

**Minutes of 997th Meeting of the
Town Planning Board held on 16.11.2011**

Present

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

Chairman

Mr. Stanley Y.F. Wong

Vice-Chairman

Mr. K.Y. Leung

Mr. B.W. Chan

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Dr. C.P. Lau

Mr. Clarence W.C. Leung

Dr. W.K. Lo

Mr. Roger K.H. Luk

Ms. Anita W.T. Ma

Professor S.C. Wong

Dr. W.K. Yau

Director of Lands
Miss Annie K.L. Tam (p.m.)
Mr. Jeff Y.T. Lam (a.m.)

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr. H.M. Wong

Assistant Director (2), Home Affairs Department
Mr. Eric Hui

Director of Planning
Mr. Jimmy C.F. Leung

Deputy Director of Planning/District
Miss Ophelia Y.S. Wong

Secretary

Absent with Apologies

Mr. Walter K.L. Chan

Mr. Y.K. Cheng

Mr. Felix W. Fong

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 P.P. Ho

Professor Eddie C.M. Hui

Ms. Julia M.K. Lau

Mr. Laurence L.J. Li

Ms. Pansy L.P. Yau

Mr. Stephen M.W. Yip

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

In Attendance

Assistant Director of Planning/ Board
Mr. C.T. Ling

Chief Town Planner/Town Planning Board
Miss H.Y. Chu (p.m.)

Senior Town Planner/Town Planning Board
Mr. J.J. Austin (a.m.)
Ms. Johanna Cheng (p.m.)

Agenda Item 1

[Open Meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

1. There were no matters arising.

Agenda Item 2

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments to the Draft Tseung Kwan O Outline Zoning Plan No. S/TKO/18

(TPB Paper No. 8939)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

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

Mr. Felix W. Fong) had current business dealings with Cheung
) Kong (Holdings) Ltd./Hutchison Whampao
Professor P.P. Ho) Ltd. (CKH/HWL) who was a joint venture
) partner with MTR Corporation Ltd. (MTRCL)
) for the LOHAS Park development in the
) vicinity of the proposed SENT Landfill.

Mr. Benny Y.K. Wong - the proposed SENT landfill extension project
(as Deputy Director of) was under the purview of the Environmental
Environmental Protection) Protection Department.

Mr. Fletch W.W. Chan - being an alternate Member of the Board of

(as the Principal Assistant Secretary (Transport)) Directors of MTRCL which was one of the representers (R2475).

3. Members noted that Mr. Felix W. Fong, Professor P.P. Ho, Mr. Benny Y.K. Wong and Mr. Fletch W.W. Chan had tendered apologies for being unable to attend the meeting.

4. The Chairman said that sufficient notice had been given to invite the representers and commenters to attend the hearing, but other than those who were present at the meeting, the rest had either indicated not to attend the hearing or made no reply. As sufficient notice had been given to the representers and commenters, Members agreed to proceed with the hearing in their absence.

5. The following representatives from the Government, the representers and the commenters were invited to the meeting at this point:

Mr. Ivan Chung	District Planning Officer/Sai Kung & Islands, PlanD
Mr. Wilfred Cheng	Senior Town Planner/Tseung Kwan O, PlanD
Mr. Stephen Lee	Town Planner/Tseung Kwan O (3), PlanD
Dr. Ellen Y.L. Chan	Assistant Director (Environmental Infrastructure), Environmental Protection Department (EPD)
Mr. Lawrence M.C. Lau	Principal Environmental Protection Officer (Waste Facilities), EPD
Mr. Tom K.L. Lai	Senior Environmental Protection Officer (Waste Facilities) 3, EPD

R4

Mr. Ng Mi Kau - Representer's representative

R5

Ms. Hung Miu King)
Mr. Yu Wing Ming)
Mr. Chan Heung Ming) Representers' representatives
Mr. Ching Long Tin)
Wai Leung Yu)

R6, R1418, R1620, R1831, R2468

Mr. Chan Kai Wai - Representer (R2468)

R43

Cheung Ngar Kam - Representer

R64

Chan Hung Ngai - Representer's representative

R196

Cheung Chi Ting - Representer

R202

Chong Wing Hing - Representer's representative

R203

Mr. Cheung Chi Tung - Representer's representative

R204

Li Wun Chuen - Representer

R207

Ho Hai Fung - Representer's representative

R215

Ching Yuk Wan - Representer

R230

Chan Cheuk Man - Representer

R253

Mrs. Cheung Shan Shan - Representer

R547

Leung Shiu Man - Representer

R629

Lai Siu Chee - Representer's representative

R674

Yu Sung Chi - Representer's representative

R702

Chan Lung Tat - Representer

R743

Po Sui Fong - Representer

R744

Lam Chung Yu - Representer

R791

Wong Ka Ki - Representer's representative

R801

Tam Tak Sang - Representer

Tsang Siu Ping - Representer's representative

R809

Kwok So Fong - Representer

R810

Chiu Pak Cheung - Representer

R883

Wong Yuk Fong - Representer

R885

Yeung King Wai - Representer

R902

Tsang Sing Hung - Repesenter

R959

Rebekah Kwong - Representer

R960

Kwong Wan Foon - Representer

R1063

Yip Chun Chung - Representer

R1532

Chow Tsz Mei - Representer's representative

R1556

Poon Yuk Lan - Representer's representative

R2005

Yip Yiu Fai - Representer

R2067

Chu Hon Kwong - Representer

R2330

Mr. Zhu Hai Long - Representer

R2350

Lee Hing Shing - Representer

R2431

K.M. Cheng - Representer

R2444

Mr. Cheung Kwok Keung - Representer

R2446

Yip Chi Shing - Representer

R2453

Maggie Ho - Representer

R2458

Chau Yin Ming - Representer

R2461

Mr. Ho Man Kit - Representer

R2464, R2357, C99, C114, C139 & C141

Ms. Fong Kwok Shan - Representer (R2464)

Kwok On Yi)

Ng Pik Ying)

Kam Yuet Lan)

Hon Siu Mei) Representer's representatives

Kan Kwok Ying)

Huen Lai Kwan)

Chen Li)

Cheung Yin Wan)	
Liu Sin Tsz)	
Ni Bing Wen)	
Chong Shuk Hing)	
Chan Hang Kit)	
Tang Kwong Man)	
Hung Fung Yee)	
Chan Kwok Keung)	
Lo Kwai Sim)	
Lo Man Him, Tim)	
Cheng Yuet Tim)	
Lai Ah Yun)	
Cheung Yu Kei)	
Cheung Mei Hung)	
Tsoi Sai Kit)	
Yeung Chung Wah)	
Leung Wong Hoi)	Representers' representatives
Poon Sau Lan)	
Cheng Shuk Yin)	
Yim Ka Yee)	
Wong Kin Ngok)	
Yim King Lam)	
Tso Hak Shing)	
Wan Kwok Yiu)	
Lui Lai Kuen)	
Lin Lai Kuen)	
Hui Yuet Han)	
Chan Pui Ha)	
Lam Chi Hung)	
Yeung Yuen Sang)	
Fong Yu Ching)	
Lee Mei Lin)	
Yeung Chi Kong)	
Cheung Wai Lin)	

Ms. Li Oi Ling)

R2466

Mr. Kan Siu Kei - Representor's representative

R2467

Mr. Ip Wai Ming - Representor

Mr. Ng Kwok Keung - Representor's representative

R2469

Ms. Eva Tam - Representor's representative

R2477

Chan Wai Man - Representor's representative

R2478

Lau Chun Kong - Representor's representative

C15

Hui Chi Hang - Commentor

Au Choi Chun)

Yu Suk Chun)

Gao Lan Ying) Commentor's representatives

Wan Pui Ling)

C32

Mr. Tse Kwok Tung - Commentor

C58

Ku Kwok Wah - Commentor

C59

Ngo Yuk Kei - Commentor

C69

Ms. Pauline Law - Commenter's representative

C124

Chan Siu Wing - Commenter

C142

K.M. Cheng - Commenter

C104

Tse Pik King - Commenter

C106, C110

Mr. Lee Tak Lun - Commenter (C110)

C151

Ng Chui Mei - Commenter

C159

Fong Siu Leung - Commenter

C204

Mr. Desmond Chan - Commenter's representative

C205

Hung Ching Hon - Commenter

6. The Chairman extended a welcome. He noted that two letters from representer R2464 and representer R2453 requesting the Board to defer the hearing had been tabled for Members' consideration. He noted that one of the reasons submitted for deferring the hearing was that the representers had only received the relevant TPB Paper six days before the meeting and they did not have enough time to examine the Paper which they considered

to be voluminous. As the Board would need to consider the reasons for the request and the views of other representers or commenters, he enquired whether there was any objection from the representers and commenters to the deferral request.

7. Mr. Ng Kwok Keung (R2467) asked the Chairman whether the hearing could be conducted in two sessions so that those representers who had arrived would be able to make their representations first. The Chairman explained that as the Board had decided to conduct a collective hearing on the representations and comments, the Board would need to conduct the hearing with all the representers collectively.

8. Mr. Tim Lo (R2464) enquired for how long the hearing would be deferred if the representers agreed to the deferral. He also said that while some representers had received the TPB Paper only six days before the hearing, many representers had not received the TPB Paper at all. Ms. Fong Kwok Shan (R2464) said that although there were over 1,000 representers from the LOHAS Park development, only 135 residents received the TPB Paper which was distributed by courier on 9.11.2011. She also said that as the TPB paper comprised more than 1,000 pages of substantial information, the Board should allow adequate time for the representers to study the paper before conducting the hearing. Moreover, she raised the concern that some representers who had submitted representations on the proposed landfill extension during the plan publication period of the draft Tseung Kwan O OZP No. S/TKO/19 were not invited to the hearing and hence their views could not be heard. Mr. Ni Bing Wen (R2464), the Chairman of the Owners' Corporation of The Capitol, said that the current TPB paper was too complicated for the general public to understand. If the Board wanted the public to be genuinely consulted, the Board should prepare a paper which was short, concise and easy to understand for the general public.

9. In response to the enquiry from the representer, the Chairman said that the Board could consider deferring the hearing for one week and, with the additional time, the representers and commenters should have adequate time to study the TPB Paper.

10. Ms. Fong Kwok Shan (R2464) said that many representers were unable to attend the hearing as they were not able to take leave in short notice. She was also concerned about the hearing arrangement as each representer should be allocated a specific time slot to make their representation. Since there were more than 2,000 representers, the Board

should allow adequate time to listen to the representers and that the hearing should not be required to be completed within one day. The residents wanted to express their concerns that it was inappropriate from the land use planning and public health points of view for a landfill to continue its operation on a site so close to residential developments. The landfill was originally proposed to be closed by 2012. While the Government now proposed to continue the operation of the landfill, and with more new housing coming on stream in Tseung Kwan O, more and more residents would be affected by the landfill. This was unacceptable. Although an environmental impact assessment (EIA) conducted in 2003 recommended that it was unsuitable to extend the landfill, the recommendations were not accepted by Government. Instead, other EIA studies conducted by the Government in 2003, 2005 and 2008 replacing the original EIA report were used to justify the need to extend the landfill. All these were unacceptable to the residents of Tseung Kwan O.

