be decked to accommodate a new public transport interchange (PTI) and for road widening purposes. The alignment could not be shifted southwards due to alignment design constraints such as the minimum turning radius of the railway tracks. The proposal to set back the site boundary from the nullah would have direct conflict with the design of the railway depot and the provision of the PTI;
- the decked nullah would be used to accommodate the PTI which would form an integral part of the comprehensive development; and

*Deletion of Route 4 and Consequential Zoning Amendments*

- the two “G/IC” sites along Tin Wan Praya Road comprised formed and hard-paved land currently occupied by temporary works areas and a temporary vehicle park. The area bore no characteristics of a green belt. The proposed rezoning of the two sites to “GB” was considered inappropriate.

61. The Chairman then invited the representatives of the representer to elaborate on the representations.

Representation No. R12

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

- (a) Designing Hong Kong Ltd had proposed to MTRCL that the SIL(E) should be put underground, but the proposal was rejected by MTRCL on grounds of cost;
- (b) as MTRCL had not provided any concept or outlook of the design of the CDA development, the Board could not ensure that the outcome of the development in terms of design would be acceptable;
- (c) there was inadequate information to ensure that the proposed development on the CDA site would be sustainable in terms of traffic. The intermittent closure of the Aberdeen Tunnel during peak and non-peak hours was already causing a crisis situation for traffic in Southern District. There was no information on the amount of lost trips from minibuses and franchised buses due to the serious traffic situation. There was also no data to confirm that the SIL(E) would solve the existing traffic problems for Southern District as TD would only assess the traffic situation after the completion of the SIL(E);
- (d) Heung Yip Road was the only east-west connection linking up the two major tourism destinations in Aberdeen, i.e. Aberdeen Harbour and Ocean Park for pedestrians. The construction of the SIL(E) would change Heung Yip Road from a pleasant open air corridor along the nullah for pedestrians into a covered and hostile environment with a PTI and traffic associated with the PTI;
- (e) the current proposal of the CDA development would adversely affect the pedestrian connectivity along and across Heung Yip Road. This was incompatible with the planning approvals granted by the Board for several hotel developments in the Wong Chuk Hang area;

- (f) a setback should be provided within the CDA site along Heung Yip Road so as to maintain Heung Yip Road as a pleasant pedestrian corridor linking Ocean Park in the east with Aberdeen Harbour in the west; and
- (g) excavation works would generate construction traffic and create nuisance to local residents. It was noted that part of the commercial development proposed in the CDA development would be constructed underground and would generate unnecessary excavation works. Such excavation works should be prevented and kept to the minimum.

63. The Chairman then invited questions from Members.

64. In response to the points raised by Mr. Zimmerman, Ms Brenda Au said that MTRCL would need to submit a traffic impact assessment for the future development on the “CDA” site to the Board for consideration at the planning application stage. Moreover, the proposed development on the CDA site would only be commenced upon the completion of the SIL(E). With the aid of the powerpoint, she presented a plan showing that crossing facilities were available at different locations along Heung Yip Road. With regard to the design of the future development and whether the resultant development would be similar to the photomontage presented by the representer, several design requirements for the CDA site were already set out in the Explanatory Statement for the OZP, including terraced design with greening for the podium, the importance of edge treatment, etc. The design of the development would be submitted to the Board for consideration at the planning application stage.

65. Mr. Paul Zimmerman reiterated that a long stretch of Heung Yip Road within the CDA site was not provided with crossing facilities. He considered that the pedestrian need was not considered in the design of this part of Heung Yip Road. He was also concerned that the strategic traffic impact of the CDA development was not considered in view of the existing traffic congestion problem in the Southern District. TD had clearly indicated that strategic traffic studies would only be carried out after the completion of the SIL(E). His concern was that although the CDA development would only be implemented after the SIL(E) was in operation, the development parameters for the site and the volume of

traffic that would need to be handled was already determined at this stage, when the traffic data were not available.