11. The Chairman requested the representers to focus on the subject under discussion at the moment, which was to consider whether the hearing should be deferred. Mr. Tim Lo (R2464) said that the Board should give more time for the representers to examine the TPB papers and should follow the example of overseas practices whereby hearing sessions would normally be conducted at a venue in the local area, which would be more convenient to the local residents. Mr. Yip Chi Shing (R2446), the Chairman of the Owners' Corporation of Le Prestige, reiterated the point that adequate time should be allowed for all the representers who attended the hearing to make their representations. He considered that it would not be possible for the Board to complete the hearing within one day. Mr. Ng Kwok Keung (R2467) said that those who had attended the meeting today were caught in a dilemma on whether the hearing should be deferred as they had already made the necessary arrangements to attend the hearing and make their representations. If the hearing was deferred, they would need to make re-arrangements which would be difficult.

[Mr. Clarence W.C. Leung arrived to join the meeting at this point.]

12. Ms. Fong Kwok Shan (R2464) said that the hearing should be deferred to a later date and that the hearing should be held at a local venue convenient to the local residents. Moreover, the TPB paper should include an updated EIA report as the EIA conducted in 2008 did not include the views of the residents who moved in subsequently. The TPB

Paper should also include an updated traffic impact assessment and an air ventilation assessment.

13. Mr. Ng Mi Kau (R4), representative for the Owners' Committee of Nan Fung Plaza, said that the representers were not in the position to make a decision on the request for deferral until they know for how long the hearing would be deferred, whether the hearing would be conducted in more than one day, and whether an updated EIA would be included in the TPB Paper. Mr. Chau Yin Ming (R2458) added that should the hearing be deferred, the date of the hearing should be deferred for at least one month to allow time for the representers to examine and provide a response to the TPB Paper and the updated EIA report to be provided. He considered that there was a mismatch between planning and development as the development of the residential sites in Tseung Kwan O should only take place after the landfill had been closed. He also said that should the hearing for the landfill site be deferred, the Board should also defer the hearing for the proposed amendment to the Tseung Kwan O OZP No. S/TKO/19 concerning the RTHK site as his representation on the RTHK site also mentioned issues that were related to the landfill site.

14. Ms. Fong Kwok Shan (R2464) added that the residents were confused by the different versions of the Tseung Kwan O OZP that had been published, i.e. OZP No. S/TKO/18 and OZP No. S/TKO/19, and they did not understand why some representations against the landfill that were submitted during the publication period of OZP No. S/TKO/19 were considered to be invalid. She said that many residents wanted to be consulted and to make representations against the landfill. Some residents felt that they were deprived of their right to voice their grievances against the landfill due to the statutory procedures which they could not understand. Ms. Li Oi Ling (R2464) added that she had submitted a representation against the landfill but was notified that her representation was invalid and she had not been invited to the hearing. She complained that the consultation conducted was not genuine and requested that the meeting should be conducted in Tseung Kwan O and that the time period for submitting representations should not be restricted to the publication period of the OZP.

15. Explaining the statutory procedures to the representers and commenters, the Chairman said that according to the provisions under the Town Planning Ordinance (the Ordinance), any representation had to be related to the proposed amendment shown on the

OZP and such representation had to be submitted within the two-month plan publication period. Any representation which was made after the expiry of the statutory time limit would be treated as not having been made. The representations received would then be published and any person could submit comments on the representations within the first three weeks of the publication period. The Board was required under the Ordinance to hold a meeting to hear the representations and comments received in respect of the OZP and the person making the representation and the person making the comment on the representation would be invited to attend the hearing. As the Board was also required under the Ordinance to submit the draft OZP together with all the representations/comments/further representations to the Chief Executive in Council (CE in C) for approval within a statutory time limit, the Board could not defer the date of the hearing for too long.

16. Ms. Fong Kwok Shan (R2464) said that it was unfair to the representers in that while the Board had postponed the hearing for the proposed amendments to Tseung Kwan OZP No. S/TKO/18 for more than a year, it now considered that there was not enough time to meet the request of the representers to defer the hearing for one month. She also considered that the arrangement to group the hearing of the two OZPs together, i.e. OZP No. S/TKO/18 and S/TKO/19, was confusing to the representers. She added that the proposed "Open Space (2)" ("O(2)") zoning for the landfill site was misleading as the open space would not be implemented within the next 20 years and she had collected more than 5,000 representations from the residents and submitted them to the Board in July 2011 within the publication period of OZP No. S/TKO/19. It was unfair for the Board to consider all these representations as invalid.

17. Hon. Ip Wai Ming (R2467), Legislative Councillor, said that it was very difficult for the representers to examine the TPB Paper which was only received a few days ago. The Board should consider deferring the hearing to allow more time for the representers to examine the TPB paper. He added that the residents of Tseung Kwan O had suffered from the landfill for a very long time already. In view of recent complaints about rocks and debris falling from dump trucks carrying construction waste and causing damage to the windscreens of private cars, he considered that there was a safety concern when the landfill was used for construction waste in the future. As many school buses currently used Wan Po Road for access, he was concerned that the dump trucks carrying

construction waste would affect the safety of the school buses and other road users. He also complained about the logistics of the hearing arrangement as he had arrived on time but was required to wait for the hearing to commence. He said that the Board should consider holding the hearing in Tseung Kwan O and allowing adequate time for all the representers to make their representations.

18. Mr. Ho Man Kit (R2461) said that the Board had not followed the proper procedures and this could be subject to challenge by a judicial review. He noted that not all representers received the TPB paper in time, the Board had failed to arrange the hearing even though he had requested in writing about the date of the hearing on several occasions in the past year, and the hearing was arranged hastily at the last minute. He said that after the Legislative Council repealed the Order made by the CE in C under the Country Parks Ordinance for extending the South East New Territories (SENT) Landfill into the Clear Water Bay Country Park in October 2010, the Government should have carried out studies to re-assess the landfill and its implications as the site area, capacity, cost-effectiveness and environmental impact of the reduced landfill extension would be different from the original proposal. Due to major changes in the landfill extension project, the Board should have started the planning procedures for the SENT Landfill extension afresh. He said that it was procedurally improper for the Board not to do so.

19. Mr. Cheung Chi Tung (R203), a Committee Member of the Owners' Corporation of The Capitol, said that the Board should seriously consider whether its operation was procedurally in order. Mr. Chan Kai Wai (R2468) then asked about the statutory deadline for submitting the OZPs to the CE in C and the Board's normal procedures for calling a hearing. He said that the Government should follow the example of the West Kowloon Cultural District project by ceasing all the current procedures for the SENT Landfill extension and start the planning procedures afresh. Ms. Fong Kwok Shan (R2464) added that the Board should carry out a new public engagement exercise to collect the views of the residents and reiterated her request that a revised EIA report should be prepared for the purpose of the hearing.

20. Ms. Tse, a Committee Member of the Owners' Corporation of Le Prestige, said that it would be useless for the Board to defer the hearing for one week as she would not have enough time to study the two bundles of Paper (in English and Chinese) in that

time. Besides, the information provided in the Paper such as the EIA report was not up-to-date. She queried whether the Board had already come to a view on the landfill and whether the Board would change its stance after listening to the representations made by the representers and commenters.

21. A lady said that she was from Beijing and migrated to Hong Kong 6 years ago. She was currently living in The Capitol and the environment in Tseung Kwan O was very pleasant. If the Government could close the landfill, more Mainland people would be willing to migrate to Hong Kong and live in Tseung Kwan O. She hoped that the Government would listen to the public views on the matter. A gentleman said that it was bad planning for a landfill to be operating in a location so close to residential developments. He said that the Government should face its mistake squarely and re-plan the area after consulting the public.

22. Making reference to the Guidance Notes on Hearing of Representations/Further Representations (the Guidance Notes), Mr. Tim Lo (R2464) said that the Board might grant a deferment up to a maximum of 4 weeks (counting from the original hearing date). He said that if the Board would only defer the hearing for one week, it would not be following its own Guidance Notes.

23. The Chairman explained that according to the statutory procedures stipulated under the Ordinance, the Board would need to submit the draft Tseung Kwan O OZP No. S/TKO/18 and OZP No. S/TKO/19 to the CE in C by April 2012 at the latest. As the Board would need to allow time to hold the hearing, publish amendments to the OZP to meet the representations as might be agreed by the Board, receive further representations on the proposed amendments to the OZP, and arrange another hearing for the further representations, the date of the hearing could only be deferred for one week.

24. A representer claimed that the Board would have failed to follow its own Guidance Notes if the hearing was only deferred for one week as it indicated that the Board would inform the representers and commenters of the date of the hearing 4 weeks before the hearing date. In response, the Chairman explained that the 4 weeks' notification of the hearing was applicable to the first hearing date but was not applicable if the Board decided to defer the meeting at the hearing.

25. Ms. Fong Kwok Shan (R2464) reiterated her request that the Board should defer the hearing for a reasonable period of time. She supplemented that the Government should clarify the meaning of construction waste and requested the Board to arrange a public engagement forum with the local residents. She added that there were more than 10,000 workers in the Tseung Kwan O Industrial Estate who had expressed their concern on the proposed landfill extension. A representer reiterated that the hearing should be deferred for at least 4 weeks and the Board should ensure that all the representatives would be invited to attend the hearing and would be provided with the relevant documents in time.

26. Ms. Li Oi Ling (R2464) said that the Government should consult the residents of Tseung Kwan O on the landfill project again and should proceed with the incineration option instead of carrying out the landfill extension. She said that according to some studies, the landfill would release different kinds of polluted materials which would seriously affect the health of residents nearby, causing cancer and all kinds of health problems. Ms. Hong, a Committee Member of the Owners' Corporation of Le Prestige, requested the Board to visit the district and listen to the views of the people living in the area.

27. The Chairman thanked the representatives and commenters on their views and invited them to leave the conference room temporarily to enable Board Members to consider their request for deferment. Ms. Fong Kwok Shan (R2464), however, said that they would refuse to leave the conference room unless the Board undertook to carry out a proper public consultation exercise on the landfill together with EPD and PlanD. She said that many residents who joined the meeting wanted to express their views on the landfill. Mr. Tim Lo (R2464) reiterated that the Board should arrange a hearing session 4 weeks later to be held in Tseung Kwan O and listen to the views of the local people at that forum. He said that TPB Members present were fewer in numbers than the representatives and commenters and hence the TPB Members should leave the conference room and find another room for their discussion on the request for deferment instead of asking the representatives and commenters to leave the conference room. The Chairman said that this was not practicable as the conference room had the recording system which was necessary for the conduct of the TPB meeting. He said that the discussion among the Members would not be long.

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

28. Mr. Chau Yin Ming (R2458) said that he respected the Board and would leave the conference room temporarily. However, the Board should consider deferring the hearing for at least 4 weeks and should undertake to arrange a public consultation forum in Tseung Kwan O to listen to the views of the local people. Ms. Fong Kwok Shan (R2464) supplemented that the Board should also request EPD to provide an updated EIA report for the purposes of the public consultation forum.