66. A Member asked whether there was any information on traffic flow in the Aberdeen area as a whole. In response, Mr. Alan Tam explained that the completion of the SIL(E) would significantly improve the traffic situation in Southern District. According to MTRCL's estimates, SIL(E) would operate at 17,000 passenger trips per day, which would reduce road traffic significantly. On the current arrangement of intermittent closure of the Aberdeen Tunnel, TD was conducting a study to improve traffic flow in the direction from Aberdeen Tunnel to Causeway Bay by road improvement works and traffic management measures. TD would also require MTRCL to improve the pedestrian connections from the CDA site to the surrounding areas.

67. Mr. Paul Zimmerman reiterated his concern that the Board was making a decision on the development parameters of the CDA site when information on the impact of the development on the future traffic situation in the Southern District, design and pedestrian connections with the surrounding areas were not available.

68. As the representatives of the representer had finished their presentation and Members had no questions to raise, the Chairman said that the hearing procedures had been completed and the Board would deliberate on the representations in their absence and would inform them of the Board's decision in due course. The Chairman thanked the representatives of the representer and the government representatives for attending the hearing. They all left the meeting at this point.

#### Deliberation Session

69. A Member said that Wong Chuk Hang Road was the main vehicular connection between Ocean Park and Aberdeen Harbour while Heung Yip Road was the main pedestrian connection. This Member noted that the two destinations were quite far apart for pedestrians and it was quite unlikely that tourists would walk from one place to the other. On the point about pedestrian connectivity, this Member agreed that the overall pedestrian connections of the "CDA" site with its surroundings could be improved.

70. A Member disagreed with the representer's views that the Board should not make any decision on the CDA site when the information he mentioned were not yet available. This Member considered that there was sufficient information for the Board to decide that the development parameters of the site were appropriate and the detailed design of the future development including the pedestrian connections with the surrounding areas could be further considered at the MLP submission stage.

71. The Chairman noted and Members generally agreed that the suggestion of R1 and R6 regarding the provision of G/IC facilities and performance venue within the ex-WCHE site was already provided for in the Explanatory Statement of the OZP and detailed planning requirements would be set out in the Planning Brief to be prepared. Members also noted that as there was a general surplus in the provision of public open space in the Aberdeen & Ap Lei Chau area, the proposal of R1 and R6 to require the provision of public open space within the ex-WCHE site would not be necessary. Members generally agreed that the development parameters of the CDA site would not create insurmountable traffic problems as the development would need to be substantiated by a detailed traffic impact assessment at the planning application stage. Moreover, the proposal to cap the car parking provision to 100 spaces was considered inappropriate as the exact parking provision should be determined at the planning application stage based on the results of the traffic impact assessment to be submitted. Members also agreed that the development parameters of the property development on the CDA site had no significant bearing on the amount of excavation required and the proposal to set back the site from the nullah would affect the design of the railway depot and could not be supported. Besides, the decked nullah would be used to accommodate the PTI which would form an integral part of the comprehensive development. For the two "G/IC" sites along Tin Wan Praya Road, Members generally agreed that the two sites comprised formed and hard-paved land which bore no characteristics of a green belt and the proposed rezoning of the two sites to "GB" was considered inappropriate.

72. In conclusion, the Chairman noted that Members generally agreed to note the supporting representations and not to uphold the opposing representations. Members then went through the suggested reasons for not upholding the representations as detailed in paragraph 6 of the Paper and considered that they were appropriate.



Representation No. R1 to R10

73. The representations in support of the proposed amendments to the OZP (R1 to R10) were noted by the Board.

Representation No. R11

74. After further deliberation, the Board decided not to uphold the representation for the following reasons:

- (a) the building height restriction for the “Comprehensive Development Area” (“CDA”) zone had taken into account the physical setting, surrounding building height profile, the intended land uses and development intensity, site characteristics as well as urban design considerations including visual and air ventilation aspects. The building height restriction of 150mPD would allow greater scope for incorporating various design enhancement measures including stepped height profile within the site, provision of air/visual corridors, terraced podium and landscaping. The maximum building height of 140mPD proposed by the representer would limit design and layout flexibility. The Board would have sufficient control on the future development through the preparation of a Planning Brief, the requirement of planning application and Master Layout Plan submission under the “CDA” zoning to avoid unacceptable visual or other impacts;
- (b) it was inappropriate to require the provision of public open space facilities in the residential portion of the property development as this might pass on the recurrent responsibilities to the future flat owners. There was an overall surplus in the provision of public open space upon full development in the Aberdeen & Ap Lei Chau area; and
- (c) a proposed community hall site had been reserved to the south of the representation site. The representer’s proposal for the provision of such facility in the property development was considered unnecessary.

Representation No. R12

75. After further deliberation, the Board decided not to uphold the representation for

the following reasons:

- (a) the proposed development parameters for the “Comprehensive Development Area” (“CDA”) site would not create insurmountable traffic problem and the development would have to be substantiated by a detailed traffic impact assessment at the planning application stage. Strict control on car parking provision would be imposed and such intention would be specified in the Planning Brief. The exact parking provision would be determined at the planning application stage. The representer’s proposal to withhold the development and to cap the number of car parking spaces to 100 were considered inappropriate;
- (b) the extent of excavation works was dictated by the technical requirements of the railway depot and alignment. The development parameters of the proposed development would have no significant bearing on the amount of excavation required;
- (c) the proposal for setting back the site boundary from the nullah would affect the design of the railway depot of the South Island Line (East) to be constructed on the site. The nullah proposed to be decked over within the “CDA” zone would mainly be developed into a public transport interchange underneath the railway station, which was intended to be an integrated part of the comprehensive development and therefore should not be excluded from the “CDA” zone; and
- (d) the two “G/IC” sites along Tin Wan Praya Road comprised formed and hard-paved land, which bore no characteristics of a green belt at all. The proposed rezoning to “Green Belt” was considered inappropriate.

[Miss Annie K.L. Tam and Professor Eddie C.M. Hui left the meeting at this point.]

[Mr. Roger K.H. Luk returned to join the meeting at this point.]

**Agenda Item 6**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-PS/322

Temporary Covered Storage of Recyclable Metalware for a Period of 3 Years in "Green Belt" zone, Lot 3334 (Part) in D.D. 124, Yuen Long

**(TPB Paper No. 8678)**

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[The hearing was conducted in Cantonese.]

Presentation and Question Session

76. The following representative of Planning Department (PlanD) and the applicant were invited to the meeting at this point.

|                |   |
|----------------|---|
| Ms. Amy Cheung | District Planning Officer/Tuen Mun and Yuen Long, PlanD |
|----------------|---|

|              |             |
|--------------|-------------|
| Mr. Lam Kuen | - Applicant |
|--------------|-------------|

77. 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 of the application.

78. With the aid of a powerpoint presentation, Ms. Cheung did so as detailed in the Paper and made the following main points:

- (a) the applicant sought planning permission for temporary covered storage of recyclable metalware for a period of 3 years at the application site which was zoned "Green Belt" ("GB") on the Ping Shan Outline Zoning Plan (OZP);
- (b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 30.7.2010 and the reasons were:

- the development was not in line with the planning intention of “GB” zone which was primarily to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. It was also not in line with Town Planning Board Guidelines No. 10 for ‘Application for Development within the Green Belt zone’ in that no strong planning justification had been provided in the submission to justify a departure from the planning intention, even on a temporary basis;
  - the application was not in line with Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ in that no previous approval for similar use had been granted on the site, there were no exceptional circumstances to merit an approval, and there were adverse departmental comments on the environmental, drainage and landscape impacts of the development; and
  - approval of the application would set an undesirable precedent for other similar uses to proliferate in the “GB” zone. The cumulative effect of approving such applications would result in a general degradation of the environment in the area;
- (c) the application site was subject to planning enforcement action for unauthorised use for storage purposes. An Enforcement Notice was issued to the concerned parties requiring them to discontinue the unauthorised development. According to the latest site inspection, the unauthorised development had discontinued;
- (d) no further written justifications in support of the review were submitted by the applicant;
- (e) departmental comments – the departmental comments were summarised in paragraph 4 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the

vicinity of the site and the access road and environmental nuisance was expected. The Chief Town Planner/Urban Design & Landscape (CTP/UD&L), PlanD had reservation on the application as the development was not compatible with the planned landscape environment. Although there were currently no valuable landscape resources on the site, there was concern that the development would set an undesirable precedent that might result in further encroachment of the “GB” zone by open storage yards. Besides, the applicant did not submit any landscape mitigation measure to minimise the landscape impacts caused. The Director of Agriculture, Fisheries and Conservation (DAFC) commented that the proposed development should be located to other sites with appropriate zoning. The Director of Drainage Services commented that no drainage proposal was submitted. The Director of Water Supplies indicated that water mains in the vicinity could not provide the standard fire-fighting flow;