29. The representers and commenters left the conference room at this point.

Deliberation Session

30. A Member enquired about the dispatch of the TPB Paper and the date on which the representers and commenters received the documents. This Member considered that it would be reasonable to defer the hearing if they did not receive the documents in reasonable time. In response, Mr. C.T. Ling said that on 17.10.2011, in accordance with the established practice of the Board, the representers and commenters were invited in writing (either by letter or by e-mail) to attend the hearing to be held on 16.11.2011, i.e. more than 4 weeks before the date of the hearing. The Secretariat then followed up with the representers and commenters to see if they would attend the hearing and whether they would make representations. On 9.11.2011, the TPB Paper was issued by way of courier to all representers and commenters, except for those who informed the Secretariat that they did not want to receive the TPB Paper. If nobody was at home to receive the documents, the courier would leave the documents at the management office of the residential block or estate and ask them to ask the recipients to pick up the documents from the management office themselves. According to the Secretariat's records, 1,919 hard copies of the TPB Paper were dispatched by courier and 519 copies were returned as undelivered to the Secretariat on 14.11.2011. In this respect, 1,390 representers and commenters had received the TPB paper.

31. A Member noted that the issue raised by the representers was not so much on land use planning but on the inadequate public consultation conducted by the project proponent. The Member also raised concern on the disorder caused by the representers

and commenters at the meeting which would prevent the Board from listening clearly to all the representations and comments and some representers and commenters would not have the chance to speak under a disorderly meeting environment. The Member was raised grave concern about the disrespect shown by the representers and commenters to the Chairman and to the Board Members.

32. A Member considered that even if the hearing was deferred, the Board would not be able to hold the hearing at the re-scheduled date if the representers and commenters continued to act in a disorderly manner. This Member noted that although the representers and commenters claimed that an updated EIA report should be provided, whether the information provided by the project proponent was sufficient to justify the land use zoning was a matter for the Board to decide after taking into account the views to be made at the hearing.

33. The Vice-Chairman considered that the Board should conduct the hearing strictly in line with its Practices and Procedures so as to maintain order at the meeting. He opined that the Board should defer the hearing and, in the meantime, make the necessary logistical arrangements for the hearing to be conducted in an orderly manner. This view was echoed by another Member.

34. On the request of the Chairman, the Secretary explained that, according to the Guidance Notes, any request for deferment of consideration of any representation, comment and/or further representation would not be entertained unless with the consent of other concerned parties and unless there were very strong reasons to do so. The Guidance Notes also indicated that if it was absolutely unavoidable, the Board might only grant a deferment up to a maximum period of 4 weeks (counting from the original hearing date). Moreover, the 4 weeks' notification of the hearing was only applicable to the first hearing date and was not applicable to the decisions of the Board to defer the meeting at the hearing. Furthermore, in accordance with the Guidance Notes, the representers and commenters would receive the TPB Paper one week before the scheduled hearing date. Should the Board agree that the hearing should be deferred on account of some of the representers' claim that they did not receive the TPB Paper in reasonable time, the hearing should be deferred for one week.

35. In response to Mr. Jimmy C.F. Leung's enquiry on whether the date of hearing could be deferred for four weeks as requested, the Secretary said that working back from the statutory deadline for submitting the Tseung Kwan O OZP to the CE in C and assuming that all the other procedures required could be completed in the shortest time possible, the date of the hearing could only be deferred for about two weeks.

36. On the representers' request for a new round of public consultation, a Member considered that the Board was not in a position to make such a commitment. The Board had to follow the statutory procedures prescribed under the Town Planning Ordinance. The Secretary said that the Board could only commit to refer the request for further public consultation to the project proponent and ask them to follow it up. Mr. Jimmy C.F. Leung supplemented that according to the statutory procedures, the role of the Board was to hear the representations and comments on the amendments to the OZP submitted during the publication period of the OZP and that was not the public consultation being demanded.

37. After further deliberation, Members agreed to defer the hearing for two weeks and to hold the hearing on 30.11.2011. Members also agreed that, in view of the large number of representers and commenters, the hearing would be extended to 1.12.2011 if it could not be completed in one day.

38. The representers and commenters were invited to return to the conference room at this point.

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

39. The Chairman explained that according to the Guidance Notes, the Board might only grant a deferment up to a maximum period of 4 weeks, and that it was not by default that any deferment would be for 4 weeks. He also explained that the meeting today was a hearing related to the amendments to the OZP under the Town Planning Ordinance and was not a public consultation forum for the landfill extension project.

40. The Chairman said that as the main content of the TPB Paper covered about 30 pages plus a summary of the EIA report and the rest of the paper were mainly photocopies of the representations received, and taking into account the remaining statutory and other

procedures which needed to be conducted, the Board had decided to defer the hearing to 30.11.2011 and that, if the hearing could not be completed in one day, the Board continue the hearing on 1.12.2011.

41. Ms. Fong Kwok Shan (R2464) said that it was unfair that the Board had postponed the hearing for more than one year but did not accept the representers' request to defer the hearing for one month. She added that without providing an updated EIA report in the TPB Paper, the hearing would not serve any purpose. It was meaningless to defer the hearing for only two weeks.

42. Mr. Tim Lo (R2464) said that, according to the Guidance Notes, the hearing should normally be conducted 6 weeks after the expiration of the 3-week period for submission of comments on the representations. In this respect, the Board had not followed its own Guidance Notes as the hearing was only held more than one year later. This was procedurally improper. Moreover, according to the Guidance Notes, the Board had the option to hold an individual hearing instead of a collective hearing. With more than 2,000 representers, he did not understand why an individual hearing was not conducted.

43. Ms. Fong Kwok Shan (R2464) added that although some of the submissions were of standard letter-type, it did not mean that the representers held the same views. In fact, all the representers had their own views which were different from the others and should not be collectively heard. She said that it was unfair to the representers as the TPB Paper had not been issued to all the representers and many representers who submitted representations on OZP No. S/TKO/19 had not been invited to the hearing.

44. Mr. Tim Lo (R2464) said that as the Board would not be able to give 4 weeks' notification to the representers and commenters of the scheduled date of the hearing (i.e. 30.11.2011), the Board again failed to follow its own Guidance Notes. Ms. Fong Kwok Shan (R2464) added that the representers did not receive 4 weeks' notification to attend today's hearing as the representers only received the TPB Paper on 9.11.2011.

45. The Chairman clarified that the representers and commenters were invited to the hearing by a letter from the Secretariat dated 17.10.2011, which was 4 weeks before the

hearing date. The letter was shown on the visualiser for reference. As the deferment of the hearing was made at the meeting today, the 4 weeks' notification period was not applicable.

46. The Chairman said that the Board had already decided to defer the hearing to 30.11.2011 and, if the hearing could not be completed in one day, to continue the hearing on 1.12.2011. He concluded that the hearing for Group 2 would be deferred and that the hearing for Group 1 would continue in the afternoon.

47. The meeting was adjourned at 11:50 a.m.

[Post-Meeting Note : At this juncture, the attendees refused to leave the conference room and obstructed the doors, preventing Members from leaving the conference room. They continued shouting against the short deferral period and the adverse impact of the landfill on the residents. After over one and a half hours of negotiations and informal exchange of views, the attendees left the conference room at about 1: 40 p.m.]

48. The meeting was resumed at 4:00 pm.

49. The following Members and the Secretary were present in the afternoon session:

Mr. Thomas Chow

Chairman

Mr. Stanley Y.F. Wong

Vice-chairman

Mr. B.W. Chan

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. K.Y. Leung

Ms. Anna S.Y. Kwong

Mr. Clarence W.C. Leung

Mr. Roger K.H. Luk

Ms. Anita W.T. Ma

Professor S.C. Wong

Deputy Director of Environmental Protection (1)

Mr. H. M. Wong

Director of Lands

Ms. Annie Tam

Director of Planning

Mr. Jimmy Leung

Agenda Item 3

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments to the Draft Tseung Kwan O Outline Zoning Plan No. S/TKO/18

Group 1: R1(part), R2468(part), C1(part), C67(part), C164(part) and C167(part)

(TPB Paper 8938)

[The meeting was conducted in Cantonese.]

50. As sufficient notice had been given to the representers and commenters to invite them to attend the meeting, Members agreed to proceed with the hearing of the representations in the absence of the other representers and the commenters who had indicated that they would not attend the hearing or had made no reply to the invitation to the meeting.

51. The following representatives of the Planning Department (PlanD) and Fire Services Department (FSD) were invited to the meeting at this point:

- | | |
|-------------------|--|
| Mr. Ivan Chung | - District Planning Officer/ Sai Kung and Islands (DPO/SKIs), PlanD |
| Mr. Wilfred Cheng | - Senior Town Planner / Tseung Kwan O, (STP/TKO), PlanD |
| Mr. Stephen Lee | - Town Planner / TKO (3), PlanD |
| Mr. Y.K. Yeung | - Divisional Officer (Planning Group)2, Fire Services Department (FSD) |
| Mr. K.F. Wai | - Divisional Officer (FSTS Project), FSD |
| Mr. C.H. Yu | - Divisional Officer (Planning Group)1, FSD |

52. The following representer and his representatives were also invited to the meeting:

R2468 (Chan Kai Wai)

- | | |
|---------------------|--------------------------------|
| Mr. Chan Kai Wai | - Representer |
| Ms. Fong Kwok Shan |] Representer's Representative |
| Mr. Chan Kwok Keung |] |
| Mr. Yip Chi Shing |] |

Ms. Hong Kit Ming, Natalie]
Ms. Ngo Yuk Kei]
Ms. Maggie Ho]
Mr. Fong Siu Leung]
Mr. Fong Yu Ching]
Mr. Po Wai Ming]
Mr. Kan Siu Kei]
Mr. Chu Hon Kwong]
Ms. So Yuen Ching]
Ms. Mak Yuk Chun]
Mr. Tim Lo]
Mr. Yuen Chung Man]
Mr. Lam Chung Yu]
Ms. Tse]
Mr. Zheng Guo Feng]
Ms. Li Oi Ling]
Ms. Chan Hang Kit]
Mr. Tang Kwong Man]
Mr. Wu Hong Jun]
Ms. Lin Lai Kuen]
Ms. Cheng Suk Yin]
Ms. Yim Ka Yi]
Mr. Yeung Yuen Sang]
Mr. Cheung Mei Hung]
Kwok On Yi]
Ivory Kan]
Lee Hing Shing]
Po Sui Fong]
Wong Yuk Fong]
Yeung King Wai]
Ms. Sit Siu Hung]
Lau King Nam]
Hui Chi Hang]
Ng Chui Mei]

Tse Pik King]
Wan Pui Ling]
Ng Pik Ying]
Lai Siu Chee, Alice]
Lee Tak Lun]

53. The Chairman extended a welcome and said that the hearing was to consider the Group 1 representations of the draft Tseung Kwan O (TKO) Outline Zoning Plan (OZP) No. S/TKO/18. The Group 1 representations were related to Amendment Items B and C in respect of the zoning amendments for a site for the Fire Services Training School (FSTS) cum Driving Training School (DTS) as well as a site for development of a private hospital and an area for undesignated Government, institution or community (GIC) uses in TKO Area 78.

54. The Chairman then explained the procedures of the hearing and said that DPO/SKIs would be invited to brief Members on the background to the representations and comments. After DPO/SKIs' presentation, the Chairman would invite the representer and his representatives to make their representations. After the representations, Members would ask questions, and the government representatives or the representer and his representatives might be invited to respond. After the question and answer session, the government representatives, the representer and his representatives would be invited to leave the conference room and the Board would deliberate on the representations in their absence. The Chairman then invited DPO/SKIs to brief Members on the representations and comments. Members noted that R2468 had tabled some information regarding an odour study and a related newspaper cutting.