- (f) public comments – during the statutory publication period of the review application, one public comment was received objecting to the application on the grounds that the proposed use was a blight on the environment, it was not in line with the planning intention and that the proposed use was not suitable in the area; and
  
- (g) PlanD’s view – PlanD did not support the application based on the assessment in paragraph 6 of the Paper. The application site fell within Category 4 areas under the Town Planning Board Guidelines No. 13E where the intention was to encourage the phasing out of non-conforming uses and applications would normally be rejected except under exceptional circumstances. Sympathetic consideration might only be given for applications on sites with previous planning approval and subject to no adverse departmental comment. In this respect, no previous approvals were granted for the subject site and the DEP did not support the application. The proposed temporary storage uses at the site was not in line with the planning intention of the “GB” zone which was primarily for defining the limits of urban and sub-urban development

areas. No strong planning justification was provided for temporary storage use within the “GB” zone. Besides, the applicant failed to demonstrate that the applied use would not cause any adverse environmental and drainage impacts.

79. The Chairman then invited the applicant to elaborate on the application and Mr. Lam Kuen made the following main points:

- (a) the site had been used for storage purposes since 1993. The aerial photos in the Paper showed that building structures were already on the site since 1993. At that time, there was no vehicular access and goods for storage were brought to the site by carts;
- (b) the site was very small and used to be a poultry farm. The poultry farm had stopped operation some years ago and the sheds were then used for storage purposes;
- (c) there were several open storage sites in the vicinity and there was not much landscaping or greenery in the surrounding area. He did not understand why the site was zoned as “GB”; and
- (d) he depended on the proposed temporary storage use to make a living.

80. A Member noted from the aerial photo taken in 2009 at Plan R-3 that a lot of open storage sites and warehouses were found in the vicinity of the application site. However, the aerial photo taken in 2007 at Plan R-3a showed that there was a lot of greenery in the surrounding areas. This Member enquired whether the open storage uses were unauthorized developments and whether enforcement action had been carried out. In response, Ms. Amy Cheung confirmed that except for one open storage site which was an existing use, the other open storage sites were unauthorized developments. She further confirmed that enforcement action was being undertaken by the Planning Authority against the unauthorized developments and some of the sites concerned had already been reinstated with greenery.

81. In response to a Member's enquiry, Ms. Amy Cheung confirmed that the large open storage site to the west of the application site was an existing use as it had been in existence before June 1993 when the DPA Plan covering the area was first gazetted.

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

### Deliberation Session

83. A Member commented that since the large open storage site to the west of the application site was an existing use which could continue to exist, the "GB" zoning of that site might have to be reviewed.

84. A Member noted that since enforcement action was being undertaken against other unauthorized developments in the vicinity, it would not be appropriate to grant a temporary permission for this application.

85. The Chairman concluded that Members generally considered that the application should not be approved as it was not in line with Town Planning Board Guidelines No. 13E in that no previous planning approval for similar use had been granted on the site and there were no exceptional circumstances to merit an approval.

86. After further deliberation, the Board decided to reject the application on review. Members then went through the reasons for rejection as stated in paragraph 7.1 of the Paper and considered that they were appropriate. The reasons were:

- (a) the development was not in line with the planning intention of "Green Belt" ("GB") zone which was primarily to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. It was also not in line with Town Planning Board Guidelines No. 10 for

‘Application for Development within the Green Belt zone’ in that no strong planning justification had been provided in the submission to justify a departure from the planning intention, even on a temporary basis;

- (b) the application was not in line with Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ in that no previous approval for similar use had been granted on the site, there were no exceptional circumstances to merit an approval, and there were adverse departmental comments on the environmental, drainage and landscape impacts of the development; and
- (c) approval of the application would set an undesirable precedent for other similar uses to proliferate in the “GB” zone. The cumulative effect of approving such applications would result in a general degradation of the environment in the area.

### **Agenda Item 7**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/NE-TKL/338

Temporary Open Storage of Recycled Electronic Appliances and Metal and Ancillary Workshop for a Period of 3 Years in "Agriculture" zone, Lots 1353 RP (Part), 1355 (Part), 1356 RP (Part) and 1357 (Part) in D.D. 82 and Adjoining Government Land, Ping Che, Ta Kwu Ling

**(TPB Paper No. 8679)**

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[The hearing was conducted in Cantonese.]

### **Presentation and Question Session**

87. The following representative of Planning Department (PlanD) and the applicant were invited to the meeting at this point.



Mr. Hui Wai Keung                      District Planning Officer/Shu Tin, Tai Po and  
North, PlanD

Ms. Michelle Mok                      -      Applicant

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

89.            With the aid of some plans and photos, Mr. Hui Wai Keung made the following main points as detailed in the Paper:

- (a)    the applicant sought planning permission for temporary open storage of recycled electronic appliances and metal and ancillary workshop for a period of 3 years at the application site which was zoned “Agriculture” (“AGR”) on the Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP);
- (b)    the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 13.8.2010 and the reasons were:
  - the use under application was not in line with the planning intention of the “AGR” zone in the Ping Che and Ta Kwu Ling area which was primarily to retain and safeguard good 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. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis; and
  - the use under application did not comply with Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ in that no previous planning approval had been granted to the application site and the applicant had failed to demonstrate that the proposed development would

have no adverse environmental impacts on the surrounding area;

- (c) the application site was subject to planning enforcement action against unauthorised storage and workshop use and an Enforcement Notice (EN) was issued to the concerned parties. Although the unauthorised storage and workshop uses had discontinued, two containers were still found on the site and the Planning Authority was monitoring the situation;
- (d) no further written justifications in support of the review were submitted by the applicant;
- (e) departmental comments – the departmental comments were summarized in paragraph 4 of the Paper. The Commissioner for Transport (C for T) did not support the application as there was no proper access to the subject site and there was concern on the manoeuvre of vehicles within the site for parking and loading/unloading purposes, given the small size of the site. Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected. Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the application site was graded as good quality agricultural land with a high potential for agricultural rehabilitation. Besides, active agricultural activities were found in the vicinity of the site. Project Manager/New Territories North and West, CEDD indicated that the application site was within the Ping Che/Ta Kwu Ling New Development Area (NDA). As site formation works for the development of the NDA was scheduled to commence in 2014/2015, he suggested that should planning permission be granted, the permission should not extend beyond 2013;
- (f) public comments – two public comments were received with one indicating no comments and the other objecting to the application on the grounds that the proposed use was not in line with the planning intention, and that the development was a blight to the environment; and

- (g) PlanD's views – PlanD did not support the application based on the assessment as stated in paragraph 6 of the Paper. The proposed temporary open storage use was not in line with the planning intention of the “AGR” zone which was primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There were no strong planning justifications for a departure from the planning intention, even on a temporary. In this regard, DAFC did not support the application as the application site was graded as ‘good’ agricultural land with a high potential for agricultural rehabilitation. The application site fell within Category 3 areas under Town Planning Board Guidelines No. 13E where applications would not normally be given favourable consideration unless the applications were on sites with previous planning approvals and relevant technical assessments were submitted to demonstrate that the proposed use would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. In this respect, no previous approvals were granted for the subject site, no relevant technical assessments were submitted, and the application was not supported by C for T and DEP.

90. The Chairman then invited the applicant to elaborate on the application and Ms. Michelle Mok made the following main points:

- (a) the site was no longer used for the storage of recycled electronic appliances. The two containers on the site were mainly used to store office documents and other equipment which would not cause any environmental impact. These containers would be removed once a suitable premises or warehouse was found;
- (b) she did not see any access problem to the site as the existing road was only a short distance away from the site;

- (c) although the site was zoned “AGR”, most of the area in the vicinity of the application site was used for open storage purposes; and
- (d) she requested for permission to keep the two containers on the site for a period of about a year so as to allow time for her to find alternative premises for relocating the office documents and other equipment.