55. With the aid of a powerpoint presentation, Mr. Ivan Chung made the following main points as detailed in the paper:

Background

- (a) on 7.5.2010, the draft TKO OZP No. S/TKO/18 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, 2,479

representations were received. During the publication period of the representations, 205 comments were received;

- (b) on 29.4.2011, the Board agreed to consider Representations No. R1(part) and R2468(part) with respect to Amendment Items B and / or C collectively under the Group 1 representations. The part of R1 and R2468 that concerned Amendment Items A1, A2 and/or A3 were to be considered under the Group 2 representations;

Amendment Item B

Fire Services Training School cum Driving Training School

- (c) the existing FSTS at Pat Heung, Yuen Long was established in 1968. According to the Fire Services Department (FSD), to enhance the operational skills and capabilities of the fire-fighters and to better ensure their occupational safety, it was necessary to provide the FSD with advanced and purpose-built training facilities provided with safety measures for simulating realistic fire ground situations and incidents of various natures. However, in-situ redevelopment of the FSTS at Pat Heung (occupying an area of 2.89 ha.) was considered not feasible due to insufficient space for the proposed FSTS;
- (d) to meet the FSD's requirements, a territorial site search in 2009 identified a site in TKO Area 78 and the site of the ex-Burma Lines Military Camp, Queen's Hill, Fanling for the proposed FSTS. After assessment and analysis of the two sites, the site in TKO Area 78 (with an area of about 16.11 ha) was selected because it was on existing cut platforms with little natural vegetation. It would better meet FSD's live-fire training requirements as against the Queen's Hill site which required extensive site formation and removal of existing heavy vegetation. In addition, the Civil Engineering and Development Department (CEDD) had programme for site formation and infrastructure works in TKO Area 78, but there was

no planned infrastructure works for the Queen's Hill site. The site in TKO Area 78 was also at a distance from the populated areas;

- (e) subsequent to selecting the site in TKO Area 78, the FSD had proposed to co-locate the existing DTS at Yau Tong Fire Station with the FSTS for better site utilization and higher cost efficiency;
- (f) the FSD had completed technical assessments on traffic, environment, drainage, sewerage, ecology, landscape and visual, and air ventilation in early 2010. The assessments indicated that the proposed FSTS cum DTS on the site in TKO Area 78 with suitable mitigation measures was technically feasible and would not create adverse impacts on the surroundings;

Amendment Item C

Proposed Private Hospital in TKO Area 78

- (g) promotion of private hospital development was one of the major government policies announced by the Chief Executive in his 2008-2009 Policy Address. Four sites had been identified for private hospital development. The identified site (with an area of about 3.5 ha) in TKO was the representation site at the southwestern part of TKO Area 78. It was on an existing platform with open view and would not cause disturbance to the natural environment;

Proposed Undesignated "G/IC" Site in TKO Area 78

- (h) the remaining land (with an area of about 2.55 ha) within the "G/IC(8)" zone was proposed for an undesignated "G/IC" site to cater for future unforeseen GIC needs. Given the planned development of FSTS cum DTS and private hospital in its vicinity, the site was considered to be more suitable for GIC development in terms of land use compatibility;

Representations and Comments

Representations

- (i) R1(part) and R2468(part) were related to the development of a FSTS cum DTS on a site zoned “G/IC(7)” and the development of a private hospital and the reservation of an area for future GIC uses on a site zoned “G/IC(8)” in Pak Shing Kok, TKO Area 78;
- (j) R1 was submitted by a member of the public, Mr. Cheung Kwai Hei and R2468 was submitted by Mr. Chan Kai Wai who was a Sai Kung District Councillor (elected);

Grounds of Representations

- (k) R1(part) supported Amendment Items B and C as they would reduce the population density in the TKO area and provide more GIC facilities;
- (l) R2468(part) supported Amendment Item B but proposed the development of a complex for the Social Welfare Department with substance abuse clinics and counselling centres for psychotropic substance abusers to provide one-stop services;
- (m) R2468 also opposed the proposed electricity substation (ESS) and refuse collection point (RCP) in Area 72, which were not relevant to the amendments gazetted on 7.5.2010;

Comments

- (n) C1 commented on R1 and opined that the amendments to the OZP would affect people who invested and lived in the area. However, the commenter had not specified what would affect people who invested and lived in the area;

- (o) C67(part), C164(part) and C167(part) supported Amendment Items B and C for the reasons that they would reduce the residential density of TKO and provide more GIC facilities;

PlanD's Responses

- (p) R1 (part) and R2468(part) and C67(part), C164(part) and C167(part) in support of Amendment Items B and / or and C were noted;
- (q) C1 (on R1) indicated that the amendments to the OZP were affecting the people who invested and lived in the Area, and that view was noted. No further information had been provided by the commenter to substantiate his comment;
- (r) regarding R2468(part)'s proposal to provide a complex for the Social Welfare Department with substance abuse clinics and counselling centres for psychotropic substance abusers to provide one-stop services in the "G/IC(7)" zone, PlanD's response was that the whole "G/IC(7)" site was required for FSD's proposed FSTS cum DTS for operational need. Sites had already been reserved in TKO for provision of the social welfare facilities including a site in TKO Area 65B for substance abuse clinics and counselling centres for psychotropic substance abusers. There was no imminent need to provide such facilities in the "G/IC(7)" site. There were undesignated GIC sites in the surrounding areas and other areas in TKO available for social welfare facilities should such need arise in the future;

PlanD's Views

- (s) PlanD's views were detailed in section 7 of the Paper. Based on the planning considerations and assessments in section 5 of the Paper as summarised above, PlanD considered that:

- (i) the opposition of R2468(part) to the proposed ESS and RCP in Area 72 was not relevant to the amendments as gazetted on 7.5.2010. Pursuant to sections 6(3)(b) and 12(3)(b)(i) of the Ordinance, representation that was not related to any of the amendments would be considered invalid and should be treated as not having been made;
- (ii) R1(part) and R2468 (part) in support of Amendment Items B and/or C were noted; and
- (iii) the proposal part of R2468 (part) should not be upheld.

56. The Chairman then invited R2468 (Chan Kai Wai, Sai Kung District Councillor Elected) and his representatives to elaborate on their representations. He reminded the attendees that the Board was considering the representations relating to Amendment Items B and C and matters not related to those two amendments items should not be raised in this hearing.

57. Ms. Li Oi Ling made the following main points:

- (a) Amendment Items B and C were related to some planned facilities in TKO. As the South East New Territories Landfill Extension (SENTLFX) would have adverse impacts on these planned facilities, the Board should first make a decision on SENTLFX before considering these other planned facilities; and
- (b) she opined that TKO would be a better community without the SENTLF.

58. Mr. Kan Siu Kei made the following main points:

- (a) the representations for the OZP No. S/TKO/18 and S/TKO/19 should be considered together as they both involved the development of the whole TKO community; and
- (b) the SENTLF would have adverse air pollution impact on the planned

private hospital site.

[Mr. K.Y. Leung arrived to join the meeting at this point.]

59. Ms. Fong Kwok Shan made the following main points:

- (a) she and the residents of TKO supported in-principle the FSTS cum DTS and the private hospital;
- (b) it was procedurally improper for the Board to continue with the hearing as many representers, including herself, had not received the Town Planning Board papers (TPB paper) in respect of the representations for both draft TKO OZPs No. S/TKO/18 and S/TKO/19;
- (c) the TPB paper No. 8939 for the Group 2 representations (with 1104 pages and 6 maps) was only received by some representers on 9.11.2011. Of the 2 500 representers, only 153 representers in their housing estate had received the TPB papers. They requested for a deferral of the hearing because they needed more time to examine the TPB papers;
- (d) deferral of the hearing to 30.11.2011 was not adequate as there were still many residents and workers in the industrial estates who wished to provide their comments to the Board;
- (e) whilst she tendered in-principle support to the FSTS, she said that the FSTS development would be massive and might cause visual impacts on residents living along Clear Water Bay Road or residents of some blocks in LOHAS Park which had views to Pak Shing Kok. The possibility of a green roof to soften the visual impact of the FSTS could be considered. The FSTS development should minimise its impact on air corridors and visual amenity of residents in the surrounding areas;
- (f) with the aid of the visualizer, she compared the two versions of the OZP. She said that in the draft TKO OZP No. S/TKO/18, the proposed SENTLFX areas were shown in hatched lines and annotated as Amendment Items A1 and A2. However, in the draft TKO OZP No.

S/TKO/19, the respective areas previously shown with hatched line, were no longer shown as amendment items, and were zoned “Open Space (2)”. This showed that the Board had accepted the proposed amendments in relation to SENTLFX without hearing the representations. She was advised by an experienced town planner that a new version of OZP would automatically supersede an older version of OZP, and this meant that the zonings shown on draft TKO OZP No. S/TKO/19 were approved by the Board. She had previously raised similar concerns in Sai Kung District Council and had issued a lawyer’s letter to the Board in this regard;

- (g) they welcomed the relocation of Radio Television Hong Kong (RTHK) as well as other media industries or data centre to TKO, but they objected to SENTLFX which was also shown as an approved zoning on the draft TKO OZP No. S/TKO/19; and
- (h) she requested the Board to respond to her questions before proceeding further with the oral presentations.

60. Mr. Yip Chi Shing also requested the Board or DPO/SKIs to first respond to points raised before they continued with the representation, as they would have to leave the meeting after the presentation and would not know the responses / clarifications on the points which they had made.

61. In response to Ms. Fong Kwok Shan and Mr. Yip Chi Shing, the Chairman reiterated that the hearing was for Members to hear all the representations first. After the representation, Members might ask the government representatives or the representer and his representatives questions on points which they needed clarifications. The Chairman also explained that the statutory role of the Board in the representation hearing was to consider and decide on the representations rather than answering questions.

62. Mr. Tim Lo made the following main points:

- (a) he opposed the proposed RCP in Area 72, which was in close proximity to Park Central. There was no consultation with residents on the proposed RCP;

- (b) in response to the Chairman's reminder that the proposed RCP in Area 72 was not related to Amendment Items B and C, he disagreed and said that DPO/SKIs had mentioned in his presentation that the representation opposing the proposed RCP was noted; and
- (c) it was not appropriate for the hearing to be confined to the discussion of Amendment Items B and C as the other land use zonings shown on the OZP were integral parts of the plan. He supported the relocation of RTHK to TKO but did not support the proposed RCP in Area 72 and the SENTLFX.

63. Mr. Yip Chi Shing made the following main points:

- (a) the RTHK, private hospital and FSTS sites would subject more people to air pollution and adverse health impacts caused by SENTLFX and its extension. This was contrary to the objectives of the Board to promote the health and welfare of the community; and
- (b) Wan Po Road was the only access to the area and was already very congested even before full occupation of LOHAS Park. Whilst supporting the RTHK new broadcasting house, he doubted whether the Government had conducted proper assessment of the traffic impact of the proposed private hospital and FSTS on Wan Po Road.

64. Ms. Fong Kwok Shan made the following main points:

- (a) although the current population in the area was only around 20 000, Wan Po Road was already over its capacity. The SENTLFX would worsen the traffic congestion on Wan Po Road. With a planned population of 100 000 and with the Cross Bay Link and Lam Tin Tunnel not operational in the near future, the Government needed to reassess the capacity of Wan Po Road to accommodate any new planned facilities; and
- (b) residents of LOHAS Park were adversely affected by traffic noise from

Wan Po Road. However, the road was built some ten years ago and there was no requirement for the construction of noise barrier to mitigate traffic noise at that time. Residents of LOHAS Park were affected by traffic and industrial noise pollution throughout the day.