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

#### Deliberation Session

92. A Member noted that the applicant was not requesting for permission to use the site for open storage of recycled electrical appliances but to allow more time for her to pack up and relocate and not to carry out enforcement action against the two containers on site in the interim period. The Member said that the application should be rejected and the arrangement to remove the unauthorized development on the site should more appropriately be dealt with by the Planning Authority.

93. The Chairman concluded that Members generally considered that the application should not be approved as it was not in line with Town Planning Board Guidelines No. 13E in that no previous planning approval for similar use had been granted on the site and applicant had failed to demonstrate that the proposed development would have no adverse environmental impacts on the surrounding area.

94. After further deliberation, the Board decided to reject the application on review. Members then went through the reasons for rejection as stated in paragraph 7.1 of the Paper and considered that they were appropriate. The reasons were:

- (a) the use under application was not in line with the planning intention of the “Agriculture” zone in the Ping Che and Ta Kwu Ling area which

was primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis; and

- (b) the use under application did not comply with Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ in that no previous planning approval had been granted to the application site and the applicant had failed to demonstrate that the proposed development would have no adverse environmental impacts on the surrounding area.

[Mr. Roger K.H. Luk left the meeting at this point.]

### **Agenda Item 8**

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/ST/709

Shop and Services (Barber Shop) in “Industrial” zone, Unit I4, G/F, Century Centre, 33-35 Au Pui Wan Street, Fo Tan, Sha Tin

**(TPB Paper No. 8680)**

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[The meeting was conducted in Cantonese.]

### **Presentation and Question Session**

95. The following representative of Planning Department (PlanD) was invited to the meeting at this point.

Mr. Hui Wai Keung

District Planning Officer/Shan Tin, Tai Po and North,  
PlanD

96. The Chairman extended a welcome and explained the procedures of the review hearing. He noted that the applicant had decided not to attend the meeting. The Board would proceed with the review hearing in the absence of the applicant. He then invited Mr. Hui Wai Keung to brief Members on the background of the application.

97. With the aid of a few plans and photos, Mr. Hui Wai Keung made the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for Shop and Services (Barber Shop) use at the application premises which was within an area zoned “Industrial” (“I”) on the Sha Tin Outline Zoning Plan (OZP);
- (b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 13.8.2010 for the reason that the proposed development did not comply with Town Planning Board Guidelines No. 25D in that means of escape separated from the industrial portion was not available for the application premises. The proposed barber shop was unacceptable from the fire safety point of view;
- (c) the further justifications in support of the review submitted by the applicant were set out in paragraph 3 of the Paper. The applicant claimed that she would carry out improvement measures to address the fire safety issues as far as possible and would seek advice from a professional fire engineering company on the improvement measures required for the application;
- (d) departmental comments – the departmental comments were summarized in paragraph 5 of the Paper. The Director of Fire Services (DFS) did not support the application from the fire safety point of view as a means of escape separated from the industrial portion of the building was not available for the application premises. Without a separate means of escape, occupants would need to traverse the industrial portion of the building in the course of escape in case of fire. Such persons would be exposed to higher risks which they were neither aware of nor prepared to

face;

- (e) public comments – during the statutory publication period of the review application, one public comment was received from the Incorporated Owners of the subject industrial building objecting to the application on the grounds that hair washing at the shop would lead to blockage of drainage pipe and affect the drainage system of the industrial building and that the premises was cramped without separate means of escape; and
- (f) PlanD's views – PlanD did not support the application based on the assessment as stated in paragraph 7 of the Paper. According to Town Planning Board Guidelines No. 25D for Use/Development within "Industrial" zone, the application should satisfy DFS's requirements on the risks likely to arise or increase from the proposed commercial use. In all cases, separate means of escape should be available for the commercial portion. In this respect, DFS did not support the application due to the lack of a separate means of escape. Although the applicant indicated they would carry out improvement measures to address the fire safety issues, no further information on the improvement measures were submitted.