65. Mr. Lam Chung Yu made the following main points:

- (a) they had complained to the Environmental Protection Department (EPD) about the noise impact of a nearby bus depot. After investigation, EPD advised him that according to their on-site recordings around mid-night and early morning hours, the background noise level was only 60 dB(A) which was considered to be within acceptable level. However, according to the information on EPD's website, noise levels after mid-night should be below 60 dB(A); and
- (b) residents were seriously affected by traffic noise from Wan Po Road, which was estimated to be over 70 dB(A). The refuse collection vehicles (RCVs) also caused malodour nuisance. The dump trucks carrying construction wastes were mostly uncovered and caused dust nuisance. According to the Environmental Impact Assessment (EIA), dust nuisance would only impact on areas within 250m from the landfill and LOHAS Park was located away from the 250m zone. However, it should be noted that due to the strong south-east wind blowing from the direction of the landfill in Area 137, dust pollutants would affect areas beyond the 250m zone, like LOHAS Park. In addition the hazardous odourless landfill gases, germs and methane from the landfill would affect the health of residents in the area.

66. Mr. Yip Chi Shing made the following main points:

- (a) Wan Po Road was always congested because the road was heavily trafficked by dump trucks and RCVs on the road. Their cars were always being surrounded by dump trucks / RCVs; and

- (b) Wan Po Road was narrow and had a single lane section. The road would not be able to support the traffic generated by the planned facilities and additional housing.

67. Ms. Fong Kwok Shan made the following main points:

- (a) Wan Po Road was heavily used by dump trucks and RCVs and large pieces and quantities of refuse were often left on the road and also in the TKO Tunnel. The some 10 000 workers in the industrial estate were having lots of grievances about traffic congestion on Wan Po Road as well as the dirt left behind from the washing of dump trucks / RCVs leaving the landfill;
- (b) Shek Kok Road, near LOHAS Park, was being used as an illegal dumping ground;
- (c) government departments should be required to prepare revised traffic impact assessment (TIA) for any new development to be proposed on sites using Wan Po Road for vehicular access; and
- (d) the Mass Transit Railway (MTR) trains to LOHAS Park station only ran at 10-minute intervals. This had caused much inconvenience for residents.

68. Mr. Kan Siu Kei made the following main points:

- (a) he had lived in TKO for more than 20 years. He previously lived in Po Lam Estate and now in Sheung Tak Estate. The SENTLF had caused air pollution impacts in TKO for more than 20 years. Malodour from the landfill could be smelled from his home when the south-east wind prevailed; and
- (b) the TKO should not shoulder the responsibility for waste disposal for the whole of Hong Kong. The waste disposal responsibility should be shared

by each district, as per Government's proposal to plan for columbarium in each district.

69. Ms. Li Oi Ling made the following main points:

- (a) she had moved to LOHAS Park for one year. Other than a small supermarket, there was no other facility to serve the 20 000 residents who had moved in. The residents needed more facilities such as restaurants and shopping centre to serve their immediate needs, or other facilities such as arts and cultural facilities or film studio that would benefit the community's development;
- (b) whilst the living environment in LOHAS Park was good, the malodour nuisance was unbearable. Her daughter was studying in a nearby school and it took about 20 minutes to walk to the school via Wan Po Road. However, walking along Wan Po Road was unpleasant and not healthy due to the large number of dump trucks / RCVs travelling on the road; and
- (c) residents did not need the SENTLF and were eagerly waiting for its closure. The Government should adopt other methods for waste management and disposal.

70. Mr. Tim Lo made the following main points:

- (a) the FSTS cum DTS was for relocation of the Pat Heung facilities. However, there was insufficient justification for relocation of this facility to TKO as it was not serving the imminent needs of residents and there was insufficient infrastructural support to serve the planned FSTS cum DTS;
- (b) the "G/IC(7)" site should be used for developing a multi-purpose municipal complex providing facilities needed by residents, for example, a cooked food centre; and

- (c) the Government could remove the pedestrian walkway along Wan Po Road because no one would walk along it.

71. Mr. Yip Chi Shing made the following main points:

- (a) the proposed private hospital was not to serve the needs of residents, and it was only for supporting the policy initiative in the Chief Executive's 2008-2009 Policy Address to promote private hospital development. The residents in the area wanted the closure of the SENTLF and provision of more facilities (such as eating places) to serve their daily needs; and
- (b) Wan Po Road was currently operating beyond capacity and always congested. The Transport Department (TD) had refused applications for providing additional bus, mini-bus or shuttle bus services to serve LOHAS Park due to limited capacity of Wan Po Road. It was doubted whether there was sufficient road capacity to serve the private hospital and that the transport of patients might be affected by frequent traffic congestion on Wan Po Road.

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

72. Ms. Sit Siu Hung made the following main points:

- (a) she lived in Taikoo Shing before and had smelled some kind of malodour without knowing where it was from. After moving to LOHAS Park, she realised that the malodour was from the landfill. Similar malodour also affected his son's school at Siu Sai Wan and had caused adverse health effects on his classmates;
- (b) the impact of the SENTLF was hence not only affecting residents in LOHAS Park, but also residents living on Hong Kong Island. She said that other poisonous odourless landfill gases and other suspended particulates were affecting places as far as Hong Kong Island without

being realised or detected. She doubted whether the concerned EIA had assessed the impact of the SENTLF and its extension on Hong Kong Island;

- (c) it was not good planning to approve so many residential units at LOHAS Park, which was so near to the SENTLF. The landfill might continue to release poisonous landfill gases during its decommissioning and restoration and hence, would cause long-term health problems to affected residents; and
- (d) if the Government insisted on the SENTLFX, it would only force residents to move out. The Government should explore other means to treat wastes or encourage waste reduction.

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

73. Mr. Chu Hon Kwong said that the SENTLFX could not help solve the waste disposal problem for the whole of Hong Kong. The Government could consider other places to locate the landfill such as on reclamation in the southern district on Hong Kong Island. It was unfair for TKO to shoulder the entire Hong Kong's responsibility for waste disposal.

74. The Chairman again reminded the representer's representatives to focus their presentations on Amendments Items B and C at this point.

75. Mr. Po Wai Ming, representing Professional Power, made the following main points:

- (a) the Government should provide them with the full EIA report, rather than just an executive summary. Professionals in their group would need three months to examine the full EIA report and provide Government with their views on the SENTLFX; and
- (b) the EIA should be in compliance with the Stockholm Convention.

76. Mr. Chan Kwok Keung made the following main points:

- (a) given that Tai Koo Shing could be affected by malodour from the landfill, the private hospital site which was only 3 500m from the landfill would also likely to be susceptible to malodour; and
- (b) if there was to be an emergency unit in the private hospital, there would be major concern as there would be delay in delivering patients due to constant traffic congestion on Wan Po Road.

77. Mr. Tim Lo made the following main points:

- (a) noting that some land within the “G/IC(8)” zone was proposed for an undesignated “G/IC” site to cater for future unforeseen GIC needs, he was suspicious of the Government’s intention; and
- (b) the Notes of the “G/IC(8)” zone stated that Column 2 uses “may be permitted with or without conditions on application to the Town Planning Board”. This meant that some Column 2 uses, such as ‘refuse transfer station’, might be permitted without getting approval from the Board. He further said that the Government could even propose a ‘columbarium’ use in the “G/IC(8)” zone according to the Notes and justifying it as an unforeseen GIC need.

78. Mr. Yip Chi Shing made the following main points:

- (a) it was stated in paragraph 4.1 of the executive summary of the EIA (attached as Annex XII to TPB Paper No. 8939) that “the volatile organic compounds emissions from the (SENTLF) extension are predicted to be low at the site boundary and that levels are within the respective trigger levels”. It was unclear whether the conclusion that volatile organic compounds emissions were at “levels within trigger level” would apply to air sensitive receivers like them who were frequently exposed to the

landfill gases; and

- (b) despite the EIA findings, he could sometimes smell methane at his home in Le Prestige in LOHAS Park and he had to close the windows. Methane would likely affect the hospital patients and the firemen training in the FSTS. The methane might cause explosion when live-fire was used for training in the FSTS.

[Ms. Anna S.Y. Kwong returned to join the meeting at this point.]

79. Ms. Fong Kwok Shan made the following main points:

- (a) the Environmental Protection Agency in the United States required that 75% of the landfill gas emissions should be recovered for renewable energy and poisonous gas / materials were required to be properly treated. There was no such requirement in Hong Kong and methane emissions from the landfill were either wasted by being burnt off or leaked to the environment. The Board should be aware of the adverse effects of methane on any of the planned facilities, including the RTHK new broadcasting house, private hospital or FSTS;
- (b) the master layout plan for the MTRC to develop LOHAS Park in Area 86 was approved by the Board some ten years ago. However, MTRC was not made accountable to the Board on how they would implement the whole project. Currently, students living in LOHAS Park had to commute and attend schools in other districts because there was no school in LOHAS Park and there was no plan for any school development in the near future. Car parking spaces were owned by MTRC and leased to residents at high price. There were insufficient car parking spaces leading to illegal parking on the streets. Wan Po Road was always congested. There was currently only one supermarket serving the area. With her assistance, planning approval for another supermarket had been obtained and it would be in operation at the end of the year. There was no eating place. The train service to the LOHAS Park station ran at

10-minute intervals and this was inconvenient for residents. All of the above examples showed injustices and not good town planning; and

- (c) the SENTLFX would cause major disturbance to the residents and the planned community of 100 000 population and should be abandoned. The Board should reserve more sites for development of a municipal complex to serve the residents' needs.

80. Ms. So Yuen Ching voiced her grievance that there was no eating place at LOHAS Park. There was not even a basketball court in the locality. The Board should not have allowed so much housing near the SENTLFX.

81. Mr. Po Wai Ming made the following main points:

- (a) it was stated in paragraph 4.5 of the executive summary of the EIA report that "underground rooms or voids should be avoided as far as practicable in the design of the infrastructure area of the (SENTLFX) extension". Since the report was prepared in 2005, it should be updated to take account of the Development Bureau's latest policy to utilise cavern developments in Hong Kong; and
- (b) it was stated in paragraph 4.6 of the executive summary of the EIA report that "the impacts on wildlife are considered to be minimal". However, it should be noted that the SENTLFX had attracted more eagles / birds to the area, which would increase the risk of avian flu. Hence, the conclusion of the EIA about minimal impact on wildlife was not substantiated.

82. Mr. Lam Chung Yu said that the proposed private hospital would be adversely affected by the SENTLFX. It was likely that no one would be willing to stay in the hospital due to malodour or health concerns.