98. As Members had no questions to raise, the Chairman said that the hearing procedures for the review application had been completed and the Board would deliberate on the application and inform the applicant of the Board's decision in due course. The Chairman thanked DPO/STN for attending the meeting. He left the meeting at this point.

#### Deliberation Session

99. A Member noted that the application could not be approved as it was physically impossible to provide a means of escape separated from the industrial portion of the building to the application premises.

100. The Chairman concluded that Members generally agreed to reject the application as it was not in line with Town Planning Board Guidelines No. 25D.

101. After further deliberation, the Board decided to reject the application on review. Members then went through the reason for rejection as stated in paragraph 8.1 of the Paper and considered that it was appropriate. The reason was:

the proposed development did not comply with Town Planning Board Guidelines No. 25D in that means of escape separated from the industrial portion was not available for the application premises. The proposed barber shop was unacceptable from the fire safety point of view.

### **Agenda Item 9**

[Open Meeting]

Request for Deferral for Review of Application No. A/NE-TK/314

Proposed House (New Territories Exempted House – Small House) in “Village Type Development” zone and an area shown as ‘Road’, Lot 291 S.A RP in D.D. 26, Shuen Wan Lei Uk, Tai Po

**(TPB Paper No. 8681)**

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[The hearing was conducted in Cantonese.]

102. The Secretary reported that on 24.11.2010, the applicant submitted a request for deferment of consideration of the review application to allow time for the applicant to deal with the concerns of Transport Department. The justifications for deferment met the criteria set out in Town Planning Board Guidelines No. 33 in that the applicant needed more time to prepare documentation for the review hearing, the deferment period was not indefinite, and that the deferment would not affect the interest of other relevant parties.

103. After deliberation, the Board decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Board agreed that the application should be submitted to the Board for consideration within three months upon receipt of the further submission from the applicant. The Board also agreed to advise the applicant that two months were allowed for the preparation of the



submission of further information and no further deferment would be granted unless under very special circumstances.

**Agenda Item 10**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Ta Kwu Ling North Development Permission Area Plan No. DPA/NE-TKLN/1

**(TPB Paper No. 8682)**

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[The meeting was conducted in Cantonese.]

104. The Secretary briefly introduced the Paper. On 30.7.2010, the draft Ta Kwu Ling North Development Permission Plan No. DPA/NE-TKWN/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance. During the 2-month exhibition period, 3 representations were received. On 8.10.2010, the representations were published for three weeks for public comments and one public comment was received. As representation R1 was concerned with the future Liantang/Heung Yuen Wai Boundary Control Point while representations R2 and R3 were concerned with the woodland and “Recreation” zone, it was suggested that the representations should be heard in two groups by the full Board.

105. After deliberation, the Board agreed to the proposed hearing arrangement for the consideration of representations and comments as detailed in paragraph 2 of the Paper.

**Agenda Item 11**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Sha Tau Kok Development Permission Area Plan No. DPA/NE-STK/1

**(TPB Paper No. 8683)**

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[The meeting was conducted in Cantonese.]

106. The Secretary briefly introduced the Paper. On 30.7.2010, the draft Sha Tau Kok Development Permission Area Plan No. DPA/NE–STK/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance. During the 2-month exhibition period, 14 representations were received. On 8.10.2010, the representations were published for three weeks for public comments and 3 public comments were received. As the representations were concerned with issues which were closely inter-related, including the size of the “Village Type Development” zones, the conservation zones on private land, the “Recreation” zone, the zoning of fung shui woodland and the proposed Robin’s Nest Country Park, it was suggested that the representations should be heard collectively in one group by the full Board.

107. After deliberation, the Board agreed to the proposed hearing arrangement for the consideration of representations and comments as detailed in paragraph 2 of the Paper.

### **Agenda Item 12**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Ma Tso Lung and Hoo Hok Wai Development Permission Area Plan No. DPA/NE–MTL/1

### **(TPB Paper No. 8684)**

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[The meeting was conducted in Cantonese.]