83. Ms. Fong Kwok Shan made the following main points:

- (a) the railway ran underground and traversed TKO Area 78 and the vibration

from the train operations might affect the operations in the hospital. It was doubted whether this aspect had been assessed in the technical reports;

- (b) the Board should consider whether the operation within the FSTS would adversely affect nearby residents;
- (c) in relation to the illegal dumping at Shek Kok Road, the CEDD had reserved a site in TKO Area 78 for the parking of trucks. The trucks were competing with residents for parking spaces in the area and that had caused constant conflict;
- (d) “G/IC” sites in the vicinity should be reserved to provide facilities for residents, such as eating place, municipal complex, library, sports centre etc. The “G/IC” site in Area 86, previously reserved for RTHK, should also be reserved for facilities to serve residents’ needs;
- (e) MTRC was not accountable to the Board on how and when they would implement the approved LOHAS Park development. As a result, there was no eating place, insufficient parking space and no sports facilities to serve those residents who had moved in. It was understood that the shopping centre would not open until 2017;
- (f) TD approved a mini-bus route to connect the industrial estate to LOHAS Park station but there was no patronage because there was no facility or eating place at LOHAS Park; and
- (g) residents and the business operators and workers of the industrial estate had expected the SENTLF to be closed by 2012, and they all supported early closure of the landfill. Land in Area 137 could be used for expansion of the industrial estate for high-end industries, such as media centre, back office for banks, eco-park or even for locating the sea water treatment plant.

84. Mr. Po Wai Ming said that it was stated in paragraph 4.1 of the executive summary of the EIA that “the design of the (SENTLF) extension has incorporated a stringent odour management and control system. Good site practices and housekeeping would be stipulated in the operation contract”. It seemed that the EIA findings relied heavily on proper operation of the SENTLFX that was to be stipulated in the operation contract. The Government should provide him with a copy of the operation contract for examination.

85. Ms. Fong Kwok Shan made the following main points:

- (a) the complaints about the SENTLF were on the increase, but the complaint statistics might not fully reflect the extent of the problem;
- (b) many large pieces of refuse or construction waste would drop from the dump trucks / RCVs in the TKO tunnel;
- (c) Wan Po Road was the only access to the SENTLF and the road was heavily trafficked by trucks carrying petrol, medical waste and sludge etc. and additional medical wastes should be avoided; and
- (d) more than a hundred eagles were flying around the SENTLF and might be feeding on the waste, including medical waste or animal corpse, in the landfill. That would be a major source of germs, and might lead to another outbreak of avian flu.

86. Ms. Mak Yuk Chun said that residents were affected by the landfill gas emissions and malodour from the SENTLF, which were known to cause major health problems. The Government was increasing their exposure to life-threatening circumstances by allowing the SENTLFX to proceed.

87. Mr. Chan Kai Wai (R2468) made the following main points:

- (a) he outlined the major health hazards of various air pollutants, including carbon monoxide, carbon dioxide, ozone etc., created by the SENTLF or

the RCVs. He said that there was no control in Hong Kong on the lead content in the refuse and construction wastes;

- (b) he referred to the letter dated 17.10.2011 from the Town Planning Board Secretariat to the representers, and said that the letter only indicated that the hearing was “tentatively scheduled” and such wording was not clear as to whether the meeting date was already fixed or still subject to change;
- (c) referring to the same letter, he said that it was stated that if the TPB paper could not be delivered by courier to the individual’s home, it would be deposited at the management office. However, the courier refused to leave the TPB papers at the management office and as a result, many representers, including his own family members, did not receive the TPB papers; and
- (d) he said that they might tentatively consider lodging judicial review on the Board’s decision.

88. Ms. Mak Yuk Chun said that she and a friend recently took a walk in the area and was shocked by the level of malodour, dust and dirt in the environment. As a result, her friend, who suffered from asthma, was admitted to hospital on the same night. Her friend also suffered from depression and was under intense psychological pressure due to the SENTLF and its extension.

89. Ms. Maggie Ho made the following main points:

- (a) the SENTLF and its extension and the hospital would become major sources of germs. They might become breeding grounds for another epidemic like SARS, and that would destroy TKO and the economy of Hong Kong;
- (b) if SENTLFx was to be further pursued, many TKO residents would suffer from mental health problems;

- (c) during the months between May to August, residents would be most affected by malodour of the landfill even when they closed the windows and switched on the air-conditioners. She used to live in Tiu Keng Leng and had now moved to other places in TKO, but her home was still affected by the landfill malodour; and
- (d) a responsible Government would not pursue the SENTLFX.

90. Ms. Li Oi Ling said that she knew of a family living in The Capitol in LOHAS Park, who had a child suffering from major breathing problems and had to regularly take sick leave. The family had then moved from The Capitol to Hang Hau. She stressed that residents did not want the landfill.

91. Mr. Tim Lo asked again what was the meaning of Column 2 uses. He said that Column 2 uses “may be permitted with or without conditions on application to the Town Planning Board”. This meant that Column 2 uses would always be permitted but sometimes with conditions and sometimes without conditions. The Chairman explained that Column 2 uses would require application to the Board, and the Board might or might not approve the planning applications. In approving an application, the Board might or might not stipulate planning conditions, based on individual circumstances of the application. Mr. Tim Lo disagreed and said that if Column 2 uses might not be permitted, the description for the Column 2 uses should be “uses that might or might not be permitted” instead. He said that there was procedural unfairness as shown in the Notes. He urged that Members should sympathise with the residents’ situation.

92. Mr. Kan Siu Kei asked the Chairman and Members to express their feelings after hearing the representer’s representatives’ presentations. The Chairman said that they were aware of the views and strong feelings of the residents. He explained that the purpose of the hearing was to hear the views of the representer and his representatives.

93. Mr. Tim Lo continued to ask about the meaning of Column 2 uses and repeated his view that the description for the Column 2 uses should be “uses that might or might not be permitted”, the wording “uses that might be permitted” was misleading.

The Chairman said that his query could be further clarified by the DPO/SKIs later if Members considered it necessary.

94. Mr. Yip Chi Shing made the following main points supporting his view that the Board was acting contrary to its mission to promote the health, safety, convenience and general welfare of the community:

- (a) the malodour and poisonous landfill gas from the SENTLF and its extension would affect the health and general welfare of residents in TKO, as well as future users of the planned FSTS and hospital;
- (b) it was stated in paragraph 4.5 of the executive summary of the EIA that “comprehensive and proven landfill gas control measures have been installed in the existing SENT Landfill and will be installed in the (SENTLF) extension”. He doubted the effectiveness of the gas control measures as he could always smell methane from his home;
- (c) prevailing south-east wind would carry the dust and malodour from the SENTLF and its extension to affect residents of TKO and the sites in TKO Area 78 (which were planned for the FSTS and the hospital);
- (d) the SENTLF had attracted birds / eagles to the area and would increase the risk of avian flu;
- (e) the construction waste to be disposed in the SENTLFX would contain suspended particulates and lead, and this would cause major health hazards to residents and future patients of the hospital;
- (f) Wan Po Road was congested and the Government had not proposed additional transport infrastructure to support the planned FSTS and hospital;
- (g) the Government did not have plans to provide more facilities to serve the imminent needs of residents. The private hospital was only for meeting

the policy initiative of the Chief Executive's 2008-2009 Policy Address;
and

- (h) the SENTLFX, planned FSTS and hospital were not beneficial to the TKO community.

95. Mr. Richard Yuen made the following main points:

- (a) he lived in Park Central further away from the SENTLF but he could still smell the malodour. With the SENTLFX, the malodour problem would worsen and it would definitely pose additional health hazard on residents;
- (b) he opposed to the proposed RCP in Area 72, which was only about 200m from Park Central. The proposed RCP would create nuisance and should not be located so close to residential developments; and
- (c) many large refuse or construction wastes fell from the dump trucks /RCVs and were left on the road, this posed much danger for drivers.

96. As the representer and his representatives had completed their representations, the Chairman invited questions from Members.

Technical Assessments for FSTS cum DTS and Private Hospital

97. In respect of the concerns raised in the presentation, the Chairman asked DPO/SKIs to explain whether TIA had been carried out for the FSTS cum DTS and the private hospital. Mr. Ivan Chung responded that when considering the proposed amendments to the draft TKO OZP in 2010, FSD had prepared technical assessments which confirmed that the FSTS cum DTS would have no adverse traffic, environment and air ventilation impacts on the surrounding areas. For the private hospital, concerned government departments, including the Director of Environmental Protection (DEP) and the Commissioner for Transport (C for T) advised that it would not have adverse impacts on the surrounding areas.

Two Versions of OZP

98. The Vice-chairman asked DPO/SKIs to clarify the point raised by Ms. Fong Kwok Shan about the two versions of the draft TKO OZP. Mr. Ivan Chung said that he had explained the same point at the Sai Kung District Council meeting and he understood that the Board's secretariat had replied to the lawyer's letter which Ms. Fong Kwok Shan referred to in her presentation.

99. He explained that draft TKO OZP No. S/TKO/18 was gazetted in 2010 to incorporate amendments for the SENTLFX in Area 137 as well as two "G/IC" sites in TKO Area 78. However, in May 2011, further amendments to the OZP were necessary and the amendments in draft TKO OZP No. S/TKO/19 were mainly for rezoning of a site to "G/IC(9)" for the proposed RTHK new broadcasting house and undesignated GIC uses. The only amendment item annotated on the draft TKO OZP No. S/TKO/19 was the "G/IC(9)" zone. However, this did not carry any connotation that the amendments related to the SENTLFX shown on the draft TKO OZP No. S/TKO/18, which had yet to undergo the hearing procedure, had been accepted by the Board. The representations on the draft TKO OZP No. S/TKO/18 would be considered by the Board. Upon completion of the hearing process of representations to both the draft TKO OZP Nos. S/TKO/18 and S/TKO/19, the OZPs together with the representations and comments would be submitted to the Chief Executive in Council for a final decision.

100. In responding to DPO/SKIs' explanation, Ms. Fong Kwok Shan said that even if the gazettal of draft TKO OZP No. S/TKO/19 did not mean that the Board had accepted the proposed amendments gazetted under draft TKO OZP No. S/TKO/18, it was inappropriate for the Board to have gazetted a new version of the OZP when the representation procedures for the earlier OZP had not been completed.

101. Mr. Chan Kai Wai said that it was not acceptable for DPO/SKIs to say that the draft TKO OZP No. S/TKO/19 was mainly to incorporate zoning amendment for the RTHK new broadcasting house. The word "mainly" meant that there were other "hidden" zoning amendments that had not been explained to the public.

Malodour Detected in TKO

102. A Member referred to the material tabled by R2468 and asked for some elaboration on the odour survey. Mr. Chan Kai Wai made the following main points:

- (a) the odour study was commissioned by the Sai Kung District Council. Two types of surveys, namely scheduled survey and complaint-driven surveys, were conducted. A total of 40 surveys were carried out, with 18 being scheduled surveys and 22 being complaint-driven surveys. Of the 40 surveys, odour was detected in 13 surveys;
- (b) all the surveys were carried out from June to September in 2010, those months were the time when the most malodour complaints were received according to the records of EPD. He said that malodour complaints were most common on days with high humidity, weak wind conditions and prevailing south-easterly wind;
- (c) in the case of the complaint-driven survey, the study team had arrived at the source of complaint to conduct the odour survey within two hours after receiving the odour complaint. As there was a two-hour time lag between the time of complaint and the odour survey, the number of cases (13 nos.) with odour being detected might not fully reflect the real situation;
- (d) as the surveys were only conducted at random intervals, having one-third of the cases detecting an odour problem should be taken to reflect that there was a major malodour problem affecting the community. The cases of malodour being detected would be even higher if there was more resources to commission longer term and more regular surveys;
- (e) the number of cases where malodour was detected might also be under-estimated due to the sensitivity threshold of the machines. Odour concentration less than 10 odour units, which might be smelled by the human nose, was not detectable by the machines and not recorded;

- (f) the report was provided for Members' information as the Board was being misled by EPD. EPD had indicated that they had taken measures to minimise the malodour from the landfill. However, the odour study tabled at the meeting provided evidence that the malodour problem still persisted. He said that the persisting malodour problem could not be due to the RCVs, otherwise the malodour would have affected the TKO Tunnel or even the Kwun Tong Road. It was also illogical for EPD to propose to reduce malodour by washing the RCVs when they left the landfill;
- (g) due to the presence of methane, the Sai Kung District Council was advised not to involve welding process when carrying out works for the pets park at the restored landfill site. Hence, there was safety concerns for the FSTS proposed at TKO Area 78 as live-fire was needed for training purposes; and
- (h) the Board's previous decision to gazette the draft TKO OZP No. S/TKO/18 to extend the landfill into the Country Park had already been turned down in the Legislative Council. The Board should not act against the residents' wish again regarding the SENTLFX.