108. The Secretary briefly introduced the Paper. On 30.7.2010, the draft Ma Tso Lung and Hoo Hok Wai Development Permission Area Plan No. DPA/NE–MTL/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance. During the 2-month exhibition period, 8 representations were received. On 8.10.2010, the representations were published for three weeks for public comments and one public comment was received. As representation R3 was concerned with a specific issue on the enlargement of the “Village Type Development” zone while the other representations were various other zonings, it was suggested that the representations should be heard in two

groups by the full Board.

109. After deliberation, the Board agreed to the proposed hearing arrangement for the consideration of representations and comments as detailed in paragraph 2 of the Paper.

### **Agenda Item 13**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Lin Ma Hang Development Permission Area Plan No. DPA/NE-LMH/1

#### **(TPB Paper No. 8685)**

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[The meeting was conducted in Cantonese.]

110. The Secretary briefly introduced the Paper. On 30.7.2010, the draft Lin Ma Hang Development Permission Area Plan No. DPA/NE-LMH/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance. During the 2-month exhibition period, 7 representations were received. On 8.10.2010, the representations were published for three weeks for public comments and 8 public comments were received. As the representations were concerned with issues which were closely inter-related, including the size of the “Village Type Development” zones, the conservation zones on private land, the zoning of fung shui woodland and the zoning of the Lin Ma Hang SSSI, it was suggested that the representations should be heard collectively in one group by the full Board.

111. After deliberation, the Board agreed to the proposed hearing arrangement for the consideration of representations and comments as detailed in paragraph 2 of the Paper.

### **Agenda Item 14**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Man Kam To Development Permission Area Plan

No. DPA/NE-MKT/1

**(TPB Paper No. 8686)**

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[The meeting was conducted in Cantonese.]

112. The Secretary briefly introduced the Paper. On 30.7.2010, the draft Man Kam To Development Permission Area Plan No. DPA/NE-MKT/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance. During the 2-month exhibition period, 6 representations were received. On 8.10.2010, the representations were published for three weeks for public comments and one public comment was received. As representation R1 was concerned with a specific issue on the enlargement of the “Village Type Development” zone while the other representations were various other zonings, it was suggested that the representations should be heard in two groups by the full Board.

113. The Secretary also reported that part of representation R5 was concerned with the phasing out and relocation of an existing open storage yard in Hung Lung Hang for low density residential development. As the site under concern was located outside the boundary of the draft Man Kam To DPA Plan, the part of the representation concerning that site should be treated as invalid.

114. After deliberation, the Board agreed to the proposed hearing arrangement for the consideration of representations and comments as detailed in paragraph 2 of the Paper. The Board also agreed that part of representation R5 concerning a site outside the scheme boundary of the draft Man Kam To DPA Plan was invalid.

**Agenda Item 15**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Stonecutters Island Outline Zoning Plan No. S/SC/9

**(TPB Paper No. 8687)**

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[The meeting was conducted in Cantonese.]

115. The Secretary briefly introduced the Paper. On 23.7.2010, the draft

Stonecutters Island Outline Zoning Plan No. S/SC/9 was exhibited for public inspection under section 5 of the Town Planning Ordinance. During the 2-month exhibition period, one representation was received. On 8.10.2010, the representation was published for three weeks for public comments and no public comments were received. As there was only one representer and no commenter, it was considered more efficient for the hearing to be conducted by the full Board. The hearing could be accommodated in the Board's regular meeting.

116. After deliberation, the Board agreed to the proposed hearing arrangement for the consideration of representations and comments as detailed in paragraph 2 of the Paper.

### **Agenda Item 16**

[Open Meeting]

### **Any Other Business**

[The meeting was conducted in Cantonese.]

117. The Chairman noted that some Members had enquired at the last RNTPC meeting whether the current practice of enclosing an extract of the Interim Criteria for considering NTEH applications and/or the relevant Town Planning Board Guidelines to the MPC/RNTPC Papers should be changed in order to save paper. The Chairman said that taking into account the resources that would be involved in removing the extracts from copies of the MPC/RNTPC Papers for Members and to avoid the misunderstanding that members were not provided with all the relevant information in considering an application, the Chairman considered that the current practice should be maintained.

118. There being no other business, the meeting was closed at 2:40 p.m.