103. Ms. Maggie Ho said that the complaint figures did not reflect the full picture of malodour. Most of the time, the malodour happened during midnight and could not be recorded. Furthermore, there was a time lag between the time when the complaint was made and the time when the odour survey was conducted. It was not fair to say that the malodour complaint was not a serious concern.

104. The same Member said that according to the odour survey tabled by R2468, only about one-third of the total surveys, including scheduled and complaint driven surveys, recorded odour being detected. The data for the scheduled surveys also showed that only about one-third of the cases detected odour. Hence, based on the survey findings, it might be difficult to conclude that malodour was a serious problem.

105. Mr. Chan Kai Wai explained that malodour was detected mostly during prevailing south-east wind. Given a two-hour time lag between the time of complaint and time of conducting the odour survey, wind direction could have changed and affected the odour survey results. He stressed again that having one-third of the surveys detecting malodour should be sufficient to cause concern. He also repeated his earlier explanation that low level of odour might not be detected by the odour survey machines. He said that EPD had installed more sophisticated “odour detectors” (“electronic nose”) to collect odour data. Such data would be available in 2012 and EPD should wait for the updated odour data before deciding whether to proceed with the SENTLFX proposal.

106. Ms. Fong Kwok Shan said they had opposed the installation of the “electronic nose” in LOHAS Park as they doubted its accuracy. She said that EPD had claimed that according to the data from the “electronic nose” installed at Ocean Shores, the malodour at Ocean Shores had different characteristics from malodour from the SENTLF and that the source of the malodour might have been from the nearby drainage works rather than the landfill.

107. Mr. Li Oi Ling rebutted the Member’s saying that malodour was not a serious problem. She said that there was also the problem of odourless landfill gases.

108. Ms. Tse opined that it was not right for EPD to claim that there were not many complaints about malodour. The number of complaints did not reflect the full picture of the malodour problem because some residents were too frustrated to make continuous complaints as their complaints were not responded to properly and the malodour persisted despite their complaints. The construction waste would increase pollutants of suspended particulates. She said that TKO should not have to shoulder the waste disposal responsibility for the entire Hong Kong.

Malodour Complaints on Hong Kong Island

109. With regard to the point raised about malodour from the SENTLF being detected on Hong Kong Island, a Member asked DPO/SKIs to advise whether PlanD had received such complaints. Mr. Ivan Chung said that odour complaints were not made directly to PlanD. According to the data provided by EPD, there were 629 complaints in

2009 and 720 complaints in 2010 regarding the alleged odour from landfill in TKO.

110. Mr. Tim Lo said that that the Member who asked the above question had to declare interests because the political party to which that Member belonged had previously supported the proposed SENTLFX in the Sai Kung District Council. The Chairman said that all Members were appointed as Members of the Board in their personal capacity and they did not represent any political parties or organisations at the Board's meeting, hence there was no need for the Member to declare interest in that regard.

111. Mr. Chan Kai Wai responded to the Member's question and said that the district councillor's office and EPD had received complaints about detection of landfill malodour on Hong Kong Island. He pointed out that R2479 was submitted by the property manager of Island Resort located at Siu Sai Wan.

Impacts of SENTLF on the FSTS cum DTS and Private Hospital Sites

112. In response to a Member's question, Mr. Ivan Chung said that when considering the proposed amendments to the OZP in 2010, FSD had prepared technical assessments which confirmed that the FSTS cum DTS would have no adverse traffic, environment and air ventilation impacts. For the private hospital, Director of Environmental Protection (DEP) and Commissioner for Transport (C for T) had been consulted and they advised that the hospital would not have adverse environmental and traffic impacts on the surrounding areas. In fact, the hospital site was more than 2 km from Area 137 and was far beyond the 250m consultation zone of the SENTLF and its proposed extension. Mr. Tim Lo said the EIA should be made available for their review. The Chairman said that Members would consider whether the information provided by the government departments was adequate for them to make a decision on the representations.

113. Two Members further asked whether the existing nuisance arising from SENTLF and its extension as mentioned in the oral presentations would affect the operation of the FSTS cum DTS and hospital. Mr. Yip Chi Shing said that though the SENTLF and its extension were some 3.5 km from the hospital site, it should be noted that a methane releasing facility was located only 600m away from the hospital site. He also requested for details about the technical assessments prepared for the hospital site. In

addition, he asked for the design year of the assessments, which was crucial for judging whether the assessments had taken account of the constantly increasing population at LOHAS Park.

114. Mr. Y.K. Yeung of FSD explained that they had prepared several technical assessments on air ventilation, drainage, sewerage, environmental, visual, traffic and ecological impacts for the FSTS cum DTS. The site in TKO Area 78 was considered to be a suitable site for the FSTS cum DTS development and the technical assessments had confirmed that there would be no adverse impacts on the surrounding areas.

115. In response to the Chairman's question, Mr. Ivan Chung said that when the proposed rezoning for the private hospital site was considered in 2010, TD was consulted and had indicated that there was no adverse comment from the traffic impact perspective. The Department of Health had no objection to the site for a hospital development. In addition, the EIA for the SENTLFX had concluded that the SENTLFX would not have adverse impact on the surrounding areas.

Adequacy of the Technical Assessments

116. Mr. Tim Lo asked why the EIA was not made public. He said that it was not fair for government departments to be assessing their own projects. The feasibility of those projects should have been assessed by an independent third party.

117. Ms. Fong Kwok Shan asked whether the TIA prepared in 2008 was being used or a new TIA had been prepared. She said that EIAs were prepared in 2003, 2005 and 2008 for the SENTLF and its extension. It was understood that in an EIA prepared in 2003, a consultant had made a recommendation that the SENTLF was not suitable for expansion. As a result, EPD dismissed that recommendation and had commissioned another consultant to prepare another report. That was not fair and constituted injustice.

118. Mr. Tim Lo asked what base year and end year were adopted in the EIA. Furthermore, he asked what assessment year was adopted for the TIA conducted for the FSTS cum DTS and hospital. He said that there was a planned population of 100 000 in Area 86 and if the Cross Bay Link (which was currently still in conceptual stage) was not

built, the Wan Po Road would be seriously over capacity. That might adversely affect the hospital operations during emergency situations.

119. Mr. Yip Chi Shing asked for clarification on the base year and assessment year of the TIA. He said that DPO/SKIs should be more precise about the month of assessment as the population at LOHAS Park would have differed significant in the beginning and end of 2010.

120. Ms. Li Oi Ling said that if the SENTLF was closed, there would be sufficient road capacity on Wan Po Road for the residents in Area 86, the FSTS cum DTS as well as the hospital. She also asked which year the SENTLFX was being considered and what the justifications were.

121. In response to the Chairman's question about the assessment year for the TIA of the FSTS cum DTS, Mr. K.Y. Yeung of FSD said that he did not have the detail about the design year in hand. Mr. Tim Lo queried whether the information was not available or that a TIA had not been prepared.

122. Ms. Fong Kwok Shan requested the Board to provide the representers with copies of all EIAs and/or TIAs that had been prepared by the Government, based on which the representers would prepare for the representation hearing regarding the SENTLFX on 30.11.2011. She said that in para. 5.7 of the TPB paper No. 8939 (for the Group 2 representation), it was indicated that the "TKO Area 86 Planning Study" had concluded that Area 86, where LOHAS Park was located, was suitable for residential developments. However, in view of the residents' concerns raised including methane gas emissions, traffic congestion on Wan Po Road and the lack of eating places, it was obvious that the place was not really suitable for residential development. Furthermore, she said that MTRC must have expected the SENTLF to be closed by 2012 when they decided to invest in the development of LOHAS Park.

123. Ms. Tse, another representative of R2468, said that the TIA should not just assess the impacts on traffic flow, and that there should also be assessment of the impacts of traffic accidents on the ambulance access to the hospital. Ms. Fong Kwok Shan further asked whether any risk management plans were being worked out for the FSTS cum DTS.

Mr. K.Y. Yeung of FSD said that risk factors, including traffic accidents, had been taken into account in the assessment.

124. Mr. Tim Lo said that the EIA and TIA were not comprehensive enough. Mr. Tim Lo and Mr. Yip Chi Shing both asked the Board to defer a decision on the representations relating to Amendment Items B and C.

125. As the representer and his representatives had no further comment to make and Members had no further question, the Chairman said that the hearing had been completed. The Chairman thanked them and the government's representatives for attending the meeting. They all left the meeting at this point.

[The Vice-chairman left the meeting at this point.]

Deliberation

126. The Chairman invited Members to consider the representations taking into consideration all the written submissions and the oral presentations at the meeting. The Chairman said that whilst R2468 supported Amendment Item B in his written submission, during the oral presentation, the stance of R2468 had been changed to an opposition to Amendment Items B and C.

127. The Chairman said that on 23.4.2010, when the Rural and New Town Planning Committee (the RNTPC) considered Amendment Items B and C, the Board had thoroughly considered the justifications and technical assessments prepared to support the proposed FSTS cum DTS and the proposed private hospital. The Chairman said that the SENTLFX and its possible effect on the planned facilities would have been taken into account in the technical assessments.

128. A Member opined that the order at the meeting was unsatisfactory and there should be improvement measures for future meetings.

129. The same Member said that the representatives of FSD and DPO/SKIs had provided satisfactory explanation on both Amendment Items B and C which the Member

supported. Another Member agreed.

130. The Chairman asked Members to discuss the point raised by the representer's representatives that the Board should defer making a decision on the representations until the TIA (including the design year) for the FSTS cum DTS was made available to them. Members noted from the Secretary that the RNTPC considered and agreed to the proposed amendments to the OZP at its meeting on 23.4.2010. The executive summary of the technical assessments prepared for the FSTS cum DTS was attached as an Appendix to that RNTPC paper that was considered by Members at the meeting. In addition, a full set of the technical assessments were deposited at the conference room for Members' inspection on the day of the RNTPC meeting.

131. A Member said that based on his previous experience in dealing with TIAs, the assessment of a TIA would compare the situations of a base year (current situation) and a design year (the future situation). The Secretary said that such design year would usually be within 10 years from the base year. Hence, it was unlikely that the TIA had only tested the traffic impacts for a certain year (i.e. year 2010) as asserted by the representer's representatives. Another Member agreed and said that TD would not accept a TIA that only tested a base year.

132. Another Member said that the Board would normally make reference to the expert department's advice, in this case, it was noted that TD had no adverse comment on the FSTS cum DTS. Two other Members agreed and supplemented that Members would make an independent judgement on the expert government department's advice when making a decision. Another Member said that the representer's representatives had not provided any cogent new information to warrant the Board to question the acceptability of the TIA which had previously been accepted by the RNTPC when the subject amendments were submitted to the RNTPC for consideration.

133. The Chairman said that the queries about the TIA raised by the representer and his representatives had been noted. However, for reasons discussed above, Members agreed that the acceptability of the TIA was not in doubt and there was no need to defer making a decision on the representations. Members noted the support of R1(part) on Amendment Items B and C. Members noted that the stance of R2468(part) had been

changed from support to opposition during the presentation, and agreed that the opposition of R2468(part) and his representatives to Amendment Items B and C should not be upheld. Members also agreed that the opposition of R2468(part) to the ESS and RCP in Area 72 was not relevant to the amendments to the draft TKO OZP No. S/TKO/18, and was invalid and should be considered as not having been made.

Representation No. 1 (part)

134. After further deliberation, the Board noted the support of R1(part) on Amendment Items B and C.

Representation No. 2468 (part)

135. After further deliberation, the Board decided that the opposition of R2468(part) to the ESS and RCP in Area 72 was invalid as the subject of representation was not related to any amendment to the OZP.

136. After further deliberation, the Board decided not to uphold the opposition of R2468(part) to Amendment Items B and C. Members then went through the reasons for not upholding R2468(part) as detailed in section 7 of the paper and considered that they should be suitably amended. The reasons were:

- (a) the whole “G/IC(7)” site was required for FSD’s proposed FSTS cum DTS for operational need. Sites had already been reserved in TKO for provision of the social welfare facilities including a site in TKO Area 65B for substance abuse clinics and counselling centres for psychotropic substance abusers. There was no imminent need to provide such facilities in the “G/IC(7)” site. There were undesignated “G/IC” sites in the surrounding areas and other areas in TKO available for social welfare facilities should such need arise in the future; and
- (b) the FSD had completed technical assessments on the traffic, environmental, drainage, sewerage, ecological, landscape, visual and air ventilation impacts of the proposed FSTS cum DTS in the “G/IC(7)” site.

The assessments indicated that with suitable mitigation measures, the “G/IC(7)” site was technically feasible for accommodating the proposed FSTS cum DTS which would not create adverse impacts on the surroundings. Relevant government bureaux/departments had been consulted and they had no adverse comments on Amendment Items B and C.

[Mr. B.W. Chan and Mr. Raymond Y.M. Chan left the meeting at this point.]

Agenda Item 4

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comment to the Draft Tseung Kwan O Outline Zoning Plan No. S/TKO/19

R1, R2(part), R3(part), R4(part) and C12

(TPB Paper 8940)

[The meeting was conducted in Cantonese.]

137. As sufficient notice had been given to the representers and commenter to invite them to attend the meeting, Members agreed to proceed with the hearing of the representations and comment in the absence of the other representers who had indicated that they would not attend the hearing or had made no reply to the invitation to the meeting.

Deliberation Session

138. Members noted that a letter dated 16.11.2011 from R3 (Chau Yin Ming), requesting the Board to defer the representation hearing for the draft TKO OZP No. S/TKO/19 to the same day or after the representation hearing for the draft TKO OZP No. S/TKO/18 (i.e. on or after 30.11.2011), was tabled.

139. The Chairman informed Members that another letter dated 16.11.2011 (19:30pm) signed by R4 (Fong Kwok Shan) and three other persons (Chan Kai Wai, Kan Shiu Kei and an illegible signature) was submitted for the Board’s consideration. The letter set out their request for a 2.5-hour dinner break. Their reasons were that the

residents had attended the hearing for more than 10 hours (from morning to 7:30pm). The residents, including elderly and rehabilitating persons, were not feeling well, having headache, with low sugar level and the conference room was very stuffy.

140. The Chairman asked whether Members considered that the request for a 2.5-hour dinner break should be acceded to. A Member considered that it was acceptable to allow for a dinner break, but the period of one-hour should be adequate as there were eating places and fast-food shops right across the street. Other Members agreed.

Presentation and Question Session

141. The following representers and their representatives were invited to the meeting at this point:

R2 (Tim Lo)

Mr. Tim Lo - Representer

R4 (Fong Kwok Shan)

Ms. Fong Kwok Shan - Representer

Mr. Chan Kai Wai] Representer's Representative

Mr. Kan Siu Kei]

142. The Chairman said that Members had considered their letter and agreed to allow for a one-hour dinner break. The meeting would be resumed around 8:30pm.

143. Ms. Fong Kwok Shan said that the residents were having headache, nausea and low sugar level and that the conference room was very stuffy. Many residents woke up very early to come to the meeting and were very tired. She said that there were not many eating places around and it would require at least two hours to arrange for so many residents to have dinner. She also raised concern that Members might be too tired if the meeting ran very late.

144. Ms. Fong Kwok Shan said that the hearing would take at least another 2.5 to 3 hours and she requested the Board to arrange a separate session for consideration of the

representations for the draft TKO OZP No. S/TKO/19. She said that the Board should not rush into making a decision when information, such as TIA and EIA, was not available for their information. The Chairman said that the session was only to hear the representations on the draft TKO OZP No. S/TKO/19 relating to the RTHK site. If the presentations could be focused only on the relevant amendment item, the hearing would not take too long. Ms. Fong Kwok Shan said that the Board should not deprive the residents of the opportunity to present their views. The Chairman said that the Board considered their request for a dinner break according to the request in their letter but now Ms. Fong Kwok Shan was not supportive of a dinner break and was asking for postponement.

145. A Member said that Members were in proper physical condition to continue with the meeting and Members were willing to work late as they did before. This Member also said that there were many eating places in the vicinity and residents should be able to have dinner and take a rest in one hour's time. In response to another Member's comment, the Chairman proposed a dinner break of 1.5 hours for the representers and their representatives' further consideration.

146. The following representatives of Planning Department (PlanD), Radio Television Hong Kong and Architectural Services Department (ArchSD) were invited to the meeting at this point:

- | | | |
|-----------------------------|---|---|
| Mr. Ivan Chung | - | District Planning Officer/Sai Kung & Islands, PlanD |
| Mr. Wilfred Cheng | - | Senior Town Planner/Sai Kung & Islands, PlanD |
| Mr. Stephen Lee | - | Town Planner/ Sai Kung & Islands, PlanD |
| Mr. Lam Kin Kwan,
Philip | - | Radio Television Hong Kong/ CEO (DAU) |
| Mr. Tsang Hing Leung, | - | Senior Project Manager ArchSD |

Stephen

147. The following representers and their representatives were invited to the meeting at this point:

R2 (Tim Lo)

Mr. Tim Lo - Representer

R4 (Fong Kwok Shan)

Ms. Fong Kwok Shan - Representer
Mr. Chan Kai Wai] Representer's Representative
Mr. Chan Kwok Keung]
Mr. Yip Chi Shing]
Ms. Hong Kit Ming, Natalie]
Ms. Maggie Ho]
Ms. Tse]
Mr. Fong Siu Leung]
Mr. Fong Yu Ching]
Mr. Kan Siu Kei]
Mr. Chu Hon Kwong]
Mr. Lam Chung Yu]
Lee Hing Shing]
Po Sui Fong]
Wong Yuk Fong]
Yeung King Wai]
Ms. Sit Siu Hung]
Ng Chui Mei]
Tse Pik King]
Ng Pik Ying]
Lee Tak Lun]
Ms. Li Oi Ling]
Ms. Chan Hang Kit]
Mr. Tang Kwong Man]
Ms. Lin Lai Kuen]

Ms. Cheng Suk Yin]
Ms. Mak Yuk Chun]
Ms. Yim Ka Yi]
Mr. Cheung Mei Hung]

148. Ms. Tse said that after the dinner break, the meeting would run very late. The Chairman said that the Board was considering their request for a dinner break as per the submitted letter. Members had counter-proposed a shorter dinner break of 1.5 hours, instead of the 2.5 hours as requested, so that the meeting could be resumed at around 9:00pm. Ms. Tse asked whether the meeting could be re-scheduled to another day.

149. Ms. Fong Kwok Shan said that the attendance of Board members was poor and she doubted whether the statutory quorum was met. The Chairman confirmed that the statutory quorum of five was met.

150. Ms. Li Oi Ling said that she had stomach ache, and she wanted to go home as her daughter was left alone at home. She said that the hearing should be conducted within office hours and asked the Board to defer the meeting to another day. In response to the Chairman's question, Ms. Fong Kwok Shan said that their latest request was for deferral of the meeting, rather than a dinner break.

151. The government representatives, representers and their representatives were invited to leave the meeting at this point so that the Board could deliberate on their latest request for deferral of the meeting.

Deliberation

152. The Chairman asked whether Members would consider the deferral request on compassionate grounds. The Chairman reminded Members that R3 had also submitted his request for deferral of the meeting and R3's letter was tabled. A Member did not agree to the deferral request and considered that the Board should keep to its earlier decision to resume the meeting at 9:00pm.

153. The Secretary said that the grounds for deferral put forward were that the

representers and their representatives were not feeling well. Members could consider whether there were reasonable grounds to agree to the deferral request on compassionate grounds, including the fact that the meeting had gone on for more than 10 hours. Mr. Jimmy Leung said that the long meeting hours would be a special circumstance to allow for the deferral on compassionate grounds.

154. Another Member said that the deferral request could be agreed on compassionate grounds on the condition that the representer(s) and those authorised to speak confirmed that they were not feeling well. However, two other Members considered that the consideration should be focused only on whether the representer(s), rather than their representatives, were not feeling well.

Presentation and Question Session

155. The government representatives, representers and their representatives were invited to return to the meeting at this point. The Chairman said that R3 had indicated that he would not attend the meeting and had submitted a letter to request for deferral of the meeting. The Chairman said that the Board was ready to consider their deferral request on compassionate grounds, but he needed the representer(s) to confirm whether they were not feeling well. Ms. Fong Kwok Shan responded saying she was not feeling well.

156. Ms. Fong Kwok Shan then asked whether Members could allow them to buy some take-away food to eat in the conference room. The Chairman said that the Board had considered their request, which had changed from a 2.5-hour dinner break to a request for deferral. He asked whether they were now changing their request back to a dinner break. Ms. Fong Kwok Shan said she could not decide on behalf of the others as to whether they would agree to defer the meeting.

157. In response to the Chairman's question, all representers and their representatives present at the meeting had no objection to deferring the meeting to 30.11.2011.

158. Ms. Fong Kwok Shan requested the Board to provide them with all relevant

EIAs and TIAs that were prepared by the Government before the meeting on 30.11.2011. The Chairman said that their request would be conveyed to EPD, which owned the reports and EPD would decide whether to accede to their request.

159. The representers and their representatives had no further comment to make and Members had no further question. The Chairman said that the hearing for the representations on the draft TKO OZP No. S/TKO/19 would be adjourned until 30.11.2011. The Chairman thanked the government representatives, and the representers and their representatives for attending the meeting. They all left the meeting at this point.

Agenda Item 5

[Open Meeting]

Any Other Business

[This item was conducted in Cantonese.]

160. There being no other business, the meeting closed at 8:15 pm.